



UNIVERSITY OF
SASKATCHEWAN



CREATE Justice
Centre for Research, Evaluation,
and Action Towards Equal Justice
Access to Legal Services - Dispute Resolution - Systemic Justice

Architects of Justice

Survey Report

March 2017

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Introduction

This is a report of CREATE Justice, a centre for research, evaluation, and action on the topic of access to justice, specifically, in the areas of access to legal services, dispute resolution, and systemic justice. CREATE Justice was established at the College of Law at the University of Saskatchewan during 2016 in response to both national calls to action and a local recommendation by participants at the 2015 meeting of the Dean's Forum on Dispute Resolution and Access to Justice (the Dean's Forum).

The Architects of Justice project emerged from the Dean's Forum theme of "putting the public first". Architects of Justice is an initiative that, through an exploratory survey, increases public participation in developing access to justice solutions. The survey, launched during the 1st Annual Access to Justice Week (October 2016), was designed to help us understand law in the public's life and how the justice system can be improved. The information collected through this initiative will help to identify:

- Where the public may choose to go for help when facing legal issues
- Reasons people may not take action through the legal system
- How it can be made easier for people to deal with their legal problems

The Architects of Justice survey was created in Ontario by The Action Group on Access to Justice. The survey conducted in Saskatchewan replicates the Ontario initiative to invite Saskatchewan residents to imagine the justice system of the future. It is anticipated that the results from the Saskatchewan survey will be made available to public and justice stakeholders for their consideration.

Methodology

Instruments

The survey was programmed on the FluidSurveys platform, and contained three short questions, as well as an open-ended text box for additional comments and a request for the first three digits of the respondents' postal codes.

Participants & Procedures

Adults from the general population of Saskatchewan self-selected to complete the survey. Potential participants were invited to participate in two ways. They were either approached by a group of volunteers from the Just Rights law student group or invited to participate online by justice stakeholders via email and social media (Twitter, Facebook). Additionally, the survey was posted on websites such as the Law Society of Saskatchewan Blog, and the University of Saskatchewan's College of Law Access to Justice Week website.

Among those recruited in person, data was collected by law student volunteers located on campus who received training prior to engaging with the public and promoting the project. The role of the volunteers was to ask people if they were willing to answer an online questionnaire, which was completed on an iPad or laptop. Data collection occurred in person during Saskatchewan Access to Justice Week (October 24, 2016) and was made available online

(October 24, 2016 – November 24, 2016). The impact of the data collection process on law student volunteers was also reviewed and was captured in the quotes below:

While volunteering for Architects of Justice I enjoyed hearing how people think access to justice can be improved. I felt like I was contributing to efforts to improve the justice system while also challenging my own perceptions of access to justice.

– Davida Bentham

We were able to hear from over 40 people in the first hour of our launch – which was incredible! There is so much potential for the information and ideas we collect to make a positive impact on our justice system. These questions also encourage reflection and provide a tangible way for participants to contribute to change. Architects of Justice is all about engaging community. I love that students get to be a part of this conversation.

– Alex Santos

I think being able to be a part of the kickoff of the project in Saskatoon was a super unique opportunity. People were so responsive and willing to participate which was very encouraging and great to see! It was a great way to chat with people in a very relaxed environment and I felt as though people were very open and felt free to express their opinions which was fantastic. I'm really excited for all of the possibilities with this project. I would definitely recommend it as a volunteer role. It was not stressful at all and it was really interesting to get to talk with people and hear different perspectives. I think it has the potential to make a big difference! And I am thrilled to be a part of it.

– Amanda Kimpinski

Findings from the survey are summarized and results are presented in graphs throughout this report. Open-ended responses were analyzed qualitatively and summarized based on the emerging themes. Supporting quotes were provided as well as a word cloud to present the emerging responses. Only words with a presentation frequency of five or more were included.

Finally, the distributed questionnaire is presented in Appendix A.

Information about the Social Science Research Laboratories, University of Saskatchewan, can be found in Appendix B.

Findings

Demographics

Overall, 400 respondents participated in the survey. Respondents were not asked about age, gender, ethnicity, or other demographic factors. Respondents were only asked to provide the first three digits of their postal code to identify their location from within Canada. Figure 1 shows the distribution of the 279 respondents who provided this information, broken into urban areas followed by the rural districts that surround each urban centre. The majority were from key urban centers within Saskatchewan: Saskatoon and Regina.

