

TRACKING OUR PROGRESS: CANADA'S JUSTICE DEVELOPMENT GOALS in 2019



Action Committee on Access to
Justice in Civil and Family Matters

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The JDGs

Goal 1

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ADDRESS EVERYDAY LEGAL PROBLEMS

- 1.1 Educate early
- 1.2 Prevent
- 1.3 Offer a continuum of services
- 1.4 Reflect Canadian society

Goal 2

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A Message from the Chair

I am so pleased to introduce the 2019 Progress Report on Canada's Justice Development Goals. This year's contributions from organizations across Canada were rich with innovative, empathetic and thoughtful initiatives. The Justice Development Goals provide us with a way to capture these important efforts nationally, painting a picture for us of the collective movement underway to address the access to justice crisis.

The data we gain from this report will be used to:

- Report on Canada's responsibilities to the United Nations Sustainable Development Goal 16
- Increase public understanding and advocacy about access to justice
- Help governments and organizations set priorities
- Support funding decisions for ongoing projects and new initiatives
- Encourage increased, shared reporting and data collection in the justice sector
- Strengthen networks and promote collaboration

This report is prepared each year in the first few months of the year. This year, in early 2020, the world changed dramatically. Justice has had to find new ways to be accessible and innovative. The language of the Justice Development Goals and the efforts shared in this Report are even more important than ever.

I appreciate the spirit of community that is evident in this year's Report and I encourage this collaborative and bold leadership in the coming year.

Beverley McLachlin

Chair, Action Committee on Access to Justice in Civil and Family Matters

ABOUT THE ACTION COMMITTEE ON ACCESS TO JUSTICE IN CIVIL AND FAMILY MATTERS

Established by Chief Justice Beverley McLachlin in 2007, the Action Committee on Access to Civil and Family Matters works towards improved access to justice for people in Canada. Put simply, the current civil and family justice system is complex, slow and expensive, and often doesn't produce outcomes that meet people's needs. While many dedicated people work on access to justice, the system has not evolved at the scale that is needed to make it work for everyone. In short, major change is needed.

The Action Committee on Access to Civil and Family Matters brings people from all corners of Canada's justice system together to propose and examine approaches on this critical issue. It adopted Canada's Justice Development Goals to align the work of organizations across the country. Progress on the JDGs is published annually. The Action Committee coordinates national metrics on justice and connects people to share innovations throughout the year and at its annual Summit. Learn more about the work of the Action Committee and access to justice across Canada at justicedevelopmentgoals.ca.

ABOUT THE JUSTICE DEVELOPMENT GOALS

Canada's nine Justice Development Goals (JDGs) are a common framework to coordinate access to justice efforts, share innovation and measure our progress. The JDGs align the work of organizations large and small, in every province and territory, but do not prescribe a specific approach, recognizing that communities have different needs, expertise and resources. They are based on cross-sector research and consultation about effective strategies to improve access to justice across the country. To see who is involved and read about the JDGs, visit justicedevelopmentgoals.ca.

ABOUT THIS REPORT

This Report highlights access to justice efforts across Canada in 2019. The Report is organized according to the JDGs framework for accessible justice in Canada. These projects and data were shared with the Action Committee by organizations across the country. This work builds on the ongoing efforts and sustained commitment of people across the country who are committed to improving access to justice.

“The Justice Development Goals are an important tool for us to understand our progress and set our priorities on our path to access to justice. It is heartening to see the dedication and excellent work done by so many organizations and individuals across the country.”

Rt. Hon. Richard Wagner, Chief Justice of Canada

There are many organizations advancing access to justice that are not yet connected with this collaborative effort. Other organizations may not have shared all of their new initiatives. In addition to these initiatives, many organization have planned projects and are involved in the ongoing delivery of legal services, law reform or public education while others continue to operate courts, administer the justice system and train legal professionals. To connect with the Action Committee and share your work on access to justice in next year’s Report, visit justicedevelopmentgoals.ca and subscribe to the A2J Newsletter.

THE NATIONAL PICTURE

The Report is the collection of contributions from access to justice organizations across Canada who align their work to the Justice Development Goals (JDGs).



How do you use the JDGs in your work?

Hear about them from the Action Committee

Use SDG 16.3 more

Talk about them with our clients, partners or the public

List them in our funding applications

Talk about them with our colleagues

Use them when advocating for A2J

Cite them in research, teaching and reports

Mention them in communications or with the media

Fundamental to mandate

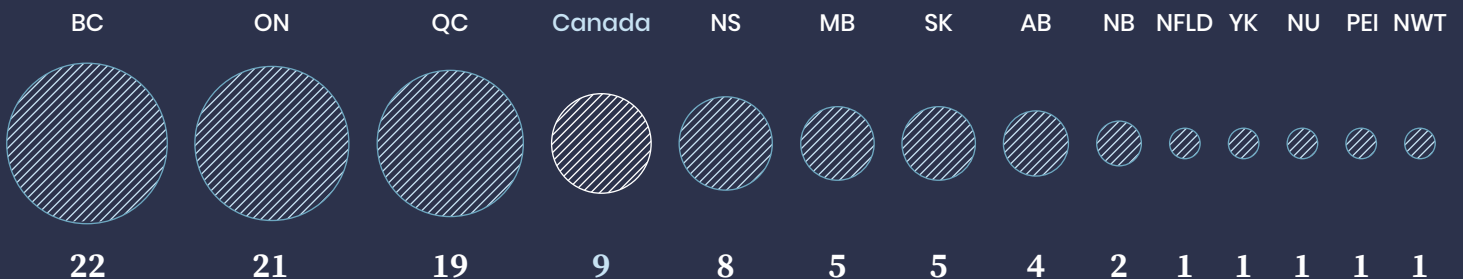
Part of policy analysis

Use them in our measurement of A2J

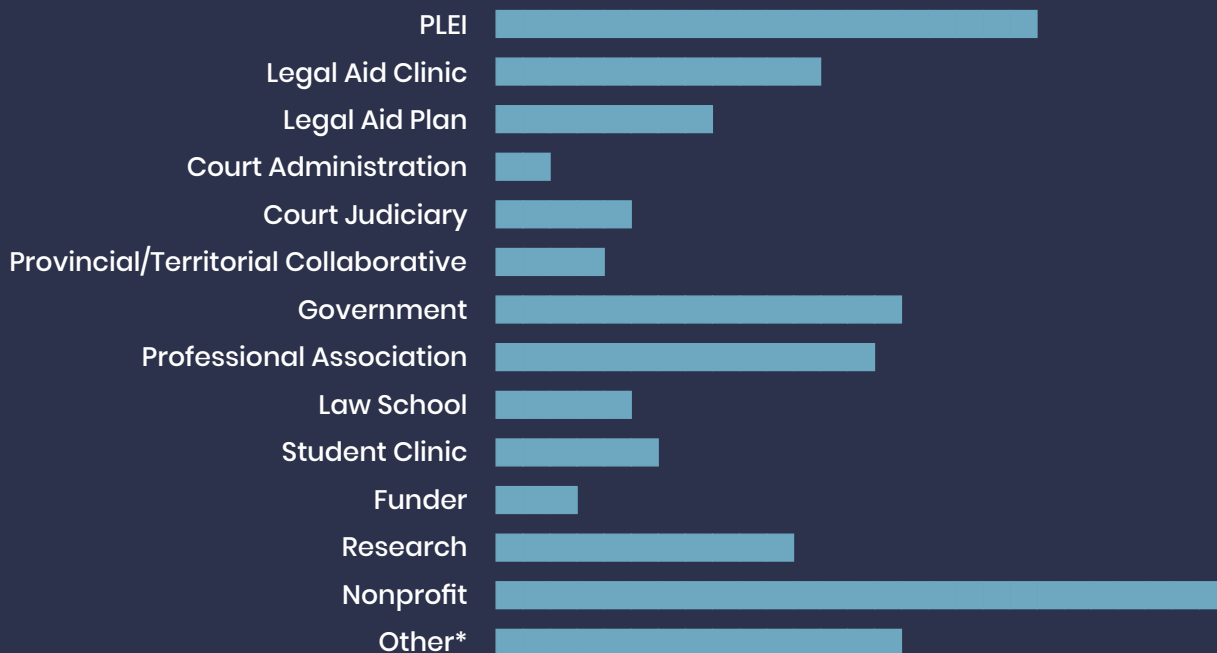
Organizations Participating in the Report

DEVOTED ON AVERAGE **67%** OF THEIR TIME TO A2J PROJECTS IN 2019

of participating organizations by province



of participating organizations by type



*Other includes: Administrative Tribunals, Lawyers, Independent Regulatory Agency, Local A2J Collaborative

JDG 1

ADDRESS EVERYDAY LEGAL PROBLEMS

- 1.1 EDUCATE EARLY** - Provide targeted, free, accessible public legal education about frequent legal issues, different types of solutions and the process of enforcing rights.
- 1.2 PREVENT** - Foster legal capability so that people can spot legal issues early, get preventative or proactive help and anticipate, avoid or manage frequent legal issues.
- 1.3 OFFER A CONTINUUM OF SERVICES** - Develop and expand legal services to include the full continuum of information, advice, help lines, online services, in-person services, and partial or full representation.
- 1.4 REFLECT CANADIAN SOCIETY** - Put the services people need in the communities where they live with the resources to address the barriers they face.

Building peoples' legal capability strengthens their ability to identify and avoid legal problems, and get help when they need it. Public legal education organizations are often the first point of contact for people trying to understand their legal issues. Educational resources and information sessions offered by non-profits, clinics, courts and lawyers help people prepare for common legal issues.

Triage and referral services are part of the continuum of legal services. Identifying legal needs early and connecting people with both legal help and other kinds of support can minimize the impact on their health, relationships and finances. In 2019, the vibrant public legal education and information community expanded its reach by providing creative and user-centric digital tools and continuing to serve people with new in-person programming.

Organizations saying this is their primary impact on A2J: **26** Projects aligned: **133**

Using Digital Tools to Distribute Information

In 2019, Steps to Justice and Justice pas-à-pas, Community Legal Education Ontario's premier online sources of legal information, were enhanced by:

- adding comprehensive content modules on criminal law, disability rights, human rights, child protection, Old Age Security, French language rights, mental health law, and wills
- launching a new services section which features curated, province-wide services for users by sub-topic, combined with an embedded 211 search
- expanding live chat coverage hours to make live chat available 5 days a week
- expanding Francophone outreach and training about Justice pas-à-pas.

Steps to Justice and Justice pas-à-pas served over 4 million people in 2019.



In 2019, the educaloι.qc.gc website attracted over 4.8 million visitors to its over 1000 articles in both English and French. Many of Éducaloι's articles attracted more than 100,000 views in a year, including articles on labour standards or on the writing of a letter of formal notice. They have 50,000 subscriptions to their social media accounts.

In November 2019, Legal Aid Ontario launched its redesigned public website. The update was user-informed, with the goal of making the website more accessible,

client-focused and intuitive. The new design reflects LAO's commitment to:

- Inform clients and the public about LAO services
- Enhance access to justice for Ontarians
- Help private lawyers serve LAO clients on their behalf
- Support transparency and accountability to funders/the public

In 2019, the Société québécoise d'information juridique introduced a "one-Stop Shop" – a free digital platform (simple, fast, mobile, intuitive, bilingual and in plain language) to support citizens facing life events such as separation, divorce, adoption or death. The tool provides aggregated information sources and uses personalized tools based on artificial intelligence. It assists citizens in completing documents and understanding legal processes.

Through the Form Literacy Project, the Justice Sector Constellation in Alberta is seeking to make legal forms easier to find and understand, and make support for filling out legal forms more accessible. Constellation working groups have compiled information on available form-completion resources for several categories of commonly used legal forms. Once complete, this information will be disseminated to ensure that both clients and service providers are aware of all available form-completion resources.

The simplified Charter of Rights and Freedoms is a plain language version of the Charter produced by Éducaloι in 2017. In 2019, Éducaloι began the translation of its simplified Charter of Rights and Freedoms into Indigenous languages including Innu, Cree, and Inuktitut. The simplified Charter is also available online in French, English, Spanish, and Arabic.

Translation of simplified
Charter of Rights and Freedoms into:

Innu
Cree
Inuktitut

→ 2000
people

The Recruitment Campaign Without Discrimination, a project of the Commission des droits de la personne et des droits de la Jeunesse, is composed of three video clips illustrating situations of discrimination in hiring, video reports that explain discrimination in hiring and a special section on the Commission's website. This project will

continue to grow in 2020.

Legal Health Checks encourage people to recognize legal problems early, and to take action when problems are identified. In 2019, the CBA developed new Legal Health Checks on disability income, tax tips for breaking up and parenting plans.

The Law Society of Nunavut developed a number of public legal education and information materials for Nunavummiut.

Advance Health Care Directives: A New Brunswick Guide is a guide put together by the Public Legal Education and Information Service of New Brunswick to educate the public about the Advance Health Care Directives Act so that they can plan ahead and set out their future health care decisions if they wish. The guide is intended to complement other “planning for the future” publications such as powers of attorney. It has been widely distributed to legal professionals, hospitals, health centres, nursing homes, seniors organizations, and libraries.

The Commission des droits de la personne et des droits de la Jeunesse and the Réseau d'aide aux travailleuses et travailleurs migrants agricoles du Québec (RATTMAQ) produced a short video and distributed it on social media in French and Spanish for temporary foreign workers in agriculture, informing them of their rights and their protection against discriminatory harassment.

