



CANADA'S JUSTICE DEVELOPMENT GOALS

Tracking Action on Canada's Justice Development Goals

A2J PROGRESS IN 2017

The justice system isn't meeting Canadians' needs.

We are working to make it better.

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 on access to civil and family law across Canada. It works to connect, support and highlight the work of the individuals, organizations, institutions and collaboratives working at a regional or local level.

Over a period of five years, the Action Committee and its sub-committees, with cross-Canada membership and of a wide range of perspectives, developed Canada's Justice Development Goals (JDGs). The Justice Development Goals serve to align efforts of organizations large and small, in different provinces or territories, and with different areas of influence. The JDGs do not prescribe a specific approach, recognizing that communities across the country have different needs, expertise and resources. The Goals are a way to coordinate efforts, share ideas and innovations and identify needs and opportunities to improve Canada's justice system. To learn about who has been involved and to read the reports that led to these goals, visit www.justicedevelopmentgoals.ca.

The Action Committee invited organizations and institutions to share their progress on the JDGs over the course of 2017. The results reflected in this report are just the projects that were shared with the Action Committee. There are many organizations advancing access to justice that are not yet connected with this collaborative effort, though they are delivering related services. Other organizations may not have had the time to share their projects. This report includes projects that took place in 2017. Initiatives established in prior years, or announced for future years have not been included, though they are promising commitments to ongoing progress. In addition to these initiatives, many organizations are involved in the ongoing delivery of legal services, law reform, or building public understanding of the law while institutions continue to run the courts, administer the justice system and prepare future legal professionals. Much of this ongoing work is aimed at addressing access to justice. While this report highlights the new ways in which we are working on each of the JDGs, we recognize that this work builds on the ongoing effort and commitment of people across the country.

The profiling of the access to justice (A2J) projects included in this report is a first attempt to track and share our annual collective progress on the Justice Development Goals. To add a project or initiative to future reports, please contact us through the website: justicedevelopmentgoals.ca



This report was prepared by Sarah McCoubrey and Meredith Brown, A2J Strategists at CALIBRATE. The design work was generously provided by Medina Abdelkader of Outpst Collective.

The Goals

Goal 01 | page 4 **Address Everyday Legal Problems**

- Educate early
- Prevent
- Offer a continuum of services
- Reflect Canadian society

Goal 02 | page 8 **Meet Legal Needs**

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

Goal 03 | page 12 **Make Courts Work Better**

- Ensure access to courts
- Promote Multi Service Centres
- Help people who are representing themselves
- Manage cases effectively
- Be accessible and user-focused
- Protect judicial independence

Goal 04 | page 15 **Improve Family Justice**

- Offer a broad range of services
- Promote consensual resolution
- Innovate
- Restructure family courts

Goal 05 | page 19 **Work Together**

- Establish coordinated efforts
- Include everyone
- Be bold; Take action
- Work within institutions
- Coordinate across Canada

Goal 06 | page 22 **Build Capability**

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

Goal 07 | page 25 **Innovate**

- Keep track of what is working
- Share good ideas

Goal 08 | page 27 **Analyze and Learn**

- Develop metrics
- Work with researchers in all fields

Goal 09 | page 30 **Improve Funding Strategies**

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

Goal 01

Address Everyday Legal Problems

Across the country, there have been new efforts to address everyday legal issues. These activities are a sample of the expansion of early education and resolution efforts across the country, meeting the needs of a diverse and changing population. The 2017 projects are in addition to the regular ongoing programming of non-profits, legal clinics, courts, pro bono organizations, governments and individual lawyers.

The 2016 baseline

In late 2016, the Action Committee asked organizations in the A2J community to describe their work on access to justice. A survey was completed by 187 respondents, though their responses are limited to their organization's work. The results of this survey provide a baseline for the year. Highlights of the survey are included for each goal to provide a snapshot of the beginning of the year. The full survey results are available in the Canadian Access to Justice Initiatives: Justice Development Goals Status Report.

When asked about efforts to address everyday legal problems, 84 respondents indicated that they provide public legal education. Of those, 92% of legal clinics, 80% of law schools, 75% of governments and 55% of nonprofits are providing programs to help people prepare for and address legal problems. The programs focus on different types of information on skills. The majority of sessions helped people to:

- Identify legal issues 73%
- Build legal capability: 72%
- Triage legal problems: 51%

Throughout this year, many organizations expanded their early resolution services.

Understanding the Law

In every Canadian province and territory there are new initiatives, as well as ongoing delivery, of successful public legal education about everyday legal problems. These sessions focus on family issues, wills, employment, estates, and consumer issues, as well as the legal processes. Call lines offer legal information and advice in Manitoba, Ontario, BC and Alberta while online chats in Nova Scotia and BC let people connect in real time. Drop in clinics launched in Manitoba, the North West Territories, Quebec and Newfoundland and Labrador and pop-up clinics ran in Saskatchewan and BC. Sessions to help self-represented litigants were offered in Ontario and BC. Legal fairs and conferences have been held in public libraries and community centres in Saskatchewan and Alberta. New or updated directories of legal services are now available in Quebec and the North West Territories. In Saskatchewan, Nova Scotia and the Yukon there are new partnerships of non-profits, clinics, courts and lawyers working together to make reliable legal information available.

Portals to help people find answers to their legal questions using ‘guided pathways’ and dynamic searches are making it easier for people to find the information they need. This type of plain language navigator launched in Ontario (Steps to Justice), BC (MyLaw BC; ClickLaw) and Alberta (LegalAve). BC’s Justice Education Society has a virtual assistant that poses questions to help people identify their legal issue. New resources on family, housing, and consumer issues are available online in Alberta, Nova Scotia, New Brunswick, BC and Quebec, including videos launched in Nova Scotia and new translations in many provinces that deliver legal information to newcomers in their first languages.

Reaching out to Specific Communities

Organizations are also ensuring that legal information is available to Indigenous communities with new publications in Inuktitut in Nunavut and in Mi’kmaq in Nova Scotia. In Calgary and BC, new projects focus

specifically on increasing access to legal services and addressing systemic barriers to legal participation within Indigenous communities.

In New Brunswick and Ontario new resources for newcomers and those who work with refugees were published. Legal clinics in Ontario focus on the Iranian and Greek communities. Access Pro Bono offers a free clinic for Temporary Foreign Workers in B.C. while Pro Bono Ontario offers legal help to groups sponsoring refugees. In Nova Scotia, the court has achieved judicial gender parity and launched a program offering mentoring to African Canadian and Indigenous lawyers interested in becoming a judge.

Online dispute resolution for small claims matters offers early resolution and referral options in BC while the Justice Innovation and Transformation Initiatives focus on out-of-court resolutions.

Spotlight



BC · AB · ON

Navigator or guided pathway websites use common language and Q&As to connect people to the right legal issue, forms and in-person help in the right jurisdiction.



MB

Breakdown of questions received through a newly-formed legal telephone helpline:

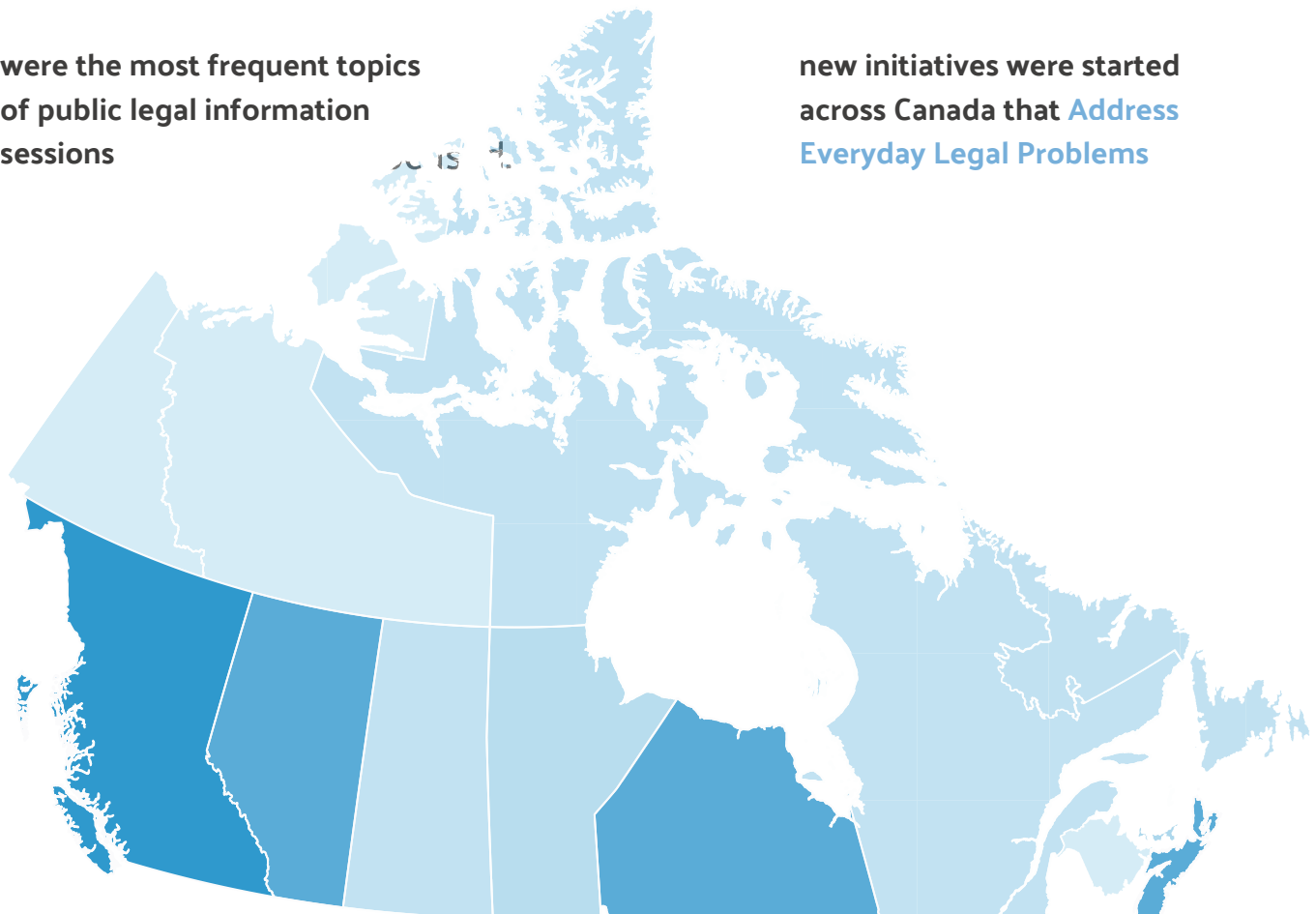
- 30% Family law issues
- 13% Civil and small claims court
- 8% Criminal issues
- 8% Wills, estates, healthcare directives
- 5% Employment issues.

WILLS
 FAMILY LAW
 ESTATES
 CONSUMER RIGHTS
 AND HOUSING

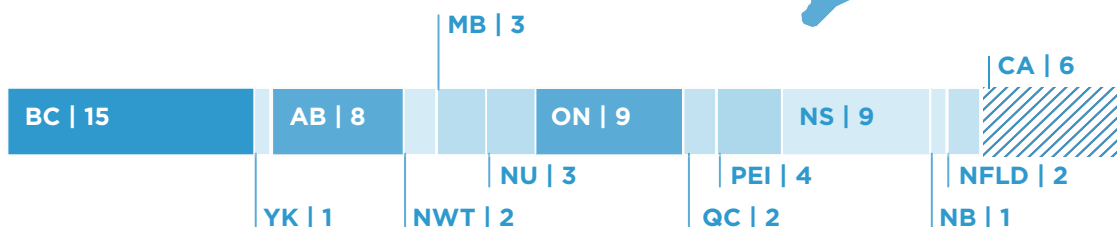
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were the most frequent topics
 of public legal information
 sessions

new initiatives were started
 across Canada that Address
 Everyday Legal Problems



NUMBER OF PROJECTS BY PROVINCE / TERRITORY

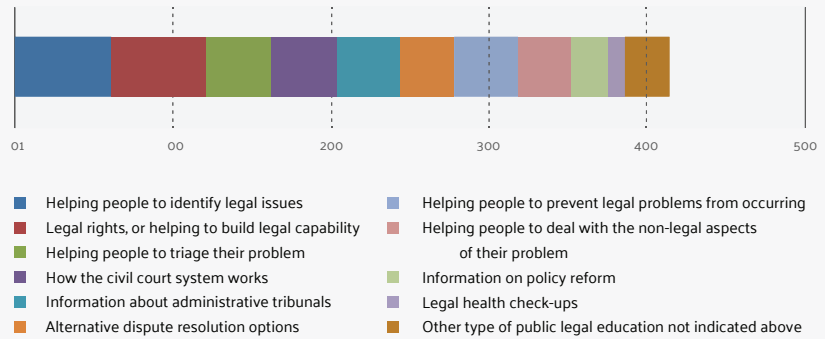


Listening to the Public

Justice sector organizations are changing how they communicate with the public. A Chief Justice in B.C. held a twitter town hall (#AskChiefJudge), while Saskatchewan held a town hall on the future of legal services during A2J week. Nova Scotia’s #TalkJustice project collected people’s experiences with the justice system. In Ontario, OJEN / ROEJ and the Legal Innovation Zone are co-designing legal services with youth. Projects in Saskatchewan, Ontario and Nova Scotia sought out

people’s perspectives on the justice system and created innovative ways to receive ideas and feedback from the public. The Law Society of Nunavut developed comic-based legal information and LawNow published new editions of its digital magazine, now available for free to anyone who wants to learn about everyday legal issues. The Canadian Bar Association, The Action Group in Ontario and the National Self-Represented Litigants Project have all launched podcasts on everyday legal problems.

Types of public legal information and resources to Address Everyday Legal Problems



Goal 02

Meet Legal Needs

2017 has seen many new initiatives to meet the legal needs of people in Canada. These projects highlight the expansion of legal supports, the development of innovative approaches, new pro bono services and adaptations to meet the specific needs of people who face unique barriers to accessing the justice system.

The 2016 baseline

Meeting legal needs involves both expanding existing legal services and offering new services to meet specific needs. When the A2J community was asked in the 2016 survey about how legal services are delivered, 59% stated that they offer limited scope retainers or litigation coaching. Twenty-seven percent include paralegal services while 12% offer online dispute resolution and 27% use holistic methods to address people's legal needs. Emerging innovations include 5% of respondents who offer a form of legal expense insurance and 41% using technology to communicate legal advice to clients. Thirty-one percent of the 137 respondents indicated that they use new and innovative legal service delivery methods to help address the legal services delivery gap.

Lawyers Working Differently

This year has seen the development of new ways for lawyers to work. The unbundling of legal services, being pursued in different parts of the country, has resulted in a roster of BC lawyers and a new Toolkit on unbundling. The Alberta Legal Services Project has identified 43 lawyers offering limited services at affordable rates. A new approach to legal support has been developed by the National Self Represented Litigants Project offering legal coaching and training lawyers and law students to provide coaching services. It has also compiled a searchable database of lawyers, paralegals, organizations, and other professionals who offer reasonably priced services for self-represented litigants.

Lawyers and Paralegals continue to provide pro bono services at clinics and programs across the country. Newfoundland and Labrador and P.E.I both have new pro bono clinics for civil trial and appellate matters, with Access Pro Bono offering similar services in BC. People can visit free legal clinics in Manitoba, Saskatchewan, BC, Quebec, Nova Scotia and Ontario. A toll-free line in Manitoba connects rural residents to the local clinic. Pro Bono Ontario expanded its in-person civil law assistance, offered at its three Law Help Ontario locations, by launching its new Legal Helpline.