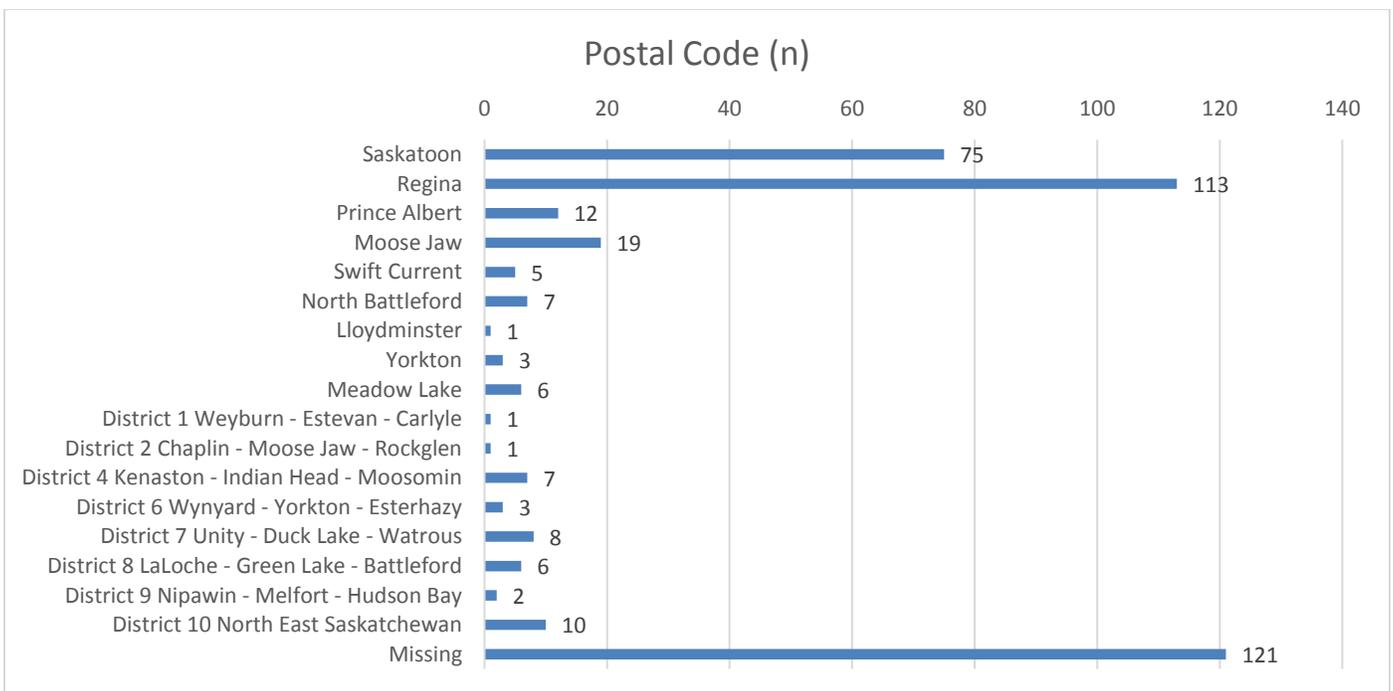


Figure 1 – Respondent locations (n=279).

Where to go when accessing legal help

Respondents were asked to identify all the sources they have or would access when seeking legal help. Many of the respondents selected their own lawyer or paralegal (43.8%) and family and friends (43.8%), as well as the internet (39.5%). The resources accessed least frequently or would be used by the fewest respondents included 211 *Saskatchewan*, community worker or faith leader, MLA or city councilor, and the public library. The distribution of all responses are presented in Figure 2.

