

Working Toward Accessible Justice



Tracking Progress on Canada's Justice Development Goals in 2018



Action Committee on Access to
Justice in Civil and Family Matters

Generously funded by:



»»»»»»» Welcome from the Chair

In 2018 I enthusiastically accepted the role of Chair of the Action Committee from my colleague Tom Cromwell, who expertly shepherded it for ten years. I am pleased to be more actively involved in this important work.

The momentum and activity spurred by the Action Committee are impressive. It has established a foundation for change at the institutional, legal, community and individual level. This Report references 504 activities advancing the goals, conducted by 88 different organizations. I commend those who are taking risks, experimenting, and investing in new ideas.

However, the impact of these changes is not yet felt by enough people. We must maintain and expand these efforts to make meaningful progress on each of the Justice Development Goals.

I look forward to working with you on this critical effort.

Beverley McLachlin

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

RESULTS
504

88
ORGANIZATIONS

JURISDICTIONS
13

The Action Committee's JDGs

Canada's nine Justice Development Goals (JDGs) are a common framework to coordinate access to justice efforts, share innovations 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.

The Action Committee on Access to Justice in Civil and Family Matters (the Action Committee) is a national coordinating body that facilitates communication and collaboration across Canada. It works to connect, support and highlight the work of the individuals, organizations, institutions and collaboratives working at a national, regional or local level. To see who is involved and read about the JDGs, visit justicedevelopmentgoals.ca.

About this Report

This Report highlights 2018's new approaches and projects, 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.

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 organizations 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.

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»»»»»»»»»» The Goals

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Goal 1: Address Everyday Legal Problems

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

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Goal 2: Meet Legal Needs

- 2.1 Focus on legal needs for everyone
- 2.2 Encourage innovation
- 2.3 Expand scope of legal aid
- 2.4 Focus on access to justice

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Goal 3: Make Courts Work Better

- 3.1 Ensure access to courts
- 3.2 Promote multi service centres
- 3.3 Help people who are representing themselves
- 3.4 Manage cases effectively
- 3.5 Be accessible and user-focused
- 3.6 Protect judicial independence

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Goal 4: Improve Family Justice

- 4.1 Offer a broad range of services
- 4.2 Promote consensual resolution
- 4.3 Innovate
- 4.4 Restructure family courts

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Goal 5: Work Together

- 5.1 Establish coordinated efforts
- 5.2 Include everyone
- 5.3 Be bold; Take action
- 5.4 Work within institutions
- 5.5 Coordinate across Canada

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Goal 6: Build Capability

- 6.1 Educate law students and legal professionals
- 6.2 Expand justice education in schools

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Goal 7: Innovate

- 7.1 Keep track of what is working
- 7.2 Share good ideas

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Goal 8: Analyze and Learn

- 8.1 Develop metrics
- 8.2 Work with researchers in all fields

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Goal 9: Improve Funding Strategies

- 9.1 Coordinate to spend money well
- 9.2 Better fund legal aid
- 9.3 Make sure the money lasts

Goal 1

Goal 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.

Address Everyday Legal Problems

Building people's 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 supports can minimize the impact on their health, relationships and finances. In 2018 the range of triage, information and referral services expanded across the country.

Triage and Guided Pathways

Community Legal Education Ontario launched *Justice pas-à-pas*, the French language complement to its *Steps-to-Justice* site. It has guided over 1 million users through 495 legal information modules to plain language information, links to forms and referrals to supports. *MyLawBC.com*, a diagnostic and triage website, was updated by the Legal Services Society in response to user feedback. Its Dialogue Tool now offers a negotiation platform that lets people co-create separation agreements online, managing early stages of family transitions. L.S.S. also updated the backend tool for its guided pathways with plans to make it open source. The Family Justice Resource Centre in the Winnipeg courthouse provided triage and assistance filling out court forms to self-represented litigants. Pro Bono Ontario's Legal Hotline answered callers' questions about civil and family law issues. Summary advice was provided by legal aid in Nova Scotia and New Brunswick to people trying to understand a legal dispute. The Law Society of BC advocated for universal triage as part of its Vision for Publically Funded Legal Aid.

Steps to Justice / Justice pas-à-pas
online navigator had

1 million+
VISITORS



495
LEGAL INFORMATION
MODULES

Effective Referrals

A2JBC continued its support of the Family Justice Pathfinder Project, connecting families to services. It worked with students at TRU to develop a tool to help intermediaries make effective referrals, expanding the effectiveness of the project. Alberta Justice's *Call, Click, Come-in* service made referrals to ~25,000 people every month through either its Contact Centre or its eight courthouse based Centres. The People's Law School relaunched BC's Dial-a-Law service as an online resource at *dialalaw.ca* offering information on 130 everyday legal problems.

17,000
PEOPLE / MONTH

assisted by Alberta's Call, Click,
Come-in Service



8000
ALBERTANS

had one-on-one help understanding
court processes at 8 Resolution
Support Centres locations

Building Legal Capability

Increased legal capability makes it easier for people to prevent or respond to conflicts. The Canadian Bar Association promoted its *Legal Health Checks and Preventative Lawyering Toolkit*, resources to help lawyers build the legal capability of their clients. The CBA's Alberta branch developed Law Day activities centered around Legal Health Checks and its Dial-a-lawyer event. The BC Provincial Court published a *Guide to Disputing Tickets* and its *Court Support Person Guidelines*, both available on its website. The Chambre des notaires held a Citizens' Commission on family law in Quebec. The Saskatchewan Access to Legal Information Project, a partnership between CREATE Justice, Saskatchewan Legal Aid and other legal sector partners began its examination of early access in the province.

A2J Week

Annual public and community events were held in four provinces during A2J Week in October. The Action Group on Access to Justice (TAG) hosted programs on mental health, Indigenous language services and family law. An educational program offered by a cross-sector group of volunteers in Sault Ste. Marie invited an elder of the Garden River First Nation to speak with high school students about the significance of the eagle feather. In BC, students from all three law schools participated in sessions focused on empathy and understanding of self-represented litigants' needs. Activities took place for the first time in Alberta, focused on online programming. A2J Week activities run by the Saskatchewan Access to Justice Network included programming for students, legal professionals and the public.

Legal Information Sessions

Mediation Services offered free community information sessions in Manitoba. The Public Legal Education and Information Unit of Alberta Justice provided courses on family justice matters. Educaloi ran sessions on Navigating Health Care and Investing for Seniors in Quebec while the Chambre des notaires helped with Juripop's legal clinics. The Legal Help Centre offered 19 educational workshops on small claims, estates, family law and police interactions in Winnipeg. Association des juristes d'expression française de la Nouvelle-Écosse offered free phone or in-person services at the Bilingual Legal Information Centre in Nova Scotia. PLEA launched a website for the *Listen Project*, providing resources for survivors of sexual assault in Saskatchewan. The Greater Montreal Centre de justice de proximité ran information sessions on housing and consumer law for newcomers learning French. In Manitoba, CLEA ran a wills and estates conference, a speaker's bureau and a Community Legal Intermediary Training Course focused on legal capability.

Videos to assist self-represented litigants were produced by both Nova Scotia Legal Aid and the Nova Scotia Courts. High school students were invited to the "Spread the Love" Day at the courthouse and information sessions were delivered in partnership with Phoenix Youth Programs and reachAbility in Halifax. Saskatoon's community legal clinic, CLASSIC, focused on empowerment in its self-advocacy workshops. The Ontario Justice Education Network ran workshops for youth living in social housing about their rights with police. It delivered skills trainings for newcomers, young mothers and youth. In St. John's legal information sessions were held at the penitentiary. PLIAN also launched new resources for refugees, recent immigrants and temporary foreign workers in Newfoundland focused on residential tenancies, labour standards and family law. Community Legal Information Association of P.E.I. provided free presentations in the community and Islanders were invited to educational sessions at the Charlottetown Law Courts. Pro Bono Quebec partnered with Ungava Tulattavik Health Center to provided services and information sessions for women in Kuujuaq. It also launched the new version of *Quebec's Free or Low-Cost Legal Resources Directory* with updated information on 400 community supports at boussolejuridique.ca.

