



# PROGRESS REPORT III

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DEAN'S FORUM ON DISPUTE RESOLUTION & ACCESS TO JUSTICE  
UNIVERSITY OF SASKATCHEWAN – COLLEGE OF LAW  
MARCH 2017



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**Summary of the Fourth Dean's Forum on Dispute Resolution and Access to Justice**  
College of Law, University of Saskatchewan

*The fourth meeting of the Dean's Forum on Dispute Resolution and Access to Justice (the Dean's Forum) took place on February 29, 2016. Kevin Fenwick, Q.C., Deputy Minister of Justice and Deputy Attorney General for Saskatchewan provided welcoming remarks. Brea Lowenberger, Access to Justice Coordinator, provided background information about the Dean's Forum and led the group in a round of introductions.*

*The day's events continued to build on the priorities identified during the first and second Dean's Forum gatherings. Professor Sarah Buhler introduced the first topic for discussion, "Putting the Public First", which looked at ways to meaningfully engage the public in access to justice reform. Professor Michaela Keet introduced the second topic for discussion, "Accessibility of Superior Courts and Court Procedures", which was undertaken as a result of a request from the Court of Queen's Bench for Saskatchewan, to look at ways in which its court and court procedures could more meaningfully improve access to justice.*

*The student groups then engaged participants in presentations and discussion based on their policy discussion papers. In the afternoon, participants engaged in guided small group discussion, which involved addressing pre-assigned questions generated by the student groups on one of the two topics. Two groups addressed the putting the public first topic, and two groups addressed the superior courts topic. Key themes and ideas that were discussed in the small group discussion were reported back to the larger group during an action and implementation session. Beth Bilson, Q.C, Interim Dean of the College of Law provided closing remarks at the conclusion of the day.*

## Developments Following the Fourth Dean's Forum

The following outlines initiatives and activities from throughout 2016 that are related to the Dean's Forum in general. Following this is an overview of the initiatives undertaken in 2016 that are related to the specific topics of the Dean's Forums in 2014, 2015, and 2016.

### **A. Overview of Initiatives and Activities Related to the Dean's Forum in General**

Following its establishment in 2015, **The Saskatchewan Access to Justice Working Group (the Working Group)**, meets approximately twice per year. After its first meeting in January 2016, the Working Group met in June and October 2016. A Communications Plan has been developed for the Working Group and Dean's Forum initiatives, including websites for both initiatives (see <http://law.usask.ca/find-people/saskatchewan-access-to-justice-working-group/index.php> and <http://law.usask.ca/research/deans-forum/index.php>), as well as the "Saskatchewan Access to Justice Bulletin", a one-page monthly newsletter that is intended to keep stakeholders informed and engaged. To subscribe to the Bulletin, please visit: <http://usask.us13.list-manage.com/subscribe?u=5cef74fbe798e921a15b1b6a3&id=7c2438c102>.

In **Summer 2016**, preparation for the following occurred: the first symposium of what is now known as the "Saskatchewan Access to Legal Information Project" (the SALI Project); the inaugural Saskatchewan Access to Justice Week; and the establishment of CREATE Justice (the Centre for Research, Evaluation, and Action Towards Equal Justice), the College of Law's new Centre of Excellence for Access to Justice Research.

Highlights during **Fall 2016** included hosting the first SALI symposium in September and the inaugural Saskatchewan Access to Justice Week in October, during which time CREATE Justice was announced. With the support of the Working Group, the two topics for the Dean's Forum were chosen, and in November 2016, planning took place for the 2017 Forum meeting and course offering.

The Dean's Forum and Working Group, which are both co-chaired by the Dean of the College of Law at the University of Saskatchewan and the Deputy Minister of Justice and Attorney General from the Government of Saskatchewan, are indebted to Professor Beth Bilson, Q.C. and Kevin Fenwick, Q.C. for their dedication to the initiatives. During Summer 2016 we welcomed the new Dean, Professor Martin Phillipson and during Winter 2016 the new Deputy Minister Glen Gardner, Q.C. to their roles as co-chairs of the initiatives.

**Access to Justice Related Law Students' Research** – Access to justice related student research beyond the Dean's Forum course was also underway during Winter and Fall of 2016, including through Professor Sarah Buhler's Access to Justice Seminar, and Intensive Clinical Law Seminar. The following ancillary reports may be made available on request from the Access to Justice Coordinator/Director of CREATE Justice, Ms. Lowenberger, at [b.lowenberger@usask.ca](mailto:b.lowenberger@usask.ca). These reports and commentaries are written independently by law students and are important contributions in an expanded conversation about access to justice in this province.