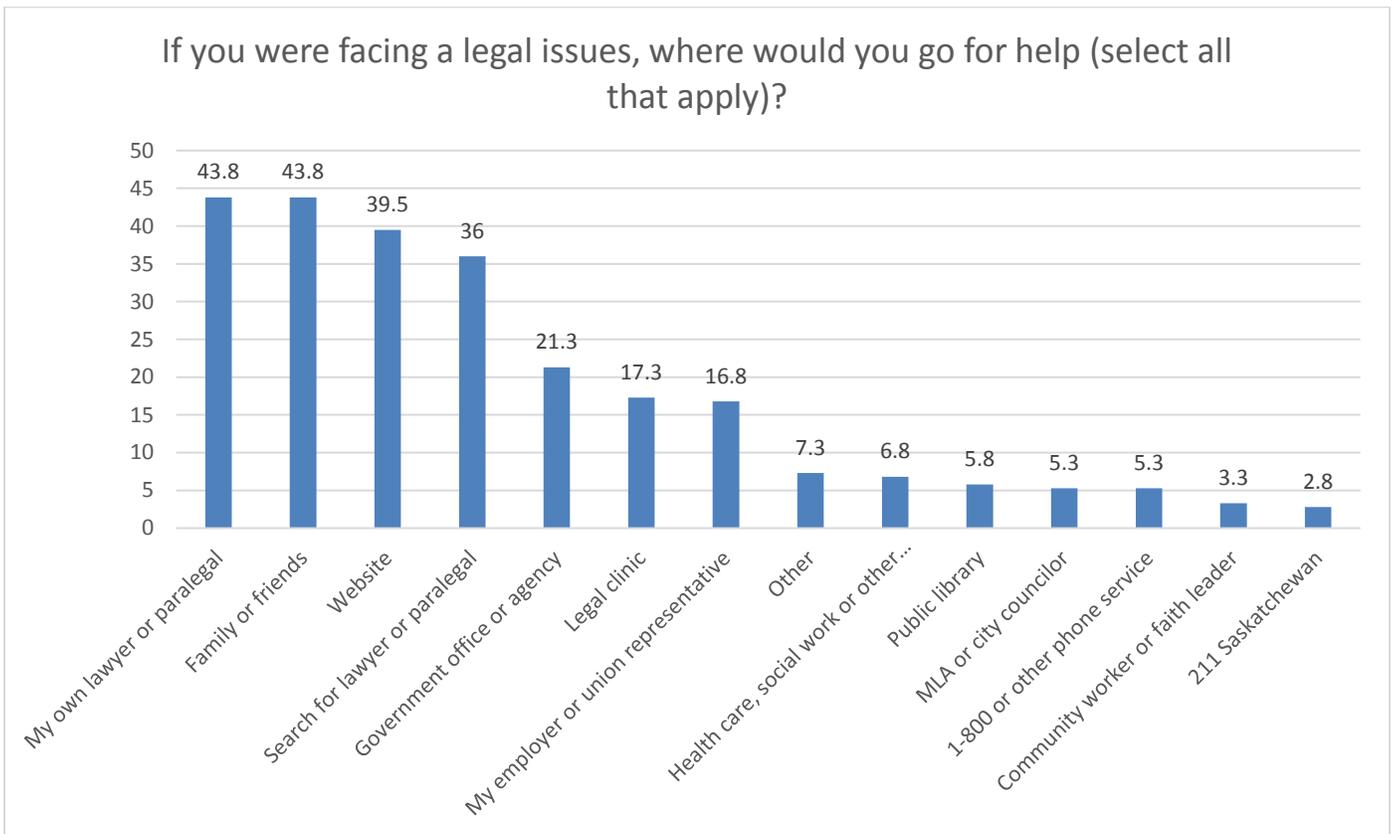


Figure 2 – Selection of legal help resources by respondents (percentage).

There were 29 respondents who indicated an ‘other’ resource for legal help. Among those, 25 specified their selection. Among these, 32% indicated that they would try to sort out the issue themselves or do their own research. It should be noted that among those respondents, four identified that they were lawyers. Others indicated that they have friends or family members who are lawyers, or who could recommend a trusted lawyer. Others suggested seeking help at the courthouse, while yet others mentioned a number of other resources: Law societies, the Pride Center, and the Public Legal Education Association, for example.

Reasons not to take action through legal system

Respondents were also asked to identify the potential reasons that people may choose to not take action through the legal system when facing a legal problem. Cost appears to be a main deterrent, as the majority of respondents selected that the system is too expensive (77.3%). Additionally, fear or intimidation of the process was selected by over half of the respondents (58.5%), and 43.3% selected that the process is too confusing. Over a third of respondents suggested that they do not trust the legal process, and nearly a quarter selected that the legal system would ultimately not resolve the issue. The distribution of all responses are presented in Figure 3.