Meeting Specialized Needs

In addition to these ongoing free services, 2017 saw the development of many specialized services. A hotline offered legal assistance to people displaced by the wildfires in BC, while in-person programs help seniors and those with terminal illness prepare wills. Paralegals in BC assisted self-represented litigants with documents and court forms. In Ontario, specialized legal advice is now available to the LGBTQ community, to low-income seniors, to children and their families in hospitals and to minors who arrive unaccompanied at Pearson Airport, claiming refugee status. In Quebec, lawyers support people involved in public interest litigation while a Mobile Legal Clinic focuses on the

needs of homeless and itinerant people. In Nunavut, new supports and a checklist help to protect Elders from financial abuse. Lawyers work with CLIA PEI to draft wills for low-income islanders, while Pro Bono Students Canada offers a similar service at law schools across the country. Specialized programs provided assistance at the Employment Standards Branch in BC and at the Tax Court of Canada. The Yukon now has services available to protect trans and gender non-confirming individuals. A Pro Bono Alberta project provides advice to people living with cancer. ID clinics, run by Pro Bono Students Canada, are helping homeless and marginally housed people secure identification in cities across the country. Each of these projects meets real needs for people in Canada.

In New Brunswick the Aboriginal Domestic Violence Outreach Program provides resources and services in three First Nations communities in Miramichi. Victims of sexual assault in Nova Scotia can now access up to four hours of free legal advice. A new Sexual Assault Response Program is supporting victims as they navigate the court process in Newfoundland and Labrador. New Alberta resources outline housing options and roles for landlords to support people experiencing domestic violence. In Ontario there is now free legal help for survivors of domestic abuse to help navigate their civil and criminal needs.

In a Nova Scotia a new Small Claims Court App has been released by the Legal Information Society of Nova Scotia. The NWT Legal Aid Commission launched civil and family clinics in 19 communities in addition to its weekly clinic in Yellowknife. Manitoba Legal Aid's Agreement to Pay program is offering legal help on a sliding scale. The Law Society of Nunavut's Inuktitut Hotline is providing legal referrals and connection to legal aid services in Inuktitut.

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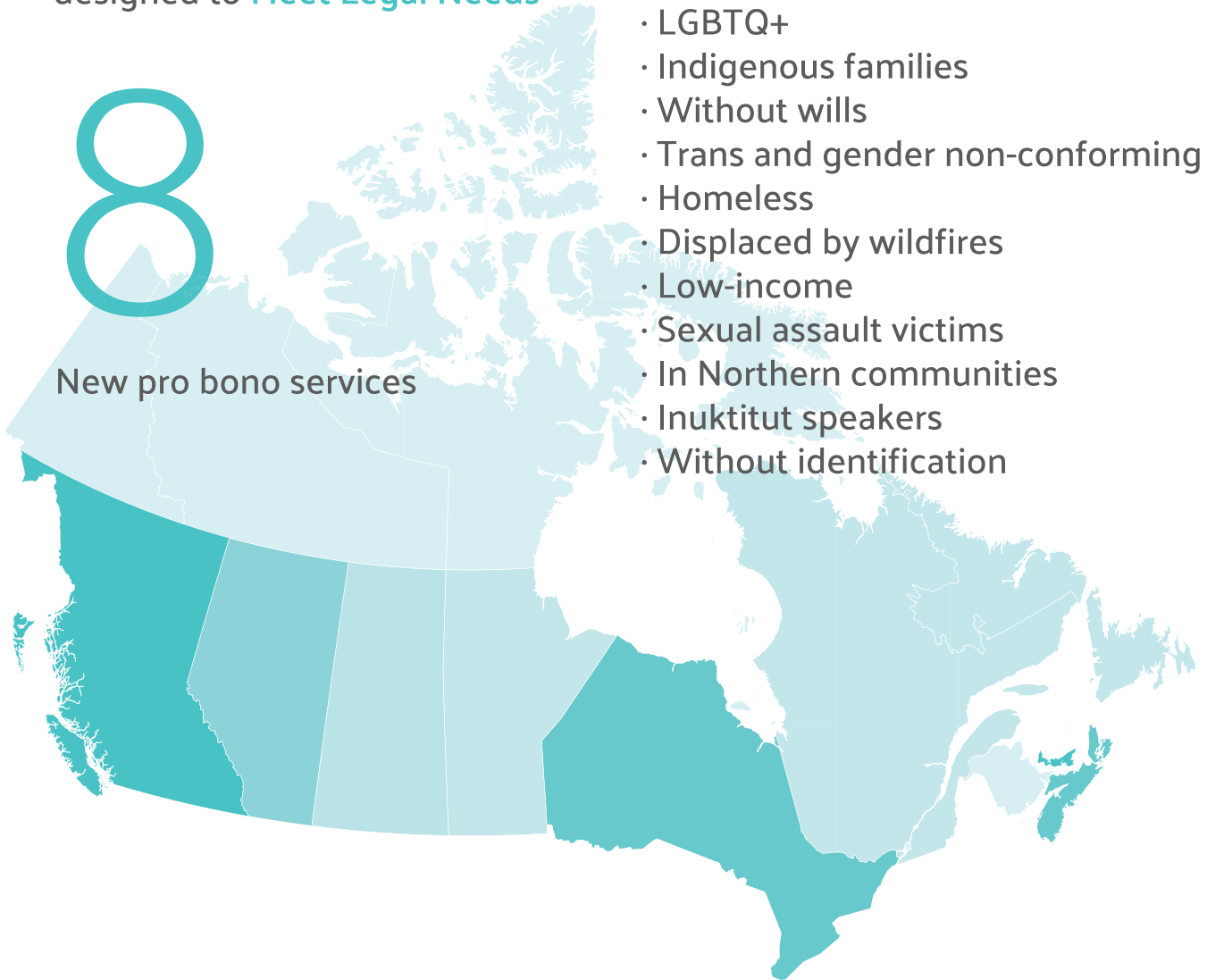
New initiatives in 2017 designed to **Meet Legal Needs**

NEW LEGAL SERVICES FOR PEOPLE WHO ARE:

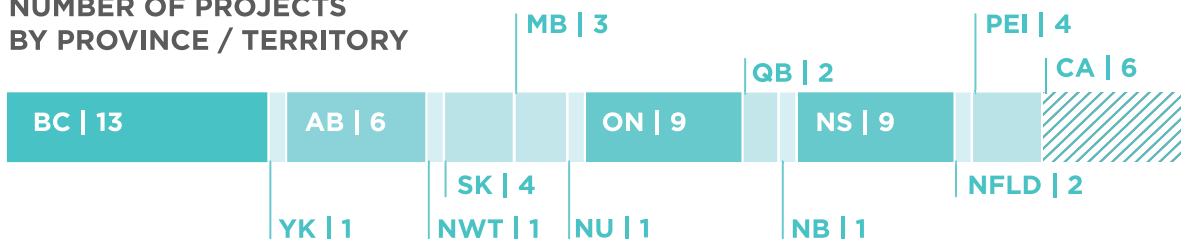
- Seniors
- Terminally ill
- LGBTQ+
- Indigenous families
- Without wills
- Trans and gender non-conforming
- Homeless
- Displaced by wildfires
- Low-income
- Sexual assault victims
- In Northern communities
- Inuktitut speakers
- Without identification

8

New pro bono services



NUMBER OF PROJECTS BY PROVINCE / TERRITORY



Increased Access to Courts

The expansion of legal services are also happening in courthouses. BC has expanded its Justice Access Centre program, previously offered in Nanaimo, Vancouver and Victoria, by adding a Centre in Surrey. It has also re-established the BC Human Rights Commission, offering another avenue for dispute resolution. The Nova Scotia Mental Health Court is now working directly with Veterans to meet their legal needs. Justice Canada has developed an Access to Justice Index to facilitate greater access to federal tribunals and agencies. The Alberta Court of Queen's Bench has incorporated

the collaborative approach to reforming the family justice system into its strategic plan. Nova Scotia offers dispute resolution for families dealing with child custody from different provinces. PEI doubled the small claims amount to \$16,000, allowing more disputes to use the simplified process. In BC, all small claims under \$5000 are now adjudicated through the Civil Resolution Tribunal, offering online guided pathways to support understanding, problem diagnosis and option identification. In Nunavut all public services, including courts, are now available in Inuktitut.

