Action Committee on
Access to Justice

A Vision for Access to Justice:

TOWARDS JUSTICE AS A COMMON GOOD

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Abstract

This paper advances a renewed vision for access to justice in Canada by framing justice as a common good – a shared public foundation essential to democratic life, the rule of law, and people's well–being. In the context of major access to justice challenges, and building on the growing movement towards people–centred justice, this paper argues that access to justice is not only about resolving disputes, but about enabling individuals and communities to meet their basic needs, exercise their rights, and participate fully in society. Grounded in values of the *Canadian Charter of Rights and Freedoms* – **dignity, true equality** *and* **fairness** – the paper positions access to justice as the mechanism through which these values become meaningful in everyday life.

Justice as a common good means viewing justice as essential public infrastructure. Accessible, prevention-oriented, focused on outcomes, and sustained through collective responsibility. To operationalize this vision, the paper identifies a set of principles and practices for action. Drawing on national and international engagement and learning, it highlights emerging practices and invites reflection across all justice actors on their role in accelerating the shift towards *justice as a common good.*

The Action Committee serves as a national convener to advance people-centred justice, through strengthening collaboration, amplifying diverse voices, informed by the lived experience and the needs of people and communities.

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The Action Committee is motivated by an inclusive vision of access to justice for all individuals and communities in Canada.

Further, the Action Committee is guided by the Truth and Reconciliation Commission's Calls to Action, and a vision of access to justice that promotes truth and reconciliation.

The Action Committee salutes the many individuals and organizations across Canada who contribute, through their work and leadership, to advancing access to justice. Their ongoing leadership and efforts, over many years, continue to inform and inspire this work.

This paper offers a general consensus of the Action Committee's Steering Committee but does not necessarily reflect the formal position of each of its member organizations.

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A word from The Right Honourable

RICHARD WAGNER, P.C.,

Chief Justice of Canada



Access to justice has long been at the forefront of concerns within our justice system. It is also one of the priorities that has guided my work as Chief Justice of Canada. As I have often emphasized, access to justice meets a fundamental human need while also being essential to our democracy and the rule of law.

Over the years, courts, members of the legal profession, community organizations, governments and many other stakeholders have devoted considerable efforts to better understanding the barriers that persist and to finding ways to overcome them. These efforts have borne fruit. They have enabled us to better understand the needs of those who interact with the justice system. They have also helped improve certain practices and develop new tools and services.

Yet, despite the progress that has been made, too many individuals and communities continue to encounter significant barriers when looking for help. The persistence of these challenges should lead us to reflect not only on what more we can do, but also on what we can do differently.

Complex problems rarely lend themselves to simple solutions. When the approaches we know are not enough to produce the desired results, we must be willing to explore new ones. This requires looking at problems from a different perspective and seeking ideas beyond the frameworks within which we are accustomed to thinking.

A new approach, however, does not derive its value from novelty alone. The ideas put forward must be carefully examined and measured against the realities of real-world experience. Some will produce the desired results; others will need to be adapted or may lead us towards new avenues. This process requires that we be willing to learn from both our successes and our failures. It also calls on us to continue to evolve our responses as our understanding deepens.

It is in this spirit that the present paper of the Action Committee on Access to Justice was prepared. By proposing that justice be viewed as a common good, the Committee deliberately adopts a new starting point. It invites us to think about justice not only though the institutions that administer it or the mechanisms through which disputes are resolved, but also through the place it occupies in the lives of individuals and communities.

The paper also brings into focus the importance of legal literacy. The ability to understand one's rights and responsibilities is one of the keys to enabling individuals to recognize the legal dimensions of a situation at an earlier stage and to better understand the options available to them.

I commend the work carried out by the Action Committee under the leadership of Justice Karakatsanis, as well as the contributions of everyone who helped prepare this paper. By offering a new perspective on a longstanding issue, the paper makes a meaningful contribution to a conversation that must continue. The challenges associated with access to justice are too important for us to stop searching for better answers. Viewing justice as a common good compels us to reflect on our own role in making it a reality. Access to justice is a collective responsibility, and one to which each and everyone one of us can contribute.

I therefore invite all of us to ask what we can do, individually and collectively, to bring justice closer to those who need it. Behind every legal problem is a person whose dignity deserves to be recognized and respected. It is this dignity that must remain at the heart of our efforts. It is now up to us to bring the ideas advanced in this paper to life by discussing them, testing them, adapting them and, above all, by working together to find new ways of making justice a common good that is truly accessible to all.

The Right Honourable Richard Wagner, P.C.
Chief Justice of Canada

1. INTRODUCTION

A values–based approach to **Access to Justice**

DIGNITY, TRUE EQUALITY AND FAIRNESS

INTRODUCTION

[1] The Action Committee on Access to Justice (the Action Committee) proposes a renewed vision for access to justice in Canada. It begins from the recognition that access to justice is a basic human need and a shared foundation of democratic life – a common good. More than a decade ago, the Action Committee's *Roadmap for Change*[1] identified a crisis in access to justice and called for a culture shift. Despite important efforts and strides, major challenges persist. At a time when democratic institutions are facing growing pressures and public confidence is under strain, this moment calls for a renewed vision and action.

[2] A functioning democracy anchored by the rule of law requires public confidence that laws – and the systems that sustain them – are fair and accessible. It requires trust that when problems arise, they can be resolved effectively and fairly. Justice is the mechanism through which the rule of law shapes daily life. It is about how rights become meaningful, how fairness is experienced, and trust in institutions is maintained. Justice enables people to live safely, settle conflicts peacefully and meaningfully take part in their communities. Justice is a social determinant of people's health and well-being.

[3] Meaningful justice for all includes a society that allows people to live their best lives, free from unjust barriers. In Canada, our *Charter of Rights and Freedoms* reflects the values that we have chosen to shape that just society – respect for human **dignity**, **true equality**[2] and **fairness**. It recognizes that access to justice is an essential part of our free and democratic society. Basic human needs –food, water, housing, safety, education, health, and opportunities to flourish – should be provided *justly*, under laws and rules that reflect our shared values. In this way, we urge that justice should be a basic human need.

[4] In Part 1 of this paper, the Action Committee invokes *justice as a common good* as the goal towards which the people-centred access to justice paradigm is moving. This approach recognizes that everyone deserves justice in their life to promote well-being. And it is also a way of understanding justice as essential public infrastructure, which is accessible, prevention-oriented, outcome-focused, and sustained through collective responsibility, which enables people to experience justice in their daily lives.

[5] The common good means seeing justice not only as help for individuals in crisis, but as a shared system that helps build a just society for everyone. This vision invites all stakeholders – the public, governments, courts and tribunals, the legal profession, community organizations, educators and

1 Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2013).

2 As used in this paper, "true equality" is plain-language shorthand for what Canadian law refers to as "substantive equality".

researchers, funders, and professionals across sectors – to think differently about opportunities, responsibilities, and the design and delivery of services. Pathways, information, co-ordination, and professional practices can continue to evolve to better support the public.

[6] This paper explores how, over the past decade, the justice sector began a significant paradigm shift: the shift further towards people-centred justice. The justice sector has increasingly embraced people-centred justice as a framework for designing and delivering services that respond to people's needs and experiences. We have come to further recognize that legal problems are often intertwined with social and economic conditions. We pay more attention to user experience, early intervention, and proportionality. In addition to the ongoing importance of traditional legal actors, including lawyers and judges, roles for non–traditional actors such as paralegals, community organizations, intermediaries, and interdisciplinary partners have expanded. Practices rooted in collaboration and prevention are growing. Technology is ever-changing and having profound impacts across almost all aspects of society, including justice. And our thinking is increasingly evidence-based and outcomes-oriented. At the same time, major barriers remain: rising costs and delays; fragmented and confusing pathways; widening inequities; digital and cultural barriers; declining trust in public institutions; and a lack of sustained attention to the long-term individual and collective benefits of accessible justice. The paradigm shift has begun, but its implementation is inconsistent and incomplete.

[7] Despite good work, good intentions and significant improvements, there is still a gap between people's current experience of justice and a meaningful vision of justice as a common good. Part 2 of this paper identifies a set of principles and practices for action. It borrows from national and international research, experience, and practices. It builds on the Action Committee's learnings from engaging with our stakeholders, and invites readers to explore their roles in the shift towards justice as a common good.

[8] This paper describes a justice system that supports people across their full life journey – from preventing legal problems to resolving them fairly and efficiently – continually improving systems based on what people need and experience. It outlines the features of legal services grounded in a vision of justice as a common good. **Justice as a common good means treating access to justice as a shared public infrastructure, one that makes it possible to advance well-being and to avoid and resolve legal disputes consistently with dignity, true equality, and fairness**.

PART 1 : VISION

This renewed vision for access to justice frames justice as a common good – a shared public foundation essential to **democratic life, the rule of law, and people's well-being.**

2. DEMOCRACY AND THE JUST RULE OF LAW

[9] *Towards justice as a common good* is a goal shaped by our free and democratic society, anchored in a just rule of law.[3] A vision of justice as a common good is grounded in three pillars: First, democracy requires respect for *all* people. Second, justice is essential to the rule of law. Third, the just rule of law requires that people know and can protect their rights and resolve legal disputes fairly and effectively.

[10] Each pillar – democracy, justice, and an accessible justice system – is vulnerable. Each must be protected and renewed. Each exists not only in texts and rules but in the lived realities of people: in our communities, in our courtrooms, in our streets. As Chief Justice Richard Wagner has said: "Access to justice is not just a fundamental right; it is a basic human need; it is crucial to our democracy and rule of law."[4]

[11] The principle of democracy is a fundamental value in Canada's constitutional law and political culture.[5] It is much "richer" than a "system of simple majority rule," and recognizes cultural and group identities.[6] Democracies rest on the belief that all people should have power – a voice – and a right to take part in their own governance. Democracy gives life to human dignity by recognizing that people are not objects of power, but the source of all legitimate power.

[12] At its best, a democracy is a form of public life in which people govern themselves through institutions that make collective decisions, protect minorities, and hold power to account. An engaged public, with meaningful justice for all, gives democracy strength, resilience, and legitimacy. It is the sharing of ideas, the exchange of perspectives, the deliberation about shared values, that define and promote the common good.[7]

[13] Democracy is not an abstract notion. It is a way of life that promotes individual freedom and autonomy, encourages respect between people, and provides government accountability. It should never be taken for granted.

[14] **Democracies must be anchored not only in ballots but in law – in rules that bind rulers and protect the governed. The rule of law is that anchor.** Democracy finds its roots in ancient times. Aristotle wrote that "…the rule of *law* … is preferable to the rule of any *individual*."[8] That ancient core value is now a fundamental principle of our modern Constitution.[9] The preamble to the *Charter of Rights and Freedoms* affirms that Canada is "founded upon principles that recognize… the rule of law."[10]

Democracies must be anchored not only in ballots but in law – in rules that bind rulers and protect the governed. The just rule of law is that anchor.

3 This paper uses the term the "just rule of law" to recognize that the rule of law in a liberal democracy requires more than mere legality. The concept requires that the laws themselves be just. This idea is described more in para. 17.

4 Department of Justice Canada, News Release, "Chief Justice of Canada and Minister of Justice Launch Action Committee on Court Operations in Response to COVID-19" (8 May 2020), online: <https://www.canada.ca/en/department-justice/news/2020/05/chief-justice-of-canada-and-minister-of-justice-launch-action-committee-on-court-operations-in-response-to-covid-19.html>.

5 *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217, at para. 61 (*Secession Reference*).

6 *Secession Reference*, at paras. 64-67, 76.

7 See generally *Ontario (Attorney General) v. Working Families Coalition (Canada) Inc.*, 2025 SCC 5, at paras. 29, 35, 38.