In 2019, Public Legal Education and Information Service of New Brunswick added the following new publications to its catalogue, which were created, printed, put on the website, and distributed widely in hard copy to libraries, community groups and stakeholders: Emergency Intervention Orders: Information for Respondents; Peace Bonds and Protective Orders; A Guide to Emergency Protections Orders on Reserves; Public Trustee Services; Preventing Abuse and Neglect of Seniors; and Powers of Attorney.

Éducaloi created an online E-learning training entitled “Intervening with Immigrant Victims of Sexual Assault: Myth and Legal Realities”. It is aimed at front-line workers who work with survivors of sexual violence or immigrants. The objective is to inform the speakers about the consequences of the decisions made by immigrant survivors (e.g. can she quit her job? Can she leave her sponsoring spouse? Etc.). The training explores different immigration statuses, the rights and obligations of immigrants according to their status, and the services they have access to. The objective is to strengthen the knowledge and skills of stakeholders so that they can better support

survivors in making informed decisions.

The Jeune Barreau de Montréal (JBM) produced the second edition of the Business Start-up Guide for entrepreneurs, allowing them to learn more about the legal aspects of starting a business. In total, twenty texts were written by various volunteer lawyers working in several fields of practice.

New Programs, More Topics

The Elliot Lake and North Shore Legal Clinic expanded their Clinic Assistance to Promote and Protect (CAPP), a program initially intended to protect seniors, by creating a local ‘consumer protection’ business registry that allows clients to find information and to provide their own comments on experience with the business. Local businesses are asked “Do you belong to CAPP? If not, why?” CAPP serves over 4500 people.

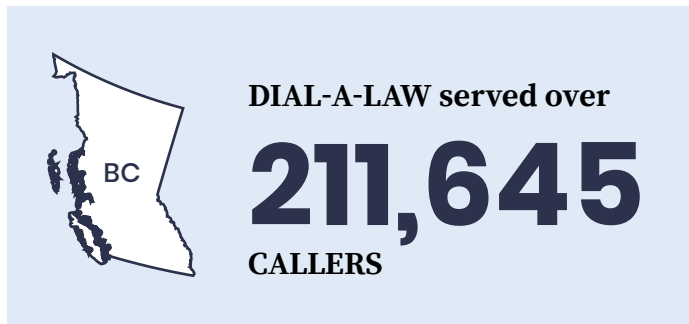
“Seniors regularly provide feedback on their experience with companies who are registered with CAPP...when problems arise, the Clinic acts as a mediator to resolve any shortcomings...this has proven successful without exception.”

Elliot Lake and North Shore Legal Clinic

The Saskatchewan Access to Legal Information (SALI) project provides legal information training and resources to public library staff to empower them to assist the public with their legal information needs. By the end of 2019, public library staff received training and resources on detecting legal issues, a public awareness campaign was launched and two data collection projects were undertaken. Law Society Reference Librarians attend at the Saskatoon and Regina public libraries twice a month to provide legal information assistance to the public.

In March 2019 People’s Law School, The Law Foundation of British Columbia and the Canadian Bar Association-BC Branch jointly announced the move of the Dial-A-Law online and telephone service from CBABC to People’s Law School. Since 1983, CBABC had maintained this public legal information service that features over 130 articles on the law written and edited by volunteer lawyers in British Columbia. As part of the move of Dial-A-Law, they modernized the service by creating a new website, dialalaw.ca. Legal information is presented in plain language and in a format that’s visually interesting and easy for a reader to scan. They also simplified the phone recording system so that callers can access the Dial-A-Law articles and the information they need more quickly. During 2019, they

also began work to develop a chatbot, another tool to make the Dial-A-Law web-based content more accessible to the public. This program served over 211,645 callers.



Community Legal Information, PEI opened the Tenant Support Centre in 2019, assisting renters on Prince Edward Island by providing legal information, referrals and support during the rental hearing process.

“You gave me hope...If I didn’t have the information you provided about my rights, I probably wouldn’t have gone through the process.”

A client of Tenant Support Centre

PLIAN and the Adult Corrections division of the Department of Justice and Public Safety of Newfoundland and Labrador have collaborated on a series of legal information sessions at the province’s five correctional institutions in the past year. The sessions have provided an overview of Canada’s legal system and the criminal trial process, while also providing an opportunity for participants to ask questions about various legal issues. Several sessions have been held at Her Majesty’s Penitentiary in St. John’s, as well as at the Clarenville Correctional Centre for Women, the Bishop’s Falls Correctional Centre in Central Newfoundland, and the West Coast Correctional Centre in Stephenville. Additionally, an introductory meeting was held with inmates at the Labrador Correctional Centre in Happy Valley-Goose Bay, with plans to hold an information session there early in 2020.

In partnership with the Elizabeth Fry Society of Quebec, Éducaloi created a legal information guide for women in detention or in halfway houses to inform them of their rights and obligations to promote their reintegration. This guide covers several aspects of their daily lives (debts, payment of bills, children, housing, work) and provides information to avoid other problems in their lives outside the prison or halfway house. Legal empowerment workshops were also held in prison and in transition houses with women facing various situations. A workshop facilitation manual was also created for the Elizabeth Fry Society of Quebec.

BC’s Justice Access Centres (JACs) provide British Columbians with information and services they need for early and lasting solutions to their civil and family justice problems. In June 2019, a new JAC opened in Surrey, as a part of the expanded Surrey Courthouse project. The Surrey Courthouse has the highest number of family law applications in the province, leading to a significant demand for family justice services and community resources. Key aspects of the JAC model are: initial assessment of issues, self-help resources and a central point to access various services (both family and non-family civil). Each JAC offers: self-help and information services; mediation and other dispute resolution services; limited legal advice; a multidisciplinary assessment/triage service to diagnose problems and provide referrals to appropriate services; free publications; courses and presentations; on site community agencies; and support with court preparation.

The Nova Scotia Department of Justice released the first ever Diversity and Inclusion Action Plan which will focus on recruitment, retention and advancement, building a culturally competent and inclusive environment, and enhancing culturally responsive programs and services. The Action Plan is intentionally connecting with the community as part of recruitment efforts by Sheriff Services and Corrections, and to improve cultural competencies.

In 2019, Justice Pro Bono partnered with the Dispensaire diététique de Montréal to provide legal information to pregnant women in vulnerable situations and their families. Justice Pro Bono is recruiting volunteer lawyers for information and training sessions aimed at families as well as Dispensary staff on key legal areas including immigration.

Young mothers aged 15 to 25 may be particularly vulnerable and encounter legal issues early in their lives. In 2019, Éducaloi facilitated 3 series of 6 legal empowerment workshops. These workshops were an opportunity to discuss various rights and obligations as a parent (best interests of the child, parental authority) and the rules that apply when parents are no longer together. Family mediation was explained as a means of resolving conflicts through a simulated mediation and meeting with a family mediator. A legal information guide on the most recurring issues of young mothers has also been produced and 600 copies will be distributed in winter 2020. A guide to facilitating legal workshops is also available for practitioners working with this audience.

On May 30, 2019 the appointment of BC's first independent Human Rights Commissioner was announced. The Human Rights Commissioner is a non-partisan officer of the legislature responsible for promoting and protecting human rights, with a key function of educating British Columbians about human rights. Since stepping into the role, the Commissioner has initiated several key projects including: a province wide outreach and engagement tour with community partners; a 'No Wrong Door' project with the BC Human Rights Tribunal and Human Rights Clinic, aimed at improving access to the human rights system for citizens across BC; and, a number of speaking engagements.

JDG 2

MEET LEGAL NEEDS

2.1 FOCUS ON LEGAL NEEDS FOR EVERYONE - Focus on addressing service gaps for basic, essential legal services including family law, wills, employment, housing and consumer issues.

2.2 ENCOURAGE INNOVATION - Develop and expand alternative ways to get legal help including different kinds of professionals, partnerships or ways of doing business.

2.3 EXPAND SCOPE OF LEGAL AID - Make legal aid available to more people and for a wider range of legal problems.

2.4 FOCUS ON ACCESS TO JUSTICE - Emphasize the responsibility of lawyers and paralegals to fill access to justice gaps.

Meeting everyone's legal needs means building on what is already working and expanding and adapting service models to make more legal services available to more people. This includes legal help for the wide range of legal issues that people face in language they understand, to pursue the legal options that work best for them. Meeting legal needs means expanding and innovating legal services while also maintaining existing legal aid and pro bono.

Meeting legal needs also requires finding ways to deliver legal services in different languages, reflecting different approaches to dispute resolution, available across big distances. Technology and creativity are being used to meet the same range of needs in remote and rural communities as in cities. New court-based models and alternatives to litigation are being integrated as dispute resolution options in both cities and small communities.

In 2019, although many legal aid plans grappled with funding cuts, legal aid remained a critical response to the access to justice crisis. Legal aid plans and clinics found creative and effective ways to increase their impact, while law foundations and pro bono lawyers continued to support innovative activities to meet legal needs.

Organizations saying this is their primary impact on A2J: **33** Projects aligned: **134**

Increasing the Impact of Legal Aid

In 2019 Legal Aid Ontario worked with the Law Society of Ontario on obtaining an amendment to the Law Society's Rules of Professional Conduct that would provide a "brief service" exemption for LAO. At the October 24, 2019 Convocation, the Law Society amended the Rules of Professional Conduct to extend the modified conflict of interest standard that existed in the short-term pro bono legal services rules to lawyers providing short-term legal services under the auspices of a Legal Aid Ontario (LAO) program or clinic.

The Law Society has also recently identified that it will be modifying its definition of "firm" to ensure that two LAO lawyers can represent opposing parties in certain matters.

The exemption for brief legal aid services is important, particularly in rural and remote locations and most notably in family law, where both parties may need to access brief legal aid duty counsel or staff lawyer services. The change will improve access to services for clients and increase LAO's efficiency.

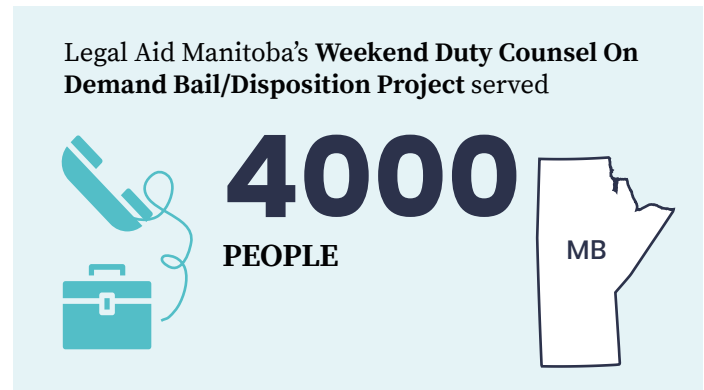
In July 2019 LAO launched its redesigned Test Case Program with an updated mandate and new eligibility criteria. Legally and financially eligible clients may apply to LAO for test case funding. Under its new mandate the program will consider funding test case matters that:

- Provide access to justice in LAO's core areas of service: criminal law, family law, mental health law, clinic law;
- Further an issue beyond the interests of the individual client; and
- Address a serious issue that fundamentally impacts LAO clients and would be unlikely to come before the courts but for the involvement of LAO.

Through the Aboriginal Legal Aid in BC web project, the Legal Services Society worked closely with Indigenous stakeholders and community members to develop a user-friendly site tailored to meet the information needs of Indigenous clients. Inclusivity and accessibility were foundational, as it was a priority to recognize the diversity of Indigenous peoples in BC. Co-design workshops and extensive user testing from all regions of the province shaped the redevelopment. The new, rights focused site features responsive design, empathetic language, videos led by Indigenous people, and breaks down information into small segments, making it easy to use on a phone.

Legal Aid Manitoba's Weekend Duty Counsel On Demand Bail/Disposition Project (Winnipeg) provided experienced staff criminal defence counsel on call in Winnipeg to review each arrest and provide immediate services to all

accused (no requirement of financial or merit eligibility) so they can negotiate with the Crown for consent release or do contested hearings and dispositions through the weekend, with the lawyer also following through in court on the Monday and Tuesday following. In 2019, the project served 4000 people.



Legal Aid Manitoba introduced the Accessibility Case Conduct Requirement. Revisions to the policy and recording system were developed to support a requirement to provide notes on every case file where any barrier to services is observed or indicated for clients so the need can be planned for and accommodated in advance of client attendance at offices.

This year, Legal Assistance of Windsor and Community Legal Aid engaged in systemic advocacy on housing, homelessness, criminal law reform and prison law initiatives as well as work on anti human trafficking education, training and community protocols and advocacy related to legal aid funding.

In 2019, Legal Aid Ontario staff travelled across Ontario to consult with Indigenous organizations and communities to solicit input on the legal needs of Indigenous Peoples in Ontario. Efforts were made to ensure all Indigenous perspectives – including First Nations, Inuit and Métis – were included. Many of the meetings included participation of an Indigenous Elder, who provided essential teachings and support. Each meeting was approximately a half day in length, and included brief presentations about LAO and LAO services, as well as facilitated discussions to solicit input on the future direction of LAO's Aboriginal Justice Strategy and services for Indigenous clients. The resulting consultation report includes 20 recommendations viewed as the basis for renewal of LAO's commitment to addressing Indigenous justice issues.