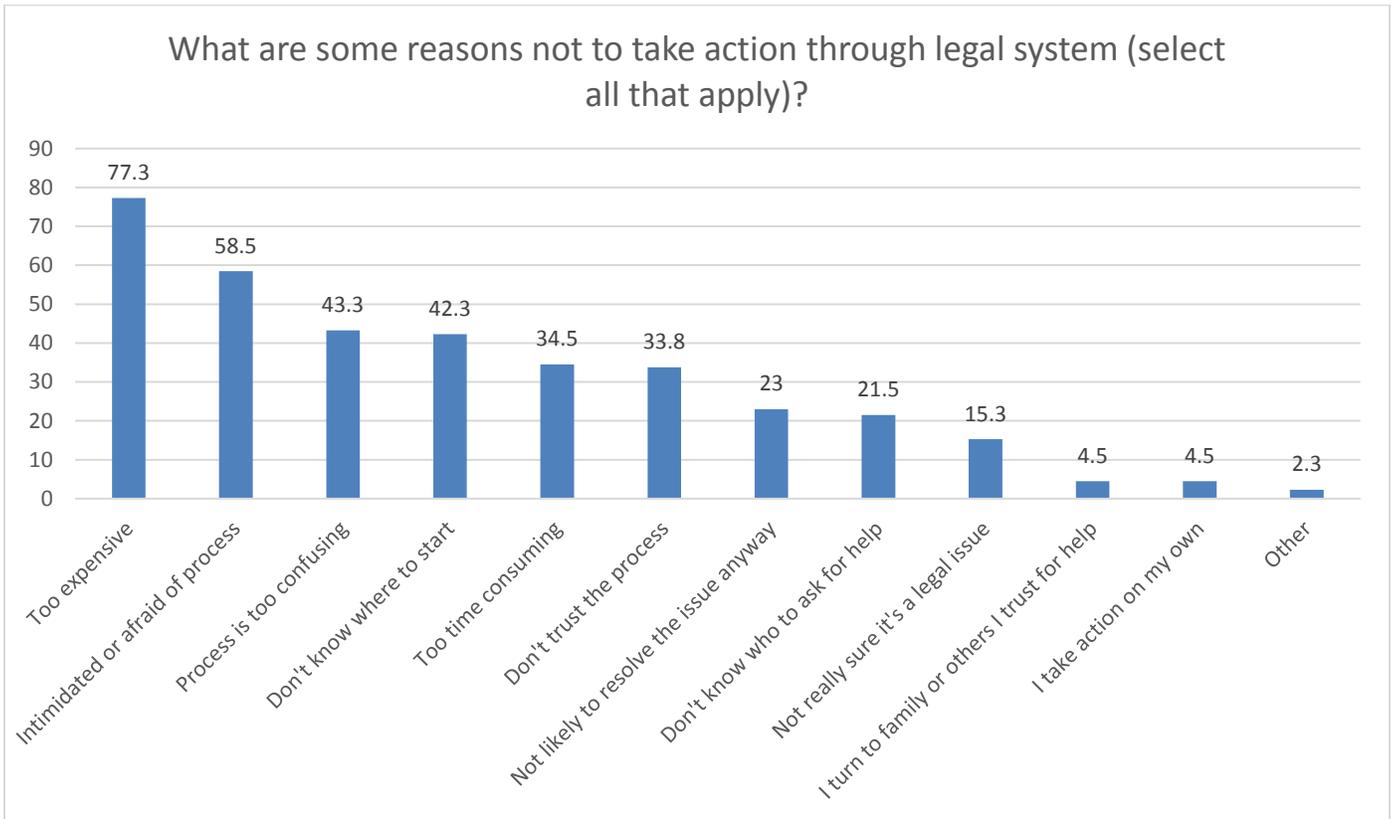


Figure 3 – Selection of reasons to not take action through legal system (percentage).

Only nine respondents selected other and specified their choice. There were too few answers to group into any themes, but the following reasons emerged from the data:

- Previous bad experience
- The system is inaccessible
- The system takes too long
- Legal aid cannot always provide help
- Issue is too small to justify effort
- Perception that lawyers purposefully delay process in order to charge more
- System re-victimizes the victim
- Lack of workers to help

A few respondents mentioned that familiarity with the legal process should start early; that education could be provided in school.

Educate them as teenagers – have programs/presentations/class in high school.

Law classes starting in elementary school.

