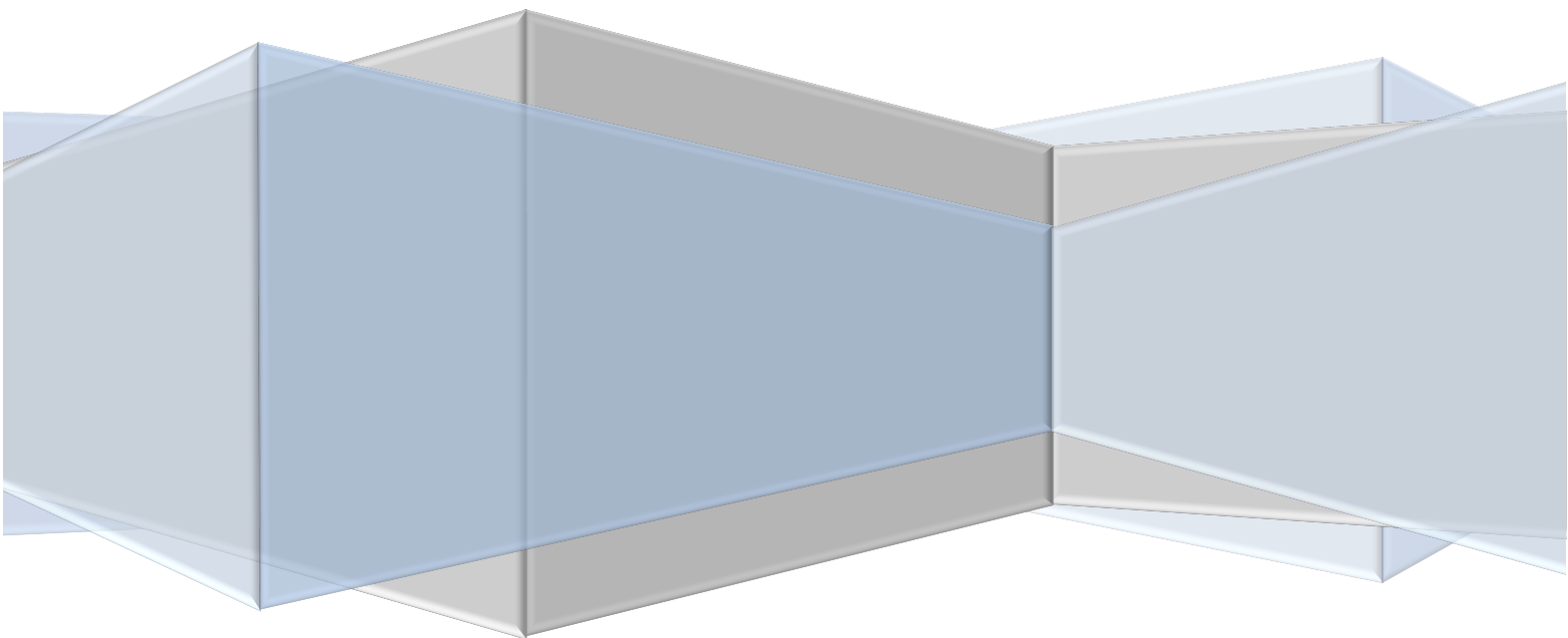


# **Bridging the Gap: The Prospect of Integrated Service Centres**

**The Dean's Forum on Dispute Resolution and the  
Justice System**

**Working Group #2**



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## A) Mission Statement

There is a significant segment of the Canadian population that is unable to access the knowledge, services, or resources they need to address their legal issues. This gap in accessibility is due to several reasons, including:

- the rising cost of legal representation
- the complexity of the justice system
- the difficulty in navigating the justice system
- the inaccessibility of legal language
- the lengthy process in pursuing legal action

At the September meeting of the Dean's Forum on Dispute Resolution and the Justice System, participants identified the "integrated service centre" – providing early intervention and a comprehensive assessment of issues - as an idea worth exploring. Our mission as a working group of the Dean's Forum is to do the following:

- 1) Survey examples and provide concrete and tangible descriptions of an integrated service centre
- 2) Describe the spectrum and locate models on this spectrum
- 3) Explore and examine the possibilities in the Saskatchewan context.
- 4) Anticipate the barriers and hypothesize an implementation plan

We began our investigation with a review of the Cromwell Report, by exploring existing programs in Canada, as well as those operating in Australia and New Zealand, and rounded things off with a literature review on Access to Justice topics. The review provided a useful starting point for our analysis, and is summarized in the appendices attached to this report. The summary of the Cromwell report strives to capture how the Report addresses integrated service centres. The information on existing programs in Canada illustrates how different jurisdictions have established programs to address the gap in the provision of legal services and serves as a range of potential possibilities to import for the Saskatchewan context. An analysis of the programs operating in Australia and Aotearoa/New Zealand further broadens the perspective on developments in this area. Finally, the literature review on Access to Justice provides insight into this complex issue and helps guide our work on integrated service centres.

## **B) Consultations**

In our investigation for potential options for an integrated service centre, we considered it important to gather input from legal representatives in the field. As with all aspects of this report, we offer this as a starting point – recognizing that expanded conversations along these lines will be vital. Consultations were conducted with several key stakeholders in the Saskatchewan legal community as well as with leaders in the field of access to justice. The following individuals were contacted: Kelly Shaw (Director at Legal Aid, Family Law), Nicole Sorauer (Pro Bono Law Saskatchewan), Joel Janow (PLEA), M. Jerry McHale, QC (Lam Chair in Law and Public Policy at University of Victoria), and Dr. Deborah Doherty (Public Legal Education and Information Service of New Brunswick).