8 Aristotle, *Politics*, Book III, Ch. XVI, translated by Benjamin Jowett (Oxford: Clarendon Press, 1885).

9 *Democracy Watch v Canada (Attorney General)*, 2026 SCC 28, at para. 1; *Re Manitoba Language Rights*, [1985] 1 S.C.R. 721, at pp. 748-9; *Roncarelli v. Duplessis*, [1959] S.C.R. 121, at p. 142 (the rule of law is a "fundamental postulate of our constitutional structure").

10 The rule of law is also anchored in the preamble to the *Constitution Act 1867*, establishing a constitution "similar in principle to that of the United Kingdom." See: Re: Resolution to amend the Constitution, [1981] 1 S.C.R. 753, at p. 805.

[15] **The rule of law is the cornerstone of a free and democratic society. It holds power accountable and protects rights. It means no one is above the law. It defines the relationships between people, and between people and the state.** It creates the framework for how government delivers services and provides benefits. It provides order for a civil society, a predictable way to peacefully resolve disputes, and protection for citizens against arbitrary state action.[11] The rule of law "allows us to live together in freedom and in harmony and provides the common ground for social progress and prosperity."[12] Fundamental to the rule of law is that citizens have a right "to know what the law is in advance and govern their conduct accordingly".[13] The public needs to be familiar with the institutions and their functions in order to feel connected to, and value, the rule of law.[14] And it is Canada's justice system that upholds those laws and breathes life into those rights and freedoms. Judicial review of government authorities is "a necessary consequence of the rule of law."[15]

[16] In Canada, we accept – and our Constitution recognizes – that the rule of law should be just. While the rule of law is a constitutional principle in Canada,[16] recognition of law's supremacy does not ensure that the laws themselves will be fair or just.[17] However, the policy choices embodied in laws and regulations often shape justice outcomes, as well as the processes of justice institutions.[18] By focusing on what outcomes people need to live a just life, access to justice can be seen, in the words of Martin Luther King Jr., as bending "…the arc of the moral universe … toward justice."[19]

[17] **We must never forget how the law has been used to hurt others and eliminate their rights to dignity, equality and fairness. There are many shameful chapters of our own history, including the residential schools and their intergenerational impact on Indigenous Peoples, and the wartime racial internment camps. The law has played a role in these and other failures of humanity. The Holocaust was legal under German law, as was the Jim Crow racial segregation system in the United States, Apartheid in South Africa, and the Chinese Head Tax here in Canada. Each of these failures was legitimized through law but bereft of justice. These injustices were permitted by society, and its leaders. They are a stark reminder of what can happen when law becomes a tool of exclusion rather than inclusion. Legality alone is not enough. The legitimacy of law depends on its capacity to serve justice.**

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11 In the words of Melina Buckley, "Our perception of what the rule of law is and of its importance is sharpest when it is absent, in situations where law does not in fact rule." See Melina Buckley, "Searching for the Constitutional Core of Access to Justice" (2008) 42 The Supreme Court Law Review: Osgoode's Annual Constitutional Conference 567 at 571

12 Chief Justice Brian Dickson, "The Rule of Law: Judicial Independence and the Separation of Powers" (1985) [unpublished, quoted in Robert J. Sharpe, "The Constitutional Legacy of Chief Justice Brian Dickson" (2000) O.H.L.J. 38:1 189, at p. 200].

13 *R. v. Ferguson*, 2008 SCC 6, at para. 72.

14 Discover, *Perceptions of the rule of law among Canadians: Research Findings* (4 November 2025), online: < https://cdn.prod.website-files.com/68cd815542859c129de37ba4/690e102b27d142dd4abd4a2d_OursToProtect.Research%20Report.pdf>.

15 *Immeubles Port Louis Ltée v. Lafontaine (Village),* [1991] 1 S.C.R. 326, at p. 360.

16 In *Re Manitoba Language Rights*, the Supreme Court recognized that the rule of law must mean at least two things: first, "that the law is supreme over officials of the government as well as private individuals, and thereby preclusive of the influence of arbitrary power"; and second that it "requires the creation and maintenance of an actual order of positive laws which preserves and embodies the more general principle of normative order": pp. 748-50.

17 See Justice Rosalie Silberman Abella, "International Law and Human Rights: The Power and the Pity" (2010) 55:4 McGill LJ 871 at 877-78.

18 As scholar and founding president of Canada's Law Reform Commission, Roderick MacDonald, emphasized, the phrase "access to justice" echoes individual efforts to seek justice in their everyday lives. He wrote: "The role of law is to take the unarticulated hurts and frustrations of life and give them form whereby they may be framed, argued about and channelled into productive exercises of social learning for those in conflict" (Roderick A. MacDonald, "Access to Justice and Law Reform Number 2" (2001) 19 Windsor YB Access Just. 317 at pp. 320-21).

19 Martin Luther King Jr, "Our God is Marching On!" (25 March 1965), online: The Martin Luther King, Jr. Research and Education Institute https://kinginstitute.stanford.edu/our-god-marching.

A just society permits people to live their best lives, free from unjust legal barriers.

[18] The rule of law is foundational to democratic societies. But its legitimacy is premised on society's perception of the law as a tool of justice.

3. JUSTICE - OUR CHARTER VALUES

[19] The *Canadian Charter of Rights and Freedoms* lies at the heart of justice in Canada. As Chief Justice Dickson said in *R. v. Big M Drug Mart*, one of our early foundational *Charter* cases:

> *A truly free society is one which can accommodate a wide variety of beliefs, diversity of tastes and pursuits, customs and codes of conduct. A free society is one which aims at equality with respect to the enjoyment of fundamental freedoms … Freedom must surely be founded in respect for the inherent dignity and the inviolable rights of the human person.*[20]

[20] The "protection of all of the rights guaranteed by the *Charter* has as its lodestar the promotion of human dignity".[21] True equality (also called "substantive equality," in contrast to "formal equality"), is the animating principle of s. 15 of the Charter.[22] Substantive equality tries to achieve equal outcomes and opportunities for all by addressing the social, historical and structural barriers that affect different groups, rather than applying identical rules to everyone. It recognizes that treating people the same when their realities differ does not always result in true equality.

[21] Through its interpretation of the *Charter*, the Supreme Court of Canada has explained that **dignity**, **true equality**, and **fairness** rest on core values that guide how public institutions must engage with people and the inherent worth of every person. In another of the most important *Charter* cases, *R. v. Oakes*, the Supreme Court provided this guidance:

> *The Court must be guided by the values and principles essential to a free and democratic society which I believe embody, to name but a few, respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society."*[23]

[22] The *Charter of Rights and Freedoms* protects human dignity and meaningful societal participation, reinforcing these shared values **as the constitutional compass for how justice could be experienced in Canada.**

4. A SHARED VISION: A JUST SOCIETY

[23] **A just society permits people to live their best lives, free from unjust barriers. In Canada, our Charter reflects the values that we have chosen to shape that free and democratic society.** Core values of the Charter – respect for human **dignity**, **true equality** and **fairness** – secure this vision.

[24] **This vision of a just society requires that justice be viewed as a common good. Justice is an essential part of the public infrastructure and basic human needs. Basic human needs and opportunities to flourish should be available justly.** Those needs should be met in ways that uphold our shared constitutional values of respect for **dignity**, **true equality** and **fairness**. In this way, justice is a basic human need.

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20 *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, at para. 94.
21 *R. v. Kapp*, 2008 SCC 41, at para. 21.
22 *Quebec (Attorney General) v. Kanyinda*, 2026 SCC 7, at para. 7.
23 *R. v. Oakes*, [1986] 1 S.C.R. 103, at para. 64.

[25] Although our *Charter* does not guarantee these social rights[24], an approach to access to justice grounded in *Charter* values will help individuals to better access their fundamental needs. A life free of injustice permits people to pursue their well-being and flourish. A justice system that effectively meets people's needs and rights must uphold **dignity**, **true equality** and **fairness**.

[26] For these *Charter* values to have meaning in people's lives, rights must be more than formal guarantees – people must be able to act on these values in real and practical ways that support their well-being. It requires reducing the gap between legal norms and rules on the one hand, and just outcomes for individuals and vulnerable groups on the other.

[27] The right to equality means little if the processes designed to protect it are inaccessible; dignity cannot be realized when individuals cannot challenge decisions that affect their security, housing, or family; and fairness requires more than rules on paper – it requires that people can use those rules to pursue outcomes that sustain stability, safety, and belonging.

[28] Not all people experience justice equally. Those most vulnerable in society are more likely to need access to justice – and they are most likely to face acute challenges or barriers to that access. For example, Black Canadians are four times more likely to report discrimination-related legal problems.[25] Indigenous Peoples in Canada have identified significant access to justice needs seeking "to provide more Indigenous-led, culturally safe and appropriate, trauma-informed, justice supports" and requiring a "transformational approach" to advance the criminal justice system.[26] And women are more likely to rely on family court processes and face financial barriers in pursuing justice to protect their own and their children's safety from intimate partner violence.[27] Economic imbalances and limited financial resources also affect access to justice.[28] Access to justice challenges are widespread and intersecting, with for example, members of a visible minority group "more likely to experience multiple problems".[29]

[29] Rights that cannot be exercised are effectively denied, and the legitimacy of the rule of law depends on people being able to engage with the systems that safeguard their rights. For every right, there must be a remedy.[30] And for there to be a remedy, there must be access to justice. Access to justice allows people to recognize their options, understand what the law expects of them, and navigate processes that are fair and proportionate.

[30] Access to justice is therefore both a fundamental right[31] and the precondition that allows people to meet their basic human needs in ways that reflect our shared values. It is what connects the values expressed in the *Charter* to the conditions that make people's well–being possible. When justice works, it creates the environment in which people can secure a safe home, find care when needed, make decisions about their families, and take part in their communities. In this sense, access to justice is not only about resolving disputes or enforcing rights; it is the foundation that enables people to live well. It is also the way those *Charter* values take shape in everyday life.

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24 *Gosselin v. Québec (Attorney General)*, 2002 SCC 84, at paras. 82-83.

25 Statistics Canada, *Canadian Legal Problems Survey (CLPS)* (Government of Canada, 2021), online: <https://www.statcan.gc.ca/en/survey/household/5348>.

26 Department of Justice Canada, *Indigenous Justice Strategy* (Ottawa: Department of Justice Canada, March 2025), online: <https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijs-sja/tijs-lsja/pdf/IJS_EN.pdf> at 9.

27 See generally: L. Neilson, *Responding to Domestic Family Violence in Family Law, Civil Protection & Child Protection Cases* (3rd ed. 2017); E. Sheehy and S. Boyd, "Penalizing Women's Fear: Intimate Partner Violence and Parental Alienation in Canadian Child Custody Cases" (2020), 42:1 *J. Social Welfare and Family L.* 80.

28 See, e.g., *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59, at para. 45.

29 Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians* (Ottawa: Department of Justice Canada, 2009) at 45.

30 *R. v. Rahey*, [1987] 1 S.C.R. 588, at para 87, per La Forest J.; *R. v. 974649 Ontario Inc.*, 2001 SCC 81, at para. 20; *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5, at para. 120.

31 *Trial Lawyers Association of British Columbia*, *supra* note 28 at para. 41.

5. MEANINGFUL ACCESS TO JUSTICE

[31] **Thus, access to justice is the principal way people experience the rule of law in daily life. It is how rights become meaningful, how fairness is experienced, and how trust in formal and informal justice systems is sustained.**[32] Justice enables people to live safely, settle conflicts peacefully, and fully take part in the economy and community.

[32] In this way, access to justice gives practical effect to the *Charter* principles of respect for human **dignity**, **true equality** and **fairness**. It allows people to rely on just laws, clear rules, fair processes, and meaningful participation in their communities.

[33] **When people feel that supports within the justice system were not built for them, when the complexity of legal processes steers them away from acting on their rights, or when costs or delay are disproportionate, trust in democratic institutions weakens, and the rule of law is threatened**.