Some respondents felt that these sources of information should be centralized, such as on a website, while others felt that it would be good to provide a variety of forums for accessing information about the legal system in order to reach a wider breadth of the population.

How-to guides and frequently asked questions with answer for common justice concerns.

Free seminars at public libraries and community centres.

Have places to go where people who do not have internet or computers can get documents prepared.

Two respondents mentioned that there are existing resources that offer up information, but that these could be built upon. This may be considered a more accessible option for building awareness as the existing infrastructure is there.

I really like the sasklawcourts.ca website. Continue to add and improve on what is already there.

The Family Law Information Service (Ministry of Justice) should be expanded and funded.

Provide more accessible information

A key to improving the awareness of the legal system is to also make the information as accessible as possible. Many respondents referred to addressing the seemingly notorious language barrier between law professionals and laypeople. There is reference to 'clear language', 'plain English', and 'non-jargon.'

...if there was one central place on the government's website where people could find all the information in one location, and set out in language that is understandable to the average person, that would likely be best.

Respondents who discussed language also referred to a number of options in information delivery, such as self-help kiosks, self-help kits, hotlines, and websites.

Respondents emphasized that any information that is made available to the public on the legal process has to be clear – in language, presentation, and in advice provided.

The information should be categorized into different issues that people have so that it is easy for them to determine exactly what needs to be done. Clearly laid out processes would also be very helpful so that people know from start to finish what steps are involved in whatever they need to do.

Offer centralized services/advocates for legal process

Some respondents mentioned that it would be helpful to have all information and services available in one location, as noted above in the desire for comprehensive websites and hotlines. There was also frequent mention of walk-in clinics, which could offer an opportunity to discuss options with someone face-to-face:

Set up walk-in clinics where people can get some legal instruction and help with legal forms.

A place one could go so they could be directed on how to start and where.

Deeply embedded in this theme, however, was the importance of having a representative or an advocate who could be available to walk a person through their legal process, and not just provide one-time advice.

Have a 1-800 legal line to assist people where a person's file would be assigned to a worker who will help and direct them throughout the whole process until completion.

...advocacy program to help individuals from the first point of contact and for someone with expert knowledge to give sound advice regarding the facts...

Initial free service where someone can take the time to explain the process to them and everything that they will need to do, and assist them as to where they should go for each thing.

People need an advocate to walk with them through the overwhelming process.

This level of advocacy was desired by a few respondents, but others seemed content with having alternatives to lawyers (such as paralegals or other law experts) to address their legal questions to as a starting point (mostly as a way to reduce or avoid costs).

Provide services that are appropriate and proportional to the type of legal problem a person is facing...I shouldn't have to pay a lawyer a large sum of money for a simple legal problem. I may not need a 'Cadillac' services for a 'Prius' problem.

Offer more options for legal assistance

As noted above, not everyone wants to access a lawyer immediately when facing a legal issue. There were suggestions from participants about opening up options for legal assistance that provide alternatives to lawyers, and will allow some to self-manage their own legal matters.

...creation of a handbook for self-represented litigants as to how to go through the court process.

Others wanted more flexibility in how to resolve disputes:

People need more choices about how to address their problems...not just lawyers and judges and court cases.

Provide more flexible processes. Trials are not an effective process for resolving disputes for the vast majority of citizens.

Some respondents were able to suggest concrete options for how best to implement more options. One respondent suggested:

Incorporate justice into the current technology available; lots of work being done on Online Dispute Resolution and process that could be involved in that.

Reduce the cost barrier

As it was pointed out in the close-ended responses, costs are a huge barrier to the legal system. Nearly half of the comments mentioned a need to make the legal system more affordable, not only to those with lower incomes (who can often access Legal Aid), but also for those in middle-income categories who do not qualify for subsidized legal services. There was also mention of expanding pro bono and subsidized services and the creation of standardized costs that are predictable and affordable.

Free legal advice offered on basic legal matters, no matter your income level.

More pro bono or subsidized legal services for people who are low income...Set up legal clinics in communities so that people who do not qualify for Legal Aid or working people who cannot afford a lawyer, can obtain advice on their legal or criminal matters.

Many respondents recognized the lack of adequate funding for free legal clinics, pro bono services, and other less costly options. Some respondents suggested that these services are great to have available, but are often too busy to adequately address all issues brought forth by clients.