These consultations were conducted as interviews focussing on currently recognized gaps in legal services, how an integrated service centre could address the access to justice problem, and any obstacles in implementing such a model. The following are common themes that arose throughout the consultations:

### **1) Early intervention**

Receiving assistance at the first instance of a legal problem is crucial to responding effectively to the issue. Without early intervention, a simple problem can be compounded, multiplied or intensified with time. An effective model would consist of front end services as an efficient use of people and resources. The centre could provide information, education, advice, orientation, and assistance to the public at an early stage in the dispute resolution process. An early intervention model would provide people with immediate legal direction and assistance with their problems.

### **2) Assistance in navigating the justice system**

The justice system can be difficult to navigate, especially for individuals without legal training. When faced with a legal issue, people often do not know where to go or who to contact in order to access resources. The complexity of court forms and procedures and the lack of guidance throughout the process can lead to incomplete forms, missed deadlines, and general confusion around the legal matter. The public could utilize an integrated service centre as an initial place to go that helps them determine their next step. Getting help in navigating the system at the initial phase of a dispute is crucial in getting a just result.

### **3) People are falling through the cracks**

There is a segment of society that is unable to achieve assistance with their legal issues. Those who can neither access Legal Aid or Pro Bono, nor afford legal representation are often left to deal with their legal problems themselves and may not get a just result. Furthermore, self-represented litigants often are not aware of alternative dispute resolutions, leading to more cases being dealt with through the court system. The focus needs to shift from perceiving self-represented individuals as a problem to working to better assist these people.

### **5) Information**

Although information may be available through several avenues, an integrated service centre could assist in consolidating the information and resources available for legal problems and related issues. Information is essential in fostering a long-term resolution to legal problems and in empowering individuals to make informed decisions on an appropriate course of action. By providing information that is accessible and centralized, an integrated service centre can play a part in conflict prevention, assistance, and resolution.

### **6) Multi-dimensional and multi-disciplinary approach**

Legal problems often do not stand alone; they can occur concurrently with other issues. An effective integrated service centre would ideally adopt a multi-dimensional and multi-disciplinary approach. Referrals to and assistance with issues such as counselling, mental health assistance, family justice services, workshops, mediation, and children's support. Numerous studies show that individuals in crisis turn first to community agencies for support; referrals and coordination with these services would therefore be very useful. A co-ordinated and comprehensive approach will require representatives who are able to assist individuals by identifying their multi-faceted issues and referring them to the resources and services that can help them.

### **7) Online Help**

In a technological age, an online presence would be an important aspect of an integrated service centre. Due to mobility issues and the ease and immediacy of the internet, an online portal for the centre can assist a broad segment of the population who cannot or chooses not to attend the centre in-person. An online portal for the centre could offer general information about the law, legal processes, legal form assistance, and referrals to legal and related services and resources.

## 8) Promotion of Alternative Dispute Resolution

Alternative dispute resolution methods can be integrated into the model as an alternative to litigation. Early support and information can empower clients to seek resolutions outside the courtroom. Methods such as mediation, collaborative law, and online dispute resolution can serve as off-ramps from the traditional litigation route. Emphasis on dispute resolution promotes long-term resolutions rather than quick fixes to legal problems.

## 9) Location

The location of an integrated service centre is important in ensuring that people in the community are able to adequately access the resource. An integrated service centre could benefit from working within a local Courthouse. This location would be convenient for the public to access, for judges to refer litigants to, and can make the legal process more streamlined. However, an independent location could also be beneficial, as a stand-alone location may offer a more neutral territory for the public.

## 10) Personal Assistance

The law has its own technical language which is not easily accessible to the general public. An integrated service centre will help to combat not only literacy issues, but also legal literacy problems when it comes to accessing and understanding legal information. Having a personal representative from an integrated service centre can significantly assist people in understanding legal information and court processes. A representative can be available to explain forms and documents, assist in document preparation, explain court process and procedure, and refer individuals to alternative dispute resolution methods. Furthermore, representatives can assist in identifying issues, legal or otherwise, that an individual has not yet considered. They can then help individuals in accessing the resources, information and services necessary to address their issues.

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*Point to ponder: Are there currently any other gaps in legal services or ways that you feel an integrated service centre can address relevant problems in the justice system in Saskatchewan?*

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### C) Future Possibilities for a Saskatchewan Service Centre

A vast spectrum of possibilities exists in creating integrated service centres within Saskatchewan. Each layer of the spectrum carries with it associated costs and benefits, and each idea must be weighed in accordance with the specific needs of Saskatchewan residents. For this initiative to reach its potential, it must be multi-dimensional, layered, and comprehensive. Each “piece” of the initiative must support the other pieces and be able to work together over time.

This brings us to the challenges. Depending on the model, a great deal of resources may be required to operate a service centre. Furthermore, the location of the centre invites problems of accessibility. Due to the demographics of Saskatchewan, the challenge of providing services to rural communities is something that must also be considered.

Setting up an online portal would be helpful in providing large volumes of legal information but again invites problems of legal literacy and the ability to manage and utilize the information one receives. Also, a number of people who are “falling through the cracks” may not have access to the internet or be able to access an online resource. Having a physical service centre would be advantageous for these reasons, but is limited to the geographical area where it is located.

Even though there will be inherent challenges in any model proposed or implemented, what must be addressed is that Saskatchewan is in need of a progressive step forward when it comes to allowing the public adequate access to justice. Whether this model involves centralized integrated service centres with an online component to aid rural communities between monthly clinics is yet to be decided, however, the ability to start an initiative on the ground floor allows everyone involved to begin to address the needs of the public while allowing for a foundation to be built which collectively can address the overall needs, gaps, and barriers inherent in the current system.