Reaching More People

This year, Nova Scotia Legal Aid introduced a Social Justice Support Worker (SJSW) to provide front-line support to clients through the provision of legal information, navigation and advocacy. The SJSW appears regularly at Residential Tenancies hearings and Income Assistance appeals. The SJSW assists clients with CPP-D, EI claims, debt collection, etc. The SJSW provides outreach in Eskasoni, Wagmatcook, Membertou, Sydney Mines and North Sydney. The SJSW offers legal information sessions at the community level. So far, the SJSW has opened 57 client files.



The Chambre des notaires du Québec filed a brief and participated in specific consultations on Bill No. 18 - An Act to amend the Civil Code, the Code of Civil Procedure, the Public Trustee Act and various protection provisions in September 2019. This bill modernizes and simplifies the day-to-day representation of the disabled by introducing a single protection regime, guardianship for the adult, which takes into account the residual capacity of vulnerable people and their autonomy. The Chambre promoted the concept that the notary could provide support to this process, in order to give options to the administrative process advocated by the bill.

National Self-Represented Litigants Project West (“NSRLP West”) was launched in late 2019 as the first branch of the National Self-Represented Litigants Project outside Windsor, ON. NSRLP West aims to support, research, and advocate for systemic improvements on behalf of self-represented people in Canada, with a particular focus on Western Canada. NSRLP West is located at the Thompson Rivers University Faculty of Law in Kamloops, British Columbia, and has received funding from the Law Foundation of British Columbia. It regularly coordinates and collaborates with NSRLP. It is still in the process of setting up and building capacity, but will begin providing resources for community members in 2020.

This year the People’s Law School in collaboration with A2J BC expanded its website, Unbundled Legal Services (unbundlinglaw.ca). The site is designed to help the public understand the unbundled model for legal services offered by an increasing number of lawyers in British Columbia.

BC’s New Residential Tenancy Service Portal project offers a simplified dispute resolution process for both landlords and tenants. By embracing new technologies, landlords and tenants have access to timely and fair justice. The service portal guides applicants through the application process and is continuously updated to help ensure applicants provide the right information, offers digital evidence uploading and includes online payment or a fee-waiver process for those who qualify.

In 2019, the Fonds Accès Justice of the Ministère de la Justice du Québec implemented the General Adult Alternative Measures Program in the Judicial District of Saint-Maurice, designed to provide individuals charged with certain criminal offences with the opportunity to participate in a process of redress for the harm they have caused. The program also aims to reduce delays and increase the efficiency of the court system.

The British Columbia Utilities Commission has identified that there is a lack of a general consumer advocacy group to represent the interests of ordinary ratepayers in regulatory proceedings before the BCUC. The BCUC has introduced a new advocacy group with the assistance of government and is working to find capacity and resources to support the group.

In the past year, the BCUC increased its media and social media presence with a focus on public education. This has resulted in a large increase in the number of interveners participating in proceedings and following the social media accounts, as well as an increased level of interest from media in their inquiries, proceedings and press releases.

The Centres de justice de proximité (CJP), supported by the Ministère de la Justice du Québec, offer free and confidential legal information services to all citizens, regardless of their income or the legal nature of their problem. In January 2019, a mediation service was inaugurated at the CJP of Montérégie and in February 2019, the CJP Nunavik opened its doors, reaching a total of ten CJPs in ten regions.

Pro Bono Lawyers Close the A2J Gap

Members of the Newfoundland and Labrador Access to Justice Steering Committee have collaborated on a number of pro bono legal clinics in the past year, including continuing the Court of Appeal Legal Assistance Clinic and the Small Claims Legal Assistance Clinic on a monthly basis. Additionally, clinics have been held at Her Majesty's Penitentiary in St. John's, at the Gathering Place in St. John's, and at public libraries in St. John's, Gander, and Grand Falls-Windsor, focusing on a range of legal issues. Lawyers from the community have volunteered their time to provide summary legal advice to clients accessing the clinics.

To further improve the public's access to legal services in Alberta, the Law Society of Alberta established the Approved Legal Services Provider (ALSP) program, which creates a clear and streamlined process for established and new pro bono organizations to deliver or facilitate the delivery of pro bono legal services to the public in Alberta. Lawyers who are otherwise exempt from indemnity insurance coverage, such as those who work in-house or in government, are now covered for volunteer services they provide through an ALSP.

The Jeune Barreau de Montréal (JBM) created a service for contractors to discuss their project and the various legal aspects of it free of charge with a volunteer lawyer during a one-hour legal consultation. This service is aimed more specifically at the entrepreneur who starts his business. All legal aspects of starting a business can be addressed, such as the legal form, legal publicity, company organisation, taxation, labour law, etc.

BC Court of Appeal Roster Program is a collaboration with Access Pro Bono to ensure every self-represented appellant and respondent is referred to a volunteer lawyer. Access Pro Bono coordinates a roster of lawyers willing to provide some form of assistance ranging from full no-cost representation to low-cost unbundled services.

JDG 3

MAKE COURTS WORK BETTER

3.1 ENSURE ACCESS TO COURTS - Courts must be adequately staffed and located where people live to make sure people can get access to a judge when needed, especially when fundamental and constitutional rights are at stake.

3.2 PROMOTE MULTI SERVICE CENTRES - Courthouses should offer mediation, dispute resolution, and informal or non-legal services to make it easy for people to access cheaper and simpler options at any stage of the process.

3.3 HELP PEOPLE WHO ARE REPRESENTING THEMSELVES - Courts should offer services, including early resolution and information services, for people who are navigating the legal system alone.

3.4 MANAGE CASES EFFECTIVELY - Timelines, simplified procedures, shared experts, and limited number of witness should be agreed to, or insisted on by judges, to make better use of court time and encourage early settlement.

3.5 BE ACCESSIBLE AND USER-FOCUSED - Courts and procedures need to be modernized to reflect people's needs, including better use of technology where it can make the process faster or easier without ignoring the needs of vulnerable people.

3.6 PROTECT JUDICIAL INDEPENDENCE - Ensure system improvements do not interfere with a judge's ability to make independent, ethical decisions to protect people's rights.

While many access to justice efforts focus on preventative approaches or alternatives to court processes, courthouses remain critical in the continuum of legal services. Courts are where many people turn first for legal information or resolution, speaking with court staff, judges and lawyers. Direct and ancillary services that help people during periods of crisis are often based at or near courthouses. Continuing to improve court-based legal services is critical to improving access to justice.

Many of the existing resources make justice more accessible for court users. Legal information centres, pro bono services, and duty counsel programs help people understand legal processes and provide immediate assistance. Court staff provide front line services to litigants and judges manage cases in their courtrooms. All of these justice sector professionals are involved in ongoing evolution of legal services to improve access to justice.

In 2019, courts continued their significant modernization and transformation efforts. At the same time, targeted approaches to supporting court users through new court tools and approaches, community engagement, and legislative changes ensured more positive access to courts for vulnerable populations.

Organizations saying this is their primary impact on A2J: **7** Projects aligned: **62**

Supporting Court Users

In 2019, the BC Provincial Court added a Guide to Preparing for BC Small Claims Court to the website. The Guide uses a fictional sample problem to explain the process in Small Claims Court and support individuals with complex issues, including concepts such as expert evidence and suing a third party.

On November 25, 2019, the Provincial Court of British Columbia's Chief Judge Gillespie hosted journalists at a lunch meeting to discuss the Provincial Court's revised public and media access policies and answered questions from members of the media.

The federal government introduced Bill C-51, increasing the impact of the Canadian Charter of Rights and Freedoms by:

- amending the Criminal Code (Code) to modify or repeal provisions that have been ruled unconstitutional by the courts or that raise risks of being contrary to the provisions of the Canadian Charter of Rights and Freedoms (Charter). It also amends or repeals Code provisions that could be considered obsolete and/or redundant.
- amending provisions in the Code relating to sexual offences. In particular, it sets out a procedure for determining the admissibility and use of the complainant's records when they are in the possession of the accused.
- amending the Department of Justice Act to require that the Minister of Justice table a statement of a bill's potential effects on the rights and freedoms guaranteed by the Charter for every government bill introduced in either House of Parliament.

In 2019, the Provincial Court of Manitoba established the Fetal Alcohol Spectrum Disorder Court, a sentencing court for both youth and adults who have a diagnosis of fetal alcohol spectrum disorder. The court is focused on recognizing and reflecting in the sentence the moral culpability of those offenders who have FASD where the diagnosis is potentially linked to the offending behaviour. The Court encourages the participation of community organizations that provide support, housing and programming for offenders with FASD are invited to provide information to the court.

Felix Goes to Court - Testimonial Aids for Child Victims of Crime is an initiative that was developed by the Public Legal Education and Information Service of New Brunswick to assist victim services staff and other professionals such as Crown prosecutors, in their efforts to support child victims of crime. It includes a plain language storybook

for young victims which is accompanied by an Activity Book with information about going to court and testifying. There is also a guide with "Tips for Parents and Helpers" that reinforces the key messages in the storybook and offers tips on how to support youth victims while avoiding coaching them.

Through its African Nova Scotian Access to Justice Judicial Committee, the Nova Scotia Judiciary organizes judicial engagement sessions in communities across the province. Once a year, judges meet with community leaders to listen and learn about the challenges facing the African Nova Scotian community, particularly in the context of the justice system. In Whitney Pier, Cape Breton, on Feb. 1, 2019, approximately 15 judges from Cape Breton and northern Nova Scotia took part in the program, which included a dinner with community members.

The Dartmouth Wellness Court team is developing a series of information brochures to help the public learn more about the programs available, starting with the Mental Health Court Program. The first brochure in the series, PART 1: ENTERING THE PROGRAM, was developed in 2019. It provides information for individuals considering applying to the Mental Health Court Program and those who have recently been accepted into the program. The brochure was created in consultation with program graduates and some currently enrolled in the program, to ensure a First Voice perspective and that the information was presented in plain language.

The Victim Services Portal is an online tool created by the Department of Justice in Nova Scotia that allows clients to securely login and view their latest file information online from laptops, tablets and smartphones. The new service will be a one-stop site for clients to access links to useful websites and forms as well as receive notifications from their Victim Services Officers.

The Ministry of Justice in BC introduced the Protection of Public Participation Act. This Act will safeguard people from strategic lawsuits against public participation (often referred to as SLAPPs) that limit or prevent the expression of individuals' or groups' points of view on matters of public interest. The Act strives to improve access to justice and protect freedom of expression, while allowing for legitimate claims that involve real harm.

Increasing Access and Efficiency

The Social Security Tribunal of Canada is working to transform its process to a more client-centric administrative justice service. In January 2019, it changed its approach so that appellants at the General Division can now choose their preferred form of hearing. Appellants can select their preference between a hearing held by telephone, videoconference, in person or in writing, using questions and answers. In some special cases, the Tribunal will still decide on the form of hearing, but these cases are few. As a result of this approach, from January to November 2019, over 90% of form of hearing requests from appellants at the General Division were met.

SST decreased the time to start an appeal by

97%



The large majority of appellants who use the SST's process are unrepresented. SST's focus is to minimise legal complexity for system users. In December 2018 it simplified the requirements to start an appeal by applying regulations more flexibly, easing the burden for appellants filing appeals at the Tribunal by requesting less information than was previously required. As a result of these changes, from January to November 2019, it has reduced the average time it takes to start an appeal to 1.5 days (a 97% average decrease).

The BC Court of Appeal launched a Webcasting Pilot Project to improve access to court proceedings for individuals unable to attend hearings in person. More than 2000 people viewed select hearings, or portions of hearings, remotely during the course of the three-appeal project. Public feedback was overwhelmingly positive, with many viewers voicing appreciation for being able to access court proceedings that they would otherwise not have been able to view for reasons such as living far from the Court and mobility restrictions.

The federal government enacted Bill C-75: An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts (Royal Assent June 2019). These reforms are intended to make the criminal justice system more modern and efficient and to reduce delays in criminal

proceedings. The proposed amendments are in response to the Supreme Court of Canada rulings in R. v. Jordan and R. v. Cody, and to the final report of the Standing Senate Committee on Legal and Constitutional Affairs, *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada*.

Justice Transformation: The Plan to Modernize the Justice System, by the Ministère de la Justice du Québec, aims to make justice more innovative and efficient for the benefit of all citizens by increasing the effectiveness of the justice system in a sustainable manner, including reducing delays. The three main axes are: to introduce innovative practices, to bring justice into line with new technologies and to communicate information effectively between the main players. This plan represents a major investment of \$500 million by 2022-23. In 2019, several achievements were realized in this project such as:

- a project for the disclosure of criminal evidence;
- the roll-out of the general adult alternative measures program in 18 judicial districts;
- the implementation of video-video surveillance in Montérégie-Est and Gatineau;
- a project with the Court of Appeal to implement a paperless solution for online filing of appeals.

*Justice Transformation:
the Plan to Modernize the
Justice System*



\$500 million
MAJOR INVESTMENT

BC's Court Digital Transformation Strategy 2019-23 provides a commitment to improve access to justice and improve services and accessibility and builds upon the foundational work and accomplishments. This strategy serves the broad public through increased accessibility to services such as Online Divorce Assistant, Online Protection Order Assistant, Court of Appeal eFiling, and enhancements to Court Services Online.

The Provincial Court of British Columbia enhanced its services by adding Traffic Court to the Surrey Courthouse.