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**Projects that
open the
courthouse door
a little wider**



**Small claims thresholds
are going up; Small
claims online resolution
is expanding**

Goal 03

Make Courts Work Better

There have been many initiatives in 2017 to improve court-based services, while continuing to manage large caseloads across the country. This sampling of projects reflects activities undertaken within this year.

The 2016 baseline

The 2016 survey of A2J involvement was completed by 32 respondents from courts or tribunals including provincial, territorial, and federal trial courts, appellate courts and administrative tribunals. All of these institutions offer some front-end, early resolution resources with 56% offering mediation and 50% providing legal information resources.

When asked about other early resolutions services:

- 28% offer legal referral services
- 28% offer other onsite pre-trial conferences, informal resolution and case management
- 25% offer triage services
- 25% offer community referral services
- 22% offer conciliation services
- 22% offer summary advice
- 16% offer pro-bono services
- 6% offer student support services
- 6% offer mini trials

82% of court respondents and 53% of administrative board or tribunal respondents stated that they provide specialized assistance for self-represented litigants.

At Courthouses

Many new projects are changing courthouse services. In Newfoundland and Labrador a mental health docket returned, after many years, to the Saint John's courthouse. The Quebec Court of Appeal sat in Trois Rivières, the first time it has ever sat outside of Montreal or Quebec City. BC's Civil Resolution Tribunal, an integrated online and personal dispute resolution mechanism, expanded its jurisdiction to include small claims matters under \$5000.

Ontario launched a new Juror Support Program, offering health and wellbeing supports to people who serve on juries. The BC Provincial Court released new guidelines for when one can bring a support person to court, recognizing the need of self-represented litigants for in-court support. New free mediation services are being offered at the Sherbrooke courthouse while a court officer now provides conciliation services in Nova Scotia Courts. Nova Scotia established its first specialty Gladue Court at the Wagmatcook First Nation while BC launched the Nicola Valley Indigenous Court. Nova Scotia has also authorized its judges and justices of the peace to issue emergency protection orders for families living in First Nations communities. Winnipeg now has a new justice of the peace night court with services in English and French outside of business hours. Ontario evaluated its Seamless Access to Justice in French pilot project and made these changes at the Ottawa courthouse permanent to better serve French speakers. Alberta's Court of Queen's Bench expanded Bench Intake, Resolution and Caseflow Management program to the Judicial Centre of Red Deer. A new process for resolving interjurisdictional child support orders has was introduced in BC.

New Policies and Approaches

Justice Canada has developed an Access to Justice Index for federal administrative bodies, measuring their accessibility to users and identifying ways to improve access to justice. Ontario's new Bail Directive is reducing pre-trial custody time. The Northwest Territories introduced new Rules of Civil Procedure, updating the process for civil matters, while Nova Scotia published its Rules of Civil Procedure in French. There are new criteria for eligibility to the Mental Health Court in Nova Scotia. The Yukon has simplified its filing forms, speeding up the process and reducing rejection rates at court services.

Integrating Technology

At courts across the country new technology is being used to make it easier or cheaper for people to initiate and participate in court proceedings. The Federal Court of Appeal now keeps audio recordings of all hearings, available on request to parties to a case. Manitoba live streamed a high-profile sentencing hearing while an appeal was live webcast from the Newfoundland and Labrador Court of Appeal. New video conferencing between the courts and corrections facilities in Brandon and Portage la Prairie ease travel time and courthouse backlogs. Ontario's Court of Appeal used third party remote calling technology for appearances. E-filing was introduced in Alberta, and for both civil claims and appeals in Ontario. The Northwest Territories introduced online fee payments.

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courts
introduced
new
technology

4

provinces opened new
Indigenous Peoples'
Courts or expanded
specialized services for
Indigenous communities

Reaching out

Courts conducted new outreach to improve access to processes and decisions. BC issued a media guide and offered workshops on media access while Nova Scotia's Media Liaison Committee addressed physical access to courts and court files. The Yukon Courts post their decisions on twitter, as does the Quebec Court of Appeal, with links to full court decisions. The Nova Scotia Court of Appeal produced a video to assist self-represented litigants. Friend of the Court services for family law motions appearances were available in Manitoba. In BC, the Ministry of the Attorney General launched its Virtual

Initial Needs Determination Program offering rural and remote family justice clients a range of triage and referral services by telephone. Some BC courthouses host in-person Self-Help Resource Rooms with access to computers, printers and photocopiers.



New A2J Index tracks the accessibility of federal tribunals for self-represented litigants



Small claims under \$5000 can now be resolved through an online dispute resolution mechanism in BC

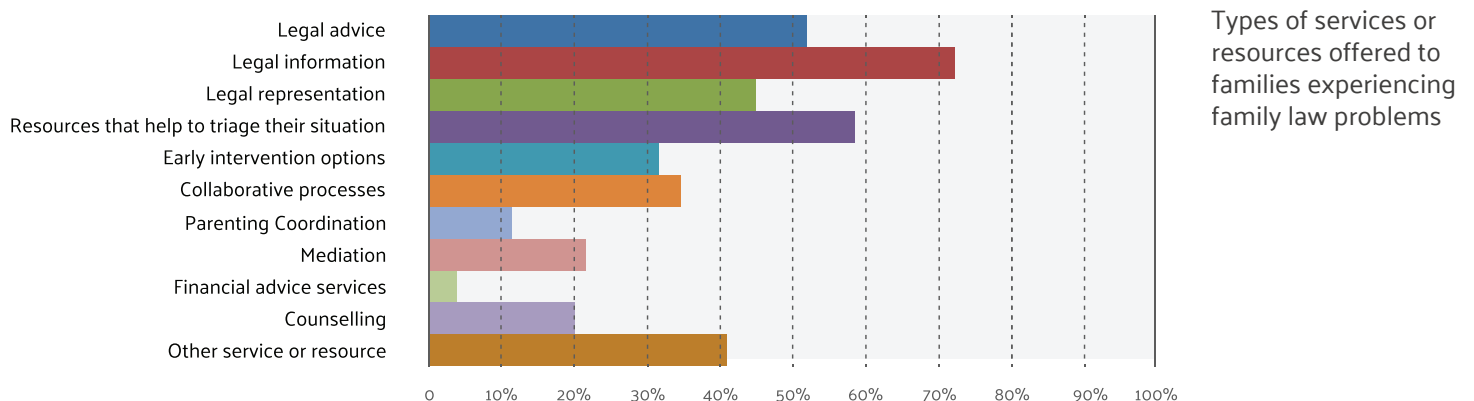
Goal 04

Improve Family Justice

The need for improvement in family justice is extreme. A large number of people face family breakdown without the help of a legal professional. As they navigate the mix of legal, financial, social and parenting conflicts, people experience spiraling health, wellbeing, economic and employment issues. The extent of the access to justice crisis in family law warrants immediate attention. The projects undertaken in 2017 are just some of the responses to that crisis.

The 2016 baseline

At the start of the year, 45% of survey respondents indicated that they offered targeted legal or non-legal services or resources to families dealing with a family law problem. When broken down by type of organization, 50% of government respondents, 37% of not-for-profits respondents, 70% of legal clinic respondents, 50% of law school respondents and 75% of private-sector respondents offered targeted family services.



New Thinking

The federal government's Canadian Family Justice Fund supported new strategies, models and tools intended to improve access to family justice across Canada. Alberta's Reforming the Family Justice System is a collaborative project of organizations approaching reform efforts by recognizing that family matters are primarily social, relationship-based and financial, with a legal element. In Ontario the Law Society of Ontario and the Ministry of the Attorney General released the Bonkalo Report on Family Justice, outlining recommendations for change and inviting public comment. Mediate BC developed a Family Law Unbundling Toolkit and partnered with the Law Society of BC to create a roster of family lawyers ready to provide unbundled legal services. The Winkler Institute for Dispute Resolution worked with the Ontario government to explore ways that technology can support families in the legal system. In Alberta, the Aspire Legal Access Initiative launched, offering a new nonprofit model of training family lawyers within an access to justice approach.