It would be senseless to suggest that implementing an integrated service centre would begin to serve all identified concerns. This does not, however, suggest that any efforts would be futile, but instead lends the idea that developing a layered approach would not only allow for resources to become available when they are economically feasible, but would further allow the model to be adapted and built towards the public as it becomes evident what is working or what specifically needs to be addressed to encourage a successful program in Saskatchewan.

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#### *Points to ponder:*

*What would an ideal integrated service centre look like to you?*

*How would you model an integrated service centre to meet the multi-dimensional needs of the Saskatchewan population?*

*Are there other social services that you feel are relevant to include in this model? If so, what?*

## D) Structural Issues to Consider

### a) Methods of Providing Information

#### Online Information

- Benefits: Inexpensive; easily accessible to those with access to the internet
- Challenges: Inaccessible to those without the internet; does not address issues of literacy and legal literacy; needs to be updated regularly

#### Written Works

- Benefits: Inexpensive; easy to update and provide; many resources have already been created; can provide information in plain language; can direct people to related services and resources
- Challenges: Does not address issues of literacy and legal literacy; gaps in topic areas; does not offer a complete form of assistance without personal aid; needs to be updated regularly

#### Programs and Workshops

- Benefits: Provides for more understanding and an opportunity to ask questions; provides personal assistance with an issue
- Challenges: People may not anticipate their legal problems; issues of accessibility

#### Triage and Referral

- Benefits: Helps translate/simplify problems and direct the person to the relevant source for help
- Challenges: Location; coordination; inefficiency; lack of expedience

#### Walk-in Information Centre

- Benefits: Provides for more understanding and an opportunity to ask questions; can be a one-stop shop for people to go with questions and concerns; can direct people to related resources



and services; centre is accessible early in the process and throughout the process

- Challenges: Location; reaching out to rural communities or those without transportation; potential for the environment to appear inaccessible or daunting

## **b) Offering of Advice and Providing Representation**

### **Clinical Students**

- Benefits: Low cost; availability

- Challenges: Lack of knowledge; lack of experience; potential for legal liability in the provision of legal information and/or advice

### **Legal Aid**

- Benefits: Extensive knowledge and experience; can offer a wide range of services based on the needs of the client

- Challenges: Limits those who qualify for service; limited to family and criminal law matters

### **Pro Bono Lawyers**

- Benefits: Provide a range of available lawyers with differing areas of specialty  
province-wide

- Challenges: Limited in number of hours available; may not specialize in required area of need

### **Government-staffed Clerks**

- Benefits: Can offer a range of services based on needs of client; specifically training for this purpose and position; not limited to providing assistance to only those who are eligible based on income

- Challenges: Staffing; training; funding from Government; expediency; question of how broad the net is cast for non-legal services

### **Other Professionals (ex: Social Workers, Family Justice Workers)**

- Benefits: Can offer assistance and services beyond the scope of legal professionals; does not limit the issues that can be addressed to strictly legal problems
- Challenges: Staffing and funding these positions; may only require their assistance in a referral capacity

## **c) Range of Services**

### **Legal Consultations**

- Benefits: Can provide information to self-represented litigants; less costly than full representation; can provide a full assessment of issues and possible resources and services available; compatible with services such as pro bono that offer limited hours of resources
- Challenges: May not address needs or questions of clients; client may suffer with issues of legal literacy; issues with accessing separate locations and services

### **Full representation**

- Benefits: Can assist the client throughout the entire legal process
- Challenges: Availability of lawyers and students; legal liability of students in providing advice; potentially limited group of people who could be offered this service

### **Offer referrals to other firms or agencies when unable to provide assistance**

- Benefits: Provides individuals with direction; assisting with not only legal issues but associated/non-associated issues which only compound their problems
- Challenges: Clients may have problems in accessing different locations and services

### **Providing non-legal advice and referrals (ex: self-help, housing, family justice, ADR)**

- Benefits: Provides a one-stop shop for clients who may not know what kind of assistance they require; raises awareness of the services and resources that are available; assists clients with

related issues which only compounds their problems

- Challenges: has potential to place a large burden on the employees to provide services and be knowledgeable in a wide variety of areas

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*Points to Ponder: How would you convey these services to the people in need?*

*How would you overcome obstacles of accessibility and communication?*

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#### **d) Method of Conveyance**

##### **Internet**

- Benefits: low cost; lawyers/staff/students can provide answers at their convenience
- Challenges: Conveyance of issue; not easily accessible to those without the internet

##### **Telephone**

- Benefits: Accessible from anywhere in province as long as you have a phone
- Challenges: Might be more difficult for clients to convey issues/to provide advice; language barriers; clients may not have consistent contact information

##### **Appointments**

- Benefits: convenient for staff/lawyers/students; convenient to client due to decreased wait time in the centre
- Challenges: Finding contact information; many clients have multiple crises; problems may compound, change or intensify after the appointment; potential for lengthy wait times for an appointment

## Walk-in

- Benefits: convenience to the public for when they are available; clients have the benefit of getting a personal consultation
- Challenges: Inconvenience to staff/lawyers providing pro bono hours; inconvenient to the public due to limited hours or extended wait times; less accessible for those living in rural communities

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### *Points to ponder:*

*Who do you have in mind when imagining your ideal integrated service centre? Should the focus be on a broader group of people or a targeted segment of the population?*

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## e) Location of Services

### Online

- Benefits: Inexpensive; transcends geographical barriers; available 24/7
- Challenges: Users may not receive adequate help with their concerns; inaccessibility to those without the internet; literacy and legal literacy concerns not addressed

### Courthouse

- Benefits: Convenient location for certain legal services; can make the court system appear more accessible; benefits from a central location for legal needs
- Challenges: Inconvenient for other legal/non-legal concerns; may not appear to be an independent or neutral location; limited hours of operation

## Neutral Location

- Benefits: Conveys a perception of independence from the courts
- Challenges: Has the potential to create one additional location and step to the already lengthy process

## f) Qualification for Services

In considering who would qualify for services, we must also evaluate the following concerns:

- Most clinical services are currently geared towards those below the poverty line. Would taking a similar approach fail to address identified barriers and gaps?
- What about the middle class? Consideration of projected costs for legal issue resolution
- Considering non-monetary barriers such as language, ethnic background, topic of public interest, etc.
- What kind of legal/non-legal issues are more likely to receive service? Are there some legal problems which are less likely to get resolved by a service centre?
- Would it be better to cast a broad net for those who qualify to receive services or to focus on a targeted segment of the population? What are the implications for choosing one basis over another?