PLEIS-NB's toll-free bilingual family law information line assisted


2000
UNIQUE CALLERS 

New Resources on the Law

Print, video and audio resources about the law continued to be updated and expanded to meet the needs of more communities and to reflect changing laws. The Canadian Forum on Civil Justice published infographics on the different resolution options in family law. Legal Aid Ontario translated five of its brochures into the ten most-requested languages. The Law Society of Nunavut published a new comic on eviction issues in the territory. Educaloi completed new videos with complementary workshops on consumer rights, wills under the Indian Act and common legal issues faced by youth. Public Legal Education Association of Saskatchewan finalized new housing, family law and democracy resources and launched teacher.plea.org.

LawNow magazine published plain language information and commentary about the law. Community Legal Education Association in Manitoba distributed 5849 print publications including new brochures on wills, estates, powers of attorney and health directives. PLEIS-NB revised its Small Claims Court guide and created nine new family law fact sheets, in English and French, that were posted online and mailed out to key stakeholders.

Manitoba's Community Legal Education Association distributed

 **5849**
PLAIN LANGUAGE
LEGAL PUBLICATIONS
and had
344,685
VISITS to the WEBSITE

BC residents looking for legal information made

997,638

VISITS to the BC PROVINCIAL
COURTS WEBSITE



850,000

VISITS to the JES of BC'S WEBSITE

Finding the Law Online

Over 850,000 British Columbians visited one of the Justice Education Society's websites. 250 organizations were posted on the National Self-Represented Litigants Project online directory. Nova Scotia's Legal Information Society maintained its Wills App and offered a new Small Claims App. The Law Societies in Ontario and the Northwest Territories both updated their websites to focus on public access to information, lawyer referrals and resources. The wikibook *J.P. Boyd on Family Law* continues to offer up-to-date information about the system. The Quebec Ministry of Justice promoted legal services across social media. The BC Provincial Court was active on Twitter and its biweekly newsletters explaining court processes had 60,431 views.

Reaching More People

Justice Canada used a gender lens to highlight equality in its legislative drafting and reform. The Law Foundation of BC granted \$2 million to public legal education and information. In Ontario, Law Foundation funding produced 79,595 text, video and audio resources and trained 38,427 youth and adults. The Law Society of Ontario launched a public awareness campaign - *Our Society is Your Society* - in print, transit, radio and digital media to generate understanding of what the LSO does and how the public can access legal services when they need them.

The Law Foundation of Ontario
funding resulted in

38,427
YOUTH and ADULTS
RECEIVING TRAINING



79,595
TEXT, VIDEO, AUDIO RESOURCES

»»»»»»»»»» Goal 2

Goal 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.

Meet Legal Needs

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. This summary of projects and changes to legal services are some of the new ways to meet legal needs instituted in 2018.

New Legal Services

Local and regional service providers developed new services to meet legal needs. The Ministry of Attorney General opened five Parent Legal Centres in BC, with the Legal Services Society providing early intervention in child protection cases, improved access for Indigenous people and legal aid for on reserve matrimonial property disputes. A2JBC and the Family Justice Pathfinder added guided pathway referral services and a new tool, developed by law students, to assist intermediaries. BC's Collaborative Roster Society provided access to an interdisciplinary team for people who meet low-income eligibility. Nova Scotia Legal Aid piloted an early resolution model in child protection cases. CLASSIC, a community-based legal clinic in Saskatoon, offered walk-in legal advice in 25 areas of law. Legal Aid Manitoba conducted consultations with Indigenous people and partnered with First Nations to pilot audio, video and digital technologies for remote locations. Mediation Services answered questions about neighbour conflicts and by-law disputes in Manitoba. Justice Canada provided funding for legal aid, victims services and families, supporting local service delivery in territories and provinces. A new residential tenancies portal simplified the process for landlords and tenants in BC. The Legal Help Centre served over 2000 clients at its Winnipeg drop-in clinic and its Family Law and Consumer Protection clinics.

Legal Aid Ontario increased the eligibility cut off by another 6% in 2018 and made changes to its certificate program. Certificates for legal aid services are now available to grandparents in child protection cases, for restraining orders, and for substitute decision makers at the Consent and Capacity Board, including for end of life proceedings. Non-litigation procedures also now qualify for certificates including for mediation, separation agreements, customary care agreements and Aboriginal alternative dispute resolutions processes. Legal aid is now available on an expanded basis in domestic violence situations. In Ontario, the Newfoundland and Labrador, Access Clinics and pop-up legal Clinics were offered in three cities. A wills clinic in P.E.I. helped Islanders make decisions and prepare documents about their wishes. Quebec opened two new Centres de justice de proximité, bringing the total number of CJPs to nine.

Telephone Access

New telephone services were launched in many parts of Canada, connecting legal professionals with people in

remote communities. In Nova Scotia a partnership with 211 services expanded the availability of legal information. The Legal Information Society of Nova Scotia ran its legal helpline and Live Chat. Nova Scotia Legal Aid offered twice weekly online chats. Legal Aid in the Northwest Territories offered mediation services by phone or skype and NWT court proceedings were available by phone. Access Pro Bono once again established telephone-based legal advice for people displaced by wildfires in BC. Community Legal Education Association in Manitoba offered phone-based legal information and lawyer referrals. Pro Bono Ontario's Legal Helpline took calls from 14,380 people. The BC Ministry of Attorney General piloted a telephone-based service answering employment law questions in over 100 languages.

Specialized Services

Legal Service Society's *MyLawBC.com* site now lets people easily create twenty-two different styles of wills through automated document assembly. The Ontario government established a fund to support victims of human trafficking. A new Sexual Violence Legal Support Service was established in Newfoundland and Labrador. The Government of the Northwest Territories offered *Parenting After Separation* courses and family law Duty Counsel across the territory. Nova Scotia saw a new Refugee Clinic open in Halifax. LISNS launched a new partnership with the Nova Scotia Health Authority to draft Power of Attorney forms for people living in palliative care. The province also opened its first medical-legal partnership at the children's hospital. Winnipeg's Legal Health Centre conducted outreach to newcomer organizations to assess the legal needs of people arriving in Canada. The Centre de justice de proximité in Outaouais piloted a new small claims project, working with law students. Legal Clinics were run at Gathering Place and Choices for Youth by PLIANS in St. Johns, working with legal partners to provide services to homeless and vulnerable adults and youth. This pop-up clinic model was also offered at a women's shelter and at Memorial University's centre for international students.

The new *Justice in Time* project placed a staff lawyer at a food bank, in doctors' offices and at a youth centre in Hamilton, bringing legal services to people who need them under Legal Aid Ontario's *Mental Health Strategy*. The Integrated Legal Services Office allowed low-income people in Ottawa to get family, immigration and refugee

advice at the same location. LAO delivered legal services at the Rexdale Community Hub in Toronto, integrated with health, employment and social services. A new pilot in the Yukon started training Yukon-based Gladue writers to prepare Gladue Reports for Indigenous offenders.

New Courthouse Approaches

A Court of Appeal Legal Assistance Clinic and Small Claims Legal Assistance Clinic were both offered in Newfoundland and Labrador, providing help to self-represented litigants in the courthouse. Justice Canada funded new Indigenous court workers. Albertans can now get resolution support and information services in eight court-based locations. In Manitoba Courts, self-represented litigants can get mediation, assistance and alternative to court options at the Family Justice Resources Centre.

New Legislation

The BC Human Rights Code was amended to reflect public recommendations, re-establishing the independent Human Rights Commissioner with a mandate to protect and educate British Columbians. BC made it possible for people who do not identify as either female or male to display X as a third choice in the gender field on government-issued identification. The Ministry of Attorney General also ensured that strategic lawsuits cannot be used to prevent British Columbians from participating in or expressing their views on issues of public interest. New Brunswick passed its new Intimate Partner Violence Intervention Act.