JDG 4

IMPROVE FAMILY JUSTICE

- 4.1 OFFER A BROAD RANGE OF SERVICES** - Make family law services easier to find, including triage, early intervention, integrated and collaborative processes, parenting and financial services.
- 4.2 PROMOTE CONSENSUAL RESOLUTION** - Develop and expand proactive management of family issues and more consensual approaches and services, maintaining a focus on safety.
- 4.3 INNOVATE** - Educate people about less adversarial approaches and experiment with new services and processes to create opportunities for consensus resolution.
- 4.4 RESTRUCTURE FAMILY COURTS** - Locate all of the aspects of family law in the same place, including separation, custody and access, and divorce, ideally under one judge.

Family law continues to be major focus of access to justice efforts in Canada. The majority of self-represented litigants in Canadian courts are dealing with the legal aspects of separation and divorce, or are managing the ongoing custody and financial arrangements between parents.

Legal clinics and public legal information services have long focused on helping people understand the processes, forms and options in family disputes. Family courts, lawyers and mediators continue to provide direct legal services while alternative approaches work to reduce conflicts or avoid legal disputes altogether.

In 2019, the focus in family justice was on increasing the remote, in-person and online tools available to litigants, using legislation and policy to increase the potential for early resolution and to give strength to enforcement efforts, and affirming the justice sector's commitment to the best interests of the child.

Organizations saying this is
their primary impact on A2J: **1**

Projects aligned: **57**

Empowering Family Litigants through Online Tools

The Public Legal Education Association of Saskatchewan launched the Interactive Agreement Platform: a comprehensive online tool for resolving family law issues by agreement. The project serves chiefly self-represented individuals who are able to resolve their family law issues by agreement. It provides an online platform for use by self-represented individuals to create an agreement document to resolve their family law issues. Topics that the parties agree on can be selected after users are provided with plain-language legal information about the differences between an agreement and a court order, and the law regarding agreements. A guided pathway concept is used and options are presented, combining standard clause options with flexibility to create unique clauses. Users may work at their own pace, with all progress automatically saved. On completion a ready-to-print document is provided, along with instructions on signing and witnessing. The agreement process can enhance family members' ability to negotiate and compromise to find solutions for everyone.

The Legal Services Society in BC redesigned the Family Law in BC website following extensive user-testing and co-design workshops with self-represented litigants and cross sector intermediaries. Features include:

- accessible design to help users in emotional distress or facing other barriers to processing complex information, e.g. comic strips for those with literacy issues, wellness tips for those under emotional strain, and W3C accessibility
- navigation that reflects how users identify legal issues and flow from simple to complex info
- less intimidating step-by-step guides and mobile friendly design

CLEO's Guided Pathways are online interviews which help people complete family court forms and tribunal forms. This project serves self-represented litigants - people with family law problems or tenants who have repair and maintenance problems. In 2019 CLEO created:

- Guided Pathways for the application process for divorce and separation, division of property, and spousal and child support, as well as other associated forms
- a Guided Pathway supporting tenants with maintenance and repair applications to make a T6 application to the Landlord and Tenant Board

The Website pour le Droit de la Famille project is aimed at serving francophone individuals in Saskatchewan who, for various reasons, are representing themselves in dealing with family law issues. The project has developed a French-language website to provide the same comprehensive, plain-language family law information that is provided in English on PLEA's Family Law Saskatchewan website (familylaw.plea.org). This French site, like the English site, has an interactive tool, allowing users to apply for a divorce in French without the assistance of a lawyer. This includes use of screening questions, creation of step-by-step plans, building fillable court forms, and instructions on what to do with completed forms.

The Family Resolution Centre project of the Legal Services Society in BC introduced free online mediation for parenting disputes. These disputes frequently recur and may involve any aspect of parenting including time with each parent, custody, guardianship or access. This service will help participants negotiate an agreement, and provide mediation if needed to resolve the issue. Because this is the first free ODR service in Canada for those with family law issues, the pilot will provide professional development opportunities for mediators, and will develop meaningful data that contributes to the relatively new field of online dispute resolution in family law.

Strengthening the Commitment to the Best Interests of the Child

On October 30, 2019, the Leadership Group of Access to Justice BC agreed to a Statement of Commitment to address the adverse impact on children of increased parental conflict and anxiety during separation. The Statement includes an Action Framework that includes three objectives: increasing parental capacity to manage conflict; enhancing children's resilience; and designing the justice system to reduce parental conflict and anxiety, and enhance children's resilience

The federal government introduced the Family Law Reform (Bill C-78). The bill's four key objectives are "to promote the best interests of the child, address family violence, reduce child poverty, and make Canada's family justice system more accessible and efficient" in the context of family breakdown. The bill is the first substantial revision of Canada's federal family law-related legislation in 20 years.

Referring to Article 33 of the Civil Code of Québec, the Porte 33 project by Justice Pro Bono aims to provide legal and psychosocial resources, focused on the best interests of the child, to families experiencing separation. The objective of the project is twofold: to improve access to family justice and to mitigate the impact of separation in the life of the child. Porte 33 has three components: Itinerant Legal Clinic, training and an electronic book.

The Reforming the Family Justice System (RFJS) initiative in Alberta is a systems-change initiative that has adopted a culture shift which is leading to a transformation in the family justice system in the province of Alberta. The theory is that families will thrive when family justice issues are recognized as primarily social, relationship, parenting and financial, that contain a legal element. In 2019, the RFJS launched the Family Justice Navigator Pilot in the County of Strathcona. Staff were trained in brain science and trauma-informed practice and made referrals to non-legal supports for families. RFJS also developed an Outcomes Framework to increase communication, ensure a deliberate approach to priorities and accelerate desired changes. In the area of family violence, the RFJS collaborated through a province-wide collective impact initiative known as Impact. The RFJS began to work with Indigenous organizations in Alberta to support healing required to achieve improved outcomes for Indigenous families and communities dealing with child welfare and family violence.

Encouraging Early Resolution and Strengthening Enforcement Options

Legal Aid Manitoba implemented the Out of Court Family Resolution Project, in which families are given legal aid coverage to resolve their family matters using an out of court resolution process. This approach to resolving family disputes keeps the focus on the best interests of children and families and aligns with the new approach taken by the Manitoba Court of Queen's Bench to family justice.

Legislative amendments to the Family Maintenance Enforcement Program include allowing the Insurance Corporation of BC (ICBC) to cancel the driver's licence of a person with substantial arrears. This change will improve the effectiveness of child and spousal support enforcement by taking immediate action against those with more than \$3,000 in arrears, encouraging negotiation to resolve payment arrangements. A second amendment replaces a requirement to file the entirety of an order or agreement related to child or spousal support in the Land

Titles Registry, with a simplified requirement to submit pertinent information only. This change will streamline processes and help prevent the unnecessary public disclosure of sensitive information.

The Nova Scotia Department of Justice introduced changes to the Maintenance Enforcement Program (MEP) including a new portal leveraging the online and electronic channels available to MEP clients. MEP online allows users to access information about their account, including:

- the status of their case;
- information about payments, including the most recent payments and any payments that are in arrears (past due); and
- any enforcement actions that are in place.

MEP online also allows users to send a message to MEP staff, change their address and sign-up to receive notifications about payments.

The Victoria Early Resolution and Case Management Prototype is testing a new process in the BC Provincial Court Rules. This model is designed to encourage parties to resolve family disputes by agreement or to help them obtain just and timely decisions in Provincial Court. The new process applies to issues under the Family Law Act and introduces early resolution requirements for family law matters proceeding through Provincial Court in the Victoria registry. In addition to the early resolution requirements, the new process introduces a family management conference which will replace first appearance and provide increased case management. This will help with further dispute resolution and help ensure parties are prepared if they need to proceed to trial. There are a number of other changes including new, more user-friendly forms and improved processes for things like orders by consent and case management orders.

Increasing the Reach of Family Law Support Services

During the Family Law Workshop initiative of the Public Legal education and Information Service of New Brunswick, lawyer volunteers delivered 23 workshops to 276 participants across the province over a seven month period. Approximately 5,000 family law publications were distributed to the participants in their information kits.

Family Law Workshop initiative by Public Legal education and Information Service of New Brunswick



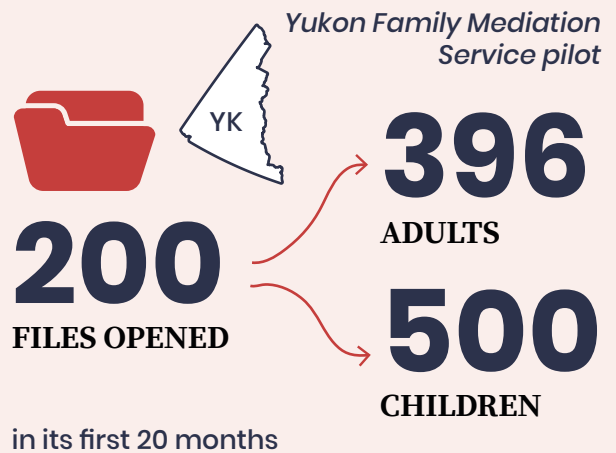
Lawyer volunteers delivered

23 WORKSHOPS → **276** PARTICIPANTS

The Child Protection Practice Group (CPPG) of Nova Scotia Legal Aid focuses on provision of legal services for families engaged with child protection incorporating non-lawyer staff at the earliest opportunity and in strengthening community outreach. The goal is to improve use of court time, reduce unnecessary court appearances, decrease the number of self-represented parties at the 5 day and 30 day interim hearings, and provide information and navigation support to parties and affected non-parties alike. By focusing on early intervention the objective is to deliver a full range of timely legal services that is culturally appropriate and trauma informed by supporting families at the earliest opportunity, collaborating with case planning and developing early and appropriate placement options and working collaboratively with the Agency and their counsel to address risk and develop better connections with Indigenous and ANS communities.

The Parents Legal Centres (PLCs) run by the Ministry of the Attorney General in BC promote early resolution of child protection matters and are consistent with recommendations made in a recent report on Indigenous child welfare. PLCs provide services to people who are at risk of having their children removed from the family home, and focus on early collaborative processes and helping with underlying issues such as housing and addictions. In 2019, additional PLCs were opened in Campbell River, Duncan, Prince George and Smithers/Hazelton.

The Yukon Family Mediation Service pilot project, a one-year project offering free mediation for parents to resolve child-related matters, was granted a two year extension. During its first 20 months, the program opened more than 200 files, representing more than 396 adults and 500 children.



The New Brunswick Toll-free Family Law Information Line - 1-888-236-2444 assisted 2046 unique callers this past fiscal year.

New Brunswick Toll-free Family Law Information Line



2046 UNIQUE CALLERS

JDG 5

WORK TOGETHER

5.1 ESTABLISH COORDINATED EFFORTS - Bring all of the organizations involved in access to justice in each province or territory together to focus on local solutions.

5.2 INCLUDE EVERYONE - Involve the major institutions (courts, governments), professional groups (lawyers' associations), community groups and non-profits (clinics, PLE providers), academics and individuals to find new creative approaches.

5.3 BE BOLD; TAKE ACTION - Local and national coordination must lead, take action and inspire others to tackle access to justice.

5.4 WORK WITHIN INSTITUTIONS - In addition to coordinating across the justice system, access to justice should be a serious focus within judges' organizations, lawyers' and paralegals' associations, courts and institutions.

5.5 COORDINATE ACROSS CANADA - Keep momentum and sustained attention to these issues across the country to complement local and regional activity.

A focus on collaboration is a shift in the culture of the justice system. The sector has historically been siloed into professional groups, divided by jurisdiction and focused on maintaining the independence of judges and lawyers by segregating institutions.

In response to the Action Committee's Roadmap to Change, issued in 2014, a collaborative group or committee has been established in each province or territory in the country. Each year, the Action Committee meets for its annual Summit bringing together representatives from these provincial/territorial collaboratives and representatives of the justice sector institutions to coordinate access to justice efforts.

The Action Committee has many ways to share access to justice ideas in Canada. Anyone involved in access to justice can subscribe to its monthly A2J Newsletter to receive highlights of interesting projects and innovative approaches. The Access to Justice Research Network, hosted by the CFCJ, is a community of researchers working in universities and in community organizations, sharing research results, academic writing and new thinking on these issues. Links to these two communications tools and other Action Committee news can be found at justicedevelopmentgoals.ca

In 2019, the justice sector partnered with the health sector, libraries and social services workers to increase access to justice for vulnerable communities. Coordinated and collaborative initiatives showcased A2J and strengthened the capacity of service providers.

Organizations saying this is their primary impact on A2J: **11** Projects aligned: **108**

Working with Health and Social Services Providers

Justice & Health Partnerships (known in the USA as Medical-Legal Partnerships, and in Australia as Health Justice Partnerships) are collaborative arrangements between medical and health service providers and community legal clinics to foster early, multidisciplinary interventions for low-income individuals and families with overlapping medical and legal problems. Early resolution and prevention of problems that connect to the social determinants of health play a significant role in improving people's lives and diminishing the economic, social and other costs of poverty and ill health. In 2019, the Community Advocacy and Legal Centre in Belleville Ontario worked as part of a Justice & Health Partnership with primary health care organizations to provide on-site legal clinics for patients, education sessions for healthcare providers, assistance with completing forms and a streamlined referrals process, including a "hotline" for advice. They received nearly 300 referrals from their healthcare partners and provided educational workshops to approximately 150 healthcare providers.