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*Point to Ponder: How would you go about implementing a service centre?*

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## E) Implementation

In efforts of working towards the goal of an integrated service centre, issues concerning implementation must also be addressed. Areas to consider include:

- ⇒ Funding
  - Initial start-up as well as operating costs
- ⇒ When should an implementation committee be designated and who should be involved
- ⇒ Prospective location
  - Province-wide to determine areas most in need
  - Specific address location
  - Whether it should be affiliated with the Courthouse
- ⇒ Stakeholders involved
  - How staffing and training should be conducted

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### *Point to Ponder:*

*What role can you play in the implementation of an integrated service centre? What specific expertise can you contribute to the development of a centre?*

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## F) Conclusion

In this report we have identified a number of different themes relevant to the development of an integrated service centre following discussions with relevant authorities in Saskatchewan and elsewhere in Canada. These themes are: early intervention, assistance in navigating the justice system, people “falling through the cracks”, providing information, a multidimensional and multidisciplinary approach, online help, promotion of alternative dispute resolution methods, potential location and providing personal assistance.

With a view to these categories, future possibilities were outlined for a service centre in Saskatchewan by demonstrating a spectrum of methods for providing information, offering of advice/providing representation, range of services, method of conveyance, and potential locations. In doing so, we discussed a number of existing models and the relative benefits and challenges associated with each. This was followed up by considerations and their associated challenges regarding qualification of services and potential methods for centre implementation.

Each of these sections were developed with a view to our working group’s overall mission to address the gaps and barriers with the accessibility of justice and to facilitate conversation of how we plan to address this issue.

We hope that this report stimulates ideas and strategies for discussion at the Forum. We appreciate your consideration and contributions.

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## G) Appendices

### a. A Summary of the Cromwell Report: How does the Report address the topic of integrated service centres?

The Cromwell Report, “Access to Civil & Family Justice, a Roadmap for Change”, articulates the gravity of the Access to Justice problem facing Canadians today. The following summary highlights two areas taken up in the report: the lack of information accessible by the public and a way to proceed in addressing the problem through integrated service centres which is included in the Early Resolution Service Sector (ERSS).

The Report suggests that of the Canadians that face legal problems, over 20% do not take action with respect to their legal issues and over 65% perceive that nothing can be done, are unaware of their rights, do not know how to proceed, have concerns about the time or cost, or are afraid. The report indicates that these problems could be solved more easily at the early stages, but as it currently stands, unaddressed legal problems escalate and require costly court proceedings later on.

Studies report that the general public does not understand court procedures, requirements, legal jargon, and where or who to approach for help. Barriers facing the public include unavailability and inaccessibility of legal information; the complexity of the law, its vocabulary, procedures and institutions; and linguistic, cultural and communication difficulties. The Report calls for improvements to be made in collaboration, coordination, and service integration with other social service sectors and providers to combat fragmentation of the justice system and to improve access.

The Report advocates for the provision of a flexible continuum of justice services. The Action Committee’s Prevention, Triage and Referral working group suggest that early resolution and avoidance of further escalation of legal problems is less expensive and less taxing on the party. The ERSS front end approach reduces the costs usually deferred to the individual in the formal justice system, and also creates the greatest opportunity for early resolution. Public funding is currently concentrated in formal justice system mechanisms. The continuum includes the formation of the “Early Resolution Services Sector” (ERSS), which overlaps the formal justice system. The ERSS involves the formation of community hubs and coordinated community service centres. The Report emphasizes that the ERSS be integrated into the formal justice system, and coordinated to the extent possible with other services beyond those typically considered ‘the justice system’, including social services, health services, education etc. all with the objective of meeting the everyday legal needs of Canadians.

The first stage of the ERSS includes the provision of information, education, building legal capabilities, triage and referral. The second stage involves the provision of further information and summary advice, triage, and referral. The third stage involves supported dispute resolution and advocacy for clients. The two final sectors along the continuum represent the formal justice system: legal representation and trial.



The ERSS comprises a wide variety of services, including: community and public legal education; triage (effective channeling of people to needed services); pro bono services; other in-person, telephone and e-referral services; intermediary referral assistance (help in recognizing legal problems and connecting them with legal and other services); telephone and e-legal information services; legal publications programs and in-person and e-law library services; dispute resolution programs (family mediation and conciliation services, small claims mediation, lower cost civil mediation, etc); various legal aid services, including legal clinics, certificate programs, duty counsel, etc.; community justice hubs; co-location of services; student services including clinical services, student mediation initiatives, public interest programs, etc.; among others.

The objectives of the ERSS are to help people clarify the nature of law and problems that have a legal aspect; help people to develop their legal capacity to manage conflicts; resolve problems earlier by themselves and/or to seek early and appropriate assistance; promote early understanding and resolution of legal problems outside the court system through ADR mechanisms and/or directly by parties themselves; assist people in navigating the court system efficiently and effectively; and provide effective referrals.

A critical component of the ERSS is to provide access to legal information. Cooperation and coordination among providers, the development of regional, sector or national information portals, authoritative online information hubs, virtual self-help information services, certification protocols, and the formation of complaints process, are all to be introduced to foster the dissemination of legal information and promote access.