[34] More than a decade ago, in the case *Hryniak v. Mauldin*, the SCC recognized that serious challenges impede access to justice in Canada, imperilling the rule of law, and hence our free and democratic society. "Ensuring access to justice is the greatest challenge to the rule of law in Canada today… Without an effective and accessible means of enforcing rights, the rule of law is threatened".[33] Access to the courts and other adjudicative bodies, as part of a meaningful conception of access to justice, is grounded in our Constitution and is essential to the rule of law.[34]

6. BUILDING ON THE SHIFT TOWARDS PEOPLE-CENTRED JUSTICE

[35] Canada has embraced a significant paradigm shift towards people-centred justice, an idea advanced in *A Roadmap for Change* (2013)[35] and now widely recognized across courts, governments, legal professions, and international organizations.

> *A people-centred justice system is one that seeks the involvement of people in the design and delivery of relevant justice services, as appropriate, with a view to providing effective means for ordinary people to participate in legal processes and to enforce their rights, without affecting the ultimate ruling / outcome of the case.*[36]

[36] The 2013 *Roadmap* identified a crisis in access to justice, called for a culture shift, and suggested concrete goals for change. People-centred justice is now an accepted framework for how services are designed and delivered.[37] This paper reflects the continuing evolution of the 2013 *Roadmap*.

[37] People-centred justice has focused attention on the needs, experiences, and outcomes of the people justice systems are intended to serve. People-centred shifts in the justice sector include greater recognition that legal problems are intertwined with social and economic conditions; more attention to user experience, early intervention, and proportionality; expanding and complementary roles for traditional and non-traditional actors, including community organizations, intermediaries, and interdisciplinary partners; emerging practices rooted in collaboration and prevention; responsible and accessible

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32 Informal systems are also referred to as "traditional", "indigenous", "customary" or "non-state" justice systems. See United Nations Development Programme, *Informal Justice Systems: Charting a Course for Human Rights-Based Engagement* (New York: UNDP, 2012), online: <Informal-Justice-Systems-Charting-a-Course-for-Human-Rights-Based-Engagement.pdf>.

33 *Hryniak v. Mauldin*, 2014 SCC 7, at para. 1.

34 *Trial Lawyers Association of British Columbia*, *supra* note 28 at para. 38.

35 *A Roadmap for Change*, *supra* note 1.

36 Organisation for Economic Co-operation and Development (OECD), *OECD Framework and Good Practice Principles for People-Centred Justice* (2021) OECD Publishing: https://doi.org/10.1787/cdc3bde7-en.

37 OECD, *OECD Framework and Good Practice Principles for People-Centred Justice* (2021) OECD Publishing: https://doi.org/10.1787/cdc3bde7-en.

uses of technology and Generative AI; and an increasing attention to evidence-based thinking.[38]

[38] Today, many people experience justice only when in crisis. They meet it when relationships break down, when basic needs become unstable, or when personal safety is at risk. For some, the system feels distant, slow, or too complex to reach. Others do not engage at all, believing it was not built for them.

[39] Yet justice shapes far more than moments of conflict. It influences people's ability to experience well-being, whether they feel safe, whether they can plan for the future, and whether they trust the institutions that affect their daily lives. It supports economic and social predictability by providing clear rules and a fair forum to resolve problems.

[40] When justice works, people can act early, avoid preventable harm, and move their lives forward with confidence. When it falters, problems escalate and trust erodes.

[41] The urgent need for of access to justice is now widely acknowledged. But major barriers remain: justice costs more and takes longer and the pathways to justice are still too often fragmented and confusing. Marginalized groups disproportionately experience these strains, and public trust in institutions is declining. Although the paradigm shift has begun, its implementation is inconsistent and not yet system wide.

[42] During its Listening Tour, the Action Committee witnessed how legal problems are rarely experienced in isolation. Individuals exist in relation to their communities, and the impacts of unresolved legal problems often extend well beyond the person directly affected. Recognizing these lived realities, and building on community partner experience and a growing body of evidence-based research, we pause and ask: if people-centred justice is the framework for transforming how people experience justice, what is the larger goal towards which we are moving? What vision of justice gives meaning and direction to these efforts? The Action Committee suggests that accelerating the paradigm shift requires us to articulate the higher purpose of people-centred justice: to move to a system where justice is designed to reflect people's needs and delivered as a common good.

7. TOWARDS JUSTICE AS A COMMON GOOD

[43] **The Action Committee proposes justice as a common good as the goal towards which the paradigm shift moves**. Justice as a common good has two dimensions. It means that everyone deserves justice in their life to promote well–being. It also offers an understanding of justice as essential public infrastructure – accessible, prevention–oriented, outcome–focused, and sustained through collective responsibility. *Justice as a common good* promotes well–being for both individuals and communities.

[44] **In recent Canadian history, we have seen a culture shift of this scale with the adoption of the Canada Health Act. Until then, many people could not access basic healthcare. Following the adoption of Canada's universal, publicly funded health insurance system, Canadians came to think of health as a common good. "To Canadians, the notion that access to health care should be based on need, not ability to pay, is a defining national value."**[39]

[45] Justice as a common good invites us to deepen our understanding of the relationship between justice, well-being, and community. We are not calling for a specific model or allocation of resources. Rather, like the introduction of public healthcare, we need to

38 Trevor C.W. Farrow and Lesley A. Jacobs, *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2021), at pp. 8-9.

39 Danielle Martin et al., "Canada's Universal Health-Care System: Achieving its Potential" (2018) 391:10131 Lancet 1718 at 1718.

think and act boldly and creatively[40], guided by a shared vision and prepared to translate that vision into practical reforms.

[46] There are many ways to advance justice as a common good. A 'common good' lens encourages institutions to focus on prevention, early support, and outcomes that help people stabilize their lives. When pathways are clear and proportionate, people act earlier, resolve issues sooner, and maintain stability. Scholars have found that legal problems follow patterns across the population, shaped by predictable social and economic factors.[41] Understanding these patterns allows systems to identify individual and systemic costs, and invest in prevention, identify where harm can be reduced, and strengthen the supports that help people avoid escalation.[42]

[47] The common good means seeing justice not only as help for individuals in crisis, but as a shared system that helps everyone. Viewing justice as a common good highlights how building and sustaining its infrastructure is the shared responsibility of governments, courts and tribunals, legal professionals, community organizations, educators and researchers, funders, professionals across sectors - and the public. All have a role to play in advancing collective action and meaningful change.

[48] **Justice as a common good does not replace the principles of people-centred justice. It gives them a broader purpose. It offers a way to connect individual experiences to broader system design, and to align justice with the values that underpin a free and democratic society.** This shift lays the groundwork for the ideas and practical changes explored in Part 2 – changes that support fair outcomes, strengthen trust, and help people experience justice not only in institutions, but in the stability and well-being of their daily lives.

[49] Justice as a common good, defined, is the shared infrastructure[43] of institutions and supports that enables people to meet their needs and resolve legal problems in ways that upholds **dignity**, **true equality** and **fairness**, and that is sustained through **collective responsibility** across communities and public institutions.

[50] When justice is understood as a common good, people and communities are better equipped to meet their needs and resolve legal problems, which means they are more empowered to navigate and resolve the issues that affect their daily lives. Justice does not simply offer a path to a legal answer; it supports people in a way that reflects these foundational values throughout life. In this context:

Justice as a common good, defined, is the shared infrastructure of institutions and supports that enables people to meet their needs and resolve legal problems in ways that upholds dignity, true equality and fairness, and that is sustained through collective responsibility across communities and public institutions.

40 See, e.g., Thomas H McLeod, & Ian McCleod, *Tommy Douglas: The Road to Jerusalem,* 2nd ed (Calgary: Fifth House Ltd, 2004) at 212, on the leadership needed to translate ambitious social-policy aspirations into practical and lasting public health reform: "The essence of [Tommy Douglas'] leadership… was his ability to dream and to cast his dreams in practical forms, to reduce his ideas to precise language, and to articulate them in such a way as to inspire those around him."

41 Trevor C.W. Farrow et al., *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: Canadian Forum on Civil Justice, 2016), online: < https://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.

42 Lisa Moore & Trevor C.W. Farrow, *Investing in Justice: A Literature Review in Support of the Case for Improved Access* (Toronto: Canadian Forum on Civil Justice, 2019), online: <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1214&context=reports>.

43 Shared infrastructure refers to the full ecosystem that enables people to experience justice in their daily lives — not just courts and tribunals, but the coordinated network of public, community-based, and interdisciplinary supports that help people understand their rights, navigate problems, and meet their needs.

Dignity means people are inherently capable, rights–bearing individuals. Information and processes are understandable, humane, and do not shame, intimidate, or devalue them. Respect and freedom are preconditions of dignity. People are listened to, they can make choices about their own lives, their perspectives are taken seriously, and the system recognizes the realities of their lives — their culture, community, language, and circumstances.

True equality requires that systems recognize that people start from different places and may face different barriers. Help is tailored so everyone has a fair chance to exercise their rights and reach meaningful outcomes.

Fairness means that steps, timelines, and decisions are transparent, proportionate, and grounded in clear reasons that make sense to the people affected.

Collective responsibility means that no single institution – not courts, law societies, governments, or community organizations – can make justice work on its own. Justice works as a common good when it is supported and upheld by a coordinated ecosystem – legal and public institutions, private and community organizations, educators, other professionals and the public itself – each carrying a piece of the responsibility for making justice accessible, fair, and responsive.

[51] This vision invites a deeper shift in perspective. Although formal institutions and expertise continue to matter, it further positions the public not as passive users of legal services, but as participants who contribute to and benefit from fairness through everyday interactions.

[52] The next step in access to justice is a broader shift in purpose – a shift toward seeing justice not only as a system to improve individual experiences and lives, but as a common good that supports collective well-being. While people–centred justice describes how services should be designed and delivered, justice as a common good further identifies the broader purpose of that work. Accelerating the shift to people–centred justice highlights a path to making justice a common good.

PART 2 : ACTION

Principles for Accelerating the Paradigm Shift **Towards Justice as a Common Good**

Part 2 bridges *vision* and *action* by illustrating how the **values associated with justice as a common good – dignity, true equality, fairness, and collective responsibility** – have been, and can be, put into practice, helping to accelerate the ongoing paradigm shift toward justice as a common good.

PART 2: ACTION

8. PRINCIPLES FOR ACCELERATING THE PARADIGM SHIFT TOWARDS JUSTICE AS A COMMON GOOD

[53] Realizing the vision of justice as a common good builds on generations of work, innovation, and collaboration across the Canadian justice sector. These efforts have helped advance a culture shift toward people-centred justice and have established important foundations for coordination, collaboration, and collective action.[44] Continuing to build on and strengthen these foundations will be essential to translating the vision into practice. For example, the 2013 *Roadmap* acknowledged an ongoing access to justice gap, encouraged a culture shift, and suggested concrete actions for a shift towards people–centred justice.[45] It introduced Provincial and Territorial Access to Justice Collaboratives (PT Collaboratives) and Collaborative Coordinators[46] as essential structures, now an established part of Canada's access to justice ecosystem. These efforts have also become the subject of significant discussion and collaboration within the international access to justice community. The continued support and evolution of PT Collaboratives and other Action Committee initiatives will advance the **collective responsibility** required to translate the vision into practice and co–develop people–centred-justice approaches grounded in the lived realities of people in each jurisdiction.

44 Among others, we acknowledge the contributions of the Action Committee on Modernizing Court Operations, whose publications provide guidance for addressing challenges, and highlights opportunities and innovative practices to modernize court operations and improve access to justice for court users. See Office of the Commissioner for Federal Judicial Affairs Canada, *Action Committee on Modernizing Court Operations*, online: <https://www.fja-cmf.gc.ca/COVID-19/Technical-Working-Group-Mandat-du-groupe-de-travail-eng.html>.

45 *A Roadmap for Change*, *supra* note 1.