Any qualified assistance is generally very expensive (and thus not accessible to most Canadians) or requires specific criteria to be met to access it (Legal Aid) and then is too busy to always give the attention people deserve.

A number of respondents also suggested that excessive costs are due to over-compensating lawyers. Some respondents offered suggestions about the need for alternatives to lawyers:

The cost of legal representation is prohibitive for most people I deal with.

We could think about how medical care is funded, i.e. we pay a tax for it so maybe we can fund legal costs the same way. Sharing the financial load across the population, maybe legal insurance.

Have the Law Society license Paralegals so that there may be an alternative to higher cost lawyers...

Open up the legal system (e.g. "Small" Claims Court) and the legal industry (e.g. changing regulatory structures to support lower-cost practitioners) to reduce the cost of legal services so that low-medium income people can actually afford it.

Simplify the process

The words, 'Simply the process' were repeated over and over again by the respondents. Many respondents voiced their concerns that the system is currently too complicated and too time consuming. However, few respondents had concrete suggestions on how to remove complexities from the system. One respondent did elaborate on how the lengthy and complex court systems affect individuals:

Quicker response times. The current system is failing to provide timely and effective justice responses. As a result, individuals are exposed to lengthy wait times and court proceedings, leading to greater psychological and emotional consequences for victims within Saskatchewan.

Reducing the time required to settle legal disputes and simplifying the process speaks broadly to an improved experience for the user. This is discussed in more detail in the next section.

Improve 'customer service' experience

Throughout the responses, there was evidence that respondents recognized an imbalance of power between those seeking assistance, and legal professionals. One respondent mentioned empowerment, which could be accessed through sharing knowledge and simplifying language. Another respondent shared that they felt the system is not designed for those it serves.

The justice system should be designed around the public users, not lawyers. Currently, it is designed for lawyers.

One respondent added to this sentiment and suggested that there are possible outlets for an improved, less expensive system if others were able to serve the public in the legal process, rather than restricting that service to only lawyers. First, however, a cultural shift would have to be addressed:

Overcome the notion that only lawyers can understand and apply the law. For years, front line 'less paid' people served the public just fine [and] things were resolved faster. Lawyers just figure out every reason to make resolution more complicating.

Other respondents requested that friendlier advice and service be provided, at a minimum. One respondent suggested having a resource in which potential clients can review lawyers for free prior to hiring:

...as well as access to reviews of lawyers. There are a lot of terrible lawyers out there getting nothing done, or handling things poorly, and charging thousands to their clients. There are also some very excellent lawyers out there, but unless you know the industry, it's a crap shoot...

Acknowledge gaps in servicing marginalized groups

Closely related to the perceived power imbalance in the justice system, many respondents identified gaps and problems with legal services for marginalized groups, such as First Nations and other Indigenous people, the LGBT community, those with addiction issues, and those with lower incomes.

Indigenous people are afraid of the justice system which has not treated them fairly or respectfully - lawyers should learn about colonialism, residential school, displacement and the impacts it has had. It's not a matter of get over it. Lawyers need to treat indigenous clients as worthy of receiving good representation rather than encouraging them to get it done and over it quickly.

Often transgender people can't access a lawyer because it is too expensive or out of fears that they will be mistreated by the lawyers, judges or process...

Change the legal system to be unbiased based on personal financial standing, race, etc...

Take into consideration the needs of marginalized women – reflect the particular needs of women.

This fear of bias or prejudice was not voiced by many respondents, but among those who did, there was a sense of very strong emotion behind the comments. This relates to the perception that the justice system is not there to serve all, and a number of respondents referred to the process as 're-victimizing the victim.'

Address root causes of legal problems

A few respondents took a step back to highlight the larger societal issues that are often the root of legal problems. This included mental health and addictions, a lack of focus on education and prevention, and other neglected social and economic needs.

If, as communities, we support and fund social programming we can help mitigate the existence of legal crises. Individuals can experience legal problems through inadequate/unaffordable housing, lack of support for mental illness or access to food and other basic needs.

The underlying issues that promote and encourage crime need to be addressed. The present system is ineffective and very wasteful of human potential.

Introduce basic guaranteed income.