The Report addresses Family Justice services. Some of the some front end services, like those described in the ERSS, should be expanded and made more accessible. The Report suggests that an integrated delivery of all services for separating families and triage services (i.e. effective channeling of people to required services) including assessment, information and referral, should be made available for all people with family law problems.

## b. Existing Programs in Canada

In our initial research, we scanned the internet for examples of access to justice initiatives across Canada. Listed below is a representative sample. Listed below is a representative sample. Although a non-exhaustive list, it demonstrates a spectrum of possibilities. Condensed, the list shows:

- Providing information:
  - Through websites or written works
  - Programs and workshops
  - Understand court rules and procedures
  - Family issues
- Offering advice/representation:
  - Through clinical students or legal aid/ pro bono
  - Range from consultations to full representation
- Offer referrals to other firms or agencies when they cannot provide assistance
  - Not only legal advice but other issues such as self-help, housing, or ADR
- By phone/appointment/walk-in
- Qualifications
  - Most options geared towards those below the poverty line
  - One initiative considers not only qualifications for legal aid, but also whether or not the client could afford the projected legal costs - Caters to the middle class gap
  - Considering non-monetary barriers such as language, ethnic background

## ALBERTA

### Alberta Legal Information Society

Online at: <http://albertalegalinformationsociety.ca/>

- Legal community currently establishing a non-profit organization
- Plan underway to create a website which will serve as the initial access point of legal information in Alberta for areas of civil and family law.

## **BRITISH COLUMBIA**

### Justice Access Centre (JAC) and UVic Law Centre – Victoria

B.C. Ministry of Justice, Online at: <http://www.ag.gov.bc.ca/justice-access-centre/index.htm>

Phone: 250-356-7012, Toll-free from outside Victoria at 1-800-663-7867

- JAC to serve as one-stop centre for civil and family matters.
- Staff to provide info and simplify the process for those pursuing tribunal or court actions.
- Collaboration of Ministry of Justice with the UVic Law Centre enables Law students, under the supervision of Lawyers to provide free advice, assistance and representation for clients who could not otherwise afford a lawyer.
- Civil law services will be phased in, however initially a family justice centre with such services as family justice counselling, mediation, parent education and other resources for families experiencing problems.
- Opened following/built upon JAC established in Nanaimo and Vancouver.

### JAC – Nanaimo and Vancouver

Nanaimo - Phone: 250-741-5447, Toll Free: 1-800-578-8511

Vancouver - Phone: 604-660-2084, Toll-free from outside Victoria at 1-800-663-7867

- Family and civil matters: assess needs, provide information pertaining to legal and related issues as well as refer clients to available services.
  - Self-help and information services
  - Dispute resolution and mediation options
  - Legal advice services
  - Community resources and agencies
- Does not deal with criminal, small claims forms and filing, or several other specific legal solutions.
- Some services provided to everyone while some provided to only those with low incomes.
- Helps connect clients with community services relation to mental health, alcohol and drug use, income security, debt, and housing.

### Justice Education Society

Online at: <http://www.justiceeducation.ca/>

Phone: 604-660-9870

- Non-profit organization established in 1989 as the Law Courts Education Society.
- Collaborative work of the BC Ministry of Attorney General, the Judiciary and the Canadian Bar Association (BC Branch)
- Most programs and resources available free of charge.
- Objective – “To provide hands-on educational programs and services to the general public, as well as to youth, Aboriginals, ethnic and immigrant communities, deaf people, those with special learning abilities, and other groups as needed.”
- Services aimed to help provide individuals with a better understanding of how the justice system works and how to resolve their legal problems.
- Offered programs include:
  - Court information program for immigrants
  - Justice System Education Program
  - Northern Native Public Legal Education
  - Parenting After Separation
  - Aboriginal Parenting After Separation Program
  - Immigrant PLEI Consortium (IPC)
  - Mock Trial Program
  - Young Women Clinic Leaders
  - Online Parenting After Separation
  - Choices and Consequences
  - Courtlink
  - Peer Resolution Conferences

### Access Pro Bono

Online at: <http://www.accessprobono.ca>

- Initially created by a group of senior Lawyers but later merged with Pro Bono Law of BC which was a joint venture of BC CBA and the Law Society of BC
- “Our Mission is to promote access to justice in BC by providing and fostering quality pro bono legal services for people and non-profit organizations of limited means.”
- Offered programs include:
  - Summary legal Advice Program
  - Civil Chambers Program
  - Roster Program
  - Solicitors Program

- Children's Lawyer Program
- Paralegal Program
- Wills Clinic Project

## **NEW BRUNSWICK**

- Family Law Services Pamphlet outlining available services in the Province, Online at:

[http://www.legal-info-legale.nb.ca/en/uploads/file/pdfs/Family\\_Law\\_Services\\_Fact\\_Sheet\\_EN.pdf](http://www.legal-info-legale.nb.ca/en/uploads/file/pdfs/Family_Law_Services_Fact_Sheet_EN.pdf)

### New Brunswick's Family Law Information Centre – Fredericton

Online at: <http://familylawnb.ca/english/index.php>

Telephone: (506) 453-5369

Family Law Line: 1-888-236-2444

- Website is created, maintained, and administered by a registered charity (Public Legal Education and Information Service of New Brunswick (PLEIS-NB)) but receives core funding and support from the Ministry of Justice, the NB Law Foundation and the NB office of the Attorney General.
- Provides general information and resources pertaining to family law in New Brunswick.
- Answers questions via telephone about how the courts work, court rules and procedures.
- Does not provide legal advice and cannot comment/assist with a specific situation.
- Conducts family law workshops called "Navigating the Justice System."
  - Work with lawyers, pro bono students, and community agencies in 2-3hr workshops to provide information for court proceedings related to: uncontested divorces, custody and access applications, child support applications and variation of custody, access and/or support.