46 *A Roadmap for Change*, *supra* note 1 at 20 (2013); Action Committee on Access to Justice in Civil and Family Matters, *Action Committee Meeting of Provincial and Territorial Access to Justice Groups* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2015); Action Committee on Access to Justice, *Report of January 30, 2026 Meeting of Provincial and Territorial Access to Justice Collaboratives* (Ottawa: Action Committee on Access to Justice, 2026); Brea Lowenberger, Alyssa McIntyre & Elaine Selensky, "Reducing the 'Justice Gap' through collaboration models for systemic change: Using networks to improve access to justice" (2023) 101:2 Can Bar Rev 389.

[54] Through the Action Committee's convening work – including the PT Collaboratives,[47] summits,[48] international engagement,[49] annual community partner Justice Development Goals reports,[50] research conferences,[51] and the Listening Tour[52] – the Action Committee has been learning directly from those designing, delivering, and experiencing justice across Canada. What has emerged from this work is not a single model, but a set of principles that are helping systems move from aspiration to implementation, in line with the diversity of our people and of our regions.[53]

[55] Part 2 sets out the principles emerging across different contexts to accelerate the shift towards justice as a common good.[54] Alongside the sharing of principles and examples, Part 2 invites critical and creative reflection to help further move from *vision* to *action*. It builds on reforms already underway and cross-disciplinary lessons to encourage continued learning across jurisdictions and institutions.

[56] The following principles for justice system design and reform are being used to advance justice as a common good in practice:

a. **Legal empowerment and prevention**

b. **Networks of pathways to legal help and resolution**

c. **Designing services around people's needs and lived experiences**

d. **Evidence-based culture**

e. **Sustainable resourcing**

[57] Part 2 is not a set of instructions or a blueprint. Rather, the reflective and illustrative prompts included in this section invite readers to consider – both individually and collectively, within and among organizations and PT Collaboratives – how these principles relate to their own roles, contexts, and day–to–day work.

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47 Provincial and Territorial Access to Justice Collaboratives are multi-stakeholder, jurisdiction-based networks that bring together representatives from courts, governments, the legal profession, and community organizations to advance access to justice through coordination, innovation, and system-level reform. They are designed to reflect local needs and contexts, while contributing to a broader, pan-Canadian access to justice ecosystem. See Action Committee on Access to Justice, *Report of January 30, 2026 Meeting of Provincial and Territorial Access to Justice Collaboratives* (Ottawa: Action Committee on Access to Justice, 2026), *supra* note 46.

48 Most recently held in Ottawa in the Fall of 2024.

49 The Action Committee on Access to Justice regularly participates in international convenings, including summits and working sessions of the OECD, contributing to and learning from global efforts to advance people-centred justice.

50 Action Committee on Access to Justice in Civil and Family Matters, *Justice Development Goals – A Decade of Progress: Trends Report* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2024); Action Committee on Access to Justice in Civil and Family Matters, *Canada's Justice Development Goals: 2023 Progress* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2023).

51 Action Committee on Access to Justice, "Advancing People-Centred Justice in Canada: Data Sharing and Knowledge Building" (2026), online: <https://justicedevelopmentgoals.squarespace.com/spring-2026-conference-1> [https://perma.cc/V46K-8B3R].

52 The Listening Tour is an engagement initiative of the Action Committee on Access to Justice that brings representatives of the Committee into direct dialogue with communities and regional access to justice organizations across Canada to strengthen collaboration and ensure its work is informed by lived experience. To date, Listening Tour stops have included Calgary (October 2024), Stratford (October 2024), Saskatoon (November 2024), Halifax (April 2025), Iqaluit (April–May 2025), Winnipeg (May 2025), Vancouver (May 2025 and November 2025), Montréal (October 2025), and St. John's (June 2026). Many other ongoing formal and informal remote and in-person discussions and engagement continue to support and amplify these listening tour events.

53 See, e.g., a list of past Justice Development Goals Reports here, which has documented, for over a decade, practices and design choices across Canada that are helping systems move from aspiration to implementation: Action Committee on Access to Justice, "Resources", online: <https://www.justicedevelopmentgoals.ca/resources>.

54 See, e.g., among others: Adrian Di Giovanni & Maaike De Langen, "People-Centred Justice in International Assistance: Rule-of-Law Path Dependencies or New Paths to Justice for All?"(2024) 39:3 CJLS 383 and Jérémy Boulanger-Bonnelly, "Justice centrée sur la personne et règlement des différends : le potential des tribunaux non professionnels / Person-Centred Justice and Dispute Resolution: The Potential of Lay Courts" (2024) 39:3 CJLS 404 (both authors cite the importance of defining people-centred justice).

Considering Our Collective Responsibility:

Part 2 also explores questions intended to bridge ***vision*** and ***action***. Reflective prompts are embedded throughout the five principles to support both individual and cross-sector reflection, reinforcing personal and **collective responsibility**. These prompts are informed by the ongoing and emerging efforts of the Canadian justice community outlined in Part 2 and are relevant to anyone who interacts with, is affected by, or has an interest in the justice system. Some focus on peoples' experiences with justice, and others on service providers and decision-makers.

a. Legal empowerment and prevention

[58] Justice as a common good begins with empowerment as a tool for prevention of legal problems – an expression of **dignity** that recognizes people as capable, rights–bearing individuals. Legal empowerment helps prevent justice problems before they arise or escalate. It requires a commitment to advance peoples' capability. Legal empowerment is about strengthening people's ability to understand, use, and claim their rights in ways that are meaningful in their everyday lives – not just in courts. It involves recognizing individual capability.[55] It helps to equip individuals and communities with the knowledge, skills, and support to pursue justice, shape priorities, demand fairness, and hold systems accountable.[56] In this way, it fosters **true equality**. Education and empowerment tools and processes require both human and technological supports.

[59] Three capacities underpin legal empowerment[57]:

- **Legal consciousness**: being aware when an issue has a legal dimension
- **Legal literacy**: understanding one's rights and responsibilities[58]
- **Legal capability**: one's ability to act, whether to ask questions, navigate forms, challenge decisions, seek support, or take part in dispute resolution processes[59]

Legal empowerment is an important tool for both preventing legal problems and supporting people's participation in legal processes.

[60] Accelerating the paradigm shift toward justice as a common good requires ongoing changes not only to institutions and services, but also to the education and training of legal professionals, judges, researchers, policymakers, and law students.[60] The justice sector shapes how legal information and services are delivered and how the system responds to public needs. People-centred

55 See, e.g., Hugh M. McDonald & Zhigang Wei, *Justice at a disadvantage: What we know now about legal need, capability and multiple disadvantage* (Melbourne: Victoria Law Foundation, 2025).

56 Public Legal Education Canada, "Legal Empowerment" (last modified 7 April 2019), online: <www.plecanada.org/what-is-ple/defining-ple/legal-empowerment> [https://perma.cc/R7UH-QU5R].

57 See, e.g., among others: OECD, *Toolkit for Access to Justice and People-Centred Justice Systems* (Paris: OECD Publishing, 2025) at 81, online: <Toolkit for Access to Justice and People-Centred Justice Systems (EN)> and OECD, *Making Justice Systems More Effective and People Centred* (Paris: OECD Publishing, 2025) at 9-10, online: < https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/11/making-justice-systems-more-effective-and-people-centred_d705c01f/e02fd90b-en.pdf>.

58 See, e.g., *ibid* at 41.

59 See, e.g., *ibid* at 35-38, 77. See also Julie Mathews, Kristina Brousalis & Diana Vasquez, *Building an understanding of legal capability: An online scan of legal capability research* (Community Legal Education Ontario/ Éducation juridique communautaire Ontario, 2016) and Nigel Balmer et al, *The Public Understanding of Law Survey (PULS) Volume 3: A New Perspective on Legal Need and Legal Capability* (Melbourne: Victoria Law Foundation, 2024), online: <https://puls.victorialawfoundation.org.au/>.

60 For more details on the state of access to justice training for law students, see generally Action Committee on Access to Justice in Civil and Family Matters, A2J & Legal Education (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2023).

justice education[61] and capacity building efforts across the justice community can therefore support both legal empowerment and the prevention of legal problems.

[61] ***Advancing Legal Empowerment and Prevention – What's in motion in Canada:*** In Canada, some new or re-imagined legal empowerment initiatives include:

- clearer laws and processes[62]
- plain–language communication[63]
- early civic education about the rule of law and justice[64]
- proactive supports delivered through community workers and intermediaries[65]
- community clinics and hubs[66]
- law schools adding access to justice to their curriculum[67]

What we heard… A reflection:

A common theme across the Listening Tour stops, participants emphasized the critical role of legal education in shaping justice culture. They highlighted the importance of dispute resolution and problem-solving skills, clinical and experiential learning, interdisciplinary collaboration, and exposure to the lived realities of people facing legal problems. Cultivating these competencies early helps prepare future justice professionals to work in collaborative, people-centred, and community-responsive ways.

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61 For examples of strategies to improve the accessibility and comprehensibility of legal information, see generally Beth Bilson, Brea Lowenberger & Graham Sharp, "Reducing the 'Justice Gap' Through Access to Legal Information: Establishing Access to Justice Entry Points at Public Libraries" (2017) 34:2 Windsor YB Access Just 99.

62 See, e.g., among others: Amy Salyzyn et al, "Court Form Accessibility: Adopting, Designing and Evaluating Online Guided Pathways" (2024) 39:3 CJLS 512 and Social Security Tribunal of Canada, *An Evaluation of the Navigator Service in Canada Pension Plan Disability Appeals before the General Division – Income Security* (Ottawa: Social Security Tribunal of Canada, 2021), online: <https://sst-tss.gc.ca/en/our-work-our-people/evaluation-navigator-service-canada-pension-plan-disability-appeals-general-division-income-security> [https://perma.cc/45W4-8AAS].

63 See, e.g., among others: the Public Legal Education Association of Canada and its affiliated members' publications: Public Legal Education Canada, "Legal Empowerment" (last modified 7 April 2019), online: <www.plecanada.org/what-is-ple/defining-ple/legal-empowerment> [https://perma.cc/R7UH-QU5R].

64 See, e.g., among others: the work of Éducaloi, "Our Expertise" (last modified 19 August 2025), online: <https://educaloi.qc.ca/en/our-expertise/>, of the Ontario Justice Education Network, online: <www.ojen.ca> and the work of Level Justice, "Youth Programs," online: <https://www.leveljustice.org/youth-programs>.

65 See, e.g., among others: Julie Mathews, David Wiseman & Diana Vazquez, Community Justice Help Across Canada: A Snapshot of Programs (Ottawa: Department of Justice Canada, 2024), Julie Mathews & David Wiseman, Community Justice Help: Advancing Community-Based Access to Justice (Toronto: Community Legal Education Ontario, 2020), and Julie Mathews & David Wiseman, Shifting the Paradigm: Exploring Opportunities for Community Justice Help (Ottawa: Department of Justice Canada, 2021). See also the work of Community Justice Outreach Workers: Nunavut, Department of Justice, "Community Justice," online: <https://www.gov.nu.ca/en/justice-and-individual-protection/community-justice>.

66 See, e.g., among others: the work of the Association of Community Legal Clinics of Ontario, online: <https://aclco.org/legal-clinics/overview/>.

67 See, e.g., among others: the University of Windsor's first year mandatory Access to Justice Course: University of Windsor, Faculty of Law, "Juris Doctor (JD," online: <https://www.uwindsor.ca/law/239/juris-doctor-jd>. See also "About the Osgoode Public Interest Requirement (OPIR)," online: <www.osgoode.yorku.ca/programs/juris-doctor/jd-academic-program/degree-requirements/about-the-osgoode-public-interest-requirement-opir>, which highlights Osgoode Hall Law School's 40-hour public interest requirement. The work in fulfillment of the requirement must be "in the public interest, it must facilitate access to justice, seek substantive law reform, or provide services that build the capacity of organizations or communities to engage with the law and legal processes" (emphasis added). See also USask and UOttawa mandatory first year dispute resolution courses, signifying the role law schools continue to play in culture shift both within evolving dispute resolution relationship skills and more systemically, UWindsor's first year access to justice course. A culture has already taken hold by the end of first year, so what is embedded in first year curriculum says a lot about what law schools value. University of Saskatchewan, College of Law, "Dispute Resolution," online: <https://law.usask.ca/students/jd-students/dispute-resolution.php> and University of Ottawa, Faculty of Law, "Dispute Resolution and Professionalism," online: <https://www.uottawa.ca/faculty-law/common-law/dispute-resolution-professionalism/teaching-materials/law>.