"Jane was a single parent of two young children diagnosed with terminal cancer. She was referred to our office for help by the systems navigator RN at her doctor's office. CALC worked closely with Jane over the course of two years, assisting with a range of legal issues. For example, CALC represented her when she was being evicted in the midst of her cancer treatment, prevented her disability benefits from being cut off, helped her access the Canadian Child Tax Benefit so she was able to put food on the table, completed Power of Attorney documents and a will indicating guardianship for her children, and facilitated assistance through referrals for family law problems. Without this support Jane may have been homeless, and undoubtedly would have struggled to meet the basic needs of her children."

Community Advocacy and Legal Centre

The African Nova Scotian Social Worker (ANSSW) plays a significant role in assisting Nova Scotia Legal Aid staff in providing culturally appropriate services to clients

and making connections with communities and frontline service providers. The ANSSW receives client referrals for family, adult and youth criminal matters from across the Province. The ANSSW provides lawyers with a cultural context that can open the door to innovative outcomes and resolutions. The ANSSW works collaboratively with lawyers, supports clients in court proceedings and case conferencing, provides youth mentoring and assists clients in understanding the legal processes they are engaged in. The ANSSW engages extensively with frontline community service providers. In 2019, the ANSSW helped 55 people.

"[The ANSSW]..helped me and my children get back on my feet as I had completely hit rock bottom. Though the tools were readily available, having knowledge of them and the way she knew how and when to utilize them made this process so much easier....She is truly one of a kind and her role within the Justice system and advocating for people of colour in a province where we are so easily overlooked and undermined, is imperative.... needed by so many more people who also have had the feeling of hopelessness and are lost within their legal battle."

A Client of Nova Scotia Legal Aid

As a part of the Wellington County Mobile Legal Service (WellCoMs) project, a van traveled to twelve communities in rural Wellington County twice a month a set schedule from May to October of 2019. The van set up in a prearranged location, with a tent and offered coffee and snacks. Two outreach workers were in the van and provided legal information and referrals. Legal consultations with lawyers and caseworkers located at the Legal Clinic of Guelph and Wellington County were arranged over Skype from the van. The outreach workers also made connections with trusted intermediaries in the community.

The Library Hub pilot-project of the Law Society of Manitoba represents an attempt to expand access to justice and provide improved access to a wider range of services for free (and/or low cost) while also reducing duplication among various service providers in the justice system through the transformation of the courthouse library. The Hub will have two distinct aspects: the provision of front-

line legal information and assistance (Phase One) and the creation of an online portal for better access to legal information and services (Phase Two).

The Antigonish Womens Resource Centre runs “Justice Matters for Women: Rural Outreach in Antigonish and Guysborough Counties”. This program provides individuals with an outreach worker who can help with problem solving, emotional support and crisis support on a range of issues in women’s lives. A worker can help individuals talk to and accompany them to services, agencies, institutions, court, legal appointments, medical appointments, and law-related meetings and programs.

Following consultation with several organizations that work with homeless people, Éducaloi in Quebec created 3 guides and a legal fact sheet to answer the most frequently asked questions of stakeholders working with this population on topics such as health care, administrative procedures, criminal records, and various immigration statutes. Éducaloi provided legal training to the stakeholders of these organizations including an immigration component, facilitated by a specialized lawyer.

Through the Post-Release Issues Project, Justice Sector Constellation members in Alberta have connected with various stakeholders within the penal system to identify gaps in the supports for individuals being released from custody. The Justice Sector Services Coordination for the Socio-Legally Disadvantaged: Strategic Directions for Enhanced Access to Justice Report commissioned by the Constellation with a view to improving coordination of justice sector services, includes a number of recommendations regarding issues faced by and supports for those released from custody. The next phase of the Constellation’s project will involve preparing a Client Journey Map and identifying points at which intervention could be made to help ensure better supports for those released from custody at the end of the journey.

Coordinating A2J Efforts

In Ontario, The Action Group on Access to Justice (TAG) held its fourth annual Access to Justice Week and welcomed nearly 1,500 participants in person and by webcast. The week also saw over 40 speakers at 5 programs accredited for over 13 hours of CPD and EDI Professionalism content, generating over 31,000 social media impressions on #A2JWeek2019 and earned 16 media articles. The ideas resulting from the various programs will be used to develop various work plans for TAG’s 2020 efforts.

Access to Justice BC undertook a campaign to get cross-sector endorsement of the Access to Justice Triple Aim. Fifty-two BC justice sector organizations signed on. At an endorsement ceremony on June 12, 2019, the Chief Justice and the Attorney General of BC led other organizational leaders in formally signing the endorsement document. The Triple Aim has three elements: improving access to justice at a population (and sub-population) level; improving user experience of access to justice; and improving costs - including saving costs in other sectors and ensuring costs are proportional to the benefits.

CLEA Manitoba operates a Speakers’ Bureau of volunteers who donate their time each year to provide legal information sessions to the community on request. CLEA arranged 36 speaking events in 2019. In total, over 680 people attended these sessions. CLEA partnered with 12 various groups and agencies in delivering Speakers’ Bureau presentations, including: Indigenous organizations, a senior’s organization, newcomer organization, community centre, Law Day, parent organization, mental health organization, MP constituency office, as well as 20 libraries as part of the Law in the Library, in partnership with the Winnipeg Public Library. Presentations were on 11 different topics: Wills (including Powers of Attorney and Healthcare Directives), Family Law (including Grandparents Rights, Property, Custody & Access), Immigration, CLEA, Law as a Career, Criminal Law (including Drinking & Driving), Copyright Law, ABCs of 1st Time Homebuying, Youth Justice, Condominium, Small Business and the Law.

The Accord France-Quebec cooperation agreement was signed in Quebec City on March 15, 2019 between the Chambre des notaires du Québec and the Conseil supérieur du notariat français. This agreement ensures notarial cooperation between France and Quebec in the reception of power of attorney or notarized deeds and in the receipt of a signature. The agreement also allows French notaries to act as delegated notaries for the receipt of a signature of one of the parties to a document received before a Quebec notary.

Éducaloi exchanged expertise and experience with international partners in 2019. As part of a collaboration with Lawyers Without Borders Canada, legal communications experts from Éducaloi partnered with Haitian human rights defenders to provide training and support for enhanced human rights and legal information tools. During the week of November 4 to 8, 2019, two Éducaloi employees went to France to conduct the first part of an exchange. The purpose of this exchange was to improve the expertise of the Éducaloi team by sharing

practices with other organizations. A collaborative legal education online tool will be developed over the next year, when ADEJ members will visit Éducaloi.

For 2 ½ days in April 2019, the Action Committee held its Annual Summit in Montreal, gathering 80 A2J leaders from across the country, with participation from the judiciary, governments, legal institutions, law schools, non-profits, lawyers' organizations and equity seeking groups. A full day of the Summit was devoted to a discussion of Indigenous legal orders and Indigenous justice. Distinguished speakers from the Yukon Territory, the Mohawk Council of Akwesasne, British Columbia and Ontario spoke of the need and opportunity for the Canadian justice system to

follow through on the promise of Gladue and other key decisions and to incorporate and/or share space with Indigenous legal orders and traditions in order to provide more culturally appropriate, community-centred and accessible justice services to Indigenous people.

The Action Committee's national Pop-Up Community of Practice looked to the future this year, with the 43 members learning about and discussing disruptive technologies like blockchain, models of future thinking like Strategic Foresight, and alternate ways to measure and assess access to justice, including the World Justice Project's Rule of Law Index.

The Provincial/Territorial Collaboratives

The Provincial/Territorial Collaboratives foster a local, regional and national link for individuals and organizations working on access to justice.

- BC** A2JBC – Access to Justice BC
- YK** Access to Justice Committee
- AB** Reforming Family Justice System Project
- NWT** Northwest Territories Access to Justice Committee
- SK** Saskatchewan Access to Justice Network
- MB** Access to Justice Steering Committee
- ON** TAG – The Action Group on Access to Justice
- NU** Access to Justice Committee
- QC** Forum Québécois sur l'accès à la justice civile et familiale
- PEI** Access to Justice Committee
- NS** Access to Justice and Law Reform Institute of Nova Scotia
- NFLD** Access to Justice Steering Committee of Newfoundland and Labrador



JDG 6

BUILD CAPABILITY

6.1 EDUCATE LAW STUDENTS AND LEGAL PROFESSIONALS - Offer training on access to justice, emerging approaches, changing social situations and the skills to meet people's needs, both at the start of and throughout legal careers.

6.2 EXPAND JUSTICE EDUCATION IN SCHOOLS - Introduce legal capability into elementary and secondary schools to prepare people for legal issues in their lives; Offer training about access to justice issues in post-secondary programs to integrate legal, health, social and education services.

School-age students and university students are the primary audiences for building legal capability. Having not yet settled on career choices, nor developed their own conflict skills, efforts to build legal capability in these audiences offers the potential to transform how people respond to legal conflict, whether in their own lives or in these professional roles. Law and paralegal students, developing practice skills and aptitudes at the beginning of their career, can be exposed to access to justice issues before they make career decisions. The efforts to build capability in these audiences is the priority under this goal, complementing the training of existing legal professionals.

Ongoing professional development is a critical responsibility of all legal professionals. Over the course of the year, lawyers, paralegals and judges completed training on access to justice issues and developed their practice skills. These opportunities were a combination of internal training opportunities offered by legal aid societies, judges associations and employers, cross-sectoral conferences and courses.

In 2019, the sector focused on growing the community of justice service providers through targeted training of intermediaries – those professionals who, in the course of serving the public, may encounter legal questions, such as librarians, poverty and housing advocates, newcomer organizations and social workers.

Organizations saying this is
their primary impact on A2J: **1**

Projects aligned: **37**

Empowering Trusted Intermediaries

The Centre for Public Legal Education Alberta developed Intermediaries Training on behalf of the Justice Sector Constellation. The training is for service providers and intermediaries such as community and faith community workers and volunteers outside of the justice sector. The purpose of the training is to help those outside of the justice sector to recognize the legal issues of clients and know where to refer clients for assistance. The anticipated outcome is more appropriate and timely referrals for clients to the resources they need. CPLEA delivers the training, which is eligible for Alberta College of Social Work Professional Development credits.

"I was pleased with the information received at "Before you sign" workshop. The purpose of this workshop is to give frontline workers a general introduction and, in some areas, an in-depth look at providing legal advice versus legal information. Making that distinction as a frontline worker is important for various reasons; this information was very clear and distinct. The session not only covers areas that are concerning for newcomers; but also serves as a conduit for open discussions on each topic by posting questions and giving responses to questions from participants. This workshop was also used as a forum for establishing a network with other community agencies and partners with the potential for future collaboration. By applying the information that is applicable as frontline workers, we are more ready to perform our daily tasks and commitments".

Frontline Community Worker

Community Legal Education Ontario (CLEO) offered its 8-week online course "Building Skills in Legal Information and Referral" to two cohorts of learners in 2019. Originally developed in collaboration with the Ontario Library Association, the modules cover detecting legal problems, and making appropriate referrals, together with overviews of family law, consumer law, housing law, and employment law in Ontario. CLEO provides learners with individualized feedback and issues a certificate as "Legal Information & Referral Specialists" to those who complete the course successfully. Although it was originally conceived as a

program for library workers, in 2019, the course was opened to other community workers who provide "community justice help" to clients in Ontario. CLEO's "Before You Sign" project has identified the main legal challenges faced by newcomers and immigrants in the participating communities and is currently developing a curriculum to train front line workers across all sectors to identify challenges and leverage the resources currently available through CLEO.

In 2019, the Community Legal Education Association in Manitoba provided Community Legal Intermediary Training Courses to 14 service providers from low income advocacy organizations, Legal Aid, newcomer organizations and provincial government departments. The CLI is a series of 8 weekly, one and one-half hour workshops that train service providers about legal issues and resources in the community, covering a wide array of legal issues and areas of the law.

Enhancing the Experience of Law and Other Professional Students

In 2019, the Canadian Bar Association, through the Access to Justice Subcommittee's Legal Education Working Group, launched "An Experiential Learning Guide for Law Students: Learning Law in Place". This Guide explains the theory behind experiential learning and how it works, and provides a workbook with exercises for law students to complete to enhance their understanding of and takeaways from their hands-on legal experience, as well as to support the larger pedagogical mission of supporting access to justice through legal education.

Building off the success of the Clinical Criminal Law Course provided in collaboration with the University of Manitoba Law School, in 2019, Legal Aid Manitoba partnered with the University of Manitoba Robson Hall Faculty of Law to reintroduce its Clinical Family Law Course in an updated format within the existing Clinic funding provided by the Law Foundation of Manitoba, Legal Aid Manitoba, and the Faculty of Law. Student duties include course work combined with the conduct of family files including interacting with the Legal Aid program and all aspects of case conduct under the supervision of a qualified lawyer.

The Law Society of Manitoba continues to offer its Forgivable Loan Program to provide financial assistance to students who want to practice law in Manitoba communities in need of more lawyers (under-serviced

communities.) Over time, the eligibility and selection criteria have been expanded so that the program could be better utilized. In 2019, the criteria was expanded even more such that lawyers who are just starting out or who are two - three years post-call may also apply to receive financial assistance in the form of a loan that would not have to be repaid if the new lawyers commit to provide their legal services in an under-served community for a period of three years. Students in any year of law school may continue to apply.

« A newly-arrived international student attending a local college rented a room from a home owner. Soon after, the home owner locked her out of the house and kept most of her possessions. With no place to turn in an unfamiliar country, she asked for our help. We sued the home owner and obtained judgment. When the home owner failed to pay the judgment, we enforced it and the student collected the entire judgment.»