New Tools to Understand the Family Justice System

2017 saw the publishing of a number of new print resources, including a Family Law Handbook in New Brunswick, a self-help guide for applying for uncontested divorces in Manitoba and guide on how to apply for state-funded counsel in child protection appeals in Nova Scotia. Alberta's LegalAve added in-depth legal information on Breakdown in Family Relationships. A new resource book in Nova Scotia helps assist judges, lawyers, court staff and other professionals to manage high conflict family law cases. The Canadian Research Institute for Law and the Family published its

Successfully Parenting Apart Toolkit. Saskatchewan's Public Legal Education Association developed a plain language interview-style online tool to complete required family justice forms. Ontario's Steps to Justice added many family law topics, including resources for low-income families.

Programs that help people understand family law were also introduced including a free Best Interests of the Children in Custody and Access course offered by CLIA in PEI. In the Northwest Territories, the Respectful Relationship program was offered to men in correctional facilities, aimed to reduce family violence. Monthly family law workshops were offered in New Brunswick and in Newfoundland and Labrador. The Ontario Justice Education Network ran its Family Law for Young Parents program, helping young parents build understanding about common legal issues as well as a sense of competence and self-determination.

New Services

A new High Conflict Information Program pilot was launched in Nova Scotia tailoring the Parent Information Program to families experiencing high levels of conflict. Intake information sessions were also modified into online modules for better access across the province. Across Canada, Pro Bono Students Canada's Family Law Program saw students providing assistance to low-income litigants in BC, through the Legal Services' Society's LiveHelp instant messaging service, in Alberta and Manitoba assisting with document preparation and across Ontario at courthouses by helping litigants complete forms for custody, child support and other matters. In Manitoba, at the Family Law Access Centre,



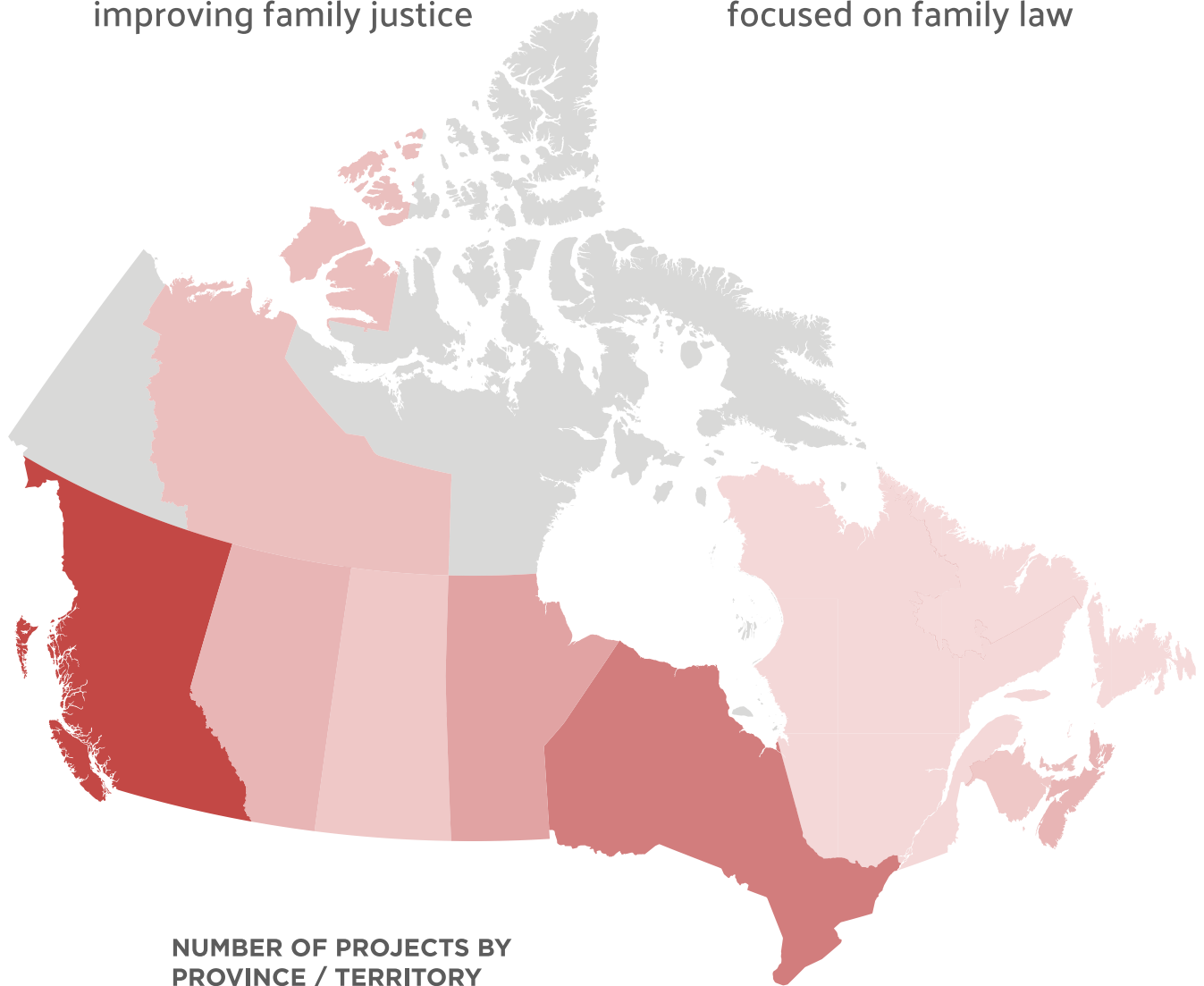
In BC, AB, and ON new thinking has resulted in new tools for
UNBUNDLING LEGAL SERVICE DELIVERY

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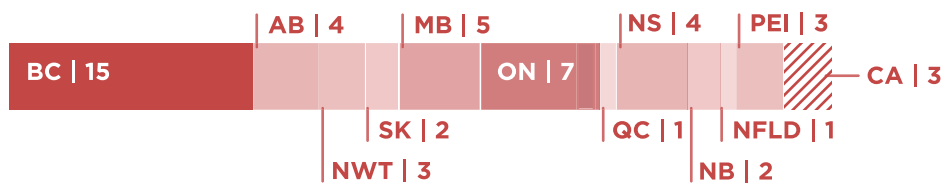
Projects aimed at improving family justice

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New government initiatives focused on family law



NUMBER OF PROJECTS BY PROVINCE / TERRITORY



the Law Society developed a protocol for brokering between lawyers prepared to accept reduced rates and potential clients in which the Law Society paid the legal fees initially and accepted monthly payments from clients. This model was recently adopted by Legal Aid Manitoba, extending the reach of the program.

The Winkler Institute's Family Justice & Mental Health Social Lab brought together social workers, lawyers, mental health workers, psychologists, family physicians, academics, and children and youth advocates to look at the experience of litigants with mental health challenges in the family justice system.

Government Initiatives

BC has focused on changes to its family justice system, with many new programs. It added Aboriginal cultural practices to the child protection case conference process to involve elders and community members, include cultural elements, educate legal professionals about the legacy of colonialization and focus on the strengths of the family. Vulnerable Indigenous families worried about losing their children will now have a stronger voice through the Aboriginal Family Healing Court Conference pilot project. The Child Support Service Project, originally piloted in Kelowna, has been expanded to Victoria, Vancouver and Surrey and provides Child Support Officers to help parents navigate the process of obtaining or changing child support orders and agreements. Family justice counsellors provide mediation services and use an assessment tool to assess the conflict, debt, health, violence and parenting issues before making referrals. The Child Support Solution Explorer was piloted, testing this online system of 24/7 access to information, tools and supports that parents need to resolve child support issues with less conflict. The new Child Protection Mediation program offered mediation as an alternative to the court process, working with rural and remote communities and Delegated Aboriginal Agencies.

Other provinces have also seen family innovations. In the Northwest Territories a new family law duty counsel was

established. Manitoba courts evaluated the Family Justice Resource Centre pilot that provides triage services, referrals and resources for families, making the Centre a permanent resource. PEI established a Children's Lawyer to address the needs of young people. In Quebec, a new duty counsel lawyer was provided in Montreal's Superior Court to assist family litigants. In Winnipeg, the Court of Queen's Bench introduced a new child protection model to prioritize child protection proceedings and address delays. BC's Supreme Court developed a "Family Order Pick List" setting out standard terms for family case orders allowing clerks to electronically populate orders, streamlining the process and avoiding confusion. Saskatchewan's Family Matters program minimized the impact of separation and divorce on family members, especially children, by providing resources to deal with a changing family situations and assistance resolving urgent issues.

