



Forum seeks to find solutions to access to justice challenges in Saskatchewan

Sarah Littlefoot from Watrous, Sask., is a 53-year-old divorcee with two adult children. She has worked as a receptionist at an accounting firm for 25 years and was recently dismissed from her job without notice. She believes her dismissal was due to her age. Sarah struggles with legal literacy, cannot afford legal representation and does not qualify for legal aid.

Joe Stevenson is 35 years old and lives in Regina, Sask. He is receiving social assistance, has two children with his common-law wife and one child from a previous relationship. His former partner now wants custody of their child. Joe needs help immediately—both legal representation and other social services.

Sarah and Joe are fictional characters but they exhibit very real problems Saskatchewan residents can face when trying to access the justice system. Over the past several years, there has been a growing awareness of access to justice problems not just in Saskatchewan, but nationwide. According to a 2013 report entitled *Access to Civil and Family Justice: A Roadmap for Change*, more than 20 per cent of the Canadians that face legal problems do not take action with respect to their legal issues, and that more than 65 per cent 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.

Statistics like these are just one reason the Ministry of Justice and the College of Law have teamed up to explore access-to-justice problems through the Dean's Forum on Dispute Resolution and Access to Justice.



Student participants of the dean's forum pose with Jeff Hirsch and Justice Cromwell at the March meeting. Back (l to r): Janelle Anderson, Siobhan Morgan, Brea Loewenberger, Rochelle Blocka, Miles Waghray, Katherine Melnychuk. Front (l to r): Jeff Hirsch, Justice Cromwell.

Glen Gardner, former visiting scholar at the College of Law, said the initial idea for a forum came over a year and half ago when he and then Deputy Minister of Justice Gerald Tegart were attending a legal conference in Calgary. "Deputy Minister Tegart felt strongly that there was a need for a Saskatchewan-based forum that allowed stakeholders in the justice system to talk about an array of ongoing justice-related issues."

The pair met shortly after with College of Law Dean Sanjeev Anand and the dean's forum was born. Gardner, who earlier this year was appointed by the Ministry of Justice to be the new assistant deputy minister of justice innovation, is now responsible for working with justice system partners and users to advance a number of access to justice initiatives.

The forum, which has met twice so far, consists of a number of participants including Saskatchewan judges and representatives from the Saskatchewan Ministry of Justice, the Law Society of Saskatchewan, the Canadian Bar Association – Saskatchewan and Legal Aid Saskatchewan. There are also representatives from a handful of other justice-related organizations in the province.



The goal of the first dean's forum was to locate the access-to-justice debate within the Saskatchewan context and begin an open discussion about challenges, needs, hopes and possibilities. By the end of the meeting, participants had identified three areas in which reform efforts should be focused: early integrated triage service centres; public information at critical gaps; and engaging practicing lawyers in a legal culture shift. It was also decided that the initiative would continue as a think-tank discussion forum.

The second meeting of the forum was held in March 2014 with many of the same attendees as well as a few new members including key community-based stakeholders with a specific interest in addressing access-to-justice concerns in Saskatchewan. Also in attendance were two members of the national Action Committee on Access to Justice in Civil and Family Matters—the Hon. Justice Cromwell of the Supreme Court of Canada (chair) and Jeff Hirsch from the Federation of Canadian Law Societies.

At the meeting, Justice Cromwell and Hirsch provided an overview of the committee's 2013 report, recommendations for access-to-justice reform and a snapshot of what was happening nationally.

"Lately, access-to-justice discussions in Saskatchewan, and even nationwide, have come with a real sense of impatience," said Gardner. "Justice Cromwell has frequently stated that there is a window of opportunity when it comes to access-to-justice reform so we can't blow it."

Following the second forum meeting, the college recognized the potential for current law students to become involved in the research and development of two issues identified during the course of the meetings— Integrated Service Centres and Justice Innovation and the Culture of the Legal Profession. Accordingly, the college granted course credit to seven students committed to access-to-justice through a special course entitled Innovation in Justice: Dispute Resolution and Access to Justice.

The students divided into working groups to develop reports on the topics of Integrated Service Centres and Justice Innovation and the Culture of the Legal Profession. Much of their work was grounded in the report of the national Action Committee on Access to Justice in Civil and Family Matters.

Rochelle Blocka, along with three other students, was responsible for reporting on the prospect Integrated Service Centres. They developed the Sarah and Joe characters to put faces to their research. "It makes it more personal and easier for people to identify with," Blocka explained.

Specifically, Blocka and her fellow students looked at the needs of Saskatchewan residents and tried to determine if models that have been successful elsewhere could be applied. "Based on the people we've talked to, it's not often that someone doesn't want to get legal help, but there are a number of limitations with transportation, literacy or availability of resources."

Their research has also shown that the issue of access-to-justice is not just a barrier for those who are severely marginalized, but that it is also a problem for those in the middle class. "Ideally we'd like to see something that goes to assist people

and addresses a gap. Nothing will be a perfect solution, but we're looking to make progress," said Blocka.

Entering her final year of law studies this fall, Blocka is very much interested in further involvement with the project whether it be through a special topics class or an individual directed research project. If those are not options, she and other students involved with the forum are working to make sure future students can carry the project forward. "We don't want it to be another report that is shelved," she explained.

While the final details are still being worked out, the college will be offering another class on the access-to-justice topic this fall. The class will allow students like Blocka to continue on with the research project in support of the dean's forum's objectives.

As for the future of the dean's forum itself, Professor Michaela Keet, who has been involved with the project from the beginning, said she hopes there will be



"This has been a rare and meaningful opportunity for students to engage directly in policy development and systemic change."

– Professor Michaela Keet

another forum held at the college during the upcoming year. "This has been a rare and meaningful opportunity for students to engage directly in policy development and systemic change."

Keet added that while law school has always been a place for students to do critical thinking and to engage in debate about what changes are needed in the justice system, this project provides students a chance to show leadership and to be involved in practical recommendations for how to move forward in our own province. "They brought creativity, insight, energy and hope—and all of this was extremely well received by forum participants."

The Ministry of Justice is also pleased with the student involvement in the project. "The contributions of the students have been



Students Miles Waghray and Rochelle Blocka spent the summer researching access-to-justice barriers and opportunities.

very impressive and critical to the success of the forum," said Deputy Minister of Justice Kevin Fenwick.

Dean Sanjeev Anand said the dean's forum has great potential to continue as an arms-length think-tank to encourage justice

reform initiatives within the province. "The model is flexible and future versions of the forum may involve a different set of participants depending on the topics to be explored."

He also echoed the thoughts of Keet and Deputy Minister Fenwick regarding the involvement of students. "The college will continue to support the efforts of the forum through the work of students, who will provide essential background to future discussions. The involvement of students is a special and unique element of the process and creates a dynamic where future professionals work alongside those in the profession to create the future of the legal profession in Saskatchewan."