JUSTICE RESEARCH FRAMEWORK COLLOQUIUM REPORT
July 6, 2016

A report on the Exploring a BC Justice Research Framework colloquium held May 13, 2016 at University of Victoria, Faculty of Law, Access to Justice Centre for Excellence
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The UVic Access to Justice Centre for Excellence has been supported in its work to date by the University of Victoria Faculty of Law and the Legal Serves Society/ Law Foundation of BC Research Fund. We wish to express our appreciation to these organizations as well as to the participants who gave generously of their time and knowledge to the colloquium.
EXECUTIVE SUMMARY

On May 13, 2016, University of Victoria Access to Justice Centre for Excellence (ACE) hosted a research colloquium attended by 23 participants from a cross-section of BC justice organizations and agencies. The objective of the colloquium was to initiate a conversation about better justice research by bringing together researchers and justice stakeholders to explore the possibility of developing a BC justice research framework. A research framework has been provisionally defined as a collaborative plan endorsed by a broad spectrum of justice system stakeholders to support more empirical measurement and research, starting with the development of justice metrics and enhanced data quality.

The meeting was to determine whether there is general agreement that a justice research framework may be beneficial to BC, and whether there is a will to work on and implement a framework. It was apparent early in the day that there is a broad will to move forward with such a project.

The discussion was organized around three broad topics:

a. The nature, status and consequences of the research problem: It was agreed that there is a strong need for more evaluation, performance measurement and empirical research in the justice system, and that the system’s current capacity for such research is extremely limited. The root problems include a paucity of data, existing data that is inaccessible or unusable, uncoordinated data collecting across diverse sectors, lack of mechanisms for sharing data, institutional resistance to collecting data and a culture that lacks experience with and understanding of empirical methods. While it is seen as a complex and difficult project, there was broad support amongst colloquium participants for pursuing the creation of a research framework. This support is based on the extent to which this lack of research capacity currently impairs policy development, handicaps effective planning and weakens claims for funding.

Challenges to be managed include but are not limited to the silo structure of the justice system and the lack of institutional bodies that exist to coordinate a cross-sector project of this kind, lack of resources for planning and implementation, turf protection and stakeholder resistance if research is seen as a threat to status or revenues, want of incentives in some sectors to participate in a long-term project and legal and administrative barriers to data sharing.

b. Laying the groundwork for creation of a framework: It was agreed that the logical starting point for the creation of a framework is to articulate over-arching strategic justice system objectives as well as ancillary key-objectives and sub-objectives. This was the approach

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1 ACE is a research centre based in the Faculty of Law, University of Victoria. Through applied research and work with students and with justice stakeholders ACE seeks to support practical resolutions to access to justice problems in BC and Canada. Further information can be found at: www.uvicace.com.
taken in Australia on the theory that the system’s desired impacts - or outcome objectives - need to be explicit if performance and effectiveness are to be measured. On a related point, it was also suggested that values to guide research should be articulated.

The participants discussed the possibility of a data scan as a way to start to get traction on the creation of a research framework. (A data scan is defined as a comprehensive inventory of data already existing within the justice system.) There was universal support for the value of such a scan but, given the scale and complexity of the task, disagreement over whether or how it should be undertaken.

Participants also discussed, and supported, the idea that two forms of literature review would be useful early in the project. One would scan internationally for reports providing advice or information on how to design and implement a justice research framework. Another would explore the possibility of assembling a catalogue of existing Canadian empirical access to justice research studies or evaluations.

The final topic was a consideration of concrete steps for the actual design of a framework. Matters raised here included research priorities, research strategies and whether research projects should be selected based on need or the best available data. The importance of keeping the public at the center of the research framework was raised repeatedly as was the need to work across silos and to align BC research with work being done in other jurisdictions. The benefits of working with other provinces were noted – including minimizing duplication of effort and ensuring better comparability of metrics. However, on balance it was felt that the inherent complexity of cross-provincial coordination present too great a challenge for the initial phases of the project, and should be reconsidered further down the road.