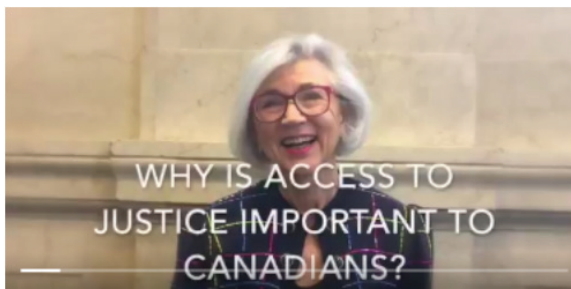
Community-Based Family Justice Services

Pro bono legal services were offered at Discovery House in Alberta and the Legal Help Centre in Manitoba. Legal Services Society's Parents Legal Centre was expanded from Vancouver to Surrey. A2JBC launched a Kamloops pilot of the Family Justice Pathfinder, in partnership with justice system stakeholders, designed to connect people to services to promote their well-being through the separation and divorce process. Legal coaching was offered by the National Self-Represented Litigants Program. The Mi'kmaq Family Resource Center in Charlottetown provided supervised access space for Indigenous families in PEI. Ontario's Legal Innovation Zone launched its Global Family Justice Initiative while The Action Group on Access to Justice held a symposium to Reimagine the Child Welfare system.

Goal 05

Work Together

The Action Committee works to bring people together nationally around a common agenda of improved access to justice. The Action Committee highlights ideas and projects that can be scaled up, replicated or shared across jurisdictions.



Justice
for all
Know the law before
you need it.

#JusticeForAll: Making Access to Justice Matter to Canadians

During 2017, the Action Committee ran a public engagement campaign about the importance of access to justice and everyday legal issues. This social media campaign was designed, pro bono, by Clementina Koppmann and her design team. The graphics incorporated statistics on the frequency of everyday legal issues with an invitation to Just... ..be prepared, ...protect yourself, ...breath. Viewers were invited to take a quiz to check their legal health. Links at the end of the quiz connected to public legal education and A2J efforts in each province or territory, as well as to the justice development goals website.

A2J organizations across Canada amplified the #JusticeForAll conversation by posting the campaign tools to their websites, blogs and newsletters and uploading to social media. Chief Justice McLachlin recorded videos in French and English, helping Canadians understand the importance of their own legal health. The campaign had over a half million engagements on the Action Committee's channels, and extended reach through the A2J community, helping to raise awareness and maintain momentum, funding and focus on A2J.

The Action Committee brings people together to focus on national strategic thinking while respecting and protecting local and regional differentiation. In response to the Action Committee's 2014 Call to Action, there is now a collaborative group in every province and territory working to address access to justice by sharing resources, ideas and expertise. The collaborative efforts in BC, the Yukon, Saskatchewan, Ontario, Quebec, Nova Scotia and Newfoundland and Labrador have established regular membership and meeting structures, with some hiring staff to manage A2J projects and facilitate collaboration. In Alberta, Nunavut, Northwest Territories, New Brunswick and PEI, individual organizations have taken the lead by bringing people together and initiating access to justice responses. Some regions have established unique outputs or new ways of working together.

In Alberta over 250 multi-disciplinary organizations have are involved in an effort to overhaul the system using design thinking. By acknowledging the need for system change thinking, a lab culture has been created to facilitate experimentation using a System Design Frame. A2JBC, the collaborative of thirty organizations and many individuals, has developed a Framework for Action to align their efforts in BC.

Working across Disciplines

Based out of UVIC's Faculty of Law, the Access to Justice Centre for Excellence has focused on projects that foster coordination between the legal sector and other disciplines meeting peoples' social, health, and wellbeing needs. The BC government held its annual Justice Summit bringing together 70 justice and technology experts to learn about the potential of technology to improve the administration of justice. It also entered into the Indigenous Justice Strategy Memorandum of Understanding with Indigenous leaders to address the specific justice needs of the Indigenous community. Justice Summits were held in St. Johns, NFLD and in Happy Valley Goose Bay, Labrador, to identify issues and action plans for sector reform. The Law Society of PEI convened a Call to Action Committee in response to the Truth and Reconciliation Report, looking at concrete justice sector responses and cultural awareness trainings needs. The ADR Institute of Canada brought judges, mediators and arbitrators together to discuss access to justice options for dispute resolution. Winnipeg's Legal Help Centre hosted a social worker placement, fostering cross-discipline coordination. The Bridge, a program of the PEI government, offers responsive support across mental health, justice and social services when people are in high risk or acute situations. New Brunswick's

Collaboration with a range of professions, including:

- Indigenous leaders
- psychologists
- faith leaders
- community organizations
- social workers
- teachers
- nurses
- doctors
- librarians
- mental health workers
- mediators
- arbitrators
- advocates
- court users

Integrated Service Delivery model provided mental health, addiction, intervention and social services to children and youth, based out of public schools. The Action Group (TAG), CLEO and OJEN co-hosted the Include, Inspire, Inform Conference for Intermediaries building the capacity of trusted professionals to help people navigate to legal assistance. Manitoba's CLEA offers training courses for intermediaries on legal issues. The Winkler Institute held a multi-day design-thinking workshop for Aboriginal youth to develop technological solutions to build a justice system that is reflective of Aboriginal experiences and responsive to Aboriginal traditions.

Sharing Tools and Knowledge

CLEO's Steps to Justice plain language guide to legal issues is designed to be embedded in the websites of public and private sector entities, including law firms, encouraging everyone in Ontario to connect public visitors to reliable information with links to first steps and assistance. In BC, ClickLaw, a project of Courthouse Libraries, brings public legal education content from 25 different organizations to one web source, making it easier for people to find legal information. The Federation of Law Societies maintains a national inventory of access to justice initiatives at all of the Law Societies in Canada. The Public Legal Association of Canada held its national conference in PEI in October, sharing community outreach strategies from across the country. Educalo!, in partnership with FACIL'iti, offers a tool to make legal websites accessible to people with disabilities or to those who use adaptive technologies. OJEN produced a new video, The Person Beyond the File, about youth perspectives of justice sector and child welfare involvement, to promote greater understanding of the complexity of young people's experience.



Jurisdictions across
Canada with
collaborative entities

Goal 06

Build Capability

Building the capability of the next generation of citizens to anticipate and manage legal problems is a long-term strategy for increasing access to justice. Preparing law students to better meet legal needs is a more immediate strategy. Both of these efforts build capability to identify, anticipate and respond to legal problems.

The 2016 baseline

When completing the 2016 survey, thirty-four organizations had helped with justice education justice in primary or secondary schools with 47% offering lectures, workshops or in-class programs, 38% providing justice related volunteer opportunities, 35% offering written classroom materials, 26% creating curricular material and 21% offering specific courses for students.



15000+

law students across the country provided legal services free of charge to low-income citizens and not-for-profit organizations through Pro Bono Students Canada projects.

Public and High School Students

Justice education in elementary and high schools across the country expose students to legal concepts, processes and professionals while helping them build the skills to deal with legal issues, including knowing when and how to ask for help. Thousands of students visited courthouses every province and territory, watching court in action, meeting lawyers and judges and seeing first-hand what happens in courthouses. Mock trials, classroom resources, school presentations and job shadowing programs promoted skill development and comfort with legal concepts.

2017's specific justice education for children and youth included Youth Justice Summer Camps in P.E.I., Ontario and Newfoundland and Labrador. The Canadian Bar Association coordinated Law Day activities across the country, including mock trials in courthouses and symposiums in schools. OJEN offered Ontario students a Mock Appeal for Grade 12 students and a Grade 5 Poster Contest, both focused on Charter concepts. It worked with Nishnawbe Aski Nation youth to prepare radio programs about youth rights with the police. The Law Society of BC held an essay contest for high school students. Teachers received dynamic professional

development in B.C. and at multiple locations across Ontario. The Justice Education Society of BC offered an online academy for teachers and published new Grade 5-7 classroom resources. New classroom resources were published by Educaloi, Saskatchewan's PLEA and OJEN. In Manitoba, Ontario, and Newfoundland lawyers spent time in schools talking about the law.