Pro Bono Ontario's new Free Legal Advice Hotline served

14,380
CALLERS

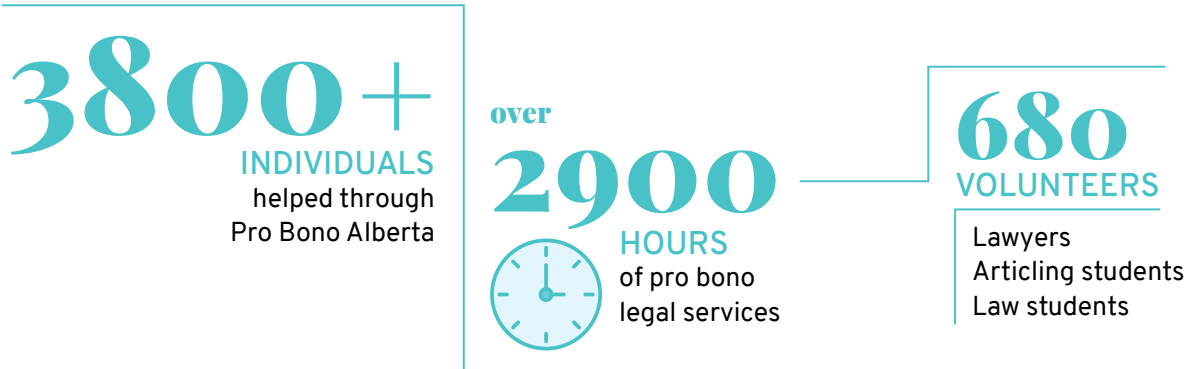


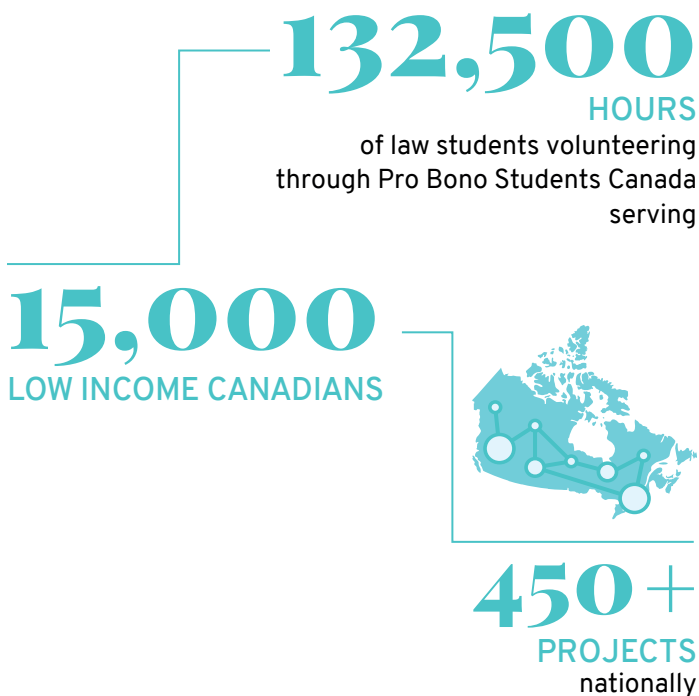
81%
INQUIRIES

were resolved by the Hotline

Pro Bono

Pro Bono organizations across the country connected lawyers willing to provide free legal advice with individuals, non-profits and small businesses. They each also delivered targeted projects to meet specific needs. Pro Bono Alberta offered its Civil Claims Program in courts. Pro Bono Ontario ran Power of Attorney clinics and a consumer protection initiative focused on the elderly. It also expanded its amicus duty counsel program to support self-represented litigants. Pro Bono Students Canada helped the Community Legal Education Association in Manitoba to make all of its legal information available in French. Pro Bono Saskatchewan delivered 12 free clinics in locations where vulnerable people already receive services, such as at the Salvation Army. It also ran seven Panels connecting people to volunteer lawyers with specialized expertise. Pro Bono Quebec offered its mobile legal clinic on family law and assisted low-income families in hospital.





licensees. The Law Society of New Brunswick expanded the scope of practice for students-at-law. The Law Society of BC expanded the roles for articling students and created a Designated Paralegal category. It also requested that the province change the Legal Profession Act to allow for a new class of legal service provider, initially in family law. The government passed the amended legislation, paving the way for paralegal services in the province.

Reaching More People

The Law Foundation of BC funded services in every community with 10,000 people or more. The Association of Community Legal Clinics of Ontario provided legal information and advice to over 240,000 low income Ontarians at 17 speciality and 57 geographic clinics across the province. Projects funded by the Law Foundation of Ontario engaged 3,359 lawyers, paralegals and law students to provide 98,713 hours of pro bono legal advice to 44,492 clients.

Unbundling Legal Services

The People’s Law School launched unbunling.ca to help people in BC work with lawyers offering unbundled legal services. In Alberta a roster of 60 lawyers is offering unbundled legal services connected through a website that shares J.B. Boyd’s research into the needs and service options. Riverside Family Law and Adjudication launched *SaskFamilyLawAdvisor.ca* website promoting unbundled legal services and coaching.

Changing the Practice of Law

Ontario’s Law Society published *An Abiding Interest*, a report on how the LSO can support the work of Legal Aid Ontario. The Law Society of Alberta investigated options for part-time legal practice to make it easier for more lawyers to stay in private practice, increasing the legal services available. BC conducted an independent Legal Aid Services Review, inviting submissions about legal aid needs in the province.

Law Societies in many provinces worked with their respective ministries of justice to explore alternative practice models. In Saskatchewan, in partnership with CREATE Justice, the Law Society initiated an Alternative Legal Service Providers project. Manitoba’s Law Society requested a change to the legislation to create new categories of service providers including technicians or paralegals, non-profits and limited

Goal 3

Goal 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.

Make Courts Work Better

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 addition to constant evolution in the court system, 2018 saw specific innovations in court-based services to address access to justice challenges.

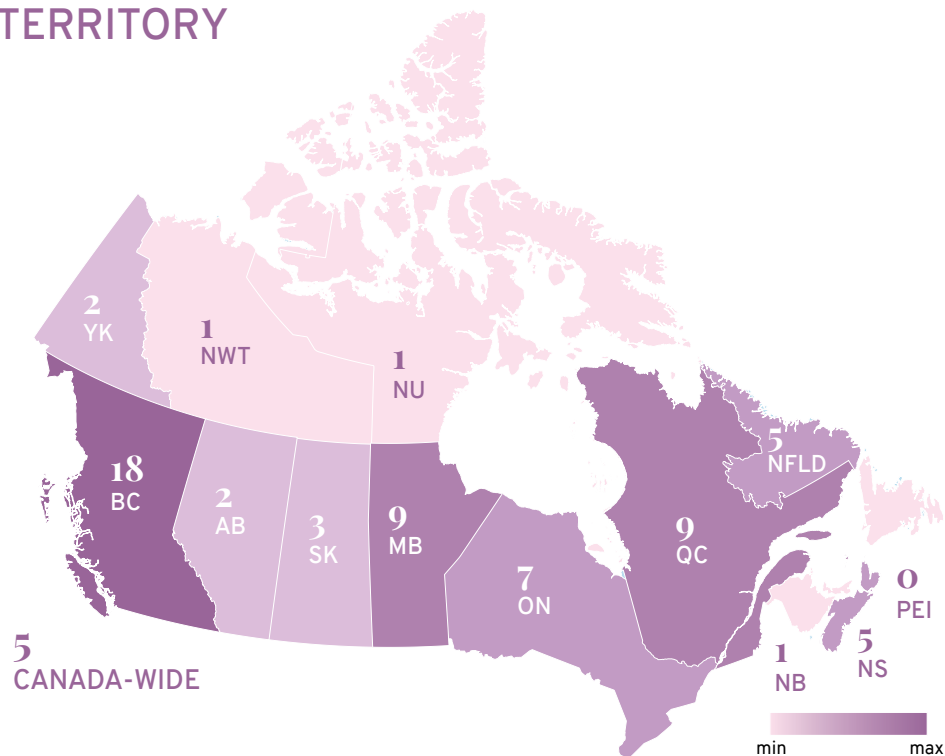
New Court Processes

New processes or integration of services within courthouses provide more options for resolution. Research into early intervention was the basis for a pilot project in Alberta's Court of Queen's Bench providing responsive services early in the court process. Legal Aid Ontario had on-site mediators available in three courthouses and mediation is available in Private Prosecution Courts in Manitoba. BC's Northern Navigator program lets provincial court judges refer litigants to a navigator who makes referrals, helps to simplify issues and assesses the prospect of a mediated settlement. Community Wellness Courts in the Yukon offered integrated health and addiction services. In Nova Scotia, the Wellness Court Program expanded to 9 locations, one focused on Indigenous people, that each offer a trauma-informed approach. In Windsor duty counsel is available at Landlord Tenant Board Hearings, providing immediate advice in housing disputes. BC's Courthouse Libraries expanded its staff in three locations, now offering full-time support to the public in seven courthouse libraries.