It is also important to ensure that the many untapped sources of data are explored and that links be created with other disciplines and with other sectors in order to enrich and energize justice research.

The importance of a viable cross-sector project governance structure was broadly endorsed. Participants envisioned a governance model with minimal bureaucracy but with tight links to BC organizations – including, for example, Access to Justice BC. There was a suggestion that ACE is well positioned to encourage and organize academic input while also maintaining working relationships with the various operational sectors of the justice system.

One of ACE’s objectives heading into the colloquium was to determine what role it might play after the colloquium in advancing a provincial justice research framework project. Subject to securing the necessary resources, UVic ACE proposes that it could contribute to an ongoing framework project by:
1. Leading an informal consultation with colloquium participants to define terms of reference and to establish a provincial, multi-sector Research Framework Working Group ("RFWG") to pursue the design and implementation of a justice research framework;

2. Working with the RFWG over time to support it in meeting its objectives by performing functions including:
   a. undertaking research,
   b. providing outreach and linkages to the BC academic community,
   c. providing outreach and linkages between justice stakeholders with a special interest in research, including but not limited to Access to Justice BC and the Access to Justice Research Network,
   d. providing current information on local and national access to justice research activities, developments and needs, and
   e. convening further colloquia;

3. Preparing a report recommending objectives and guiding principles to inform BC justice research and the work of the RFWG;

4. Working alone or preferably with other organizations, such as Courthouse Libraries BC, to prepare the following reports:
   a. a literature review on justice research frameworks to ensure that BC has exhausted all available sources of information or assistance on matters of design and implementation,
   b. a paper analyzing methods and options for a data scan, and
   c. an exploratory paper on the scope and feasibility of creating or updating an inventory of existing Canadian access to justice research, including "grey literature";

5. Encouraging interest and facilitating access to justice research among University of Victoria law faculty and students, and reaching out to other University of Victoria faculties to support interest in other disciplines in access-oriented justice research projects.

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I. Colloquium

a) Objectives

The UVic colloquium was held in response to the growing recognition of the need for more and better empirical research and performance measurement in the justice system. The objective of the colloquium was to initiate a provincial conversation on how to enhance access to justice research in BC to explore the potential development of a BC justice research framework. Building a justice research framework is broadly conceived as a cross-sector project to create the architecture necessary to establish an evidence base across the justice system by enhancing data quantity and quality. More and better data would support empirical research and program evaluation, which in turn would provide better information for policy development, program design and decision-making.

The initial focus of the discussion was on whether there is a shared understanding of the data and research problem as well as general agreement that the way forward includes developing a justice research strategy. Subsequent discussion considered what a framework should look like and what needs to be done to realize it.

The discussion was organized around three basic questions:

1. Where are we at? This part of the discussion explored the status, nature and consequences of the research problem. It also attempted to clarify the goal(s) and consider whether there is a common will to move forward with the work necessary to enhance justice research in BC,

2. What more do we need to do to fully and properly understand the problem and the options for solution? This question led to a consideration of the preliminary or preparatory groundwork and research that should be undertaken in the near term to put BC in the best possible position to design and build a research framework,

3. How do we get there; what are the next steps? This discussion was about defining system objectives, project scope, priorities, governance models and possible implementation strategies.

b) Participants

The colloquium was attended by twenty-three individuals from a cross-section of BC justice organizations and agencies including the Provincial Court, the Court of Appeal, the Ministry of Justice, the Legal Services Society, the Law Foundation of British Columbia, the Law Society of British Columbia, Courthouse Libraries BC, Access to Justice British Columbia, the University of
Victoria (Law Faculty), the University of British Columbia (Law Faculty), Thompson Rivers University (Law Faculty), the Justice Education Society, the Canadian Bar Association (BC Branch), the Canadian Forum on Civil Justice and independent justice researchers.