Advancing Legal Empowerment and Prevention: Considerations for Reflection and Action

Accelerating the paradigm shift towards justice as a common good… invites everyone who interacts with the justice system to continue to individually and collectively assess and, where possible, strengthen **legal empowerment and prevention**.

1. When you encounter a problem, what do you need to feel able to trust your own judgment, to understand what is happening, and to act?
2. Are there any new barriers you have noticed recently that prevent people from recognizing their problem has a legal dimension?
3. How might your work support (or limit) people's ability to understand or act on their rights and options?
4. What are the tools you would need (human, technological, etc.) to improve people's ability to recognize, understand, and act on their legal problems?
5. What other question(s) need to be asked to advance legal empowerment and prevention?

b. Network of pathways to legal help and resolution

[62] Justice as a common good requires more than one pathway to resolution.[68] Multiple pathways give people real choices that reflect their needs and circumstances. Giving people agency in choosing their pathway to resolution respects their human **dignity**. The success of these networks of pathways depends on institutions recognizing their **collective responsibility** and participating in keeping them clear, connected, and navigable, for the benefit of all. Pathways that meet a diversity of public needs become an expression of **true equality**.

[63] Designing user-centred pathways means having a menu of services and coordinating among service providers to help people reach the right support at the right time. In practice, this means designing pathways with attention to:

- The value of early and integrated pathways[69]
- Understanding the diversity of those who move through and across systems and that different pathways may need to be tailored for different regions, communities, and circumstances[70]
- Involvement of a wide range of traditional and non-traditional actors and processes, including legal professionals, community partners, intermediaries, and other justice-based and non-legal actors, stakeholders, and the public
- The continuing and evolving role of courts and tribunals, recognizing the ongoing value of public justice[71]

[64] Continuity and alignment among pathways is important to ensure services are appropriate, function as a system, and support people along the way.

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68 Access to Justice & Law Reform Institute of Nova Scotia, *Defining Access to Justice in Nova Scotia: A Literature Review* (Halifax: Access to Justice & Law Reform Institute of Nova Scotia, 2020) at 21.

69 OECD, *Making Justice Systems More Effective and People Centred supra* note 57 at 16. Also in Roadmap 1.0.

70 See, e.g., *Association de médiation familiale du Québec v. Bouvier*, 2021 SCC 54, which recognizes the importance of confidentiality and settlement privilege in family mediation.

71 See generally Trevor CW Farrow, Civil Justice, Privatization, and Democracy (Toronto: University of Toronto Press, 2013).

[65] ***Advancing Network of Pathways to Legal Help and Resolution – What's in motion in Canada****:* Many jurisdictions are already experimenting with pathway diversification and offer:

- access to community supports
- mediation
- restorative practices
- collaborative processes, tribunals, and courts[72]
- navigator programs with a mandate to direct people towards appropriate legal resources[73]
- other resources that connect across justice, housing, health, and other social services[74]

What we heard… A reflection:

During the Action Committee's Listening Tour, we observed a renewed commitment across the country to using community spaces as places to connect with the public on justice-related issues to better understand what matters most to them. In the North, for example, organizations used food bank facilities to host free community dinners, creating opportunities for residents to discuss justice issues and share their experiences. In British Columbia, Saskatchewan, Ontario, and other regions, public libraries emerged as important access points for legal information and assistance, helping people connect with resources and support they need in a familiar, accessible space. These initiatives illustrate the value of meeting people where they are and how accessible community spaces play an important role in advancing pathways to legal help and information.

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72 See, e.g., among others: Noel Semple's analysis on the potential of tribunals to improve access to justice in Canada: Noel Semple, "Tribunals for Access to Justice in Canada" (2025) 103:1 Can Bar Review 298 at 321.

73 See, e.g., among others: the Social Security Tribunal's navigator program that supports self-represented litigants and has been the subject of both internal and external evaluations: Social Security Tribunal of Canada, *An Evaluation of the Navigator Service in Canada Pension Plan Disability Appeals before the General Division – Income Security* (Ottawa: Social Security Tribunal of Canada, 2021), online: <https://sst-tss.gc.ca/en/our-work-our-people/evaluation-navigator-service-canada-pension-plan-disability-appeals-general-division-income-security> [https://perma.cc/45W4-8AAS] and Laverne Jacobs & Sule Tomkinson, *Examining the Social Security Tribunal's Navigator Service: Access to Administrative Justice for Marginalized Communities* (Windsor: Law, Disability & Social Change Project and Centre for Policy Analysis, 2022), online: <uwindsor.scholaris.ca/server/api/core/bitstreams/31c157aa-89c3-47d0-b63b-e499821a9e79/content> [https://perma.cc/S384-V99S]. Québec's Boussole juridique is a search tool for free or low-cost legal resources available in Quebec : Boussole Juridique, "Centre de justice de proximité de Québec," online: <boussolejuridique.ca/ressource/centre-de-justice-de-proximite-de-quebec>. A network of legal intermediaries in BC bridge community organizations and advocates with appropriate legal resources: Kwasnicki, Meg, *Forging Strong Connections: The Vital Role of BC's Legal Intermediaries,* (Courthouse Libraries BC, 2022), online: <https://www.courthouselibrary.ca/sites/default/files/inline-files/Community_Forum_Report_Final.pdf>. The NWT's "navigator" program - called Integrated Case Management - supports people who are involved in 2 or more government programs, who are subject to contradictory program requirements and can lack the ability to reconcile or respond to these conflicting demands.

74 See, e.g., among others: the work of La Maison Bleue, online: <maisonbleue.info/en/>; a number of law schools offer clinics that support cross-disciplinary work, including Windsor Law School, whose Legal Assistance of Windsor clinic pairs law students and social work students to better support clients: Legal Assistance of Windsor, online: <www.legalassistanceofwindsor.com> [https://perma.cc/G2VJ-Q4HC]. Connecting Ottawa is a project that supports information referrals and coordination among legal, social and communications services: Connecting Ottawa, "About Us" (last modified 20 August 2020), online: <connectingottawa.com/about-us>.

Advancing Legal Empowerment and Prevention: Considerations for Reflection and Action

Accelerating the paradigm shift towards justice as a common good… invites everyone who interacts with the justice system to continue to individually and collectively assess and, where possible, strengthen a **clear choice and coordinated pathways for users**.

1. When you need help with a problem, what do you need to find your way to the right institution or pathway?
2. How do people find their way to your organization? What aspects of that pathway work well, and where might people encounter confusion, gaps, or dead ends?
3. Where appropriate, does your work connect with the efforts of others to create a clear and coordinated pathway rather than a standalone service? What enables or hinders this collaboration?
4. What other question(s) need to be asked to support the creation of clear and coordinated pathways to fair resolution?

c. Designing services around people's needs and lived experiences

[66] Justice as a common good invites a reconsideration of how systems are designed, assessed and delivered. It recognizes that values of **dignity, true equality,** and **fairness** must be reflected not only in outcomes, but in how people experience justice processes.[75] Justice design must be sensitive to both positive and negative experiences of the justice system, acknowledging that the system has not always treated people fairly.[76]

[67] Designing services around people's needs and lived experiences is not a checklist of factors, but an ongoing commitment to understanding how people experience justice in practice.[77] This kind of design includes examples that are discussed in greater detail below:

i. **Participatory engagement and cultural responsiveness**
ii. **Accessibility**
iii. **Timely, fair, proportionate, and affordable justice**
iv. **Continuous learning and improvement**

75 See, e.g., a foundational, two-decade-old call for a more public-centred understanding of access to justice: Roderick A Macdonald, "Access to Justice in Canada Today: Scope, Scale and Ambitions" in Julia Bass, WA Bogart & Frederick H Zemans, eds, *Access to Justice for a New Century – The Way Forward* (Toronto: Law Society of Upper Canada, 2005) at 19. See also recent collections of people-centred justice both internationally and Canadian-based: Matthew Burnett & Rebecca L. Sandefur, eds, *Global Perspectives on People-Centered Justice: Exploring the Evidence* (American Bar Foundation Access to Justice Research Initiative, 2026), online: <abfn.org/global-perspectives-people-centered-justice> [https://perma.cc/7MQT-W4SL] and *Canadian Journal of Law and Society,* "Special Issue: People-Centred Justice,", online: <www.cambridge.org/core/journals/canadian-journal-of-law-and-society-la-revue-canadienne-droit-et-societe/issue/1A0FBAF126BB8296AC0466ACA65CB67C>.

76 See, e.g., among others: Canada, Department of Justice, Overview of the Indigenous Justice Strategy Engagement Process (Ottawa: Department of Justice, March 2025), online: <https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijs-sja/info.html> and Canada, Department of Justice, Summary of Site Reports for Canada's Black Justice Strategy (last modified 10 February 2025), online: <https://www.justice.gc.ca/eng/cj-jp/cbjs-scjn/index.html> (where trust has been eroded and the sector has been called upon to rebuild through new justice design).

77 See, e.g., Hazel Genn, *Judging Civil Justice* (Cambridge, UK: Cambridge University Press, 2010).

i. Participatory engagement and cultural responsiveness

[68] **Participatory design** means designing justice services with and for the people who use them.[78] It also means grounding reform in lived experience, working collaboratively with users[79], and shaping documents, services, policies, and processes around real–world needs and front–line realities.[80]

[69] Participatory design recognizes that lived experience is essential to understanding how systems function in practice. It exposes barriers that may not be visible from within institutions and supports the creation of inclusive processes.[81] Participation is most effective when it is ongoing, but even one–time engagement can meaningfully inform design and decision–making.

[70] Participatory design can increase trust and legitimacy by making sure that people see their values and realities reflected in the systems that exist to serve them.[82] Justice system design is therefore strengthened when informed by both lived experience and legal professional knowledge and expertise.

[71] Participation in justice processes is more meaningful when it takes place in environments that are safe, inclusive, and supportive of genuine engagement.[83] It also points to cultural responsiveness as a condition of justice.[84] As the OECD states:

What we heard… A reflection:

As part of the Listening Tour, participants engaged with the "Access to Youth and Family Justice Summit" in Nova Scotia in April 2025. The Summit brought together experts, stakeholders, and community leaders from justice, health and social service sectors worked to strengthen connections between health and justice, foster collaboration, and build a robust network of professionals. Participants highlighted approaches that ensure Indigenous cultural values and beliefs are embedded in child protection processes.

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78 Margaret Hagen "Legal Design as a Thing: A Theory of Change and a Set of Methods to Craft a Human-Centered Legal System" (2020) 36:3 *Design Issues,* at 3-15. See also OECD Report – "Making Justice Systems More Effective and People Centred" at 59.

79 See Mary Stratton, *Creating Collaborative Alliances for Change: A Dynamic Resource for the Justice Community* (Edmonton: Canadian Forum on Civil Justice, 2009), online: < https://cfcj-fcjc.org/sites/default/files/docs/2009/stratton-car-en.pdf>.

80 See OECD, *Making Justice Systems More Effective and People Centre* at 45; OECD, *Toolkit for Access to Justice and People-Centred Justice System* at 81 ss; Access to Justice & Law Reform Institute of Nova Scotia, *Defining Access to justice in Nova Scotia: A Literature Review* (Halifax: Access to Justice & Law Reform Institute of Nova Scotia, 2020) at 10; Margaret Hagan, "Legal Design as a Thing: A Theory of Change and a Set of Methods to Craft a Human-Centered Legal System" (2020) 36:3 *Design Issues* 3-15. See also OECD, *Making Justice Systems More Effective and People Centred supra* note 57 at 59.