The Newfoundland and Labrador Court of Appeal introduced status hearings for cases in which people are representing

themselves. At these hearings, the judge ensures that self-represented litigants are aware of the procedural steps, understand the process and have access to legal aid. The Supreme Court in that province adopted new rules and simplified forms. In Quebec, an evaluation of the small claims mediation program is underway, assessing the effectiveness of this partnership, while its consumer rights focused PARLe Pre-Adjudicative Mediation Pilot continued through 2018. The Winkler Institute for Dispute Resolution's Small Claims Mediation Partnership at two Toronto courthouses completed 54 mediations with 84% of participants reporting satisfaction with the program. The limit for small claims disputes in New Brunswick was increased to \$20,000. Saskatchewan's branch of the Canadian Bar Association managed a fund that covers the cost of disbursements in pro bono cases. The Canadian Association of Provincial Court Judges developed resources for judges to improve the administration of justice in cases where one or more parties are self-represented, sharing perspectives and approaches across Canada.

»»»»»»»» NUMBER OF PROJECTS BY PROVINCE/TERRITORY



Indigenous Courts

BC opened an Indigenous and First Nations Specialty Court in Prince George, bringing the number of Indigenous Courts in the province to six. The Barreau du Quebec has been active with other justice sector partners in responding to demands for reform to the justice system in Nunavik. New Community Justice Centres in Kenora, London and Toronto moved cases involving Indigenous people from a traditional courtroom into a community setting with access to holistic supports.

Timely Resolution

In 2018 many new initiatives focused on quicker access to justice sector supports or better use of existing resources. In BC the *Have a Judge / Need a Judge* scheduling tool facilitated access to provincial court judges whose cases had resolved, leaving open time in their schedule. Video conferencing allowed these judges to hear cases in other courthouses, avoiding delays or backlogs. A pilot project in Quebec introduced a swift collections model for small claims awards under \$2000 while another pilot project addressed late payments in the construction industry. Manitoba's two levels of court made changes to the rules and issued instructions to lawyers requiring timely case progression.

Technology and Infrastructure

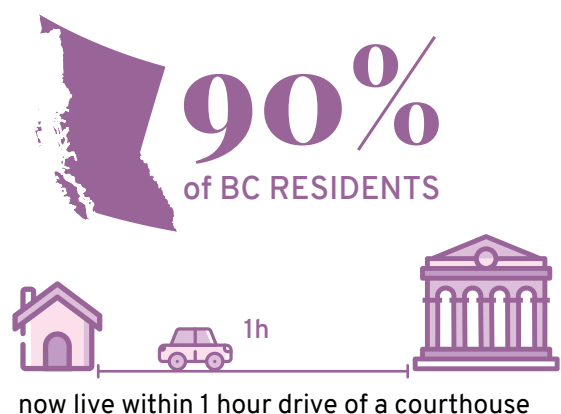
New courthouses are being built in Abbotsford and Toronto, expanding the capacity for more versatile use of space and technology. In BC, 90% of residents now live within a one hour drive of a courthouse. BC hired more sheriffs and administrative staff in courts to ensure that courthouses can meet the needs of visitors. Manitoba courts expanded the use of technology to make processing traffic tickets and provincial offences more efficient. Newfoundland's Central Registry of Divorce Proceedings was fully digitized and St. John's court registries were combined, making it quicker and easier to get information or schedule legal matters. A 20-year contract was signed to digitize and maintain an electronic Land Titles Registry in the Yukon. E-filing is now available in BC's Court of Appeal.

An online Divorce Assistant was launched in BC helping people to navigate the steps in a divorce. The Law Society of Nunavut continues to provide legal services through its Inuktitut hotline while Pro Bono Ontario's Free Legal Advice Hotline answers people's legal questions prior to arriving at court.

Working Collaboratively

Cross-sector committees in every jurisdiction continue to examine how court rules and forms can be changed to make the system more accessible while still protecting people's rights. In Nova Scotia collaboration on the Equality and Courts Committee and the Criminal Justice Transformation Committee focused on access to justice. The Canadian Bar Association advocated nationally for privacy protections, judicial independence and access to justice in legislative and procedural reforms.

New legislation in BC addressed the challenge of filing child support applications in different provinces or countries, now providing caseworkers to assist people in reaching cross-jurisdictional agreements. BC's Class Proceedings Act was also amended to reduce duplication of class actions between provinces and require notification of related cases. The Quebec Justice Ministry released a new *Stratégie ministérielle de promotion et de développement des modes de prévention et de règlement des différends en matière civile et commerciale* that sets priorities for expanding mediation and certifying agencies to provide civil mediation. A2JBC's Triple Aim approach to measuring access to justice was adopted by more justice sector players improving the data and collaboration in the province.



Communication

The provincial court in BC released new resources about judicial independence and how to make complaints about judges. Justice Canada expanded supports for victims and witness with new funding and services for those appearing in court. Jurors in BC are now eligible for counselling after serving on a jury through the new Juror Support Program. The Newfoundland and Labrador Supreme Court published a guide for media and members of the public trying to access court records. More court and tribunal decisions across the country are published online and promoted through Twitter.

Continual Learning

Ongoing professional development is a longstanding requirement for all lawyers and judges. Many professional training programs focused on access to justice in 2018. As part of its response to the Truth and Reconciliation Commission's Calls to Action, the Law Society of Alberta offered free training on Indigenous issues and cultural awareness. Educaloï offered a summer school for judges focused on how to write decisions in plain language. The Court of Quebec trained its judges on access to justice issues.

»»»»»»»»»» Goal 4

Goal 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.

Improve Family Justice

Family law continues to be a 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 addition to the specialized focus on judges and lawyers delivering these ongoing legal services, 2018 saw many new initiatives that strive to create more accessible paths to family law resolution.

Early Resolution of Family Disputes

Mediation was a focus of many new initiatives in 2018. Legal Aid Ontario introduced new certificates that provide people with legal help to pursue mediation or out-of-court early resolution of family issues. It also provided funding for Independent Legal Advice prior to signing a separation agreement. The BC Provincial Court piloted a program that lets judges refer families to four hours of free mediation. In Whitehorse, an alternative to court program helps parents resolve child-related matters while the Yukon Family Mediation Service offers families mediation support throughout the territory. In the Northwest Territories, the Family Law Mediation Program is available in person, by skype and by telephone, ensuring early resolution options are available in remote communities.

Integrated Services

The family law system is working with other professions to integrate services in periods of family transition. Alberta's Ministry of Justice is working with the Family & Counselling Services Society to pilot a Family Justice Navigator in two locations. This Navigator model offers counselling, parenting support, trauma-informed services and community supports throughout the separation and divorce process. BC's Locate Services matches people's needs with local resolution services. The Quebec Ministry of Justice financed a new *Protocole Parentalité-Conflic-Résolution* pilot that makes psychosocial services available at the courthouse. The Legal Information Society of Nova Scotia offered training to over 40 community service workers on 20 family law topics including how to fill out of family law forms. In BC, the *Skills for Changing Families* program offers skills development and psycho-educational counselling to families to avoid ongoing conflict and repeated court appearances. New initiatives focused on parenting and child support issues with programs to help parenting after separation were offered in many provinces and territories.

Indigenous Child Welfare

The Cowichan Tribes have started a project that will see Cowichan traditional laws applied in BC courts in child protection cases. Alberta's Reforming the Family Justice System project has sought guidance from Indigenous leaders and organizations in its approaches to family violence and child welfare as part of its response to the Truth and Reconciliation Commission's Calls to Action.

Educaloi worked with the First Nations of Quebec and Labrador Health and Social Services Commission to launch an Indigenous customary adoption project.

Supporting Self-Represented Litigants

New supports for self-represented litigants were launched in many jurisdictions. The Legal Services Society introduced a Dialogue Tool on *MyLawBC.com* that helps partners reach agreement on family matters. Community Legal Education Association in Ontario expanded its Guided Pathways to support family disputes. The Form Wizard on the Public Legal Education Association of Saskatchewan's website was expanded, helping people generate their family court forms. A new Family Law Forms Builder was also launched in Newfoundland and Labrador by PLIAN.