In advance of the colloquium, participants were sent a background paper setting out some context for the discussion of a justice research framework (“Exploring a BC Justice Research Framework, Discussion Paper”) as well as a paper summarizing information on empirical research in the civil justice system, metrics and evaluation (“Exploring a BC Justice Research Framework, Background Papers”). Both papers are available on the ACE website at http://www.uvicace.com/resources/

As the intention of the colloquium organizers was to initiate an exploratory conversation and encourage a free exchange of ideas, comments are not attributed to individual participants.
II. Question #1: Where are we at? Scoping out the research problem.

The morning began with a discussion of the idea of a research framework and an overview of the research problems facing the justice system. A research framework is provisionally defined as a collaborative plan endorsed by a broad spectrum of justice system stakeholders to support more empirical measurement and research, starting with the development of justice metrics and enhanced data quality.

The first question considered - “where are we at?” - began with a discussion of the extent and quality of existing justice data.

a) Insufficient data - the data gap

The good news is that there is good integrity to data existing in some parts of the BC justice system – in Court Services Branch in the Ministry of Justice, for example. And, in some respects, BC is ahead of other jurisdictions in the quality of its data collection. That said, the dominant picture is that existing data is incomplete, inaccessible and of limited utility in terms of research and evaluation. The BC justice system lacks the data needed to answer even the most basic questions about how, or how effectively, it functions.

b) There is no coordinated collection of data across the justice system

The BC justice system does not have adequate mechanisms for data collecting, reporting or sharing. We lack a system-wide infrastructure or architecture to guide the collection of data and to show how it can be used. Operationally, the justice system is organized in silos and, as a result, data is typically collected and utilized in silos. The independence of the judiciary and the executive translates into parallel data collection processes, objectives that are not complimentary and challenges in sharing across systems. As a further consequence, data collections are often built on different definitions of justice events, making coordination and comparison almost impossible. It also means that no one part of the system has an overarching vision or understanding of what data exists in the system.

Even more fundamentally, there are many potentially data-rich areas where data are simply not collected at all. University legal clinics, for example, interact with many people but no data are collected and there are no metrics to track trends, outcomes, or impacts on access.

Colloquium participants noted that there are differences between data in the civil and the criminal contexts. While neither is working with adequate data, the criminal system does provide some end-to-end data on a participant level, and is yielding increasingly rich micro data sets. Civil data are not nearly as strong and we have much less information about the progress of civil matters - as was
starkly demonstrated in the recent *BC Supreme Court Attrition Study* completed by the Canadian Forum on Civil Justice.\(^2\) One reason for the relative lack of civil data is that, unlike the criminal law process, it is not driven toward a conclusive, obligatory and highly visible disposition.

\[c\) Weak qualitative data – measuring outputs vs. outcomes\]

Much of the data that is collected is used only to measure efficiency. That is, the data is a by-product of operational business processes and it omits qualitative evaluations or outcome measurement. It tends to measure and count events (“outputs”) without addressing the actual impact or effectiveness of those events (“outcomes”). For example, the data collected in the courts are operational and focused on supporting management of court processes, so data is weak in qualitative aspects. These quantitative data are administratively useful for generating statistics and monitoring and maintaining existing processes but provide little or no help in understanding what works, what does not work, and where the system should be looking to change or improve.

\[d\) Institutional resistance to data collecting and performance measurement\]

Data collection and evaluation may be resisted in some circumstances. Performance measurement may be seen as threatening and some stakeholders may oppose it out of fear of negative impacts on funding or status if weaknesses in their work are exposed or if their programs or services are shown to be inefficient or ineffective.

Law may be a barrier. Privacy concerns and statutory limits on disclosure may restrict or seriously complicate the capacity of entities to utilize or share information across sectors or programs.

Similarly, lawyers - a potentially a rich source of data - may resist data collecting on the legitimate basis that they are constrained by confidentiality requirements. Or more practically, there may be little or no incentive for lawyers to invest the time and effort necessary to participate in collecting or sharing data.

\[e\) The academy lacks an empirical focus\]

Efforts to support empirical approaches within the justice system have not been helped by the fact that there has been relatively little empirical legal research coming out of our law schools since the 1970’s. For some time, legal scholars have paid little attention to procedural law, administrative issues, measurement or empirical evaluation.