81 See, e.g., among others: the participatory design work of the Cour supérieure du Québec, "Communiqué de presse : Création du Comité collaboratif citoyen du district de Montréal de la Cour supérieure du Québec" (30 April 2025), online: <https://coursuperieureduquebec.ca/fileadmin/cour-superieure/Districts_judiciaires/Montreal/2025-04-30_Communique_presse_Creation_Comite_collaboratif_citoyen.pdf>; the Department of Justice of Canada's Black Justice strategy *supra* note 76, and Indigenous Justice Strategy, *supra* note 26.

82 Morris J Wosk Centre for Dialogue, Simon Fraser University, "Deliberation in Decision-Making," online: <https://www.sfu.ca/dialogue/learn/topics/deliberation-decision-making.html>.

83 OECD, *Making Justice Systems More Effective and People Centred supra* note 57 at 45.

84 Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action* (Winnipeg: The Truth and Reconciliation Commission of Canada, 2015), online: <https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf>; Calibrate Solutions, *Developing a Framework for Measuring Access to Justice in Ontario: An A2J Primer for the Law Foundation of Ontario* (Toronto: Calibrate Solutions, 2025) at 28 (available on demand at The Law Foundation of Ontario).

> *When public institutions mirror the demographic and cultural diversity of the populations they serve, they tend to be more approachable, better able to understand people's problems, and more likely to maintain public trust even when mistakes occur.*[85]

[72] Uniform processes can reproduce inequality and unfairness. For many people outside dominant groups, including Indigenous, racialized and marginalized communities, the justice system has too often been experienced as a source of harm, exclusion, and bias – eroding trust and making people who most need legal protection less likely to seek it or to obtain an outcome that is fair.[86] As noted above, **true equality** and **fairness** requires addressing the social, historical and structural barriers that affect different groups, rather than applying identical rules to everyone.

[73] **Cultural responsiveness** in design means recognizing and reflecting diversity in how problems are experienced, understood, and resolved. This includes addressing cultural, jurisdictional and language barriers, while also considering communication more broadly: how information is shared, understood, and experienced. This means assessing cultural responsiveness, making sure that services are accessible and experienced as fair, relevant, and responsive in practice.[87]

[74] Cultural responsiveness is central to legitimacy and trust.[88] Culturally-responsive design means people feel recognized, respected, and safe engaging with justice systems. Experiences of discrimination, exclusion, or power imbalance shape whether people view justice institutions as relevant or trustworthy. Justice processes that ignore cultural context, community norms, or lived realities risk disengagement even when services are formally available.[89] For example, for Indigenous peoples, responsiveness includes the availability of pathways that reflect Indigenous legal traditions and community–based approaches to problem–solving.[90] The Truth and Reconciliation Report calls for the developing, recognizing, or support of the creation of Aboriginal Justice systems and community-based alternatives to

***What we heard…* A reflection:**

During the Action Committee's Listening Tour, an Inuit elder shared how a southern understanding of the "qualifications" required to deliver certain legally mandated support services in the community had become a barrier to meaningful and culturally relevant help.

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85 OECD, *Making Justice Systems More Effective and People Centred supra* note 57 at 30. To reference some of the other research that identifies the "cascading effect" and intersecting factors, such as the series of qualitative studies on the serious legal problems of diverse populations: Department of Justice Canada, "The Canadian Legal Problems Survey" (last modified May 2026), online: <https://www.justice.gc.ca/eng/rp-pr/jr/survey-enquete.html> [https://perma.cc/TZ8G-DQJU].

86 OECD, *Making Justice Systems More Effective and People Centred supra* note 57 at 37. See further Trevor CW Farrow, "What is Access to Justice?" (2014) 51:3 Osgoode Hall LJ 957 and Sarah Buhler, "Don't Want to Get Exposed": Law's Violence and Access to Justice" (2017) 26:1 J L & Soc Pol'y 68.

87 OECD *Making Justice Systems More Effective and People Centred* at 73.

88 LFO A2J Primer on Measuring A2J Impact, *supra* note 84 at 28; OECD, *Making Justice Systems More Effective and People Centred supra* note 57 at 24.

89 In the context of youth justice, see, e.g., among others: Janet E Mosher, "Lessons in Access to Justice: Racialized Youths in Ontario's Safe Schools" (2008) 46:4 Osgoode Hall LJ 807.

90 See, e.g., Indigenous Justice Strategy: *supra* note 26 at 22 and 24. See also Calls 5.4, 5.11 and 5.16 of the National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1b (Ottawa: National Inquiry into MMIWG, 2019) at Calls for Justice, online: <www.mmiwg-ffada.ca/final-report>. The need for culturally responsive pathways is also documented in the context of racialized migrants. See, for example, Alina Sutter & Victoria Esses, *A Qualitative Look at Serious Legal Problems Facing Immigrants in London and Toronto, Ontario* (Ottawa: Department of Justice Canada, 24 March 2021), online: <www.justice.gc.ca/eng/rp-pr/jr/ilto/index.html> at 43-45.

imprisonment.[91] The Black Justice Strategy also addresses Black Canadians' unique needs, establishing a five-point plan and 114 recommendations to advance social determinants of justice, policing, courts and legislation, corrections, and parole re-entry and reintegration.[92]

[75] Participatory and culturally responsive design is realized when people can see their realities reflected, understand what is happening, and receive support that fits their needs — so that they experience **dignity**, **true equality**, and **fairness** in practice.

[76] Overall, encouraging participatory design and engagement does not mean minimizing the importance of professional experience and expertise. Both are important and often critical for strong and lasting outcomes. However, as decades of examples and experiences are increasingly establishing, often the most effective processes and successful outcomes are achieved with strong collaborations and partnerships with users and providers, including traditional and non-traditional expertise.

ii. Accessibility

[77] Designing services around people's needs means considering both physical and digital accessibility and ensuring that services are designed in ways that respect users' **dignity**:[93]

- **Physical accessibility reflects people's lived constraints**. Physical accessibility in design means acknowledging geography, time, cost, people with health limitations or disabilities, caregiving responsibilities, housing stability, and work obligations. Justice systems that require people to travel long distances, take time off work, or navigate unfamiliar institutional settings create barriers that disproportionately affect those with fewer resources. Community–based and co–located services may improve physical accessibility by meeting people where they already seek help, particularly before problems escalate.
- **Digital accessibility reflects people's digital and technological constraints**. Digital innovations can expand reach but can also create new barriers for people with varying technical capabilities.[94] Digital accessibility means advancing tools that can support early action, information–sharing, and efficiency. Digital innovations on their own, however, assume people have access to devices and infrastructure, technological literacy, language fluency, reliable internet access, and confidence navigating formal systems. Online legal supports risk shifting responsibility onto individuals, unless they are paired with guidance, alternatives, human support, and professional expertise. People–centred justice design may require digital options to be additive rather than exclusive, with hybrid models that preserve in–person and supported help.[95]

[78] Accessibility barriers can be cumulative and intersecting: "An inclusive justice system requires that it be equally accessible to all, regardless of means, capacity or social situation."[96] Physical, digital, and cultural barriers often overlap, compounding exclusion for people facing multiple forms

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91 Calls to Action 42 and 31, TRC Report, *supra* note 84 at 4.

92 Canada's Black Justice Strategy, *supra* note 76.

93 See examples of how accessibility was improved in OECD, *Making Justice Systems More Effective and People Centred supra* note 57 at 55-58.

94 See OECD Legal Instruments for recommendations on achieving accessible, ethical, and equitable outcomes in user-centred service design.

95 The Action Committee on Modernizing Court Operations offers a number of publications pertaining to virtual hearings, open courts and technology. See Office of the Commissioner for Federal Judicial Affairs Canada, *supra* note 44. For a range of operational considerations on remote appearances in court, see United Kingdom, Ministry of Justice, *Call for Evidence: Open Justice, the Way Forward — Summary of Responses* (2025), online: <assets.publishing.service.gov.uk/media/679a5a5161c295e9331f789a/open-justice-call-evidence-summary-responses.pdf> at 23.

96 Farrow, "What Is Access to Justice?" *supra* note 86.

of disadvantage.[97] Addressing accessibility requires understanding how barriers interact across systems, rather than treating them in isolation.

[79] Having many services, platforms, or programs does not, on its own, enhance accessibility. Meaningful access is reflected in whether people resolve problems, prevent harm, maintain stability, and experience improved lives.[98] People–centred design therefore means shifting from *availability* to *outcomes* when assessing accessibility.[99]

iii. Timely, fair, proportionate, and affordable justice

[80] Designing services around people's needs for a just process and outcome requires balancing timeliness, fairness, proportionality, and affordability. The combined effect of delay, cost, and complexity can be a denial of justice.[100]

- **Timeliness** means effective resolution as prevention against escalation.[101] Timely support helps people recognize the legal element of their problem, understand options, and take the next step before the situation worsens. It allows people to get a result in a reasonable time frame. Timeliness in dispute resolution processes often requires setting goals for concrete timelines[102]
- **Fairness** means that fair processes are required to achieve just outcomes
- **Proportionality** matches process to problem, stakes, and people's circumstances. A proportionate system matches the response to the nature and seriousness of the issue, the interests at stake, and the circumstances of the people involved. "If the process is disproportionate to the nature of the dispute and the interests involved, then it will not achieve a fair and just result."[103]

***What we heard…* A reflection:**

During the Listening tour, participants emphasized the need to apply rules with compassion. They recounted the story of a man from a remote community, flown into the big city for a surgery to occur on the same day as his bail hearing. He was ultimately released in the middle of February in flip flops, with no phone or wallet.

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97 See, e.g., Currie, *supra* note 29 at 42. In Chapter V: Multiple Problems at 42: "Problems often do not occur in isolation. They occur in clusters in which certain problems can sometimes serve as triggers for other problems. The significance of experiencing multiple problems is that they may have a compounding effect."

98 Farrow, "What Is Access to Justice?" *supra* note 86.

99 Noel Semple, "Welfarism and Person-Centred Justice" (2024) 39:3 CJLS 580 at 583.

100 In *Hryniak*, *supra* note 33, the Supreme Court of Canada said: "Increasingly, there is recognition that a culture shift is required in order to create an environment promoting timely and affordable access to the civil justice system. This shift entails simplifying pre-trial procedures and moving the emphasis away from the conventional trial in favour of proportional procedures tailored to the needs of the particular case." (para. 2). This principle has been expressly codified in British Columbia, Ontario, and Quebec: *Supreme Court Civil Rules*, B.C. Reg. 168/2009, Rule 1-3(2); Ontario *Rules*, Rule 1.04(1.1); and *Code of Civil Procedure*, R.S.Q., c. C-25, art. 4.2. Aspects of Alberta's and Nova Scotia's rules of court have also been interpreted as reflecting proportionality: see, e.g. *Medicine Shoppe Canada Inc. v. Devchand*, 2012 ABQB 375, at para. 11; *Sturley v. CIBC World Markets Inc.*, 2011 NSSC 4, at para. 12.

101 Currie, *supra* note 29 at 44. This cascading effect is compounded by other intersecting factors, for example trans identity, as documented in Canadian Bar Association, HIV & AIDS Legal Clinic Ontario &. TRANSforming Justice, *Access to Justice for Trans People* (Ottawa: Canadian Bar Association, 2022) at 17, online: <CBA Access to Justice for Trans People>, and newcomer status, as documented in Alina Sutter & Victoria Esses, A Qualitative Look at Serious Legal Problems Facing Immigrants in London and Toronto, Ontario (Ottawa: Department of Justice Canada, 24 March 2021), online: <www.justice.gc.ca/eng/rp-pr/jr/ilto/index.html>.

102 The Advocates' Society, *Delay No Longer. The Time to Act is Now: A Call for Action on Delay in the Civil Justice System* (Toronto: The Advocates' Society, 2023), online: <https://www.advocates.ca/Common/Uploaded%20files/Advocacy/CivilJustice/2023/The_Advocates_Society_Delay_No_Longer_Final_Published_June_29_2023.pdf> at 8. Note in some jurisdictions such as Ontario, delays in family civil justice reach up to five years in some circumstances (find page number).