New videos about the myths and realities of family disputes were produced by Educaloi. Nova Scotia Legal Aid offered weekly online chats on family law to help people understand their conflicts. *SaskFamilyLawAdvisor.ca* offered legal coaching to self-represented litigants. Legal Aid Ontario's East Toronto Outreach Program now allows people to pre-book a meeting with a legal aid lawyer who will meet them in their neighbourhood to explain legal processes and assist with forms. The Family Justice Resource Centre, located in the Winnipeg Court Complex, offered in-person and telephone support to families throughout Manitoba. The Law Foundation of BC created a family law advocacy network composed of 20 new family advocates across the province. Quebec's Pro Bono Clinique Porte 33 offered Quebecers 45 minutes of time with a volunteer lawyer to discuss family separation issues.

The Public Legal Education and Information Service of New Brunswick held a *Do Your Own (Uncontested) Divorce* course. Community Legal Education Association offered a \$25 guide for uncontested divorces in Manitoba and delivered family law presentations at the Winnipeg Public Library. The National Self-Represented Litigants Project developed partnerships and resources to put its family law supports in public libraries in Windsor. The Regina Family Law Free Legal Clinic opened its doors in 2018, adding to Pro Bono Saskatchewan's family law services. Legal Aid Manitoba offered free Duty Counsel at the beginning of all child protection cases. BC's Unbundling Roster expanded the number of family lawyers willing to provide unbundled or partial legal representation.

Courthouse Changes

New Brunswick's Family Case Management Model was expanded to Moncton, providing a triage coordinator, case management, legal information personnel and lawyers. The family law reform initiative in Manitoba is providing an alternative service model with self-help technology, triage, and collaborative dispute resolution assistance. Alberta's Resolution and Court Administration Service offered intake, dispute resolution and parenting courses. In Nova Scotia, a pilot project offered online court hearings in family matters. The Quebec Court piloted an adapted judicial process that combines clinical intervention in cases of intensive conflict during separation. The Canadian Bar Association continued to advocate for unified family courts.

Changing Lawyers' Practice

As legal service delivery changes, so has the practice of law in family matters. The Canadian Bar Association developed a professional education toolkit for lawyers on parenting apart, based on experiences in BC, Alberta and Ontario. The BC Law Society has ensured that lawyers acting as family mediators or parenting coordinators have met advanced educational requirements. The BC Collaborative Roster Society offered pro bono collaborative practice as a non-adversarial alternative model. Law Societies in Manitoba and Alberta offered professional development for lawyers to learn new family rules or update their practice approach. The Law Society, the government and professional associations in BC are exploring the potential of paralegals offering family law services. Legal Aid Manitoba incentivized quick and final resolution of family matters through its tariff structure.

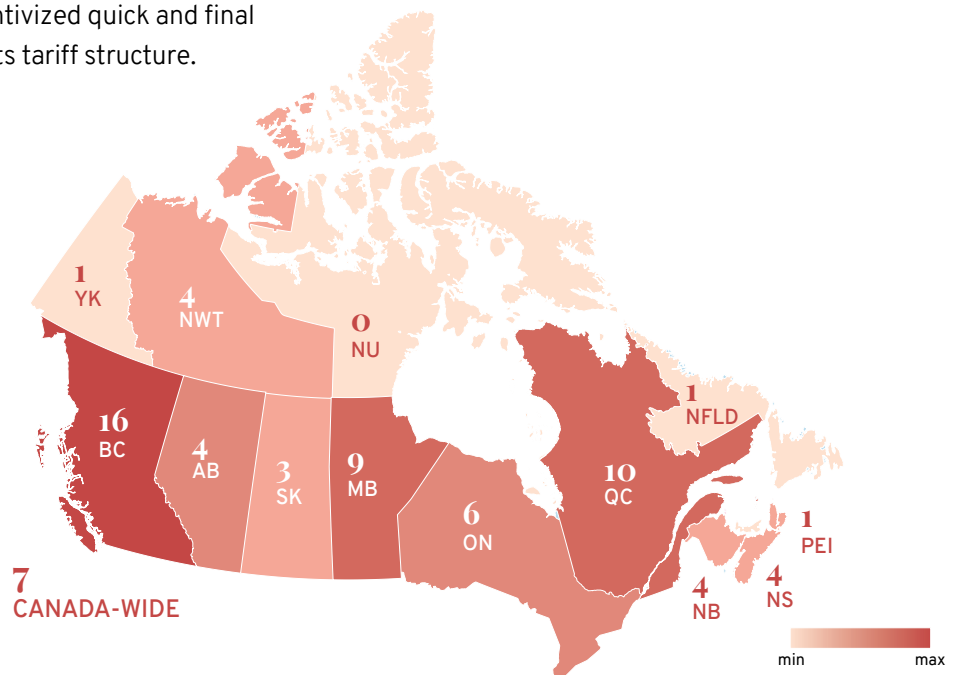
Legislative Changes

New Brunswick's new Intimate Partner Violence Act resulted in new training and implementation in the province. In BC, legislative changes allows a person's driver's license to be cancelled if they have substantial support payments arrears. Online access to family support information now makes it easier for individuals to access support payment information and integrate with online calculators and related services in BC. Throughout 2018 many legal organizations, including the Canadian Bar Association, participated in Justice Canada's efforts to amend the Divorce Act and related legislation, to better protect the best interest of the child and to simplify divorce proceedings.

Listening to Users

Over the course of the year, opportunities to listen to users of the family law system informed changes in every jurisdiction. In Quebec, the Chambre des Notaires conducted a Citizen's Commission on Family law, holding consultations in six cities. The BC Family Justice Innovation Lab launched its *Youth Voices* project, building young people's capacity to have their voices heard both by the justice system and by their parents. The Canadian Research Institute for Law and the Family organized a national symposium on children's participation in justice processes.

NUMBER OF PROJECTS BY PROVINCE/TERRITORY



»»»»»»»»»» Goal 5

Goal 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.

Work Together

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 for 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 also created two vehicles 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 communication tools and other Action Committee news can be found at justicedevelopmentgoals.ca

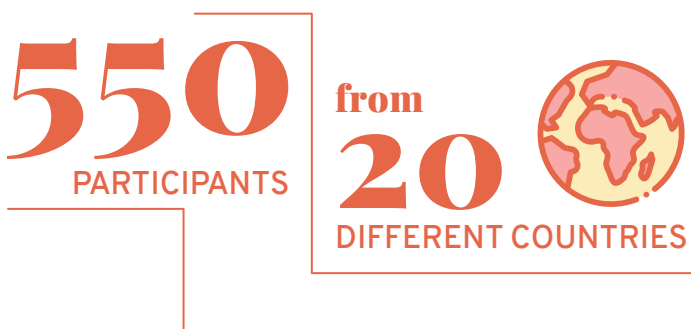
International Coordination

The Action Committee's 2017 *Report on A2J Progress* was included as part of Canada's Voluntary National Review to the United Nations, highlighting progress on the UN's sustainable development goals under Agenda 2030. The Action Committee also worked with the World Justice Project, linking its biannual *Access to Justice Index* with Canada's efforts and promoting Canada's JDGs model.

Educaloi built international connections by hosting the bi-annual Clarity conference in Montreal, with support from Justice Canada, Heritage Canada and the Quebec Ministry of Justice. 550 delegates from around the world came to discuss strategies for plain language legal communication. The Canadian Forum on Civil Justice launched its Community-Based Justice Research project working in Canada, Kenya, Sierra Leone, the U.S.A. and South Africa.

Between Governments

Alberta's Reforming the Family Justice System project worked with other provincial ministries to coordinate social services, health and educational resources to address the causes and impacts of family conflict. It participated in a Cross-Ministerial Working Group to create a model for Integrated Supports and Services in Alberta Schools and worked with organizations focused on the prevention of domestic violence. The Law Society in Manitoba asked the Attorney General to amend its legislation to permit alternative legal service models including provisions for legal technicians, paralegals and legal services provided by civil society.



attended the Clarity Conference in Montreal focused on plain language writing

With Other Professions

BC's Family Justice Innovation Lab worked with organization within and outside the justice system using a human-centered design model to create an experimental approach to experiential learning about the system. The Legal Innovation Zone at Ryerson University held an AI Challenge, working with tech start-ups to apply artificial intelligence innovation to legal processes. The Autonomy through Cyberjustice Technology project was launched, bringing together researchers, academics and community partners like PLEAC from across Canada and internationally.