\(^2\) This study attempted to identify the trajectory, characteristics and outcomes of BC Supreme Court civil non-family cases that appeared to lack resolution through court processes. The project experienced multiple and diverse data-related challenges, including problems relating to the definition and extraction of an appropriate sample of cases, limitations related to the currency and completeness of court records, and an inability to contact claimants to discuss their court experiences. Reported online at http://www.cfcj-fcjc.org/sites/default/files//Attrition%20Study%20Final%20Report.pdf
The legal academy has engaged only minimally with the work undertaken by the bench, bar and government over the last 25 years to manage the increasingly serious problem of unmet legal need. Nor has it initiated much interdisciplinary communication or collaboration, even in circumstances where the social sciences are generating valuable empirical research and making important contributions to the access problem.\(^3\) (The argument for greater interdisciplinary communication at the university level is enhanced by the growing understanding that many “legal” problems cannot be adequately resolved without taking into account their “non-legal” - health, social, interpersonal - dimensions.)

Fortunately, there are signs that the legal academy is beginning to take a more active interest in empirical research around access issues. This corresponds to what one colloquium participant described as “an increasing embrace of empiricism” elsewhere in the justice system.

**Commentary**

Participants appeared to share a common understanding about the nature and significance of the data problem. There was also a consensus that the paucity of good data and the corresponding lack of research and qualitative evaluation are very costly for the justice system. Lack of data weakens policy development and handicaps management. It impedes reform to the extent that it makes it hard to know whether or not existing programs or services are qualitatively effective. As such, it is difficult to know what to change. Further, being unable to objectively justify changes or demonstrate impacts harms the justice system’s credibility and weakens its claims for funding.

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\(^3\) For example, the sociologist Professor Hazel Genn has transformed understanding of the public’s experience of the justice system and has informed policy development in jurisdictions around the world with her ground-breaking book, “Paths to Justice”.
III. Where are we at? Challenges and considerations in a building research framework

The colloquium next considered whether a justice research framework is the best response to the problem and, if so, whether there is a will in BC to move in this direction. This topic quickly led to consideration of the complexities and impediments associated with the task of building a research framework, and in this respect it was well recognised that creating a viable database for the justice system would be a complex and challenging task. The discussion touched on the following points:

a) Practical impediments

A number of the challenges that a framework project would confront were identified during the initial conversation around data quality. These include:

- the independence of key players, the silo structure of the justice system and the lack of institutional bodies to coordinate cross-sector projects of this kind,
- capacity deficits, including lack of experience with, or understanding of the methods of empirical research, and limited experience with the kind of transparency, collaboration and communication that such research calls for,
- the change in legal culture required to become a system that continually measures its own performance and adjusts itself accordingly,
- the inertia of the status quo, especially in the face of the complex challenge of modifying existing data systems,
- lack of resources for planning and implementation,
- turf protection and resistance if research is seen as a threat to status, authority or revenue,
- want of incentives in some sectors to support participation in a long-term project, and
- privacy rights and legal barriers to data sharing.

b) Outcomes are complex and hard to measure

Further, the task of measuring performance is inherently complicated because quality and effectiveness in the justice system is hard to define and even harder to measure:

- the meaning of terms like “justice”, “fairness”, “satisfaction”, “timeliness” and “success” is often contextual, nuanced and at least partially subjective,
- there are no historical data to measure against or baseline data to compare current performance levels to, and
- so many variables are at play in any given dispute that it can be hard to prove a causal link between a service delivered or a given intervention and a particular outcome.

c) What is the justice system for?