103 *Hryniak*, *supra* note 33 at para. 29. See also Suzanne Chiodo, "Taking Proportionality Seriously: A Countercultural Approach" (2025) 16:1 West J Leg Stud 19.

- **Affordability** means that cost should not be a precondition to justice.[104] Unnecessary cost has the potential to undermine the rule of law and access to justice[105]

[81] A justice system understood as a common good requires **collective responsibility** among institutions to advance timely, proportionate, fair, just, and affordable pathways to help people resolve problems. Balancing these considerations respects personal **dignity**, promotes **true equality**, and leads to **fairness** and just results.

iv. Continuous learning and improvement

[82] Embedding data collection and evaluation from the outset of service design creates opportunities for actionable insights and continuous improvement. Timely access to feedback advances **dignity** and **fairness** by helping organizations better understand, respond, and adapt to people's needs and lived experience.[106] Facilitating continuous learning and improvement in service delivery includes identifying:

- What research, data, or information is needed to determine whether the desired outcome is met
- Sources and methodologies to meaningfully invite and integrate lived experience
- Whether current data collections and strategies capture this data, or whether different strategies are required[107]
- Necessary governance, ethics, and safeguards for information gathering[108]
- Opportunities to share findings that can inform broader justice system learning and improvement[109]

[83] Building feedback mechanisms into service design and delivery enables designers to learn from and adapt services based on people's experiences, helping to ensure that services are responsive, inclusive, and effective.[110]

[84] Together, the four factors outlined above provide important considerations for understanding how people experience justice in practice. By emphasizing (i) participatory design and cultural responsiveness, (ii) accessibility, (iii) timely, fair, proportionate, and affordable justice, and (iv) continuous learning and improvement, these factors support the design of services that respond to people's needs and lived experiences.

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104 Cost is understood to include limited financial resources for legal representation and other expenses associated with accessing legal support, such as limited access to childcare and transportation, or ineligibility for legal supports. See, generally, Bryce Stoliker & Lisa Jewell, in collaboration with Brea Lowenberger & Heather Heavin, *A Legal Needs Survey in the Province of Saskatchewan: Perspectives of Lawyers and Legal and Non-Legal Service Providers* (Saskatoon: Centre for Forensic Behavioural Science and Justice Studies, University of Saskatchewan, 2023), online: <University of Saskatchewan>.

105 *Hyrniak, supra* note 33 at para. 21.

106 See, e.g., Michele M Leering, "Enhancing the Legal Profession's Capacity for Innovation: The Promise of Reflective Practice and Action Research for Increasing Access to Justice" (2017) 34:1 Windsor YB Access Just 189 and Judy Jaunzems-Fernuk et al, "Measuring Improvements in Access to Justice: Normalizing Use of Empirical Research and Critical Self-Reflection for Ongoing Development of a Person-Centred Justice System" (2025) 103:3 Can Bar Rev 722. For an example of this concept in action see National Judicial Institute, "Building Better Justice: We Welcome Your Input", online: <www.research.net/r/Z2ZQC2Y?lang=en>.

107 See, e.g., Jennifer A Leitch, "Looking for Quality: The Empirical Debate in Access to Justice Research" (2013) 31:2 Windsor YB Access Just 229. See also, generally, Action Committee on Access to Justice in Civil and Family Matters, *Measuring Access to Justice: A Survey of Approaches and Indicators in A2J Metrics Initiatives* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters. 2019).

108 See, e.g., among others: Spain, State Technical Committee on Electronic Judicial Administration, *Manifesto for a Public Data Space in the Field of Justice* (State Technical Committee on Electronic Judicial Administration, 2022) at 3, online: <Spains_Manifesto_for_a_Public_Data_Space_in_the_Field_of_Justice.pdf>.

109 See, e.g., among others: Michelle Jehn et al, "Reforming the Family Justice System Initiative" (Paper delivered at the Relating Systems Thinking and Design (RSD4) 2015 Symposium, Banff, 1-3 September 2015), online: <https://openresearch.ocadu.ca/id/eprint/2034>.

110 See, e.g., among others: British Columbia Civil Resolution Tribunal, "About the CRT" (last modified 10 April 2025, online: <civilresolutionbc.ca/about-the-crt>. The BC Civil Resolution Tribunal seeks continuous user feedback through surveys, with results posted every month.

[85] ***Designing Services Around People's Needs and Lived Experiences – What's in Motion in Canada:*** These combined factors are evident in the design and evaluation of new or re–imagined people-centred justice initiatives, such as:

- the design and evaluation of a limited license practitioner pilot project[111]
- advancing and evaluating partnerships between health and justice[112]
- creating a framework for community-based justice worker roles[113]
- testing new triage models before courts[114]
- user–testing court forms[115]
- assessing the impact of community–specific legal clinics[116]

Advancing Design of Services Around People's Needs and Lived Experiences: Considerations for Reflection and Action

Accelerating the paradigm shift towards justice as a common good… invites everyone who interacts with the justice system to individually and collectively continue to assess and, where possible, strengthen **designing justice services around the lived experiences and needs of people**.

1. When you interact with a system meant to help you, what do you need – often without having to ask – for the process to reflect dignity, equality, and fairness in how you are treated and in the outcome you receive?
2. Whose experiences shape how your services are designed – and are there other voices that may be missing?
3. Who may be most likely to struggle to access your services as they are currently designed, and what design considerations might be advanced to help reach them?
4. Is there an area of your work where the process itself – through delay, cost, or complexity – might be shaping outcomes more than the merits of the issue?
5. What do you rely on to understand whether your work is effective – and how might that align (or not) from what people experiencing the system would say matters most?
6. What other question(s) need to be asked to advance people–centred justice design?

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111 See, e.g., among others: Law Society of Saskatchewan, *Future of Legal Services Initiative: Final Report* (Regina: Law Society of Saskatchewan, 2026), online: <www.lawsociety.sk.ca/wp-content/uploads/Final-Report-Future-of-Legal-Services-Initiative-2026-04-30.pdf>.

112 See, e.g., among others: Michele M. Leering, *Measuring What Matters: Exploring Evaluation Frameworks for Justice & Health Partnerships* (Belleville: Community Advocacy & Legal Centre, 2021), online: < https://communitylegalcentre.ca/tcodownloads/Measuring-what-matters-background-paper-2024>.

113 See, e.g., among others: Julie Mathews, David Wiseman & Diana Vazquez, Community Justice Help Across Canada: A Snapshot of Programs (Ottawa: Department of Justice Canada, 2024) and Julie Mathews & David Wiseman, "A Framework for Supporting Community Justice Help," online: <https://perma.cc/CH2L-EFHH>. See also Matthew Burnett & Rebecca L Sandefur, "Justice Work as Democracy Work: Reimagining Access to Justice as Democratization" (2025) 76 South Carolina Law Review 833.

114 See, e.g., among others: British Columbia, where parties are required to attend a triage appointment with a Family Justice Counsellor before their first appearance in front of a judge. *Provincial Court Family Rules*, BC Reg 120/2020, r 16. Each party must participate in a needs assessment (conducted by a needs assessor – defined as "a family justice counsellor who conducts a needs assessment under rule 16".

115 See, e.g., among others: Salyzyn et al, *supra* note 62.

116 See, e.g., among others: Department of Justice Canada, *Legal Clinics in Canada: Exploring Service Delivery and Legal Outcomes Among Vulnerable Populations in the Context of COVID-19* (Duncan: Department of Justice Canada, 2021) (a research report that looks at legal clinics and service delivery in Canada during COVID).

- developing tools to evaluate options of in–person or remote services[117]
- exploring the design and impact of advancing legal coaching and unbundled services[118]
- creating and evaluating mental health courts[119]
- developing partnerships with local libraries to provide information in community[120]

d. Evidence–based culture

[86] In 2013, the Canadian Bar Association noted: "Currently, we have only fragmentary data and no capacity to pull it together to get a complete picture of access to justice in Canada."[121] More than a decade later, despite efforts[122], this observation continues to hold.

- [87] Justice as a common good requires organizations and systems to use data and evidence to inform reflection and collective action. It recognizes and promotes **collective responsibility** when data is shared, enabling cross–sector system learning, coordination, and collaboration. An evidence–based culture involves a commitment to the collection, interpretation, and use of evidence across sectors to support decision-making and system improvement.[123] It means continuing to:
- Draw from evolving measurement and evaluation methods when designing data collection and evaluation plans
- Advance capacity and coordination around shared frameworks for data collection, collective learning, and action[124]
- Use data, evidence, and shared accountability, where appropriate, to inform decision-making
- Develop local and national data infrastructure strategies that enable coordinated quantitative and qualitative data collection and reporting[125]

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117 See, e.g., among others: Department of Justice Canada, "An Access to Justice Index for Administrative Bodies" (last modified 24 November 2025), online: <www.justice.gc.ca/eng/csj-sjc/access-acces/challenge-defi.html>. Canada's "Access to Justice Index for Administrative Bodies" is a self-assessment tool designed to help administrative bodies assess their progress in delivering meaningful access to justice to users. The tool was updated in 2025 to include not only questions to evaluate current performance, but also to assess institutional capacity to advance user-centred design and respond to future challenges.

118 See, e.g., among others: Rachel Birnbaum & Nicholas Bala, "Ontario's Family Law Limited Scope Services Project: Rhetoric and Realities of the Family Bar Addressing Access to Justice Challenges" (2021) 40:1 Can Fam LQ 1. See also Graham Sharp, The Right of Access to Justice Under the Rule of Law: Guaranteeing an Effective Remedy (Saskatoon: University of Saskatchewan College of Law, 2016) at 22-23.

119 See, e.g., among others: Alexandra M Zidenberg et al, Evaluation of the Saskatoon Mental Health Strategy (MHS) Court: Outcome and Cost Analysis (Saskatoon: Centre for Forensic Behavioural Science and Justice Studies, University of Saskatchewan, 2020), online: <University of Saskatchewan>.

120 See, e.g., among others: Courthouse Libraries BC, "LawMatters Research Reports", online: <https://www.courthouselibrary.ca/our-programs/lawmatters/lawmatters-research-reports>.

121 Canadian Bar Association Access to Justice Committee, *Reaching Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, 2013) at 40. See also *Roadmap for Change, supra* note 1 at 7.

122 See, e.g., among others: Department of Justice Canada, "The Canadian Legal Problems Survey" (last modified May 2026), online: <https://www.justice.gc.ca/eng/rp-pr/jr/survey-enquete.html> [https://perma.cc/TZ8G-DQJU].

123 See, e.g., resources on "developmental evaluation": Michael Quinn Patton, Developmental Evaluation: Applying Complexity Concepts to Enhance Innovation and Use (New York: Guilford Press, 2011) and Gamble, Jamie A, A Developmental Evaluation Primer (Montreal: J W McConnell Family Foundation, 2008). For more on the analytical depth that data science can bring to advocacy, see also Laurel E Fletcher, Valentina Rozo Angel & Ariel Sim, "Why Data Science Belongs at the Heart of International Human Rights Advocacy?" (1 August 2025), online: < https://www.openglobalrights.org/why-data-science-belongs-at-the-heart-of-international-human-rights-advocacy/> [https://perma.cc/H7UB-MDF7].

124 See, e.g., among others: Access to Justice BC, *Applying the Access to Justice Triple Aim and Measurement Framework: A User's Guide* (Access to Justice BC, 2018), online: <https://ajrn.org/wp-content/uploads/2018/04/applying-the-measurement-framework-a-users-guide-access-to-justice-bc-measurement-working-group-dec-2017.pdf> [https://perma.cc/N4XM-XBKD] and Brea Lowenberger et al, "Utilizing an A2J Measurement Framework for Comparative Justice Data Collection and Program Evaluation Across Canada" (2021) 37:2 Windsor YB Access Just 337. See, e.g., among others: Maaike de Langen, Tatyana Teplova & Geoff Mulherin, *Towards a Measurement Framework for People-Centred Justice Systems* (Paris: OECD Publishing, 2026), online: <www.oecd.org/content/dam/oecd/en/publications/reports/2026/06/towards-a-measurement-framework-for-people-centred-justice-systems_b1446e3b/f4c9dccb-en.pdf>.

