

Saskatchewan Justice Needs Assessment: Need for User Information Data

Introduction:

Access to justice (A2J) has become a focal point in the justice sector as it is clear that there is an access to justice crisis in the family and civil law context. This increase of awareness of A2J issues has led to an increase in data collection in the form of statistics,¹ user-experience surveys,² and consultations with organizations and groups who are implementing their own initiatives.³ **Everyone seems to be collecting data, so the question becomes, why do a large-scale legal needs survey? What more could we learn?**

What a legal needs survey will do is give context to the individual organizations' data. Right now, many organizations such as government, courts, pro bono groups, legal education groups, are all collecting data specific to their efforts. By taking a broader look at the legal needs across the province and the paths people take to resolve them, **we can learn how individual groups are making an impact on the broader picture and how they can increase their impact.** Completing a legal needs survey isn't about collecting data to collect data, nor is it about collecting data on issues we already know about. **By combining the large scope of a legal needs survey with the narrow and specialized data being collected from individual initiatives, a full picture of the legal landscape of Saskatchewan emerges.**

Below is the answer to the five Ws (who, what, when, why, where) and the how of a legal needs survey. Concluding is an overview of how the data from a legal needs survey can complement and assist in current and upcoming initiatives in the A2J movement in Saskatchewan.

1. What is a legal needs survey?

A legal needs survey “investigate[s] the experience of justiciable problems from the perspective of those who face them, rather than the professions and institutions that may play a role in their resolution.”⁴ Legal needs surveys allow for a larger and broader scope of how people experience the justice system and the processes they use to resolve their disputes.⁵ By looking at justiciable problems and the full range of processes and responses to these problems, legal needs surveys reveal the different sources of help that are available to people in resolving their legal issues.⁶

¹ Starting in 2019, Statistics Canada will be incorporating a set of questions that specifically address legal problems. Although these questions will provide useful data, they will not gather the in-depth data on paths to resolution.

² Examples include: *Architects of Justice Survey* and the *Client and Lawyer Satisfaction with Unbundled Legal Services*.

³ Examples include: Saskatchewan Access to Legal Information (SALI) project and the Legal Services Task Team report.

⁴ Open Society Justice Initiative and Organisation for Economic Cooperation and Development (OECD), “Legal Needs Surveys and Access to Justice” at 23 [Legal Needs Survey].

⁵ *Ibid* at 26.

⁶ *Supra* note 4.

2. Why should we do a legal needs assessment?

Saskatchewan currently has a deficit in research addressing the met and unmet legal needs of residents. There is a lack of data on how legal disputes impact people's lives, their subjective user experience, and the motivations behind people's decisions in regard to dealing with legal needs. We currently have administrative and snapshot data but these are often narrow in scope. **A legal needs survey would garner a data set on Saskatchewan-only legal needs, allowing for data-informed policy decisions.**

The lack of usable data comes not only from a data deficit in the province but also nationally. The latest legal needs survey for Canada was the *Everyday Legal Problems and the Cost of Justice in Canada* survey done in 2014. **This legal needs survey had a targeted demographic of residents in ten provinces, with Saskatchewan only accounting for 3.1% of people surveyed.⁷ With such a small percentage, the results of this survey do not provide detailed enough results that are specific to Saskatchewan's demographic.** As such, there is an opportunity to gather comprehensive, Saskatchewan specific data on the met and unmet legal needs currently experienced by residents.

3. How would we complete a legal needs assessment?

a. Who would a legal needs assessment target?

A legal needs survey in Saskatchewan would seek to survey residents that are 18+ across the entire province, with a focus on targeting specific populations geographically (rural/remote populations) as well as vulnerable populations such as Indigenous, LGBTQ+, immigrants, and people with disabilities.

b. Where would the survey take place?

The survey would examine the needs of Saskatchewan residents only, partnering with local survey companies and data collection specialists to implement the survey.

c. When (how long) would the survey take?

The total amount of time to complete from start to finish which includes design, training, collection, processing, and publishing is approximately two years although the actual data collection period is about four to six months.

4. How could a legal needs assessment assist the current and upcoming initiatives?

Below explores how legal needs survey data could assist the current and upcoming initiatives that CREATE and other organizations are working on to address the A2J crisis.

Medical Legal Partnership: Legal needs survey data would **offer user-experience data that would show a direct connection between legal issues and medical issues.** On a national scale, *Everyday Legal Problems and the Cost of Justice in Canada* survey that was published in 2018 showed that 65.2% of people surveyed used the health care system more than normal as a result of a legal problem.⁸ Completing a

⁷Lisa Moore, *Everyday Legal Problems and the Cost of Justice in Canada: Cost of Justice Survey Data* (Toronto: Canadian Forum on Civil Justice, October, 2018) online: <<http://cfj-fcjc.org/wp-content/uploads/Everyday-Legal-Problems-and-the-Cost-of-Justice-in-Canada-Cost-of-Justice-Survey-Data.pdf>> at 5.