Before the justice system can measure performance and outcomes, it needs to be able to articulate its ultimate goals and objectives. If we are to measure effectiveness, we need to know what we are
trying to achieve. What outcomes does the system seek? The goal of the justice system is not to hold hearings, decide issues and make orders; these are only means to a greater end. One participant urged participants to think broadly on this point in terms of the value or impact of the justice system on the lives of those who engage with it. In this respect the greater end could be framed as “making peoples’ lives better.” To measure this we need information that is qualitative. This notion of focusing on the impact of the system on the everyday lives of people aligns closely with recent Canadian access reports. The question of defining over-arching systemic goals was taken up in more detail later in the day as an early step in the design of a research framework.

d) Alignment with other jurisdictions and other agendas

Participants also suggested that we need to place access to justice and the design of a research agenda in a context that is broader than the BC justice system. On one level, this means we need to situate legal problems in the context of the everyday lives of the people who use the system and account for the non-legal factors that play a role in creating and sustaining their legal problems. One participant observed that the interdisciplinary linkages that should be developed as part of such a research agenda will help to generate new energy, insights and perspectives.

On another level, looking outside the BC justice system means ensuring that a research framework aligns with related initiatives in other jurisdictions. Every province suffers from essentially the same data quality and data collection problems as BC, and the value of national research coordination should always be borne in mind. As well, the process of organizing access research should be informed by the work done by access committees across the country – including, for example, the Action Committee for Access to Justice in Civil and Family Matters and the nine Justice Development Goals articulated in its final report.4

e) Fostering political will and broad engagement

Several participants stressed the success ultimately hinges on broad buy-in. While support from senior levels of government and the bench is crucial, a project of this kind would also rely on active support from the bar, the academy, NGOs and the public. Strategies should be developed and incentives identified to promote the project and to encourage widespread engagement.

Commentary

While participants brought varying levels of experience with the research problem, the discussion disclosed that participants are sufficiently on the same page about it. There was general agreement that a justice research framework would be beneficial for BC and that it is an appropriate goal at this time. It was also clear that there is a will to move forward with preliminary work to build a framework.

For the record, the consensus about moving forward is qualified by the reminder that participants were not asked to speak for or commit their organizations to such a project; they were expressing their own personal views. Nonetheless, this can be taken as sufficient encouragement to take further steps on this project.

While risks, difficulties and barriers that would be confronted in the implementation of such a project are very real, it is fair to say that participants see the research problem - like the access problem itself - as a sufficiently serious and consequential that it must be tackled, notwithstanding its daunting complexity. As more than one participant observed, the risks of doing nothing are greater than the risks associated with undertaking the project.

On this foundation, the discussion moved on to consider the second question, i.e. what should be done next to better understand both the problem and the options for solution, so that a research framework project could move forward as effectively as possible?
IV. Question #2: How do we get there? - laying the groundwork

This part of the discussion began with an overview of the approach taken to develop a research framework in Australia. It was suggested that work done in Australia might serve as a point of departure for BC.

As noted above, a likely – or even necessary - starting point in developing a research agenda is to determine what information is needed. That is, the question of what we want research to tell us is a function of what we want the system to accomplish. When we seek “access to justice”, what exactly does this mean? The answer to this question depends on what objectives the justice system is pursuing. Early in its work, Australia articulated several levels of justice system objectives, starting with an overarching outcome objective: “the Australian civil justice system contributes to the well-being of the Australian community by fostering social stability and economic growth and contributing to the maintenance of the rule of law.”

The following diagram is an early version of the logic model used in Australia to articulate and organize justice system objectives:

- at the highest level it posits an over-arching, system-wide, “strategic objective”,
- from this strategic objective flow secondary or “key objectives”,
- from key objectives flow “sub-objectives” which translate the key objectives into specific contexts, and
- from sub-objectives are derived unique "indicators" to measure whether key objectives and sub-objectives are being achieved in a given context.

5 Commencing around 2008, the Australian Attorney-General’s Department (“AAG”) initiated a long term project to address inadequacies, gaps and inconsistencies in justice data in that country. The ultimate goal of the AAG project is to build the infrastructure needed to support a strong and consistent civil justice evidence base sufficient to support informed decision-making for justice stakeholders and system users. See https://www.ag.gov.au/LegalSystem/Pages/Anevidencebasefortheciviljusticesystem.aspx.