Law Students

The preparation of the next generation of lawyers and paralegals has also seen new initiatives this past year. These new projects are in addition to the work of law schools, clinical programs and individual professors and students to address access to justice challenges in the classroom. The Faculty of Law in Windsor is offering a credit course in legal coaching, teaching a new skill to future lawyers. The Access to Justice Centre of Excellence at UVIC focused on presentations about the crisis. Saskatchewan law students worked with multi-disciplinary students at the CLASSIC legal clinic, just one example of the experiential learning happening in legal clinic programs across the country. The Legal Help Centre in Winnipeg offered internships and mentoring for law, social work and other post-secondary students.

Pro Bono Students Canada created new need-based project models to involve students in pro bono work at the very start of their legal career. The Law Society of Manitoba supported law students committed to access to justice through its Forgivable Loan Program. OJEN offered four justice education fellowships to law students. The Mapping Her Path project, a collaboration between law schools, legal institutions and the Justice Education Society of BC, provided trainings to law students to ensure that they have the information to

make career decisions. In Alberta, law students were able to take a community-based Poverty Law course. The Winkler Institute ran a Justice Design Project for undergraduate students to design new approaches to legal challenges. In Ontario, The Action Group on Access to Justice offered a symposium on the role of paralegals in advancing access to justice and the National Self Represented Litigants Project held Self-Represented Litigant Awareness Days at five law schools.



New BC curriculum resources for grade 5-7



Law students learn about A2J in legal clinic placements in 8 provinces and can choose A2J-themed courses in either law school or paralegal programs.



Thousands of high school students in every province and territory visited courthouses

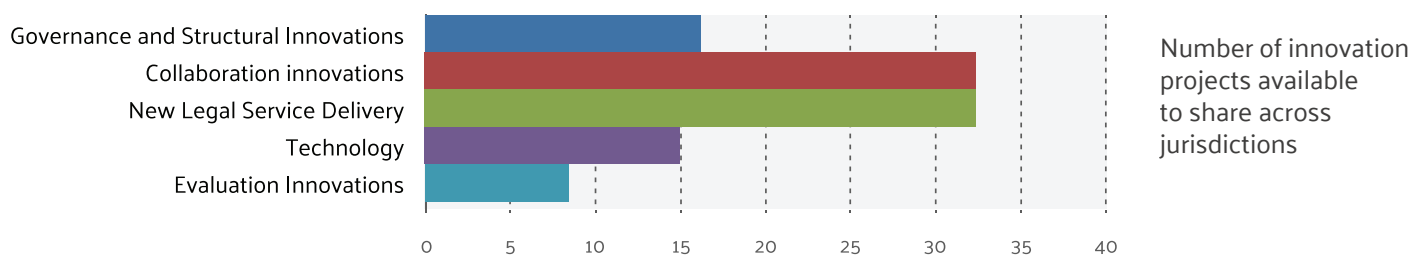
Goal 07

Innovate

Many of the initiatives described under each of the Justice Development Goals are using innovative approaches or reflect new thinking about long-standing problems. In an effort to spur innovation and to facilitate sharing of these new practices, the Action Committee has collected examples of innovations in governance, technology, collaboration, service delivery and evaluation and produced the Innovation Toolkit, which can be found on the JDG's website. This project led to pop-up Communities of Practice, connecting people across the country and fostering early sharing of successes and failures.

The 2016 baseline

Responses to the 2016 survey indicate that new and innovative legal service delivery methods were being used to help address the legal services gap, with 63% of private sector respondents and 58% of legal clinics using new approaches to legal service delivery.



Use of Technology

The #TalkJustice project has made use of research software to let people directly share their experience in the justice system directly. Also in Nova Scotia, the Legal Information Society has developed an app that people can access to draft their will. This approach, being expanded to health care directives, lets lawyers access the portal, finalize the will and send it out electronically, with an option for witnessing documents to facilitate remote service. Ontario launched online filing for automobile accident benefits while BC launched an online platform for judicial applications.

Promoting the use of new technologies, Thompson Rivers University held a Battle of the Apps to challenge students to create access to justice solutions. The Winkler Institute held a hack-a-thon, bring legal thinkers together with developers. The Legal Innovation Zone and the Ontario government partnered to offer an AI challenge to encourage applications of artificial intelligence in the access to justice sector.

Innovative Thinking

Ministries of Justice have embraced innovation as a driver in reform of legal service reform with Saskatchewan releasing its Innovation Agenda looking at four areas: Dispute Prevention, Early Intervention, Diversion, and Core Inefficiencies and Ontario releasing a user focused digital justice strategy. BC has developed the Virtual Initial Needs Determination Program, a telephone-based family law triage and referral service. The Action Group

(TAG) held an innovation symposium as part of A2J Week, highlighting new approaches in Ontario. The Canadian Forum on Civil Justice's 19 blogs about innovative A2J practices promoted cross-sector discussion.

Innovative Services

Manitoba's Legal Help Centre has developed satisfaction surveys to better understand user experience. The Peoples Law School in BC embedded pop-up definitions of legal terms throughout its online resources. Nova Scotia's family law initiative is using social media to communicate directly with users. BC's Provincial Court has an active and responsive social media presence, engaging the public in discussions about the legal system. Justice Canada developed a process for assessing and ranking tribunals on its A2J Index, now being considered at the provincial level. In Calgary, a new approach to training family lawyers has applied an incubator model to the development of legal services and lawyer expertise at Aspire.

4

A2J locations hosting tech challenges and hack-a-thons



Incubator model is preparing a new wave of innovative family lawyers

Goal 08

Analyze and Learn

The past year has seen new publications, new efforts to coordinate research and progress on the development of common metrics to understand the access to justice crisis.

The 2016 baseline

Eighty-three percent of survey respondents indicated that they collect data with 48% collecting demographic information on the people who use their services and only 39% collecting user satisfaction data. 27% of those who collect data indicated that it is available online to the public and 6% make it publically available but not online.