⁸ *Ibid* at 212.

Saskatchewan specific survey would produce this data but on a provincial level. This could form the basis for initiatives and collaboration between the medical and legal profession to effectively address cross-discipline issues.

PLEA-Related Initiatives: A survey could build off of data already collected through the SALI project by offering greater detail on what information and at what stages of the legal problem people are turning to institutions like libraries for legal information. As the SALI report indicates, a number of those requests for information became referrals to initiatives like PLEA.⁹ Legal needs survey data would **add a new dimension to this data, allowing PLEA-related initiatives to be increased and modified.**

Trusted Intermediaries: Legal needs survey data would provide information about where people are going for help. Training could be provided to people acting as trusted intermediaries in the areas that they are being consulted for. It would also **reveal which of the currently offered resources, such as libraries, are being used and for what.** Resources could then be tailored to fit those needs.

Clinical Needs: A survey could build off of **data already collected by community-based organizations such as CLASSIC, PBLs, PLEA.** Having data on the types of legal needs that people experience and the paths they choose when accessing justice can help clinics reach their targeted demographic. In combination with the organizations' administrative data, clinics could shift resource allocation as needed to better bring services and information to the people currently using their services and reach people who would benefit from their services who are not currently accessing them.

Legal Information Portals: Legal needs surveys will give the host of the portal information on what areas of law there is the greatest need for better access to legal information. A legal needs survey asks people not only what areas they are having legal issues in but where they are going to try and solve that problems and how effective those attempts are. This would **allow the host to create a centralized location with the information people need** to resolve their legal issues.

Next Steps:

A legal needs survey has the potential to provide much-needed Saskatchewan data. This need has been identified by previous Dean's Forum on Access to Justice in a number of ways:

- **From 2019, on *Meeting Saskatchewan's Justice Needs With Technology*:** "An excellent starting point would be to complete a needs assessment and user consultations and to summarize the gaps in Saskatchewan's justice arena."¹⁰

⁹ Social Science Research Labs, *Saskatchewan Access to Legal Information Data Collection Pilot Project 1.0 Report* (Saskatoon: CREATE Justice, March 2018) online: <https://law.usask.ca/createjustice/documents/SALI_DataCollectionPilotProject_1.0.pdf> at pg. 8.

¹⁰ Melissa Craig, Allyse Cruise, Jianna Rieder, *Follow-Up Report & Summary Notes: Meeting Saskatchewan's Justice Needs with Technology* (Saskatoon: Dean's Forum on Access to Justice and Dispute Resolution) online: <https://law.usask.ca/documents/research/deans-forum/Topic2_MeetingSKJusticeNeedswithTech_FollowUp_Summary_2019.pdf> at 6.

- From 2018, on *Improving Access to Civil and Family Legal Services in Rural Saskatchewan*: “Collecting data in order to determine the actual legal needs of people in rural and remote communities...”¹¹
- **From 2016, on *Putting the Public First*: “Participants recognized and acknowledged the need for increased data collection:** There are a wide variety of service providers and groups that may have information that will allow us to better serve the needs and interests of the public. Participants recognized the challenges of data collection and acknowledged the need for further informal and formal collection in order to assist with future work that will affect both users and providers of access to justice services.”¹²
- **From 2016, on *Addressing Access to Justice in the Saskatchewan Court of Queen’s Bench*:** “There is a great need for mechanisms to gather and analyze data about the court process, as well as the efficacy of any initiatives that are pursued: All participants recognized that there is a gap in the available data about the nature of issues relating to existing court processes, the needs of the public, and the outcome of matters that go to the Court of Queen’s Bench.”¹³

Completing a legal needs survey is no small feat. What we seek to do will take time, resources, and considerable effort on behalf of all members involved. But the opportunity to gather data, the likes of which we do not currently possess, makes it a worthwhile endeavour. Legal needs surveys shift the conversation and have the potential to influence positive change. In our partnerships with experienced survey collection companies, world-renown data processing organizations, and research into surveys from around the world, Saskatchewan can be a leader in A2J research and initiatives.

¹¹ Dustin Link, Bonita Mwunvaneza, Tanner Schroh, *Follow-Up Report & Summary Notes on Improving Access to Civil and Family Legal Services in Rural Saskatchewan* (Saskatoon: Dean’s Forum on Access to Justice and Dispute Resolution) online: <<https://law.usask.ca/documents/research/deans-forum/SummaryNotes-AccessinRuralSaskatchewan.pdf>> at 5.

¹² Kelsey Corrigan, Lorne Fagnan, Sarah Nordin, Julia Quigley, Graham Sharp, Janelle Souter, *The Fourth Meeting of the Dean’s Forum on Access to Justice and Dispute Resolution Summary Notes from February 29, 2016* (Saskatoon: Dean’s Forum on Access to Justice and Dispute Resolution) online: <https://law.usask.ca/documents/research/deans-forum/14_FourthMeeting_2016SummaryNotes.pdf> at 3.

¹³ *Ibid* at 4-5.