With this material in mind, the BC colloquium participants were asked to consider what initial work needs to be done to lay a foundation for a research framework in BC? Three possible tasks were put on the table for discussion:

- articulating BC justice system objectives along the lines of those developed in Australia,
- undertaking a data scan (i.e. assembling an inventory and overview of the justice data currently collected by various agencies throughout BC), and
- conducting a literature review to ensure that we have exhausted all potential sources of information and assistance respecting research framework design.

In exploring these tasks, the preliminary question arose, as one participant put it, “‘what do we mean by ‘the justice system’ anyway?’” There was a consensus that the scope of what we are calling the justice system is broadly defined to include not only government, the bar, courts and tribunals, but also all non-government justice educational and service organizations and all public and private sector dispute resolution service providers.

a) Defining justice system objectives

There was a clear consensus that defining justice system objectives specific to BC would help to orient and organize all subsequent tasks and, as such, would be a sensible early step. For example, just as defined objectives would help to organize research, they would also help to organize a data scan.

The notion of research values or guiding principles also arose as part of this discussion. The suggestion was made that it may be useful to explicitly discuss related values while articulating objectives. For example, “efficiency” is often targeted as a reform objective, but it is in itself a neutral value – it has no necessary qualitative dimension. Efficiency only gives us more of the same in a shorter time or at lower cost, without telling us what benefits or outcomes it actually delivers. Put another way, efficiency guarantees only effectiveness, not value. The idea of guiding values asks “efficiency for what end?” and leads us to the importance of defining objectives in terms of their impacts on those who use the system.

One participant suggested that objectives should be developed with an eye to the “triple aim approach.” The core notion of a triple aim was originally formulated in the health context and has recently been reformulated and adopted by Access to Justice BC for use in the justice system. The elements of the triple aim are:

- improved user experience of the justice system,
- improved justice outcomes for the population, and
- reduced per capita costs.

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7 A multi-stakeholder access initiative chaired by the Chief Justice of the BC Court of Appeal - see https://accesstojusticebc.ca/
There was a consensus that much of the work to define objectives and values appropriate to BC has already been done. The objectives question has been addressed, either implicitly or sometimes explicitly, in a number of contemporary Canadian access reports. As such, accurate and useful Canadian objectives could probably be gleaned, without too much work, from these reports.

\[b)\]  \textit{Data scan}

A working definition of “data scan” is a comprehensive inventory of existing data that may be useful for quantitative or qualitative research on matters relating to access to justice.

While it was agreed that a BC data scan would be a good thing to have, it is also clear that it would be a massive undertaking. Challenges include the scale or volume of data, the difficulty of comprehensively locating and accessing the many possible sources of data and the problems in cataloguing data. Assessing data quality or utility, if part of the task, would add another layer of complexity. Further, would it only be a one-time snapshot or would it require constant review and revision? These were seen by a number of participants as formidable issues - although it was suggested that there are cost effective software and mapping programs that could help.

Some participants questioned the wisdom, for these reasons, of undertaking a comprehensive data scan and suggested that it may be more manageable to start with a narrower focus, which could be achieved by cataloguing data around selected individual research questions or topic areas. Indicators could be identified for one research question or topic area at a time and the scope of the scan would be limited to data relevant to that question and its indicators. With reference to the Australian approach, by way of example, BC could select a single sub-objective – such as “people resolve their disputes at the earliest opportunity” and catalogue existing data on this point for a single area, such as family law.

Other participants, while agreeing that a comprehensive scan would be an enormous task, felt that “we skip the data scan step at our peril.” They felt that there would be considerable value in knowing what data is already available and how it is currently being used. Better information about current data quality, gaps and overlaps would be very useful. Information from an inclusive data scan would also provide a clearer picture to researchers about future research needs and opportunities.

One participant suggested that a way around the challenge might be to create a “data map” identifying all possible sources of justice data. Different researchers could, over time, “chip away” at various parts of the map, build on each other’s work and gradually assemble an increasingly coherent picture of the total data pool. This would allow different people to work on different questions while sharing a typology and a language.