125 See, e.g., among others: Lisa Jewell & Bryce Stoliker, in collaboration with Brea Lowenberger & Heather Heavin, Legal Data in Saskatchewan and Implications for a Justice Data Commons: Results from an Environmental Scan and Key Informant Interviews (Saskatoon: Centre for Forensic Behavioural Science and Justice Studies, University of Saskatchewan, 2023), online: <University of Saskatchewan>. See also OECD, Towards Effective Governance of Justice Data (Paris: OECD Publishing, October 2024), online: <www.oecd.org/content/dam/oecd/en/publications/reports/2024/10/towards-effective-governance-of-justice-data_fd3039cc/d2950e02-en.pdf>.

***What we heard…* A reflection:**

During the Listening Tour, participants noted how difficult it is to quantify the positive impacts of preventative work, making it harder to fund. This was emphasized by community organizations working with young people.

[88] ***Advancing Evidence-Based Culture – What's in motion in Canada***: There are opportunities to learn from domestic and international approaches that treat justice data as a public good.

- In Canada, for example, ongoing and emerging cross-sector efforts are underway to advance an evidence-based culture, including national initiatives[126], an Access to Justice Measurement Framework[127], and provincial-territorial cross-sector data and research projects[128]
- Internationally, justice data strategies and observatories continue to launch[129]
- The health sector can also teach us how to further develop and support a culture of research to better understand and promote individual and collective justice well-being[130]

e. Sustainable resourcing

[89] Sustainable resourcing is essential to justice as a common good. No single institution can resource justice on its own, pointing to the **collective responsibility** of coordinated investment. This involves a commitment to making financing patterns adequate, sustainable, and fair. It also involves recognizing Canada's shared federal and provincial-territorial responsibility for the administration of justice, which has

126 See, e.g., among others: Action Committee on Access to Justice, *Advancing People-Centred Justice in Canada: Data Sharing and Knowledge Building* (conference recordings, 2026), online (video): YouTube https://www.youtube.com/@acaj-caaj. See also the work of the Canadian Forum on Civil Justice, *supra* notes 41-42, and the Canadian Legal Problems Survey, *supra* note 25.

127 See, e.g., among others: in British Columbia, over 50 justice sector organizations have endorsed A2JBC's Access to Justice Triple Aim: Access to Justice BC, "The A2J Triple Aim" (last modified 11 April 2023), online: <https://accesstojusticebc.ca/the-a2j-triple-aim/> with that same aim being advanced and evolved in Saskatchewan: Lisa Jewell et al, *Legal Data in Saskatchewan and Implications for a Justice Data Commons: Results from an Environmental Scan and Key Informant Interviews, supra* note 125. The Action Committee has utilized Justice Development Goals as a frame for measurement and reporting. See, e.g. Action Committee on Access to Justice in Civil and Family Matters, *Canada's Justice Development Goals: 2023 Progress* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2023).

128 See, e.g., among others: ADAJ, a "major research consortium dedicated to access to law and justice. The ADAJ team is composed of 60 researchers from 10 universities, and more than 50 justice partners, around 24 hubs of research": Accès au Droit et À la Justice, "Introducing the project", online: <https://www.adaj.ca/home>. See also BC Access to Justice Centre for Excellence, "About," online: <https://bcace.org/about>; CREATE Justice, "What is CREATE Justice?" (last modified 28 September 2022), online: < https://law.usask.ca/createjustice/index.php>, Manitoba's Access to Justice Hub, "Welcome to Manitoba's Access to Justice Hub," online: < https://mbaccesstojustice.ca/>.

129 There is an opportunity to learn from other countries who have invested in a National Data Strategy. See, e.g., among others: Australian Government Attorney-General's Department, *National Legal Assistance Data Strategy* (Commonwealth of Australia, 2021), online: <National Legal Assistance Data Strategy | Attorney-General's Department>. See also Justice Data Observatory, *Research Brief: Envisioning a People-Centered Access to Justice Research Agenda* (Chicago: American Bar Foundation, 2023). See generally OECD, *Towards Effective Governance of Justice Data* (Paris: OECD Publishing, October 2024), online: <www.oecd.org/content/dam/oecd/en/publications/reports/2024/10/towards-effective-governance-of-justice-data_fd3039cc/d2950e02-en.pdf>, and World Justice Project, Pathfinders for Peaceful, Just and Inclusive Societies & OECD, *Grasping the Justice Gap: Opportunities and Challenges for People-Centered Justice Data* (2021), online: <worldjusticeproject.org/our-work/publications/working-papers/grasping-justice-gap> at 15.

130 See, e.g., among others: Andrew Pilliar, Toward Justice Epidemiology: Outlining an Approach for Person–Centred Access to Justice" (2023) 36:1 Dal LJ 171 at 176. See also Jewell & Stoliker, *supra* note 125 at 4: "When it comes to improving data collection and management practices in the justice sector, comparisons are often made with initiatives in the health sector. For instance, the Canadian Institute for Health Information (CIHI) is an independent, not-for-profit organization which acts as a centralized body for (securely) collecting, managing, and sharing information provided by health systems across Canadian provinces and territories". See also how interdisciplinary approaches to research and data collection demonstrate how complex justice problems often cannot be understood through legal analysis alone: Anna Jane Samis Lund & Sarah Buhler, eds, *Legal Unhousing: Power, Rights, and Housing Precarity* (Vancouver: UBC Press, 2016).

Advancing Evidence-Based Culture: Considerations for Reflection and Action

Accelerating the paradigm shift towards justice as a common good… invites everyone who interacts with the justice system to individually and collectively assess and, where possible, continue to strengthen **the capacity for continuous learning, evaluation, and adaptation,** based on data insights and research.

1. At what points in a justice system user's journey should feedback be embedded and analyzed to support an evidence-based culture of learning and cross-sector service improvement?
2. Is data developed and used in your context? If so, how? To learn, adapt, report, justify, other? Is current data effective? If not, what would be helpful?
3. Where does knowledge about what works remain siloed in your context – and what might change if it were shared or connected?
4. What other question(s) need to be asked to advance an evidence–based culture?

an impact on financing and coordinated investment.[131]

[90] Sustainable resourcing invites close attention to current financing patterns in Canada[132], the often-invisible costs of short–term or project–based resourcing,[133] and the opportunities to strengthen sustainability – particularly in how investments are balanced between immediate service delivery and more transformative initiatives.

[91] A commitment to adequate, sustainable, and fair resourcing means balancing the funding of systemic reforms and immediate service delivery, as well as considering the sustainability of funding short term projects. It requires identifying opportunities for collaboration across sectors to maximize impact with limited resources. In Canada, work has been undertaken to recognize that addressing legal problems, including through preemptive action and empowerment,

What we heard… A reflection:

During the PT Collaborative Workshop (January 2026), participants emphasized that PT Collaboratives require stable, long-term funding and support to bring stakeholders together, coordinate efforts across sectors, and maximize their impact.

131 Justice Action Coalition, *Justice Financing Framework: A Guide to Budgeting and Financing for People-Centered Justice for the Justice Sector* (Justice Action Coalition, 2025), online: <https://www.sdg16.plus/justice-financing-framework/>; *A Roadmap for Change*, *supra* note 1, which identified adequate resourcing as a priority.

132 International work on the Justice Financing Framework acknowledges the reality that we need to think about how to make current resources work more effectively ("more justice for the money"): Justice Action Coalition, *Justice Financing Framework: A Guide to Budgeting and Financing for People-Centered Justice for the Justice Sector* (Justice Action Coalition, 2025), online: <https://www.sdg16.plus/justice-financing-framework/>.

133 See, e.g., Action Committee on Access to Justice, *Report of January 30, 2026 meeting of Provincial and Territorial Access to Justice Collaboratives* (Ottawa: Action Committee on Access to Justice, 2026) at 15.

Advancing Sustainable Resourcing: Considerations for Reflection and Action

Accelerating the paradigm shift towards justice as a common good… invites everyone who interacts with the justice system to continue to individually and collectively assess and, where possible, strengthen **adequate, sustainable, and fair resourcing**.

1. What evidence is available to establish the benefits of adequate justice resourcing – and what additional data is needed? How can we best access or develop it?
2. What creative public, private, or hybrid models exist in other sectors, locally or globally, which might provide promising pathways or solutions?
3. As a justice system user, how would you want justice services to be delivered in relation to other sectors such as health, housing, and social services?
4. What does your current resourcing model make easier to fund – and what does it make harder to sustain?
5. What sources of support – within or beyond your usual funding relationships – might remain underexplored in your context?
6. What other question(s) need to be asked to advance sustainable resourcing?

may provide a return on investment[134] and even lead to savings in other sectors.[135] Recognizing that many justice initiatives extend beyond the legal system, this calls for further collaboration and potential resourcing across sectors such as health, housing, and social services.

9. CONCLUSION: ANCHORING JUSTICE AS A COMMON GOOD

[92] Access to justice remains one of the greatest challenges for the rule of law in Canada today. This challenge has been with us for generations. A lack of meaningful access to justice undermines the ability of people to meet their basic needs, exercise their rights, and participate fully in their communities.

[93] Increased efforts and the emergence of people-centred design over more recent decades have brought significant attention and innovations. They have made a difference. But barriers remain and new challenges continue to emerge. It is far from clear that peoples' lives are getting better.

[94] A renewed vision of justice as a common good seeks to better achieve this goal of promoting individual and collective well-being. Realizing this vision will take good ideas, imagination, collaboration, and leadership.

[95] Leadership is required to promote and accelerate a paradigm shift to anchor justice as a common good. This leadership exists at the individual and institutional levels, in the PT Collaboratives, and in other cross–sector and interdisciplinary alliances, all working to support and accelerate change across the broader justice ecosystem. Leadership and support are found in the many individuals and organizations working tirelessly across the justice sector. We need to continue to facilitate local, national and international

134 See, e.g., on (social) return on investment in justice these two resources: Lisa Moore & Trevor C.W. Farrow, *Investing in Justice : A Literature Review in Support of the Case for Improved Access* (Toronto: Canadian Forum on Civil Justice, 2019), *supra* note 42; Canadian Forum on Civil Justice, "Cost of Justice", online: <https://cfcj-fcjc.org/cost-of-justice/> [https://perma.cc/DUS5-2BG3]; Tim Roberts & Yvon Dandurand, *Documenting the Social Return on Investments in Access to Justice Programs: Making your Data Speak (*Access to Justice BC, 2023), online: <https://drive.google.com/file/d/1wGggnorPdoGD849X6cEyYXmpJCFd_K2j/view> [https://perma.cc/Q886-SH9U].

135 See generally Moore & Farrow, *supra* note 42.

conversations, convene diverse actors, implement strategies that align efforts, and support evidence–informed practice. And we need adequate resourcing for these change initiatives, as well as for the delivery of impactful justice services.

[96] The Action Committee is committed to providing collaborative and inclusive national leadership to support and promote those efforts towards making justice a common good.

[97] Justice as a common good means viewing justice as: accessible, prevention-oriented, focused on outcomes, and sustained through **collective responsibility**. A justice system rooted in **dignity**, **true equality** and **fairness** for all is within reach. Coordinated action around the principles and design practices rooted in prevention, pathways, reflective and inclusive design, evidence, learning, and resourcing can make it a reality. Providing meaningful, people-centred justice will enable communities and individuals to flourish. A just rule of law allows us "to live together in freedom and in harmony and provides the common ground for social progress and prosperity."[136]

[98] Together, we can build a just society for all by moving *towards justice as a common good*.

136 Chief Justice Brian Dickson, *supra* note 12.

Action Committee on
Access to Justice