Community Legal Services, Western University

Community Legal Services, the legal clinic at Western University, and Pro Bono Students Canada put on a radio show on Radio Western on legal issues of interest to students. They also partnered with Pro Bono Students Canada to provide additional legal services to students and members of the homeless community.

The Justice Sector Constellation collaborative operated through Enough for All in Alberta is developing a Poverty and the Law Educational Module. The purpose of the Module is to sensitize post-secondary students in various disciplines to the issues that arise at the intersection of poverty and the legal system, to better equip them to serve their clients and communities on graduation. The Module will be offered to instructors at post-secondary institutions in various faculties and departments, including criminal justice and criminology, social work, nursing, sociology, education, psychology, and children and youth. The Module was piloted in the fall 2019 session at Ambrose University, Bow Valley College, and to both Faculty of Law and Development Studies students at the University of Calgary. In addition, PowerED at the University of Athabasca has been retained to convert the Module into an online offering, to increase its availability. An instructor manual will be developed to facilitate instruction of the Module.

Building Legal Capability in Young People

Éducaloi's in-class workshop program involves a network of over 1,000 volunteer jurists from across Quebec to deliver Éducaloi's workshops to high school students. More than 10,000 students in 80 schools were able to receive these workshops in 2018-19, in both English and French. Approximately 100 teachers participating in the program were able to choose from our 14 legal education workshops while taking advantage of many educational resources, all available free of charge on website educationjuridique.ca.

« Je suis convaincue qu'une meilleure compréhension des citoyens de leurs droits et obligations est l'une des clés de l'accès à la justice. Fière que l'éducation juridique soit l'une des priorités de notre gouvernement, j'ai accepté avec enthousiasme d'être la marraine de la toute première Semaine de l'éducation juridique organisée par Éducaloi. C'est toute la société qui bénéficiera des connaissances ainsi acquises par les citoyens de demain! »

Madame la Ministre Sonia LeBel

For the first time this year, Éducaloi organized a Week of Legal Education. The purpose of the conference was to raise awareness among the public and school communities of the importance of educating young people about rights. Since no law course is compulsory in the training of high school students in Quebec, they must be made aware of it through other channels or initiatives. For a week in December 2019, 70 workshops on rights and justice were held in the 17 administrative regions of Quebec.

On May 17, 2019, the Nova Scotia Courts worked with Phoenix Youth to host a Justice Day Camp for African Nova Scotian youth from north-end Halifax to learn firsthand about the Courts and the institutions that make up the legal system. Participants have direct access to judges, lawyers, deputy sheriffs, police officers, and others who work in justice. A similar program was developed for Take Your Kids to Work Day on Nov. 6, 2019.

The Youth Voices initiative of the BC Family Innovation Lab aims to improve the well-being and resilience of children and youth experiencing parental separation by developing opportunities for them to express themselves. The prototypes to be tested are an online digital platform (hosting stories and creative content) and in-person workshops led by and for youth.

OJEN launched the Newcomer Community Justice Program, introduced newcomer youth to Housing Law, Employment Law and Immigration and Refugee Law, with a focus on failed refugee claims. OJEN partnered with the Afghan Women's Organization (AWO), Parkdale Collegiate Institute (PCI) and the Centre for Spanish Speaking People (CSSP).

Inuit youth in Nunavut were introduced to the processes and goals of the criminal law system in workshops designed by OJEN for the Law Society of Nunavut. In the hamlet of Pangnirtung it ran twice, so that the entire student population of Attagoyuk High School could participate. The Makkuttukkuvik Youth Centre also hosted the workshop for attendees of its drop-in program in Iqaluit.

The Supreme Court of Canada engaged directly with high school students when it sat in Winnipeg - the first time it sat outside of Ottawa in 144 years. Justices faced a barrage of tough questions from high school students who visited the court. Students asked questions on issues ranging from First Nations land claims to the essence of legality and morality. Each judge then visited a local high school.

Supporting the Education and Development of Legal Professionals

The Saskatchewan Legal Coaching and Unbundled Services Project (LCUP) was established in 2019, supported by the University of Saskatchewan, to support, enhance, and advance legal coaching and the use of limited scope retainers in Saskatchewan. The project has emerged in response to Saskatchewan lawyers' interest in the topic area and out of discussions at the 2013/14 meetings of the Dean's Forum on A2J. The Working Group engaged in a number of actions to advance this topic in 2019, such as posting a list of lawyers who are interested in engaging in legal coaching and unbundling to improve the public's access to such services, continuing to deliver Continuing Professional Development seminars for lawyers on the topic, developing related practice resources, and, thanks to the support of the Canadian Foundation for Legal Research, will be conducting a research study associated with the pilot project. The Working Group seeks to contribute to a foundation for data on the topic in Canada, which aims to positively impact both legal practice and policy development.

L'Association des juristes d'expression française de l'Ontario (AJEFO) in Ontario launched two major websites with resources for legal professionals, students, and education professionals. Jurisource.ca is a virtual library of legal resources in French. This French common law site offers

over 10,000 free legal and terminology resources in French. Aimed at both professionals and students of common law, Jurisource.ca makes available templates, infographics, decision summaries and other tools to encourage exchanges between professionals and facilitate practice in French. Cliquezjustice.ca is a French and Canada-wide website (outside Quebec) that clearly and concisely explains the rights of Canadian citizens based on everyday situations. The site addresses various areas of law and also offers turnkey workshops for education professionals.



The graphic features a yellow background. At the top left, it says "Jurisource.ca offers" in a sans-serif font. To the right is a yellow search bar with a magnifying glass icon. Below this, the number "1000" is written in a large, bold, dark blue font. To the right of "1000" is a yellow outline of the province of Ontario with the letters "ON" inside. Below the number and map, the text "FREE LEGAL + TERMINOLOGY RESOURCES in FRENCH" is written in a bold, dark blue font. A thin yellow line connects the "1000" to the Ontario map.

As a part of reconciliation and responding to the recommendations from the Truth and Reconciliation Commission, the Manitoba Bar Association offered educational resources to both the legal community and Bar Association staff to increase awareness of the legacy of the Indian Residential School System, support anti racism/ bias training and increase cultural competency as it relates to the Indigenous community.

Each year, Justice Pro Bono in Quebec organizes the Legal Clinics Forum, which brings together legal stakeholders around a topic that may be of interest to people working with vulnerable populations. The 11th edition of the Forum took place on December 13, 2019 at the École du Barreau and dealt with "Harassment (work, social networks, daily life): what legal tools exist to assist litigants?". Some 60 representatives from various legal clinics were able to learn and discuss best practices and tools available to assist individuals who are experiencing harassment, at work or elsewhere.

The Fonds Accès Justice of the Ministère de la Justice du Québec launched a directory of accredited civil mediators recognized by the Ministère de la Justice du Québec on December 11, 2019.

The U-40 Conflict Resolution Initiative is an ADRSK initiative providing support, networking & skill development for new dispute resolution professionals in Saskatchewan. It is supported by the Panko Collaborative Law and Mediation in Saskatoon SK.

JDG 7

INNOVATE

7.1 KEEP TRACK OF WHAT IS WORKING - Create a culture of innovation in the justice system by focusing on new ideas and learning about successes and failures.

7.2 SHARE GOOD IDEAS - Promote the sharing of new models, ideas and successes to expand the impact of innovation.

There are genuine challenges to innovation in the justice sector, including the need to protect the independence of the judiciary and the bar that creates separation between institutions and groups. The culture of precedent and tradition has hindered experimentation. Given the extent of the A2J challenge, the sector is changing, adopting new thinking, flexibility, experimentation and user-centred approaches. Innovation is often associated with technological changes, many of which are transforming how disputes are resolved. It also applies to how people deliver services or approach access to justice issues. In 2019, the A2J sector challenged its own approaches, opening the door to radical thinking and new ways to collaborate. Good ideas were piloted and experiments with technology and service delivery continue to deliver results.

Organizations saying this is their primary impact on A2J: **5** Projects aligned: **58**

Transformative Projects

Creative and innovative approaches were introduced in a number of exciting A2J projects across Canada. In collaboration with New Brunswick Department of Public Safety and the New Brunswick Community College (NBCC), Public Legal Education and Information Service of New Brunswick (PLEIS-NB) developed a free safety planning app for women experiencing intimate partner violence in New Brunswick. The app, called EVO, is available on both Android and iOS and in both French and English. The app helps women assess risk and create a strategic safety plan that bridges the isolation and fear of engaging in help-seeking behavior. EVO is particularly useful for rural/small town women who may not be aware of, or have access to, services, including family law information and legal services. The app has various safety features to protect users and their plans which can be updated on a regular basis. The app has served over 6000 people.



The Department of Justice for the Northwest Territories led and reported on a pilot program called Integrated Case Management. This project used a person-centred, strength-based approach to identifying barriers that NWT residents face when obtaining services and made recommendations for a more holistic approach to the provision of social envelope services.

The Legal Aid Application Processing Project for Legal Aid by Videoconference at the Rivière-des-Prairies Institution in Quebec, through the Centre communautaire juridique, became a permanent project in June 2019. This project accelerates the processing of legal aid applications by allowing accused persons to submit their applications as soon as they first appear before the courts, reducing the time it takes for legal aid staff to travel to various detention centres. Accused persons who end up at the Rivière Detention Centre-of the Prairies during videoconferencing can use videoconferencing to meet with a legal aid employee and apply for assistance.

Case Files by BullyFreeBC is a project aimed at developing a library of case files on complaints actions. These efforts

are often frustrating, complicated, and ineffectual. The goal of the project is to increase the likelihood of fair outcomes on individual complaints and better adjudication processes generally. The project is starting with complaints against large corporate entities offering essential services, such as government bodies, utilities, self-regulating professions, and public service agencies. This level of corporate operation directly interacts with individuals, and outcomes on problem resolution can impact security and prospects for success in life. The Case File library will catalogue individual cases and also provide resources to support further actions undertaken by members, with the goal of making the processes easier for everyone and more successful for someone else next time. At a later stage, supports will be added for self-representing litigants to take complaints to mediation/ court.

In response to the unmet need for poverty law services, the BC government and the Law Foundation of British Columbia launched the Legal Clinic Model for Delivery of Poverty Law and Specialized Legal Services: Recognizing the unmet need for poverty law services, with a commitment from the government of up to \$2M. While poverty law services are a key focus, other areas of law (including residential tenancy, disability law, immigration and refugee law) will also be a focus of the pilots. Seven clinics have been identified going forward (four poverty law and three specialty law), with the first two locations (tenancy legal clinic and a poverty law clinic) announced in the fall of 2019. The clinic model aligns with proposed approaches to improving legal aid service delivery discussed in the legal aid review report. The clinic model leverages the Law Foundation's existing network of over 40 legal advocacy providers in the province to provide information, advice and representation (as needed) to persons in rural and urban locations.

As of April 1, 2019, the Civil Resolution Tribunal (CRT) expanded its mandate to include minor motor vehicle injury claim disputes against the Insurance Corporation of British Columbia (ICBC) valued at up to \$50,000. This allows British Columbians to dispute motor vehicle injury claims in a more timely, inexpensive way that is more likely to reach a fair settlement focused on their overall health. The CRT uses online tools that make alternative dispute resolution processes more accessible, cost-effective and innovative. The CRT's expanded mandate has ultimately reduced pressures on the provincial court system and lowered ICBC's legal expenses while increasing access to justice for all British Columbians.

In early 2019, Community Legal Education Ontario launched its Rights Bites podcast series. The four podcasts draw attention to some common legal problems that affect newcomer tenants and workers in Ontario, and give information about legal rights. Each episode combines interviews with lawyers, community workers, and immigrants who have experience with either an employment law or housing law problem. The podcasts were developed for use in English as a Second Language and Language Instruction for Newcomers to Canada classrooms, with significant input from several adult instructors. Each podcast comes with a companion lesson plan and Canadian Learning Benchmark guidelines to help guide learners through the podcasts.

The podcasts have reached approximately 1,500 listeners, and the companion materials have been downloaded hundreds of times.



Collaborative Engagement in New Ideas

The Community Advocacy and Legal Centre in ON, hosted a special forum designed to engage the community in considering how to create a “justice eco-system” - in order to identify and help ameliorate the challenges people are facing in accessing justice at a local level. The forum was preceded by research - an on-line survey gathered information about the impact of cuts to legal aid, awareness and feedback about current legal aid services, as well as ideas for change. More than a dozen experts presented on access to justice challenges across all types of common legal problems. “Conversations that matter” using World Cafe facilitation principles followed and elicited more information about the devastating impact, the echo chambers that currently exist, and ideas and an emerging vision for how things could be different. The crowd was standing room only, attracting more than 90 participants from across the community, different service providers, politicians, and the helping and health professions. More Justice Cafes are planned.

Equity Lens Toolkit, developed by the Nova Scotia Barristers’ Society, is a starting point for lawyers, law firms, Society staff and volunteers who want to understand

how they can apply an equity lens to their work, decision-making and interactions with others. It is a handbook that describes how specific groups of people are at risk of being excluded and are impacted by systems of oppression including racism, sexism, ableism, and ethnocentrism. It helps lawyers become more aware of the diversity around them; develop and deliver services that are responsive to clients and communities they work with every day; create positive changes within their work environment and our profession, ultimately addressing systemic barriers and inequities people from equity seeking groups face.