Discussion on this topic concluded with consensus on both the value of and need for a data scan of some form, but with agreement that questions around the scope, scale and methodology will require more discussion and consideration at a future date.
c) Literature review

The group also discussed the value of a literature review to ensure that BC capitalizes on all work previously done in Canada or elsewhere on the issue of building an access research framework. The discussion ultimately identified to two different kinds of literature:

- existing Canadian empirical access to justice research studies or evaluations, and
- existing literature, like that we have referred to from Australia, speaking to design and development of an access research framework.

There was agreement that a review of both of these kinds of literature would be useful, although there was caution expressed that the scale of the historical research should be assessed before it is undertaken, as it could be overwhelming. It was noted that some work has already been done to collect empirical research studies by the Canadian Forum for Civil Justice. While the Forum’s “Clearinghouse” is not currently up-to-date, it would be good to capitalize on the work already done there. Additionally, the BC Law Foundation has a number of unpublished studies that it is currently organizing.

Both ACE and Courthouse Libraries BC indicated an interest in pursuing these tasks.

Commentary

The participants concluded that high level justice system objectives and values should to be articulated at an early stage in order to give context to other work forming the background and preparation for a framework. Participants felt that existing Canadian access literature should be canvassed to identify appropriate objectives for BC. The perception was that there is no need for a great deal of work on this question and no interest in a protracted inquiry or report. ACE advised that it is in a position to draw on existing work to articulate a set of principles and objectives for review by interested participants.

While there was consensus on the value of having a better picture of existing data and data sources in BC, the discussion was not conclusive on questions of how to achieve that or on what the nature and scope of the scan should be. Some participants were attracted by the usefulness of a comprehensive scan, while others were concerned that such a task would “lead down a rabbit hole” and proposed narrowing the scope to specific purposes or research problems. It was ultimately agreed that the issues of scope and methodology require more time and consideration before coming to any conclusions. Later in this paper we set out a proposal for ACE to pursue this work.

There was support for:

- reviewing global literature relating to the task of building a research framework, and
- undertaking a literature review, to see what further literature is out there that might help with the design of a BC research framework. This review could, for example, explore issues
such as conceptual frameworks for justice metrics, data standards, privacy concerns, data sharing protocols, managing impediments, resource needs, incentives, and buy-in.

There was also support among the participants for the idea of building an inventory of current and historical "grey literature" on access to justice.\footnote{Grey literature includes reports, case studies and other research that is not published in a peer-reviewed journal. Organizations such as the Law Foundation of BC and the Legal Services Society, governments and not-for-profit groups are examples of agencies that prepare grey literature.}
V. Question #3: How do we get there? - taking concrete steps

With these preparatory tasks identified, the remainder of the meeting was used to discuss issues that could arise and steps that could be taken now to start constructing a research framework. Topics included:

- developing strategies to increase data quality, quantity and sharing,
- project governance, and
- working with other jurisdictions to develop a framework.

a) Developing strategies for better research

It was agreed that a research framework would help to identify key research questions and guide research ideas and priorities. The articulation of systemic objectives and a literature review, mentioned above, would serve as a starting point for identifying research questions and priorities. The work of starting to organize the field and establishing a formal research structure will facilitate commitment and funding.

Concern was expressed about priorities - specifically, about what the focus of access research should be and about how much could be reasonably taken on at one time. Many felt that initial ambitions should be modest, perhaps focusing on an area, or areas, where data is known to be better. Participants had a number of ideas for identifying where research should start. One sentiment was that it should be driven by user needs and should focus on the points where the system is currently most disruptive for them. Another observed that it may be worthwhile looking for “early success” or “easy wins” with the “low-hanging fruit”. The importance of creating momentum, especially in the early stages, was noted.

While it was agreed that keeping project scope manageable is important, more than one participant spoke of the importance of multi-disciplinary and cross-sector perspectives. That is, the research strategy must address silos: both the silos within the justice system and those that presently keep justice, health and social services operationally isolated from one another. The strategy must cross silos in order to capture the full spectrum of the experience of individuals using the legal system.

