

Dean's Forum on Dispute Resolution and Access to Justice

Summary notes from September 20, 2013
College of Law, University of Saskatchewan

Introductory comments cast a broad vision for the day, inviting participants to draw on their own experiences with justice delivery and reform – across topics of “access to justice”, “dispute resolution”, and operationally separate spheres of civil and criminal justice. After a number of presentations about developments and challenges in the province of Saskatchewan, Jerry McHale was invited to speak about concepts that might drive future progress. Some values emerging from Jerry McHale’s presentation are reflected in the following words: client-centered, pluralistic, multi-disciplinary, integrated, transformative.¹

Questions for discussion:

1. A) What are three areas of change or innovation that you would you like to see explored?
B) What are some specific ideas connected to each?
2. How do we advance the exploration of these ideas?

Group reports:

GROUP 1

- Supporting early intervention and triage
- Change in legal culture: changing student education (with focus on clinicals), ongoing professional education (CLE)
- Law as a public good: increase in “justice literacy”, responsibility, etc.

GROUP 2

- Culture change: interdisciplinary work, reduce exclusion from “our field”
- Negotiation and conflict resolution in all professional development
- Justice literacy
- Justice centers: multi-disciplinary, accessible
- To advance these ideas, requires coordination at all justice levels

GROUP 3

¹ See attached PPT for a summary of Jerry McHale’s presentation. Also note his reference to sites like www.rocketlawyer.com.

- Expanding resources - use law students as a resource (eg. with unrepresented clients in court)
- Change in eligibility guidelines
- More use of technology/remote/video conferencing
- Triage HUB
- Education and/or counseling to build partners' capacity to manage their own issues (multi-disciplinary/integrated services) (for example, the "New Ways for Families" program by Bill Eddy)
- Early resolution pilot projects
- Case conferences and judicial management sooner
- Can "justice" funding be expanded through other services? (by expanding to multi-disciplinary models)
- More use of alternative measures on criminal side of the system

GROUP 4

- Early and integrated intervention (based on partnerships, multi-disciplinary; idea that there might be continuous triage – not just a one-time engagement; may be a combination of physical and virtual 'space'; use existing infrastructure and sites already set up in crisis areas (eg. health))
- Changing the culture of legal practice – create incentives for lawyers to engage in early, accessible services and in public education; unbundling legal services; increasing people who can offer the services (including increase law school enrolment?)
- Creative ways to resource legal services – eg. idea of insurance to cover legal needs of clients
- Encourage broad ownership of justice system (public and vested interests)

Overall themes:

1. Early integrated intervention
2. Public information at critical gaps
3. Culture shift (manage vested interests)
4. Broader 'ownership' of law and justice as a public good

Moving forward:

"Rules of engagement". We decided to continue as a think-tank discussion forum. At the point that the forum moves toward meaningful action, then group members would need to consult their constituencies/organizations, and consider whether and how they might participate

further in a more representative capacity. (i.e. 'Authority' now extends to unattributed discussions in the think-tank; not yet engagement in action-oriented problem-solving.)

Next steps:

- Explore ways to develop these themes further, so that a more concrete set of ideas can be presented to the Dean's Forum next time;
- Establish working groups to support this research and writing?
- Schedule a follow-up meeting with this group;
- Consider how and when to include 'other voices' in the conversation.