### NB Family Law Information Centre (FLIC) – St. Johns

Online at: <http://www.cfcj-fcjc.org/inventory-of-reforms/new-brunswick-family-law-information-centre-flic>

- A legal education and information centre for self-represented litigants with family law issues.
- Provide information and resources to the general public on family law issues via brochures, pamphlets, and self-help guides
- Operates out of the St. Johns QB courthouse and anyone can stop by.
- Accepts calls or walk-ins.

- Offers pamphlets and information as well as free 1hr consultations with lawyers and mediation

## NOVA SCOTIA

### Dalhousie Legal Aid

Online at: <http://www.dal.ca/faculty/law/dlas.html>

Phone: 902-423-8105

- The oldest clinical law program in Canada.
- The Clinic is a partnership of community groups, law students, community legal workers and lawyers.
- Offers those with low incomes community outreach, education, organization, lobbying and test case litigation.
- Clinical 3<sup>rd</sup> year students work under supervision of lawyer in representing clients as well as participate in assigned community work.

## ONTARIO

### Access to Justice Fund

Online at: <http://www.lawfoundation.on.ca/what-we-do/access-to-justice-fund-cy-pres/>

- National fund to provide grants across the country towards access to justice projects.
- The Law Foundation of Ontario.
- So far the grants have covered linguistic and rural access to justice, aboriginal issues, self-help, family violence, and consumer rights.
- Currently closed to further grant applications due to high volume received.

### Family Law Information Centre (FLIC)

Online at: <http://www.attorneygeneral.jus.gov.on.ca/english/family/infoctr.asp>

- Organized by the Ministry of the Attorney General.
- Provides free information about divorce, separation and related family law issues; child custody, access, support, property division and child protection
- Referrals to community resources
- Each family court location provides the following resources and services available:
  - pamphlets and other publications on issues related to separation and divorce and child

protection matters, including What You Should Know About Family Law in Ontario(available in 9 languages)

- the Ministry's Guide to Family Procedures
- information about legal services, the court process and court forms
- Advice Lawyer from Legal Aid Ontario who can provide summary legal advice (certain times)
- Information and Referral Coordinator who will provide information on ADR options and issues related to separation and divorce and community resources (certain times)
- referrals to family mediation services connected with the court
- information about and scheduling for the Mandatory Information Program.

### Law Help Ontario

Online at: <http://www.lawhelpontario.org/>

- Covers areas for those suing or being sued in civil court, children & youth, and charitable organizations
- Does not provide assistance for family or criminal law matters
- Online guides for different types of law and court processes
- Registered projects:
  - Employment Law Advice Clinic for low-income clients. 30 minutes of in-person legal advice.
  - Summary Advice Clinic - Free legal advice and referrals for low-income individuals including members of the LGBTQ community. Consultations are for roughly 20 minutes and are available on a drop-in basis only.
  - The Association in Defence of the Wrongly Convicted is a non-profit organization dedicated to identifying, advocating for, and exonerating individuals convicted of a crime that they did not commit and to preventing such injustices in the future through education and reform.
  - Connect Legal fosters entrepreneurship provides legal educational services and pro bono commercial legal assistance to low-resource immigrant entrepreneurs.
  - Estates Planning Project - Free wills and powers of attorney for low-income Hamiltonians.
  - Legal Clinic for the Greek - Free legal advice and referrals for all members of the public, including Toronto's Greek Community. Consultations are for thirty minutes.
  - Visual Artists Legal Clinic - free summary advice to artists about their legal rights and

responsibilities. Approximately one hour of advice is available.

- Wellspring Employment/LTD Advice Clinic - Free summary legal advice for GTA residents living with cancer who have questions about their rights and responsibilities with respect to employment and long term disability coverage.
- Grandparents Support Project - Free advice to prospective caregivers to help them understand the financial implications of assuming custody prior to finalizing arrangements.

### Community legal education Ontario (CLEO)

Online at: <http://www.cleo.on.ca/en/about/about-cleo>

- Provides information to people of low incomes or who face other barriers, such as language or literacy, to help them understand and exercise their legal rights.
- Works includes:
  - Legal information resources and publications available in a variety of languages and formats
  - research into effective ways of developing and delivering legal rights information through the CLEO Centre for Research & Innovation
  - Your Legal Rights website, which has legal information on a wide range of topics, in a variety of languages, produced by hundreds of organizations from across Ontario
  - Connecting Communities project, which is facilitating legal information training partnerships between legal and non-legal organizations to improve legal information and services for those who don't speak English or French or who live in rural and remote communities

### Community Advocacy & Legal Centre

Online at: <http://www.communitylegalcentre.ca/default.htm>

- Six locations, main office in Belleville (Phone: 613-966-866, Toll free 1-877-966-8686)
- legal services, advocacy and information for low income and people in poverty
- Clinics funded by Legal Aid and staffed by a combination of Lawyers, community legal workers and a non-legal support staff.
- Centres do not practice real estate, criminal, family, or immigration law.
- Provides free legal information and advice by appointment or over the phone to those who qualify.
- Services available:
  - Legal information and advice



- Tenant Duty Counsel
- Representation before courts and tribunals
- Legal education sessions & materials
- Community capacity building services
- Law reform activities
- Referrals to appropriate services and to other sources of legal help

## QUEBEC

### ProBono Quebec

Phone: 514-954-3427

Online at: <http://www.probonoquebec.ca/fr/que-faisons-nous/nos-services>

- Pro-Bono partnership with various Lawyers.
- Website has about 400 free or low cost legal resources throughout Québec
- Available to those who are not eligible for legal aid, those who cannot cover legal expenses, and those who can “demonstrate that this is a cause of public interest, exceptional or that could result in irreparable harm. It can also be a cause to improve the law, the legal system and the justice system in Quebec, Canada and internationally.”
- Services provide timely assistance to self-represented litigants for family and civil matters.
- Assistance with appeals to judgements, custody arrangements, and authorization of medical care.