The Canadian Research Institute for Law and the Family worked with researchers and experts in ministries, advocacy bodies and community groups. The Law Society of Nunavut partnered with Pauktuutit Inuit Women of Canada to focus on unmet legal needs and research into domestic violence in the territory. Medical-legal partnerships continue in Ontario (Pro Bono Ontario) and Saskatchewan (CREATE Justice). Legal Aid Ontario funded a legal aid worker at Six Nations of the Grand River. The fifth *Cultivating the Dialogue* conference was held by the National Self-Represented Litigants Project bringing together self-represented litigants to discuss their experiences with people working in the justice system. The Law Foundation of Ontario funded 66 learning events for intermediaries.

With Indigenous People

Law Societies and Bar Associations are working collaboratively with Indigenous organizations and leaders. Courthouse Libraries in BC established a Truth and Reconciliation Commission Working Group, as did the BC Law Society. The Federation of Law Societies of Canada's national TRC Working Group examined responses to the Calls to Action. The Manitoba Bar Association signed on as a partner to the City of Winnipeg's Indigenous Accord. The BC government worked collaboratively with First Nations to develop Draft Principles to Guide the Province of BC's Relationship with Indigenous People.

Across the Justice System

The Action Committee continues to facilitate national collaboration, inviting people to join its annual pop-up Communities of Practice to share ideas and innovations in other sectors. Within each province and territory, collaboration across the sector expanded over the past

year. A2JBC secured formal endorsement for its Triple Aim Approach from 30 institutions. It also facilitated cross-sector coordination through its Unbundling Working Group, Steering Committee and promotion of its measurement framework in law reform efforts in BC.

30+ formally endorsed A2JBC's cross-sector commitment to access to justice

**ORGANIZATIONS
LEARNING FROM EACH OTHER**

The Public Legal Education Association of Canada connected PLEI organizations in every jurisdiction. The Federation of Law Societies and the Canadian Bar Association both had active Access to Justice Committees and coordinated with their provincial and territorial affiliates. The Canadian Association of Provincial Court Judges and the Superior Court Judges Association provided a platform for judges to share challenges, resources and new approaches. Alberta's Reforming the Family Justice System project worked with Divorce Magazine, participating in its four Divorce Symposiums, to encourage the private sector to offer supports for families.

Access to Justice week, first established by TAG in Ontario in October of 2016, was celebrated in BC, Saskatchewan Ontario, and for the first time in Alberta in 2018. The week of public events, learning symposiums and connection with intermediaries in other professions continues to raise awareness about the relevance of access to justice to all Canadians. BC's events were a collaboration between the province's three law schools, connecting law students with self-represented litigants to build understanding of the challenges people face when dealing with legal issues.

In Quebec a retreat on access to justice brought people from government, courts and professional associations together, as did the annual Justice Summit in BC. Access Pro Bono hosted the 7th annual Pro Bono conference in Vancouver. CREATE Justice hosted 'telephone huddles' to connect people across Saskatchewan and published monthly bulletins of A2J activities. #TalkJustice continued to inform the Nova Scotia Barristers' Society's Race Equity and Gender Equity Committees. Pro Bono Saskatchewan

is one of the collaborating partners on the French Legal Services Working Group.

In BC, a new electronic ticketing initiative brought the Ministry of Attorney General, the Courts, RoadSafetyBC, ICBC, the Ministry of Finance and the RCMP together. The BC Crown's office led a Bail Project with six provincial partners. Alberta's Justice Sector Constellation developed a Strategic Plan for the sector while the two levels of court and the Ministry of Justice made a joint submission in favour of a unified family court. An access to justice committee in Sault Ste Marie focused on local access to justice issues. Legal Aid Ontario continues to partner with Pro Bono Students Canada on the Family Law Project, offering pro bono services in family courts across Ontario.

The Action Committee's Metrics Working Group partnered with Justice Canada and Statistics Canada to develop a legal needs component to national surveying. The new Access to Justice and Law Reform Institute of Nova Scotia was established, based at the Schulich School of Law. Four BC PLEI organizations worked together to establish common metrics and publishing standards, supported by the BC Law Foundation. In Manitoba, the Law Society brought together key stakeholders including the Legal Help Centre, CLEA, the Faculty of Law and the Courts to develop a model for a Library Hub within the courthouse that will provide legal information and limited representation to the public.

»»»»»»» The Provincial / Territorial Collaboratives

- A2JBC - Access to Justice BC
- Access to Justice Committee, Yukon
- Reforming Family Justice System Project, Alberta
- Northwest Territories Access to Justice Committee
- Saskatchewan Access to Justice Network
- Access to Justice Steering Committee, Manitoba
- TAG - The Action Group on Access to Justice, Ontario
- Access to Justice Committee, Nunavut
- Forum québécois sur l'accès à la justice civile et familiale
- Access to Justice Committee, P.E.I.
- Access to Justice and Law Reform Institute of Nova Scotia
- Access to Justice Committee, New Brunswick
- Access to Justice Steering Committee of Newfoundland and Labrador

»»»»»»»»»» Goal 6

Goal 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.

Build Capability

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 their 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, and cross-sectoral conferences and courses. Professional development opportunities have expanded to include more focus on access to justice and self-represented litigants' experiences.

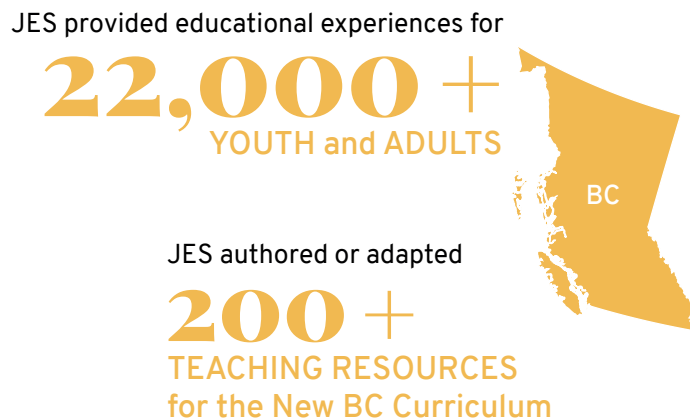
Children and Youth

Justice education programs in many jurisdictions exposed children and youth to curriculum-linked experiences to learn about the rule of law, legal concepts, careers, and advocacy skills. The Ontario Justice Education Network's programs built legal capability in over 200,000 youth, relying on the efforts of 1200 justice sector professionals. OJEN's provincial mock trial program supported experiential learning in classrooms leading up to 15 regional mock trial tournaments at courthouses. PEI and Newfoundland and Labrador's PLE providers both offered Youth Justice Camps over the summer. Educaloï added a new resource on bullying to the suite of educational resource available on its *educationjuridique.ca* site. Nova Scotia's Barristers' Society welcomed high school students to its Equity and Access Office. The Legal Services Society published graphic novels designed for Indigenous youth. Alberta's CBA branch offered its *My Justice System* resource for high school students. At Thompson Rivers University, high school students toured the law school during BC's A2J Week.

Over 22,000 youth and teachers in BC met with judges of the provincial court as part of the Justice Education Society's program. JES also revised its classroom resources to reflect the new BC curriculum, with over 200 linked resources available online. In Manitoba, CLEA arranged for classroom speakers. Public Legal Education Association of Saskatchewan revamped its teachers' website and published new school resources on Healthy Relationships and Consent. Law Day events, run by non-profits, courts, law firms and the Canadian Bar Association branches across the country included high school symposiums, essay contents, and careers sessions. Through its grants to community organizations, the Law Foundation of Ontario funded 1670 trainings on law and democracy.

Law Students

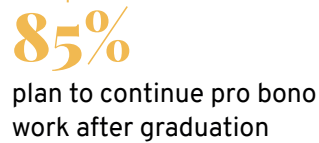
Access to justice themed courses and clinical experiences were offered in most Canadian law schools. The Canadian Forum on Civil Justice's new resources on the costs of civil justice and J.P Boyd's research into the effects of family conflict were incorporated into these courses. Students received academic credit for placements at Manitoba's CLEA, Pro Bono Saskatchewan's Residential Tenancies Panel Program and at the Legal Help Centre of Winnipeg. The BC Provincial Court offered internships to UBC law students while the Manitoba Courts provided a judge shadowing opportunity. Educaloï offered plain language drafting training to law students. The CBA and CREATE Justice released *Learn Law in Place: Experiential Learning Guide for Law Students*. Law Foundations in Ontario and BC funded public interest articling positions.