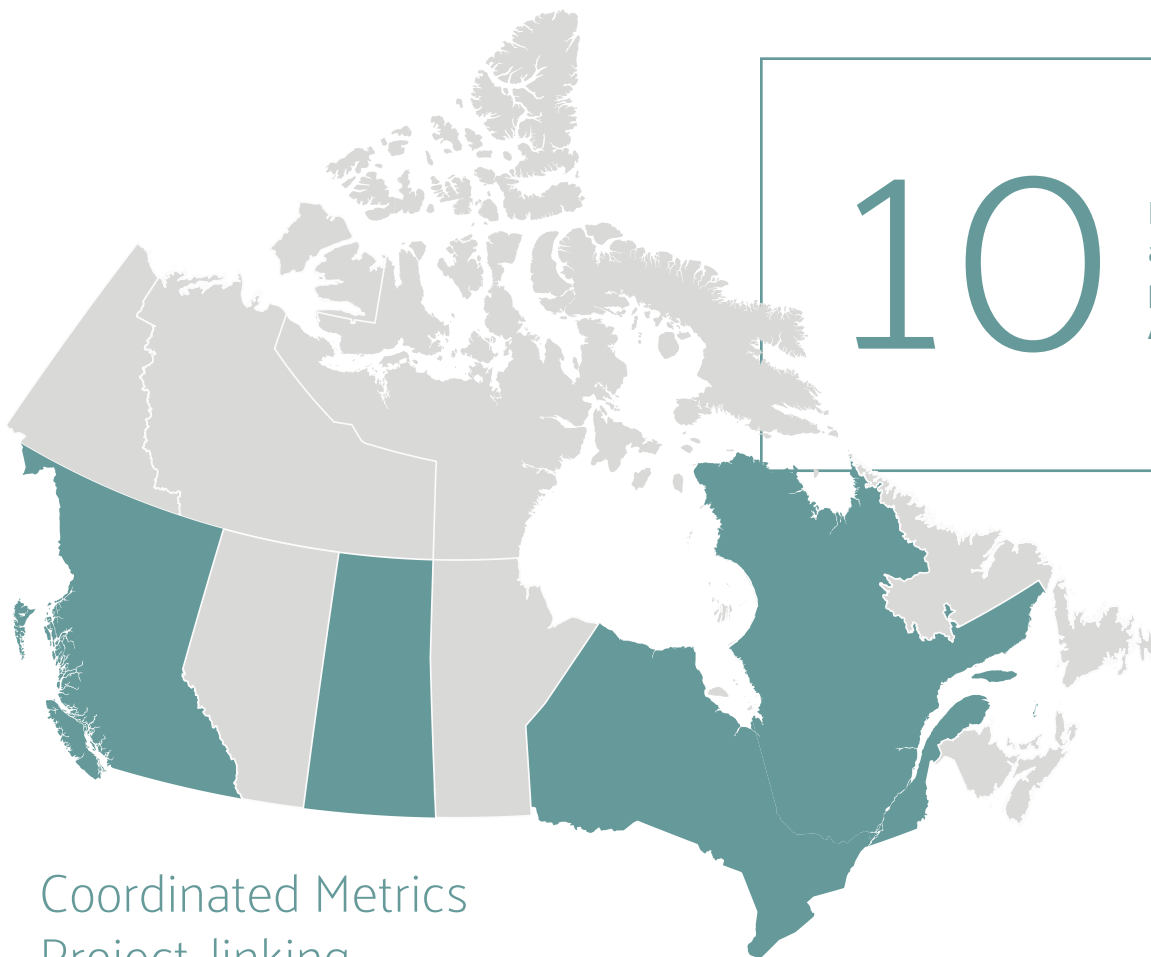
48% of courts and 50% of tribunals collect data on the number of self-represented litigants who come before the court or tribunal while 38% track the length of proceedings, 31% count the rescheduling of key events in the trial process and only 9% collect information on court user satisfaction. No court, tribunal or administrative board respondent indicated that any information on the percentage of case files that meet standards of accuracy, completeness, currency or accessibility is collected in their jurisdiction.

Metrics

The Action Committee is promoting a common metrics initiative, currently being piloted by four provinces: B.C., Saskatchewan, Ontario and Quebec. This effort to establish and share data between jurisdictions will be a model for expanded understanding of justice system usage. This effort builds on the work of the Access to Justice Centre of Excellence at UVIC that undertook a scan of justice sector data available across the country. Over the course of the year there have also been internal and cross jurisdictional efforts to understand what is already being collected, what can be shared and how to simplify the data collection platforms to promote broader analysis. Courts, like the Ontario Court of Justice, are increasingly releasing data about courthouse usage online and through open data initiatives.

Research

There are new approaches to collaborative and responsive research into access to justice. The Canadian Forum on Civil Justice's just-in-time research methodology is being used to understand the needs of rural Ontarians. BC's Legal Services Society used client based design and evaluation techniques. CLEA collects demographic data on the legal needs of users of its call line in Manitoba. The Canadian Council of Administrative Tribunal's survey project is building a direct understanding of self-represented litigants experience in tribunals. The Architects of Justice surveying initiative done by A2J Saskatchewan and by TAG in Ontario is increasing public participation in developing access to justice solutions. Nova Scotia's #TalkJustice has created a database of real experiences accessible to



10

New A2J research articles, and the publication of an A2J Yearbook

Coordinated Metrics Project, linking **BC, SK, ON, & QB**

5

University-based research centres with a focus on A2J

245

subscribers to the Access to Justice Research Network engaged in A2J research

decision-makers, to assess sector effectiveness and identify opportunities for improvement. The National Self-Represented Litigant's Project established a SLR Case Law Database tracking decisions involving self-represented litigation. In Alberta, the Law Society is currently conducting a public engagement on legal services to understand how and where people get legal information.

Coordination of research and measurement efforts are underway in BC with the A2JBC collaborative finalizing

its Access to Justice Triple Aim and Measurement Framework and ACE developing a Justice Research Framework. The Supreme Court of Canada is ensuring long-term access to older case files by transferring them to the Library and Archives Canada to ensure that they are available for future research. The Access to Justice Research Network, a project of the Canadian Forum on Civil Justice, operates a listserve to connect academics and researchers and facilitates sharing of ongoing and completed research.

Over the past year, the following research into A2J in Canada has been published:

[A Report On Access To Justice In Manitoba](#) | Public Interest Law Centre

[Accessibility, Quality and Profitability For Personal Plight Law Firms: Hitting The Sweet Spot](#) | N. Semple, Canadian Bar Association

[Canadian Access to Justice Initiatives: JDGs Status Report](#) | Action Committee on Access to Justice in Civil and Family Matters

[Demographic Data Reports from The Costs of Justice Project \(Age, Gender, Education, Region, Born In Canada\)](#) | Canadian Forum on Civil Justice

[Evaluation of Community Articling Fellowships Program](#) | Law Foundation of Ontario

[Millennials, Technology and Access to Justice](#) | The Action Group on Access to Justice

[Professionalism and Ethics in Family Law](#) | Winkler Institute for Dispute Resolution

[The Data Deficit: The Case for Improving Court Records for Future Access To Justice Research](#) | Canadian Forum for Civil Justice

[The Development of Parenting Coordination and an Examination of Policies and Practices in Ontario, British Columbia and Alberta](#) | L.D. Bertrand and J-P. Boyd, Canadian Research Institute for Law and the Family

[Windsor Yearbook of Access to Justice](#) | University of Windsor Faculty of Law

Goal 09

Improve Funding Strategies

Ensuring sustainable funding for access to justice initiatives is an ongoing challenge. This year saw a number of targeted funds, announcements, or creative funding strategies to make sure that there is funding for access to justice. Here is a sample of funding initiatives.

Law Foundations

Law Foundations across Canada support projects that improve access to justice, expand public understanding of the legal system and support legal education. Over \$44 million is granted annually to projects by these independent foundations. In addition to the regular granting in each province or territory, the Access to Justice Fund operated by the Law Foundation of Ontario supports projects across the country. It distributes money received from *cy-près* courts awards to access to justice projects. Since 2009, it has received more than 15 *cy-près* awards and supported more than 100 grants worth over \$15 million.*

*Estimates taken from Foundation websites and news releases. Final audited statements of Foundation assets and grants are not yet available. These estimates may change once final figures are available.

Government Funding

In Ontario, legal aid eligibility rates were increased by another 6% again this year, the fourth increase in recent years. Quebec increased its legal aid eligibility rate by 4.7% this year and also invited project proposals to a \$500,000 fund to promote access to justice. The BC government invested \$16 million in collaborative approaches to child protection, family and civil issues to enhance access to justice. In the Yukon, the Crime



\$44

MILLION

in Law Foundation grants across
Canada

\$15

MILLION

from cy-près decisions granted
exclusively to A2J since 2009 through
the LFO's Access to Justice Fund

Prevention and Victim Services Trust announced funding for 5 community-led projects. Funding was offered through the Alberta Community Restorative Justice grant. In Manitoba, in addition to free legal aid for those who qualify, the Agreement to Pay program allows people to pay for legal services at legal aid rates, instead of market rates, in some cases.

New Funding Strategies

Some projects are finding ways to make the most of limited funds or to share resources. A Nova Scotia web tool has been developed by IT students at Saint Mary's University to help people prepare wills. By partnering

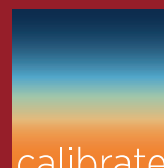
with the university, this tool was developed and launched without new funding.

New strategies for funding access to justice have also been developed. In BC, the Law Society released a report of its task force outlining a Vision for Publically Funded Legal Aid. The Canadian Council of Administrative Tribunals is using its accessibility survey to help make decisions about funding and resources. The Manitoba Law Society's Forgivable Loan Program forgives the student debt of law students who practice in rural areas where there is a shortage of legal services.



Action Committee on Access to Justice
in Civil and Family Matters

www.justicedevelopmentgoals.ca



This report was
prepared by
CALIBRATE.