## SASKATCHEWAN

### Pro Bono Law

Online at: <http://www.pblsask.ca/index.shtml>

- A non-profit corporation geared at improving access to justice in Saskatchewan
- Promoting opportunities for lawyers to provide high-quality legal services to persons of limited means
- Does not directly supply legal services, but designs, coordinates, and promotes free legal service
  - Clinical, panel, and solicitor programs
- Created a legal services in Saskatchewan information sheet
  - <http://www.pblsask.ca/pdf/LegalServicesSK.pdf>
- Provides links to legal resources geared at providing legal information and understanding
  - ex: Summaries of Provincial laws produced by the Saskatchewan Ministry of Justice

- <http://www.justice.gov.sk.ca/legislation-list/>

Community Legal Assistance Services for Saskatoon Inner City (CLASSIC) – Saskatoon

Phone: 306-6576100

Online at: <http://classiclaw.ca/>

- Funding is provided by multiple organizations and agencies, some of which include: the Saskatchewan Law Foundation, Saskatchewan Justice, the University of Saskatchewan, the College of Law, Urban Aboriginal Strategies, and United Way
- Must meet low-income criteria to qualify for services.
- Attention to the needs of Aboriginals
- If a criminal or family law issue the client must first be denied legal aid – non indictable offences only
- Walk-in Advocacy Clinic – Clients provided with legal information and or basic legal services by law students under the supervision of practicing lawyers.
- Legal Advice Clinic – Assists self-represented individuals by providing half hour appointments with practicing lawyers in areas pertaining to criminal, family, civil, or employment law

## c. Existing Programs in Australia and Aotearoa/New Zealand

In our initial review, we also looked at these other two countries to get a sense of developments in this area. A summary is outlined below.

### AUSTRALIA

#### Access to Justice Website

Online at: <http://www.accesstojustice.gov.au/Pages/default.aspx>

- Portal website dedicated to resolving access to justice issues on 15 different categories of legal issues ranging from Family to Bankruptcy to Intellectual Property
- Connects to sources for information and other agencies
- Also provides information about alternative dispute resolution methods, access to an ombudsperson, and supplies a PDF/Word Document guide to dispute resolution.

#### Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd

Online at: <http://www.atsils.org.au/>

- A community based organization, established to provide legal services to Aboriginal and Torres Strait Islander people across Queensland
- Established to foster collaborative partnerships with ATSI communities, governmental and nongovernmental stakeholders, and to initiate positive change in the interaction with ATSI people and the legal system.

#### National Pro Bono Resource Centre

Online at: <http://www.nationalprobono.org.au/home.asp>

- An independent, non-profit organization that encourages pro bono legal services, supports lawyers and law firms to facilitate participation in pro bono services, and works with the professional and the community sector to match services with the clients and groups most in need of assistance
- Receives financial support from the Attorney-General's department, from each state's Attorney-General's Departments, and from the Faculty of Law at the University of New South Wales
- Helps co-ordinate regional pro-bono services through a national scheme.

### Conflict Resolution Network

Online at: <http://www.crnhq.org/>

- A non-legal specific conflict resolution website that offers training and information about how to communicate effectively and how to resolve conflict through creative means.

## **Aotearoa/New Zealand**

### Citizens Advice Bureau

Online at: <http://www.cab.org.nz/Pages/home.aspx>

- Offers useful information to avoid legal disputes or to guide citizens towards what to do or not do in certain circumstances.

### Community Law – Free Legal Help

Online at: <http://www.communitylaw.org.nz/>

- 24 Community Law Centres (CLCs) across Aotearoa/New Zealand
- Covers much of the country, from the major city centres to rural communities
- The Community Law Centres are independent and are run either as charitable trusts or incorporated not-for-profit organisations. Each Community Law Centre has a management committee or board of elected volunteers, who plan, govern and promote their centre. The majority of Community Law Centres operate with a lot of help from volunteers, such as law students and practising lawyers
- Provides legal help to those in need across New Zealand

### Law Access

Online at: <http://www.lawaccess.govt.nz/>

- A useful directory to finding help for all legal needs
- Also useful for finding local resources that can more directly solve a legal problem
- Provides free legal information, links to community organizations, and links to help get legal advice as quickly as possible
- Funded by the New Zealand Ministry of Justice

### Youth Law

Online at: <http://www.youthlaw.co.nz/>

- Youth Law Tino Rangatiratanga Taitamariki is a free community law centre for children and young people nationwide
- Provides free legal services to anyone under the age of 25 who are unable to access legal help elsewhere, or those acting on their behalf

### Auckland Disability Law

<http://www.aucklanddisabilitylaw.org.nz/>

ADL provides the following services:

- Access to legal information, advice and assistance
- Workshops on legal issues and help with law reform for disability groups
- Disability information and training
- Provides one-on-one or group training for legal professionals in Disability Law

### Waitakere Community Law Services

Online at: <http://www.waitakerelaw.org.nz/>

- Community law centre that:
- Provides free legal information
- Provides advice and assistance services to those on low incomes with priority legal issues
- Develops and coordinates legal education, training and support for community organisations and the public
- Identifies systemic barriers to justice and working in ways to overcome these

## d. Literature Review

Much has been written about the Access to Justice topic. Listed below are a few key articles that relate to our work:

1. Cardullo Ortiz, Pamela. "Courts and Communities: How Access to Justice Promotes a Healthy Community" (2013) 72:4 Md L Rev 1096.