Conclusions

Saskatchewan residents prefer to access legal advice from family, friends, their lawyers, and the internet. Underutilized resources include community workers, MLAs, public libraries, phone and online dispute resolution mechanisms. The reasons why individuals may choose to not take action through the justice system were led by costs, complexity, and lack of faith in the system. Many respondents preferred to handle matters on their own or turn to advice from people that they trust, rather than enter legal processes when faced with a legal problem.

When asked how the system could be improved, there were numerous areas mentioned by respondents, but they centered around some key themes:

- The system needs to reduce its complexity and costs.
- More information about the law and legal processes need to be made available to the general public in language that is clear and easy to understand.
- More options are needed that are free or less costly than accessing lawyer.
- When services are accessed, they need to be delivered in a more client-focused manner.
- People need to feel safe and reassured when entering the system. Prejudice, victimization and futility are still very real perceptions for some respondents.

Appendix A - Questionnaire

A Questionnaire on Law in Your Life: Help us improve the justice system.

Most people have legal issues over the course of their lives. For example, legal issues are common in debt, employment and family law.

If you were facing a legal issue, where would you go for help?

(Click all that apply)

- My employer or union representative
- Website
- Family or friends
- A Member of the Legislative Assembly (MLA) or City Councillor
- Legal clinic
- Public Library
- 1-800 or other phone service
- 211 Saskatchewan
- Search for lawyer (ex. Internet, yellow pages, referral)
- Government office or agency
- Health care, social worker or other professional
- My own lawyer
- Community worker or faith leader
- Other, please specify... [TYPE HERE]

PAGE 2

What are some reasons people might not take action through the legal system?

(Click up to 5 responses)

- Intimidated or afraid of the process
- Too expensive
- Not really sure it's a legal issue
- Not likely to resolve the issue anyway
- Don't trust the process
- Don't know where to start
- Process is too confusing
- Too time consuming

- I turn to family or others I trust for help
- Don't know who to ask for help
- I take action on my own
- Other, please specify... [TYPE HERE]

PAGE 3

How can we make it easier for people to deal with their legal problems?

[TYPE HERE]

Other ideas or comments?

[TYPE HERE]

What are the first three digits of your postal code?

[TYPE HERE]

PAGE 4

Thank you for taking the time to complete this survey.

Please [subscribe to the Saskatchewan Access to Justice Bulletin](#) for updates on the results of this study, and to receive monthly information on access to justice initiatives.

Survey Footer: The Architects of Justice survey is an initiative that increases public participation in the development of access to justice solutions. It was created in Ontario by the Action Group on Access to Justice (TAG). This questionnaire has been replicated and adapted with the permission of TAG.

Appendix B - About the Social Sciences Research Laboratories

Founded in 2011, the Social Sciences Research Laboratories (SSRL) represents a major investment in social science research infrastructure and research supports at the University of Saskatchewan, and across Canada. Comprised of eight complementary and interrelated research laboratories (*Community-Based Observation Laboratory; Experimental Decision Laboratory; EEG Hyperscanning Laboratory; Qualitative Research Laboratory; Spatial Analysis For Innovation in Health Research Laboratory; Survey and Group Analysis Laboratory; Social Network Laboratory; and Video Therapy Analysis Laboratory*), the SSRL has three objectives:

1. To provide researchers access to shared research infrastructure and technical and administrative support.
2. To enable hands-on research training opportunities for undergraduate and graduate students in the social sciences.
3. To enable and support investigator-driven and community-engaged research.

Uniquely developed as a ‘public utility,’ the SSRL provides access to specialized research infrastructure (computers, equipment and software) and research space (specific and multi-purpose research space that facilitates mixed-methods research). Additionally, the SSRL provides access to research supports in the form of methodologists/specialists (SSRL operations staff) with backgrounds and training in specific social science research methodologies (e.g., quantitative/survey research; qualitative research; experimental research; mapping, GIS and spatial analyses). The SSRL and its component laboratories are available on a fee-for-service model to faculty, staff and students at the University of Saskatchewan, other academic institutions, and community partners outside of the university setting.

As a unit, the SSRL benefits from what is described as a ‘collective capacity,’ i.e., shared infrastructure, shared space and shared operational and administrative support provided across seven diverse, yet related research laboratories. The benefits of this collective capacity are substantial, allowing for shared theoretical and methodological explorations through mixed-methods research; facilitating community-engaged scholarship with individuals and organizations outside of the University of Saskatchewan; and providing student opportunities for experiential learning through practical, hands-on research and employment opportunities.

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