The Action Group (TAG), Ontario’s A2J collaborative, launched an engagement with Civic Tech Toronto leading to the creation of the Law & Design CoLab (CoLab). TAG’s collaboration with the CoLab, composed of a team of 15 volunteers – with professional backgrounds ranging from user experience research and design, marketing, graphic design, coding, data science, consulting, education, law, and public policy – was strengthened in 2019. The CoLab’s aim is to amplify the work of partner organizations and empower their efforts on the front-lines of improving access to justice. This approach – with TAG as a facilitator of collaboration among diverse actors, CLEO as the provider of public legal education and Civic Tech Toronto as the expert on civic engagement and technology – represents a new model for cross-sector collaboration on access to justice issues.

The Continuing Legal Education Society of British Columbia brought leading thinkers and scholars, Gillian Hadfield and Margaret Hagan to the BC legal community to spur innovative thinking on shifting the provision of legal services and regulation to meet current demands and technology realities and support BC’s transformative A2J initiatives.

As part of the Rural Manitoba Program Enhancement Project, CLEA hired a project coordinator to do outreach work in rural Manitoba, canvassed the legal profession to recruit volunteers for the Speakers Bureau and lawyers for the Lawyer Referral Program. A Needs Assessment was sent to newcomer organizations, libraries, high schools where Law 40S is taught, First Nation organizations, RCMP detachments, seniors organizations, and domestic violence service providers to ascertain the legal education & information needs of the communities represented by the various service providers.

The Chief Justice and Chief Judge of BC, along with a former self-represented litigant held a live Twitter Town hall engaging with law students, lawyers and others in a discussion about access to justice challenges, opportunities and progress.

JDG 8

ANALYZE AND LEARN

8.1 DEVELOP METRICS - Establish benchmarks and standardized metrics to build a shared understanding of legal services, models and needs.

8.2 WORK WITH RESEARCHERS IN ALL FIELDS - Coordinate research between institutions and universities, and between social scientists, economists, system users, and legal institutions to better understand the issues.

Understanding the access to justice challenges people face is critical to making meaningful system changes. Viewing the problem from within the system provides only one perspective. Efforts to make user-centered and evidence based decisions rely on learning from many perspectives and collecting robust data.

Justice sector organizations have long collected statistics about their own operations. PLE organizations know how many people use or download their resources. Courts know how many cases are heard. Legal Aid tracks its clients' and lawyers' time and case work. Law Societies and Pro Bono organizations know about the activities of their members and volunteers.

In 2019, the access to justice sector in Canada strengthened its capacity at national and provincial levels, found innovative ways to evaluate and measure progress, and continued the work of ensuring that research drives better understanding and response to the A2J needs of communities across Canada.

Organizations saying this is their primary impact on A2J: **5** Projects aligned: **45**

Strengthening and Coordinating our Capacity

Access to justice continues to be a key priority for justice organizations, including dedicated resources and commitments nationally and in a number of provinces. In 2019, the Law Reform Commission of Nova Scotia transitioned to the Access to Justice & Law Reform Institute of Nova Scotia. The transition was as a result of recommendations of the Access to Justice Coordinating Committee of Nova Scotia. The Committee concluded that the Law Reform Commission should “serve as an access to justice hub and will be well-placed to coordinate projects that allow work encompassing both traditional law reform and access to justice orientation. This includes gathering and analysing data to help develop projects associated with government priorities, such as how to work collaboratively on access to justice initiatives, generating new policy goals, and developing legislative proposals to accomplish those goals.” Since January 2019, the Law Reform Commission has established a new Board of Directors, taken on the #TalkJustice project from the Coordinating Committee and has expanded its mandate to include A2J projects more generally.

The Access to Justice Centre for Excellence at the University of Victoria hired a full-time Director in 2019 to expand the research capability of ACE and to focus on mechanisms to integrate access to justice research in the law school in collaboration with faculty and students; research tools and mechanisms to share justice sector data such as a justice data commons; research on privacy aspects of data; participate in a national metric strategy creation.

In 2019, Justice Canada opened the Access to Justice Secretariat. The Secretariat will seek to advance people’s legal literacy and legal empowerment through an evidence-based, people-centered approach to justice that is guided by their needs and preferences. The mandate of the Access to Justice Secretariat is to promote and support a people-centred approach to justice and the full realization of SDG 16 in the federal government, as well as domestically and internationally, through: 1) broad outreach and engagement within government and with external partners and stakeholders; and 2) leadership and support on substantive access to justice policy and research initiatives.

The Law Society of New Brunswick established a common framework to pursue access to justice initiatives, share innovations and measure progress. The Task Force on Access to Justice conducted research on best practices and drafted a report that will be presented to council

early in 2020. The report includes recommendations for making legal services more accessible for the public and should include a new definition of the practice of law.

Prioritizing Evaluation

50%

of REPORTING ORGANIZATIONS

formally evaluated their A2J projects



Increasing the value and impact of results was approached in a creative and effective way across the country. The “Measuring the Impact of Legal Service Interventions” project, conducted by the Canadian Forum on Civil Justice is the first stage of a longitudinal impact study that aims to determine the effects of access to different types of legal services on the outcome of legal disputes on social, economic and personal costs, and on environmental scenarios over time. While this type of study is common in fields such as health and education, it is very new to the legal sector. The evidence to understand and assess the effectiveness of legal services delivery in improving access to justice in Canada is sparse. This project and the empirical evidence that it generates will make a difference for the public, governments, policy makers, funders, community legal clinics and other on-the-ground legal service providers.

The BC Human Rights Tribunal launched its access to justice initiative to improve user experience at the Tribunal. This involved bringing every member of the team together for an “ideas day”. As part of its efforts to move forward with its commitment to the Access to Justice Triple Aim, and Access to Justice experiments, the Tribunal invited a number of former self-represented parties to share their experience with the process. This past fall, four self-represented parties shared their stories, including the painful points in the process. One goal of these sessions was to allow the Tribunal to listen and connect at a human level with the public it serves. The Tribunal is embarking on experiments in 2020 to respond to the pain points. The first experiment is to simplify dismissal application submissions.

CREATE Justice spearheaded a data inventory and evaluation research project focused on justice sector

actors and organizations involved in resolving everyday legal problems in Saskatchewan. The purpose of the research is to understand the data collection practices of justice sector actors, the type of data that is being collected, and how data is being used to inform service delivery and justice system improvements. The research has provided a descriptive inventory of the state of data collection, analysis, and use for the Saskatchewan justice sector and has identified common trends, issues, gaps, and opportunities for improvement.

Legal Aid Ontario engaged in a comprehensive evaluation of grant funding provided to two community organizations to address school suspensions and expulsions of Black youth in Ontario. The evaluation revealed that the TAIBU Community Health Centre (in partnership with Rexdale Community Health Centre) had provided positive services reducing the number of Black youth out of school, resulting in a significantly lower cost per assist and greater value for money. Based on the evaluation results, in March 2019 LAO extended the education grant funding to TAIBU for 2019-2020.

The BC Assessment Authority is responsible for maintaining the assessment roll of properties in BC. Owners who do not agree with their assessment can file a complaint or appeal. Having completed a research project designed to improve the property assessment complaint and appeal process, a report including key findings along with options and opportunities to improve and transform the process was produced and process improvements are underway.

An evaluation was undertaken to assess the efficacy of MyLawBC, in terms of reaching target audiences, providing an accessible legal resource to users, providing users with needed legal information, and helping users resolve their legal issues and improve access to justice. Through web analytics data, questions of how users are making use of the pathways were also examined. Evaluation showed the resource is highly valued assistance to low income people experiencing legal problems for the first time. The Understanding Outcomes report focused on questions outside the scope of the evaluation, and in particular to provide a comparative frame of reference for the MyLawBC evaluation and google analytic results. The report identified a lack of common measurements internationally with regard to this relatively new format for delivering legal information.

Focusing Research on A2J Needs in Vulnerable Communities

Research on A2J Needs in Vulnerable Communities:

- Inuit women dealing with family violence
- Indigenous Peoples seeking to enforce their human rights
- Families and individuals with intersectional medical-legal issues
- People who are incarcerated
- Individuals and communities experiencing acts of hate
- English as an Additional Language speakers seeking legal information

“Access to Justice for Family Violence in Nunavut: A Research project and awareness campaign” is a partnership between The Law Society of Nunavut and Pauktuutit Inuit Women of Canada. This project focuses on the experiences of Inuit women dealing with family violence in Nunavut and involves a research study and an awareness campaign on the Family Abuse Intervention Act (FAIA). The research study component of this project will build more evidence on what is known on how the implementation of the Family Abuse Intervention Act is or is not meeting the needs of Inuit women experiencing intimate partner violence. The results of the research study will be used to develop key messages about family violence in Nunavut for the second component of the project, the public awareness campaign. Guided by Inuit societal values, the public awareness campaign will aim to empower Nunavummiut to recognize abusive situations and to increase public understanding about the Family Abuse Intervention Act and other available legal options.

The BC Human Rights Tribunal (BCHRT) commissioned a report from Ardith Walpetko We'dalx Walkem QC, which is based on a survey of 100+ Indigenous people. The report entitled “Expanding Our Vision – Cultural Equality and Indigenous Peoples’ Human Rights” contains key recommendations about how to transform the human rights structure and process, including to respond to the direction of UNDRIP, in British Columbia. Some recommendations relate to the need to increase lawyers skilled in this area, need for legal training and creation of Indigenous human rights legal aid funding, and need to re-conceptualize how we discuss and adjudicate Indigenous Peoples’ human rights. The report was prepared in 2019 and will be released publicly in January 2020.

The Mapping Study of Justice & Health Partnerships in Ontario and beyond identified 11 partnerships in Ontario,

as well as a small number emerging in other provinces. Preliminary results were shared at an International Legal Aid Group conference in June in Ottawa, as well as in a number of other forums. Nine of the partnerships are led by staff at Ontario's community legal clinics, one by Pro Bono Ontario, and one by a Legal Aid Ontario staff member. Each model is unique to its partners - there are 33 healthcare partners involved in those 11 partnerships. Most of the partnerships are funded either through Legal Aid Ontario core funding or special grants, with more projects funded by the LFO emerging later in 2019. The diverse impact of these partnerships was identified, as well as the learning needs of partners, and the evaluation strategies that are being used.

Legal Aid BC developed and launched a Reconciliation Action Plan (RAP) to guide decision making and service delivery at all levels of the organization. The plan demonstrates the society's commitment to improving access to justice for Indigenous peoples in BC, and to being a leader in the journey to reconciliation in Canada. To create the plan, Legal Aid BC considered:

- the Truth and Reconciliation Commission's Calls to Action and Principles,
- the recommendations in Grand Chief Ed John's report on Indigenous child welfare in BC,
- the United Nations Declaration on the Rights of Indigenous Peoples, and
- the need to reduce the number of Indigenous people in the child protection and criminal justice systems.

An Ontario-based research study entitled "Unmet Civil Legal Needs of People who have been Incarcerated at a Local Detention Centre" included interviews with people who had been formally incarcerated at the centre as well as service providers who help them before, after, and during release. Overseen by an Advisory Committee that included academic researchers, John Howard and Elizabeth Fry Societies, as well as Legal Aid Ontario, the study made a number of findings and approximately ten recommendations for next steps. A number of systemic legal issues were identified including the disabling impact of current social assistance regulations that prejudice the successful reintegration of people who have been incarcerated, including those only held on remand. Specially designed legal assistance programs will be needed to work effectively and efficiently with this vulnerable population. Overview report to be released in 2020.

La Commission des droits de la personne et des droits de la jeunesse in Quebec published a report entitled Xenophobic and Notably Islamophobic Acts of Hate, a qualitative study

of the experiences of 86 people who have faced acts of hate on one or more occasions. The report considers the experiences, the impact, the social response in the media and community, and the legal and other response mechanisms. It makes a series of recommendations aimed at increasing government leadership, supporting the documentation of hate acts, providing specialized training to police and improving the trust relations between police services and community groups.

The Legal Services Society of BC completed three research initiatives in 2019 to better understand legal education needs in BC, including:

- The Indigenous PLEI report addressed topics of law where information is needed, presentation and format of materials and delivery methods.
- A comprehensive review of the legal information needs of B.C.'s English as an Additional Language (EAL) speakers was carried out to identify gaps and to determine areas for improvement in the presentation and distribution of legal information to these communities.
- In order to assess community agency readiness for E-learning, LSS administered an online survey to solicit feedback from community workers and other helping professionals about their online training needs and preferences.