Law students at University of Manitoba
Community Law Centre provided assistance to



The Association of Canadian Clinical Legal Education's student legal clinics offered law students an opportunity to apply their knowledge and learn about the reality of litigants' circumstances, supported by Legal Aid, Law Foundations and law schools in each community. Pro Bono Students Canada involved 1600 law students in projects across the country, with 85% of them indicating that they plan to continue pro bono work throughout their legal career. PBSC's Family Law Program, supported by LAO in Ontario and local partners in other provinces, let students learn about the challenges self-represented litigants face while helping with family law forms. An A2J Hackathon kicked off A2J Week in BC. Justice Canada hosted a human rights competition for law students.



Each term, Community Legal Aid and Legal Assistance Windsor offered volunteer and academic credit positions for

120
LAW and
SOCIAL WORK
STUDENTS



Students in Other Disciplines

Training and practicum opportunities for social work, nursing, criminal justice, human justice and education students were offered by the Legal Help Centre in Winnipeg, Pro Bono Saskatchewan and Community Legal Aid and Assistance of Windsor. Alberta's Centre for Public Legal Education offered training to intermediaries. The Legal Information Society of Nova Scotia worked with pro bono IT students to develop two new apps. The Winkler Institute for Dispute Resolution had 19 undergraduate students complete its Legal Information Technology course. IT students answered calls to PLEIS-NS's family law information line.

»»»»»»»»»» Goal 7

Goal 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.

Innovate

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 *précédent* and tradition has hindered experimentation. Given the extent of the A2J challenge, the sector is changing, adopting new thinking, flexibility, experimentation and user-centered approaches.

The legal system has a history of slow evolution rooted in precedent and case law. Its culture is at odds with the culture of innovation and experimentation. It has maintained a separation between legal institutions and public organizations as one of the ways to protect the independence of the judiciary and the bar. However, the access to justice challenge faced by many Canadians demands new thinking, flexibility, experimentation and user-centered 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. These are some of the ways that the legal system innovated over 2018.

New Thinking

Collective Impact frameworks and Developmental Evaluation methodology shaped many of the Provincial Collaboratives, starting with The Action Group on Access to Justice in Ontario, and more recently, Alberta and BC's Collaboratives. A2JBC has committed to four justice system culture shifts that will facilitate innovation: being user-centered, collaborating, experimenting and being evidence-based. Its Leadership Council devoted a day-long meeting to hearing stories of innovation from within and beyond the justice system and then held its November meeting at the Telus Innovation Centre listening to a panel of innovators discussing the use of technology to transform systems. Its Chair, Chief Justice Bauman wrote about these culture shifts in his blog posts asking *Is the Justice System ready to innovate?* and *Facing the Strange*. In Alberta, court modernization efforts included a Blue Sky program that encouraged sharing of innovative ideas across the organization. The Reforming the Family Justice System project identified brain science as critical to understand the impact of family disputes and adverse childhood experiences in dispute resolution.

New Projects

The Alberta branch of the Canadian Bar Association started its *Invisible People Project*, to examine the demographic, cultural and social gaps in who is accessing legal services as well as the reasons behind those gaps. Community Legal Education Ontario launched *Justice pas-à-pas* offering guided pathways to Ontario's francophone community. A Co-Mediation project was piloted at the Northwest Territories Family Law Mediation Program. A new project offered legal information sessions for inmates in the penitentiary in St. John's, delivered by members of the Access to Justice Steering Committee including PLIAN, Legal Aid, the Court of Appeal, Human Rights Commission and the Office of the Citizen's Representative

45
RESEARCHERS

Research centers
Public institutions
Legal professionals
Representatives
from civil society
Private sector actors

42
PARTNERS



working together to
examine access to justice
and artificial intelligence
through the SCHREC
funded Autonomy through
Cyberjustice technology
(ACT) project

New Models

BC's Collaborative Roster Society developed a new fixed fee model, with ancillary templates and tools, and shared it across the country. People's Law School relaunched its web resources based on six priorities: user-centered, engaging, practical, authoritative, sharable and offering a range of services. JP Boyd developed new arbitration rules for the family law context. The BC Provincial Court established its sixth Indigenous Court, working with First Nations to introduce a new approach in Prince George. The Nova Scotia Barristers' Society offered its *Management System for Ethical Legal Practice* emphasizing a complex assessment of ethical practice standards. Quebec's Ministry of Justice announced its five year plan to modernize the Quebec justice system, in partnership with legal actors. The plan outlined \$500 million in investments including a one-stop legal information centre that will combine accessible information with technology and triage services.

New Technology

Newfoundland and Labrador now have access to PLIAN's Form Builder while the Public Legal Education Association of Saskatchewan developed its Interactive Agreement Platform to generate family law agreements. BC's Legal Services Society launched its Dialogue Tool facilitating online separation agreements. Courthouse Libraries of BC developed Lawbster, a new online platform connecting legal professionals.

The Autonomy through Cyberjustice Technologies (ACT) project started its examination of how artificial intelligence can increase access to justice. ACT is a multidisciplinary project with 42 partners including PLE organizations, and public institutions and 45 researchers in Canada and internationally. The Legal Innovation Zone in Ontario incubated legal technologies producing 20 projects, 13 services and 17 process improvements. The BC Ministry of Attorney General added the Employment Assistance Appeals Tribunal and the Labour Relations Board to an online portal. Legal Aid Ontario launched its online client portal, a key part of its Digital Strategy, and saw 5000 clients sign up in the first 20 days to receive documents, complete consents and authorize information through a secure, 24/7 online portal.

»»»»»»»»»» Goal 8

Goal 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 understanding the issues.

Analyze and Learn

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. These data collection efforts continued as new 2018 projects aimed to standardize and share this data. Researchers across disciplines are using this data to ask new questions and test new approaches.

More Data, Shared Widely

The Action Committee's Metrics Working Group, with participation from four provinces, has worked with Justice Canada and Statistics Canada to develop a one-time National Legal Problems Survey that will survey 30,000 people across Canada in 2020. Discussions are underway to introduce aspects of legal needs surveys into the national surveying schedule.

CREATE Justice began the development of its *Justice Sector Data Inventory, Evaluation and Toolkit* in Saskatchewan. The Manitoba Law Society is seeking data from across the justice system as part of its current consultation into the delivery of legal services. It is looking to identify the 'pockets of data' being collected by different institutions to promote more evidence-based decision making. A2JBC's *Outcomes Framework, Measurement and User Guide* is being integrated into the data collection efforts of the organizations that have signed on to its Triple Aim approach. A2JBC made submissions to have this approach integrated into the Law Society's examination of alternative practice models and into the province's review of legal aid services. Legal Aid Manitoba proactively disclosed its database, sharing across the sector. The Nova Scotia Barristers' Society began efforts to develop an A2J measurement framework for the province.

The Public Legal Education Association of Canada developed benchmarks and common metrics to assess public legal education in Canada, now integrated into the data collection mechanisms of its member organizations. The BC Law Foundation initiated a Metrics Committee, bringing together the major PLE providers (Ministry of Attorney General, LSS, JES, PLS and Courthouse Libraries) to develop a common approach for the province. BC's Legal Services Society looked to international models of assessing triage services, building metrics into the development of new service models.

The Canadian Forum on Civil Justice published the full data set from its *Costs of Civil Justice Project*, making the data available to researchers and policy makers. The BC Provincial Court regularly publishes its *Time to Trial Reports*, as does the Manitoba courts. Alberta Resolution and Courts Administration Services worked with its business intelligence units to integrate evaluation and metrics into its operations. The Canadian Association of Provincial Court Judges experimented with a user-satisfaction survey

that could be used in courts across the country.