There are numerous untapped data sources within the justice system that need to be explored. External entities like health or social services, or even social media, are potentially rich sources. A workshop dedicated to identifying data sources might be productive.

b) Project governance

How might this work be organized and administered? The Australian initiative, by way of example, is being led by a cross-sector working group chaired by the federal Attorney General. Colloquium participants observed that creating an oversight structure is important in order to organize the tasks, align resources, get people onboard, facilitate communication and create
momentum. Participants commented on the need for a driving force and the value of having a single coordinating body.

There was a suggestion that ACE is well positioned to encourage academic input while also maintaining working relationships with the various operational sectors of the justice system. The objectivity and neutrality of the academic perspective may make it easier for ACE to be accepted by some stakeholders. There appeared to be a consensus that ACE could play a key role going forward in the governance structure.

The value of a governance model with minimal bureaucracy but with tight links to other BC organizations - especially Access to Justice BC - was mentioned often.

c) Working with other jurisdictions

To what extent should the creation of a research agenda be a national undertaking? To what extent should BC try to work with other provinces? Clearly, there would be enormous benefits to having all provinces collaborate on access research and on the creation a national research agenda. A coordinated national approach would help to avoid duplication of effort, maximize efficient use of resources and better ensure the ultimate comparability of metrics between jurisdictions.

However, limited resources and its inherent complexity make the task difficult enough to manage in a single province, let alone on a national scale – at least initially. As such, the consensus was that it would be more manageable and ultimately more productive to focus efforts on the local level for now. By making the framework process transparent, other jurisdictions would, if they wished, be able to utilize and scale up work generated in BC.

If lines of communication are kept open nationally - through the Access to Justice Research Network and the Action Committee, for example - opportunities for inter-provincial coordination of research efforts may well arise further down the road. In any event, the issue of collaboration with other provinces might be easier to bring forward for fresh consideration after BC has taken some initial steps and has a better sense of how it will organize its own work around these issues.
VI. Conclusion and next steps

One of ACE’s objectives heading into the colloquium was to determine what role it might play in advancing a provincial justice research framework project after the colloquium. The day’s discussion suggested a number of possible next steps in this regard. As such, and subject to securing and maintaining the necessary resources, UVic ACE proposes that it could contribute to an ongoing project by:

1. Leading an informal consultation with colloquium participants to define terms of reference and to establish a provincial, multi-sector Research Framework Working Group (“RFWG”) to pursue the design and implementation of a justice research framework;

2. Working with RFWG over time to support it in meeting its objectives by performing functions including:
   a. undertaking research,
   b. providing outreach and linkages to the BC academic community,
   c. providing outreach and linkages between justice stakeholders with a special interest in research, including but not limited to Access to Justice BC and the Access to Justice Research Network,
   d. providing information on local and national access to justice research activities, developments and needs, and
   e. convening further colloquia;

3. Preparing a report recommending objectives and guiding principles to inform BC justice research and the work of the RFWG;

4. Working alone or preferably with other organizations, such as Court House Libraries, to prepare the following reports:
   a. a literature review on justice research frameworks to ensure that BC has exhausted all available sources of information or assistance on matters of design and implementation.
   b. a paper analyzing options for a data scan (i.e. for an inventory and overview of the justice data currently collected by various agencies throughout BC), and
   c. an exploratory paper on the feasibility of creating or updating an inventory of existing Canadian access to justice research, including “grey literature”;

5. Encouraging interest and facilitating access to justice research among UVic law faculty and students, and reaching out to other UVic faculties to support interest in other disciplines in access-oriented justice research projects.

Before the May Colloquium, ACE had intended to convene a second colloquium in the fall of 2016 to explore the same justice research issues with a national audience. With the benefit of the information and perspectives gained at the provincial colloquium, ACE has concluded that both
national and provincial research interests are better served by taking more time and making more progress in BC before undertaking a national conversation.

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