In Ontario, Community Legal Education Ontario (CLEO) completed three legal information pilots identified during exploratory research on the legal information needs of people who are incarcerated or who were formerly incarcerated. These research findings were published in early 2019. The pilot projects were:

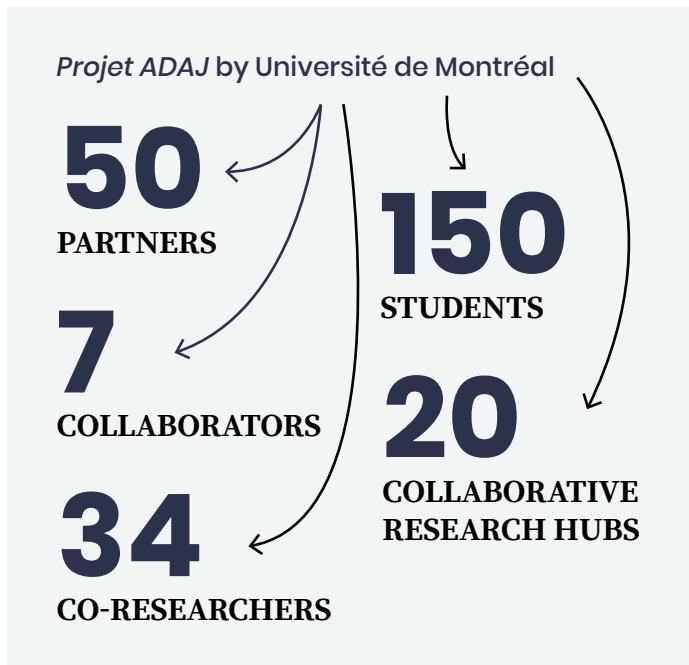
- exploring ways to get CLEO legal information into library and social work programs in jails and prisons. This resulted in a mass mailing and direct outreach to Northern institutions, which has boosted institutional orders of CLEO's legal information content.
- creating flowcharts on the arrest and bail processes with legal information included in the flowcharts to be posted on www.StepstoJustice.ca
- getting feedback on the legal life skills activity kits from three adult literacy sites that work with formerly incarcerated people, with the help of on-site instructors who used the materials with their learners.

Research conducted for Childminding Project by the Justice Sector Constellation found that a lack of reliable childcare prevents people from attending the Calgary Courts Centre. In addition, those who attend with children are often distracted or not focused on the task at hand. Having the option of childminding while the adult attends

to court business could protect children from this and also improve outcomes, as the adults would be able to fully apply themselves to their legal issue without worrying about the safety of their children. The next step for the Childminding Project is to identify gaps in available childminding services for those seeking to address legal issues at the Calgary Courts Centre, and facilitate client referrals to available services by justice sector and other service providers.

Ontario's Community Legal Clinics Annual Report - "Together Making the Equality Rights Dream a Reality" is a collection of accomplishments and access to justice activities undertaken by Ontario's 73 community legal clinics. The Report highlights the key strategies used in providing legal services to the most vulnerable in the province. The Report is used by clinics and to educate law and policy-makers on the importance of our work to protect the rights of the most disadvantaged. The Report was used this past year in conversations with government regarding the cuts to the budget for community legal clinics.

The Still Waiting for Disruption project, a joint research project by OCADU and CALIBRATE, explored the barriers facing legal tech entrepreneurs in finding success in access to justice entrepreneurship. The project conducted a survey of tech entrepreneurs, justice sector workers and self-represented litigants, and engaged in strategic foresight analysis to address the issue. Tools and a research paper are expected by 2020.



The Accessing Law and Justice Project (Projet ADAJ) led by the Université de Montréal is considering the issue of

the difficult relationships between the citizen and the legal sector in complex societies by considering knowledge and awareness of law as being elements of citizenship; adapting professional practices and institutional constraints in the field of justice to the actual state of social relationships; and the public and political legitimacy of contemporary legal and judicial institutions. The project has 34 co-researchers, 7 collaborators and over 50 partners, with 20 different collaborative research hubs and training for more than 150 students from a variety of disciplines.

The BC Utilities Commission conducted an inquiry into the appropriate degree and scope of proposed regulation of Indigenous utilities, which specified that the inquiry must be addressed through an Indigenous lens, particularly in light of UNDRIP. The BCUC hosted several community input sessions and workshops throughout the Province and provided capacity funding to Indigenous participants (with the assistance of the Province) to facilitate their participation.

Canadian A2J research published in 2019 included:

Click on the title to jump to the article

- [Investing in Justice: A Literature Review in Support of the Case for Improved Access](#) – Lisa Moore and Trevor C.W. Farrow
- [Access to Digital Justice: Fair and Efficient Processes for the Modern Age](#) – Orna Rabinovich-Einy and Ethan Katsh
- [The Role of Data in Organizing an Access to Justice Movement](#) – James Gamble and Amy Widman
- [Tracking Client Outcomes: A Qualitative Assessment of Civil Legal Aid’s Use of Outcomes Data, With Recommendations](#) – Amy Widman and David Udell
- [Someone Out There Helping: Final Report of the WellCoMs Mobile Van Project](#) – Ab Currie
- [Erga Omnes or Inter Partes? The Legal Effects of Federal Courts’ Constitutional Judgements](#) – Han-Ru Zhou
- [Seniors on the Stand: Accommodating Older Witnesses in Adversarial Trials](#) – Helene Love
- [Full Disclosure: Family Violence and Legal Ethics](#) – Deanne Sowter
- [Direct-to-Public Legal Digital Tools in Canada, A Draft Inventory](#) by Amy Salyzyn, William Burke and Angela Lee
- [Class Actions - Objectives, Experiences and Reforms, Final Report \(July 2019\)](#) – Law Commission of Ontario
- [Guide to Preparing for BC Small Claims Court \(June 2019\)](#) – Provincial Court of British Columbia
- [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#)
- [Protecting the Public Interest: Law Society Decision-Making After Trinity Western University](#) by Alice Woolley and Amy Salyzyn
- [Loyalty, Legality and Public Sector Lawyers](#) by John Mark Keyes
- [“Lawyers’ Monopoly? Think Again: The Reality of Non-Lawyer Legal Service Provision in Canada”](#) by Lisa Trabucco. The Canadian Bar Review online
- [A recent report by the Action Committee on Access to Justice in Civil and Family Matters](#)
- [Canadian Lawyer’s 2019 Annual Legal Fees Survey](#)
- [Economic Duress in Canadian Law: Towards a Principled Approach](#) by Hamish Stewart
- [The Political Purposes of the Canadian Charter of Rights and Freedoms](#) by Peter H Russell
- [Learning from Justice Metrics Models in Other Jurisdictions](#) by Tim Roberts and Associates Consulting for the University of Victoria Access to Justice Centre for Excellence (UVic ACE)
- [A Supreme Lack of Information: Why we know nothing about the outcomes of the majority of civil cases initiated in B.C.’s Supreme Court, and what can be done about it](#) by Tim Roberts & Associates Consulting for the University of Victoria Access to Justice Centre for Excellence (UVic ACE)
- [Roads to Revival, An External Review of Legal Aid Service Delivery in British Columbia](#) conducted for the Attorney General of BC by Jamie Maclaren, QC

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IMPROVE FUNDING STRATEGIES

9.1 COORDINATE TO SPEND MONEY WELL - Learn what the real costs of legal issues are and divert funding to prevent legal issues and minimize the demand on other social services.

9.2 BETTER FUND LEGAL AID - Increase funding of legal aid, to make more people eligible and to expand the types of legal problems that are eligible.

9.3 MAKE SURE THE MONEY LASTS - Maintain the focus on access to justice to ensure that improvements can be sustained and changes are funded indefinitely.

Stable funding for legal services is critical to existing and new access to justice services. Improved funding strategies would see more money allocated to legal aid in Canada, as well as to preventative approaches to understanding and managing conflict. It also means strategic use of that money by leveraging opportunities to work together, to avoid duplication and to learn from each other. Understanding the impact of unresolved legal conflict on people's finances, as well as on publicly funded services is also a part of a complex funding strategy.

In 2019, there was a significant dialogue across the country on the value of funding access to justice. An important study highlighting the positive return on investment in justice funding was countermanded by legal aid cuts in some provinces. The justice sector urged the bolstering of core funding for legal aid, showing support and recognition for the value of legal aid at all levels of government.

Organizations saying this is
their primary impact on A2J: **1**

Projects aligned: **16**

Reframing the Dialogue

Focusing political attention on the societal value of access to justice was the goal of several initiatives. A significant report from the Canadian Forum on Civil Justice entitled “Investing in Justice: A Literature Review in Support of the Case for Improved Access”, concluded that in most cases, the rate of return on investment in justice services and programs was found to be between CAD \$9 and \$16 for every CAD \$1 that is spent. The report examines a range of justice delivery mechanisms and initiatives in Canada, the U.S., South Africa, England and Wales, Australia and Bangladesh. Civil legal aid, community-based justice services, pro bono services and legal empowerment initiatives are just some of the justice mechanisms explored in terms of their return on investment and social return on investment potential.

“Across a diversity of justice programs, services and mechanisms around the world, spending on justice results in significant economic and other benefits that generally exceed the value of the investment.”

Investing in Justice (CFCJ)

In 2019, several CBA submissions advocated for greater access to justice:

- The CBA Immigration Section and OBA Immigration Section urged the federal government to address a funding gap for immigration and legal aid services in Ontario.
- The CBA requested that the federal government work with provincial and territorial governments to make Canada’s constitution officially bilingual.
- The CBA Criminal Justice Section commented on the access to justice implications of Bill C-75.
- The CBA Federal Court Bench and Bar Liaison Committee commented on the Federal Court’s strategy to improve access to justice including through modernization.
- The CBA’s Young Lawyers and Students Sections wrote to urge an expansion of a federal student loan forgiveness program for healthcare professionals working in underserved communities to include doctors and lawyers.

Supporting Legal Aid through Advocacy, Analysis and Financing

Legal aid was a focus across Canada as some provinces experienced significant cuts in funding and a number of legal aid plans underwent modernization reviews. The justice sector vocally supported the sustainability of legal aid as a critical element of our democracy and the rule of law.

The CBA conducted an important national engagement campaign entitled Legal Aid Matters to put access to justice on the candidates’ radar in the 2019 federal election. The CBA wrote to the federal party leaders and asked them to commit to dedicated federal legal aid funding, and adopting guiding principles for a national, integrated system of public legal assistance to meet the needs of disadvantaged people across Canada.

The CBA met with representatives of several national parties to discuss these issues. It also developed resources for CBA members and members of the public including:

- an online tool to allow them to write to candidates
- fact sheets to keep them informed
- messages they can share on social media

The government of British Columbia engaged Jamie Maclaren QC, to undertake a comprehensive review of legal aid service delivery models. The review focused on the effectiveness and efficiencies of legal aid service delivery in BC from the point of view of citizens who use legal aid services. A report, “Roads to Revival,” was submitted by the independent reviewer, and included 28 recommendations for government to consider in improving legal aid service delivery and funding strategies.

Likewise in BC, the government reached a 3-year agreement with the Legal Services Society and All, the association of legal aid lawyers, to increase legal aid tariff rates and establish a framework for future negotiations and ongoing policy consultations. The government of BC increased funding to the Legal Services Society, including through a \$4.3 million cost sharing agreement with Justice Canada. This funding has allowed for the expansion of family law services, including more hours for family law cases, increased duty counsel hours, expansion of Indigenous client support for family and child protections cases, as well as representation for extended family members in child protection cases.

In Ontario, the government established the Legal Aid Modernization Project, with the goal of developing proposals for modernized, client-focused and sustainable service delivery. Legal Aid Ontario worked in partnership with the Ministry of the Attorney General on proposals for

a modernized LAO as well as updated legislation that would support implementation of the new direction. A key part of the process was a stakeholder roundtable consultation process led by LAO's Chair involving over 115 individual participants and more than 80 written submissions. The consultations, which stressed the importance of client-centric service delivery, informed LAO's input to the province on modernized legal aid services and legislation. In December 2019 the Ontario Government introduced the Legal Aid Services Act, 2019 for first reading. It is expected to become law in 2020, and will help LAO to serve clients better.

Funding A2J Efforts

Progress in access to justice continues to require ongoing and project-based funding across Canada. In 2019, dedicated funds by Law Foundations and governments were critical to these initiatives.



The Access to Justice Fund of the Ministère de la Justice du Québec is allocated to funding projects or activities aimed at citizens and focused on access to justice. In 2019, the Fund funded:

- nearly \$2 million over two years to improve access to justice for the Inuit population
- \$1.5 million to support the mission of the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) to reduce processing times for complaints and to follow up on requests for youth protection
- \$575,000 to 27 community organizations involved in the fight against homophobia and transphobia
- more than \$2.6M at the Juripop Legal Clinic to provide free legal advice and support to victims of sexual violence.

The Justice Partnership and Innovation Program (JPIP) Fund, administered by Justice Canada provides grants and contributions to support projects and activities that encourage the development of new approaches, promote

access to justice, improve the capacity of service providers, foster the establishment of referral networks, and/or increase awareness of services available to victims of crime and their families. Specific funds are earmarked annually to provide support to survivors of human trafficking and sexual assault. In 2019, the JPIP awarded \$8,870,958 in grants and contributions supporting access to justice and the enhancement of justice services.



As an ongoing part of the response to the Report of the Inquiry into Missing and Murdered Indigenous Women and Girls, Justice Canada established and supported Family Information Liaison Units in every province and territory to increase family members' access to information that they are seeking from government agencies about their missing and murdered loved ones.

Funding from the Department of Justice Canada announced in 2018 for a \$50M investment in addressing sexual harassment in the workplace was put into action by the provinces. For example, in Saskatchewan, a coalition of local stakeholders are responsible for the allocation of those funds: the Saskatoon Industry-Education Council; Saskatchewan Chamber of Commerce; Sexual Assault Services of Saskatchewan; CREATE Justice, College of Law, University of Saskatchewan; and Saskatchewan Human Rights Commission. The strategy – to be implemented by the coalition and others – aims to dispel the myths and misinformation surrounding sexual harassment, train employees and employers, increase public awareness, and provide access to employment counselling for people who have experienced sexual harassment in the workplace.



Action Committee on Access to Justice
in Civil and Family Matters

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