A pilot project collected data on self-represented litigants' needs in the Northwest Territories Supreme Court. The Quebec Ministry of Justice began an evaluation of its mediation program. Legal Aid Ontario started collecting race-based data in line with efforts to address systemic racism in the justice system. LAO also committed to an ambitious multi-year open government strategy based on the principle of 'open by default'.



new A2J research publications



new data collection efforts

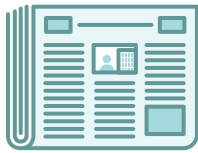
Listening to More Perspectives

The *OutofPocketFamilyLaw.ca* project, launched by ACE and CALIBRATE, allows policy makers to see the impact of different court processes on the child care, housing, health and employment costs of typical family law litigants, whether self-represented, eligible for legal aid or paying their own legal fees. Educaloi hired a polling firm to canvas the legal need of English-speaking Quebecers. PLEA Saskatchewan and CREATE Justice launched the *Listen Project* for survivors of sexual violence, partnering with the Social Sciences Research Laboratories. The *Youth Voices project*, delivered by the BC Family Justice Innovation Law, focused on the experiences of young people during family transitions. New podcast episodes were released by the National Self-Represented Litigants Project and The Action Group on Access to Justice (TAG) in Ontario. The *Invisible People Project* was initiated by The CBA Alberta's Access to Justice Committee to listen to people and their service providers to learn about the gaps in existing free and low cost legal services. In BC, the Legal Services Society researched the legal needs of non-English speakers and conducted a public opinion survey and a legal needs survey.

In Nunavut the Law Society is part of a research project run by Pauktuutit Inuit Women of Canada, studying the unmet legal needs of women experiencing family violence. Legal Aid Ontario expanded its Aboriginal Self Identification Questionnaire to include data from its duty counsel clients. LAO also held a *Diversity and Inclusion Symposium* focused on unconscious bias. A2J researchers from Canadian law schools delivered an access to justice research panel at the international Law and Society conference.

Canadian news stories on A2J issues

332



128

blogs on A2J, legal tech or innovation

PEI's CLIA conducted an evaluation of its inquiry and lawyer referral services. The Winkler Institute held a colloquium on innovation and technology. CREATE Justice started its examination into medical-legal partnerships and incorporated the A2JBC Metrics Framework into the Saskatchewan Access to Legal Information Data Collection Pilot Project. The CBA distributed the *Legal Aid Benchmarks* that it developed together with the Association of Legal Aid Plans. Alberta's Reforming the Family Justice System project developed an *Outcomes Harvest and Outcomes Framework* to collect and understand the impact of collective efforts to improve family services. The Access to Justice Research Network continued to connect researchers interested in access to justice across institutions and disciplines by providing a platform to share projects and data.

»»»»»»»» Canadian A2J research published in 2018 included:

(listed in the language it was published in)

- **A Brief Overview of Bill C-78, An Act to Amend the Divorce Act and Related Legislation: Part II**
Canadian Research Institute for Law and the Family
- **A Human-Centered Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User-Friendly**
Margaret Hagan (Stanford University)
- **Administering Justice and Serving the People: The Tension between the Objective of Judicial Efficiency and Informal Justice in Canadian Access to Justice Initiatives**
Catherine Piché
- **An Evaluation of Alberta's Mandatory Early Intervention Case Conferencing Pilot Project**
Canadian Research Institute for Law and the Family
- **An Evaluation of the Costs of Family Law Disputes: Measuring the Cost Implication of Various Dispute Resolution Methods**
Canadian Research Institute for Law and the Family (CRILF) and the Canadian Forum on Civil Justice (CFCJ)
- **Canadian Lawyer 2018 Legal Fees Survey**
Canadian Lawyer Magazine
- **Child Welfare and Youth Homelessness in Canada: A Proposal for Action**
Canadian Observatory on Homelessness
- **Children's Participation in Justice Processes: Survey of Justices on Alberta's Court of Queen's Bench**
Canadian Research Institute for Law and the Family
- **Client and Lawyer Satisfaction with Unbundled Legal Services: Conclusions from the Alberta Limited Legal Services Project**
Canadian Research Institute for Law and the Family
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»»»»»»»»»» Goal 9

Goal 9: 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.

Improve Funding Strategies

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 publically funded services is also a part of a complex funding strategy.

In Canada, over \$900 million is spent on legal aid each year, according to a 2016 study, with almost half of that (406 million) spent on civil legal aid. Improved funding strategies focus on maintaining and increasing the funding for legal aid and on funding for innovative alternative approaches, new legal services and smart use of money existing.

Law Foundations

Provincial and territorial Law Foundations collect funds from the interest on lawyers' trust accounts. The majority of this revenue is used to fund legal aid. The remainder is used to fund access to justice projects, public legal education, law libraries and other initiatives. In 2018 Law Foundations distributed \$42 million to these projects, including a \$1 million innovation fund in BC and the Law Foundation of Ontario's \$3.9 million Access to Justice Fund.

Making the Financial Case

As access to justice efforts become better coordinated, there have been more efforts to quantify the costs of legal conflict and demonstrate the impact of preventative and responsive services. In BC, the Law Society has investigated the feasibility of an economic analysis of access to justice to support better public and private sector decision making. Pro Bono Ontario reported on the savings to the legal system of money spent on its legal help centres. A2JBC struck a working group to develop a strategy for enhanced private funding of access to justice. The Legal Help Centre of Winnipeg completed a campaign securing three-year commitments from private firms. The Barreau du Québec and the Law Society of BC both advocated for better funding of legal aid.

Better Coordination

A new Legal Aid Governance Agreement in Alberta has established a transparent funding model between the government, Legal Aid and the Law Society. A new cost-sharing agreement between BC and the federal government provided an additional \$4.3 million for the Legal Services Society. The Ontario government established a \$1.5 million Civil Remedies Grant Program to fight human trafficking, support victims and address mental health issues. BC is making changes to motor vehicle litigation to reduce costs and improve efficiency. PLEAC worked nationally with Justice Canada to increase funding for public legal education. The BC government granted \$358,000 to the Law Foundation to deliver enhanced poverty law services. The three law schools in BC made a joint application to fund Access to Justice week activities across the province.

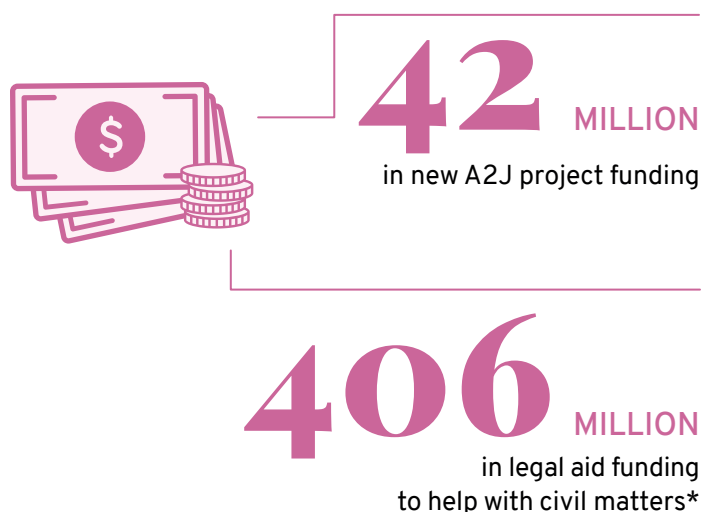
CREATE Justice was funded by the Saskatchewan Health Research Foundation to host a conference on medical-legal partnerships. UVic's Access to Justice Centre of Excellence worked with CALIBRATE to launch the *Out-of-Pocket*

project examining individual costs and lost employment revenue in family law disputes. Pro Bono Ontario developed a fee-for-service model that generates funds from the Ministries, small businesses and hospitals that save money as a result of its services. Educaloi conducted an Olympic-themed fundraiser with high profile champions that raised \$225,259.

Community-based funding provided more local access to justice approaches. The Government of Nunavut issued a call for applications for victims' services projects. Quebec's Access to Justice fund, offered by the Ministry of Justice, provided \$650,000 to 20 new projects in addition to the nine Centres de Justice de proximité operating in 9 regions of Quebec. Seventeen projects received a total of \$325,000 to deliver community-led crime prevention and victims services projects in the Yukon.

Increased Legal Aid and Duty Counsel Services

A new government funding strategy incentivized lawyers to take child protection and family cases in remote BC communities. Ontario legal aid rates were increased by another 6%, the third recent increase in eligibility criteria. Justice Canada increased the scope of legal aid funding to include victims of workplace harassment. BC increased funding of immigration and refugee services by \$800,000 and the Yukon received an additional \$241,000 for legal aid. Legal Aid Manitoba met increased demand and expanded its coverage areas, universal duty counsel services and family law coverage within its existing funding model.



* Based on a 2016 study



Action Committee on Access to Justice
in Civil and Family Matters

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