Online at: <http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3568&context=mlr>.

Cardullo Ortiz describes Maryland's current innovative approaches in dealing with access to justice and their response to the dramatic increase of self-represented litigants. The article describes the District Court Self-Help Centre which serves a legal walk-in clinic. The self-help centre utilizes on-site attorneys and Legal Aid to ease the process for individuals, as well as technological assistance such as touchscreen form assistance and online chat services. The author also describes how the judiciary in Maryland is an essential supporter and advocate for these unique legal services delivery approaches in promoting the real benefits that the state gains through these programs. These new delivery approaches for legal services will see real results in local communities, Cardullo Ortiz argues, by creating healthier families, neighbourhoods and communities.

2. Charn, Jeanne. "Celebrating the 'Null' Finding: Evidence-Based Strategies for Improving Access to Legal Services" (2013) 122:8 The Yale Law Journal 2206.

Online at: <http://www.yalelawjournal.org/the-yale-law-journal/essay/celebrating-the-%E2%80%9Cnull%E2%80%9D-finding:-evidence%11based-strategies-for-improving-access-to-legal-services>

This article draws from recent empirical studies concluding that litigants with access to lawyers fare no better than litigants without a lawyer. Expanding on these studies, Charn proposes that the justice system should improve legal services by facilitating the self-help of individuals to assist them in resolving everyday legal problems with full legal representation. She argues that legal services should be consumer-centred and consumer-driven in order to effect improved access to legal services. Charn contends that these self-help and "lawyer-lite" services are essential in order to expand access to law and its remedies.

3. Doherty, Deborah. "Promoting Access to Family Justice by Educating the Self-Representing Litigant" (2012) 63 UNBLJ 85.

Online at:

[http://heinonline.org.cyber.usask.ca/HOL/Page?handle=hein.journals/unblj63&collection=journals&set\\_as\\_cursor=1&men\\_tab=srchresults&type=matchall&id=99](http://heinonline.org.cyber.usask.ca/HOL/Page?handle=hein.journals/unblj63&collection=journals&set_as_cursor=1&men_tab=srchresults&type=matchall&id=99)

Doherty discusses the role that public legal education has to play in improving access to justice in Canada. She draws on Justice Cromwell's suggestion that access could be improved if people were able to obtain the knowledge, resources and services to properly deal with their legal issues as early as possible. Doherty focuses on access to family justice and the negative impact that the influx of self-represented litigants brings to the family court. Self-help resources that provide accurate and easy-to-understand information to individuals about their legal rights and obligations are crucial in order to make informed decisions. Access to justice is therefore seen not as a one-time destination, but rather as a process that draws on multiple and varied needs that often arise in conjunction with other legal, social difficulties. Self-help law centres, Doherty argues, have an important role to play in empowering individuals to educate themselves on these steps in the earliest stages possible of their multi-faceted issues.

4. Ensminger, J Charlotte. "Accessing Justice: The Legal Profession's Role in Serving the Public's Diverse Legal Needs" (2011) 44 UBC L Rev 71.

Online at:

<http://www.heinonline.org.cyber.usask.ca/HOL/Page?page=71&handle=hein.journals%2Fubclr44&collection=journals81&id=81>

In approaching the improvement of the state of access to justice in Canada, Ensminger focuses on the intersection of the rule of law, an independent legal profession, and access to justice. She suggests that if the legal profession aspires to be a profession of service in the public interest, lawyers must ensure that the public has meaningful access to the justice system. Access to justice, she argues, is the ability to access legal information, advice, services and the justice system itself when it is needed and in the capacity that is needed. Ensminger states that if this type of access does not exist for the public, then the value of an independent legal profession is meaningless. In order for a self-regulatory regime to truly serve the public interest, access to legal services must be improved by diversifying the delivery of legal services. The article explains how the British Columbia Supreme Court Self Help Information Centre is one example of an effective collaboration that works as an innovative delivery model to provide individuals with a place to access legal information and resources.

5. Zorza, Richard. "The Access to Justice 'Sorting Hat': Towards a System of Triage and Intake that Maximizes Access and Outcomes" (2012) 89:4 Denv U L Rev 859.

Online at: <http://www.zorza.net/Sorting-Hat.pdf>

Zorza describes the current processes that individuals face when approaching the legal system, and notes that in general the legal processes are fragmented, inconsistent and non-transparent. He points out that there are very diverse needs involved in every legal problem, and these needs are not easily addressed by standard court processes. Zorza suggests that the legal system build a "transparent and defensible sorting system" in the form of triage. The author makes suggestions for an effective triage system, such as having one triage process dealing with court process assistance, one triage process assisting a litigant to obtain services and interact with the various players in the legal system. The article also explores defining principles of the triage process and different models that are used in the U.S. to deliver these services.

6. Von Wilpert, Marni. "Medical-Legal Partnership in Mississippi: A Model to Improve Access to Justice" (2013) 82 Supra 199.

Online at: <http://mississippilawjournal.org/2013/02/medical-legal-partnerships-in-mississippi-a-model-to-improve-access-to-justice/>

This article explores an innovative approach taken in the U.S. to combine the efforts of the medical and legal community to address unmet legal needs. Von Wilpert explains that legal services delivery models must adapt to the reality that many individuals are unaware that the challenges they face are legal in nature and that there are resources available to assist them. In response to this problem, Medical-Legal Partnerships have been developed in the U.S. that work as a legal and health services clinic. Following this partnership, physicians are able to refer patients to legal services when they identify an issue that can be resolved with legal expertise, such as: housing issues, special education needs, employment issues, and social assistance needs. The article explains how this multi-faceted and integrated approach better addresses access to justice needs through collaborative professional efforts.