Fall 2015-Winter 2016 Systemic Justice Students' Seminar Papers:

- *Policing Marginalized Communities*
- *Restorative Justice in Canada and Indigenous Perspectives*
- *Examination of Telephone Access Policies and Practices in Saskatchewan's Correctional Centres – research by a series of law and social work students*
- *Pay Day Loan Companies: impact on low-income debtors*
- *Saskatchewan Rental Housing Supplement and a "Serious Hazard to Health" – research by a series of law and social work students*
- *Non Claims-Driven Processes Upholding Tenant Rights*
- *Discrimination in Rental Housing: Pests and Liability*

Winter 2016 Intensive Clinical Law Students' Seminar Papers:

- *Policing Problematic Conditions: A Study of Administration of Justice Offences among Impoverished Demographics of Offenders*
- *A Brief History of Saskatchewan's Small Claims Court*

Fall 2016 Independent Directed Research Students' Papers:

- *Restorative Justice*
- *Unbundling and Legal Coaching*
- *Access to Justice Syllabi Project in Legal Education*
- *Mandatory 'Appropriate' Dispute Resolution Pre-petition in Saskatchewan Family Matters*

Fall 2016 Intensive Clinical Law Students' Seminar Papers:

- *An Analysis of Recidivism and Methods for Reducing Re-Offending*
- *Should Law Students Be Permitted to Appear Before Family Courts?*
- *A Critical Perspective on The Rise of Remand*

## **B. Developments Related to the 2014 Dean's Forum**

**Implementation of Justice Access Centres and Integrated Service Centres** – During the second meeting of the Dean's Forum in March 2014, Forum members expressed a desire to move forward with the development of an Integrated Service Centre, and in general more integrated and early legal service delivery in Saskatchewan. Since that meeting, the Ministry has been exploring two different models for potential implantation in Saskatchewan, namely: (i) Justice Access Centres (JACs); and (ii) Integrated Justice Centres (IJC).

An IJC would expand on the traditional concept of a courthouse by including several services in one location for citizens. The Ministry is currently exploring the possibility of developing an IJC in a Saskatchewan urban center. While this initiative is still in its beginning stages, a steering committee of stakeholders has been struck to explore the possibility in more detail.

The purpose of a JAC is a “single door” to justice services that provide citizens with early and affordable assistance with family and civil law issues. A JAC model would offer phone assistance, drop-in services, and information to help clients with legal research. The Ministry is currently exploring a JAC model being used in British Columbia to see how it may work in Saskatchewan and evaluating opportunities to pilot a JAC model in Saskatchewan.

Over the past year and a half, Ministry of Justice staff have been collaborating with Pro Bono Law Saskatchewan, Law Society Library staff, court staff, Saskatoon Public Library staff, Legal Aid lawyers, CLASSIC lawyers, PLEA and others to jointly offer legal information sessions about family law to the public in Regina and Saskatoon. Services offered include legal information and self-help kits, information about process options and court procedures, assistance filling out court application forms, and referrals to other service providers. The events are hosted regularly at the Law Society libraries in the Saskatoon and Regina Queen’s Bench Courthouses, in the Saskatoon Public Library, and at the Saskatoon PLEA office. The Ministry of Justice is exploring opportunities to expand this service to other communities.

– Submitted by the Ministry of Justice, Justice Innovation Division (March, 2017).

**Engaging Practicing Lawyers in a “Culture Shift”** – This topic was explored during the second meeting of the Dean’s Forum in March 2014 and involved further work by the Summer 2014 Dean’s Forum Student Researchers, who conducted over two dozen interviews with Saskatchewan lawyers and judges. The work of the 2016 Dean’s Forum students engaged in the “Accessibility of Superior Courts and Court Procedures” topic, preliminarily explored during Fall 2015 by Ms. Lowenberger, builds on students’ work from 2014. An update on the superior courts topic is below.

Several events featured during the inaugural Saskatchewan Access to Justice Week stemmed from the culture shift topic:

- Creating Your Career in the 21st Century: A Panel on Emerging Career Opportunities and New Ways to Practice Law
- A Spotlight on Access to Justice Champions: A Volunteer Appreciation Event
- A Spotlight on Rural and Remote Access to Justice: Law Student Rural Law Firm Tour and Supports for Practitioners

For more information on these events, please visit the Access to Justice Week website: <http://law.usask.ca/research/deans-forum/access-to-justice-week.php>.

– Submitted by the College of Law (March, 2017).

### **C. Developments Related to the 2015 Dean’s Forum**

**Expanding the Role of Non-Lawyer Legal Professionals in the Delivery of Legal Services (Licensing Legal Technicians/Paralegals)** – During the third meeting of the Dean’s Forum in March 2015, Forum

members offered their support in expanding the role of non-lawyer legal professionals in the delivery of legal services in Saskatchewan. The Ministry of Justice in Saskatchewan is currently working with the Law Society of Saskatchewan in looking at ways to make quality legal services available to a broader range of consumers. In particular, they are looking at the possibility of modernizing and expanding the scope of legal services in the province to include legal technicians/paralegals. The project's goal is to provide greater access to legal services for Saskatchewan citizens. A number of jurisdictions in North America have successfully added legal technicians/paralegals in the delivery of legal services, and others are exploring the issue. Saskatchewan is committed to pursuing this topic further.

The Ministry and the Law Society intend to have informal discussions with individual legal technicians/paralegals and their associations to better understand the current market. In particular, they will gather information about the current environment, including how many non-lawyers are working in any legal capacity or are delivering some kind of informal legal service in Saskatchewan.

The Law Society and the Ministry of Justice undertook surveys of affected stakeholders after the 2016 provincial election. A consultation paper and two surveys were prepared: one for the public and one for legal service providers. There were 317 public responses received along with 907 from legal services providers (lawyers, notaries public, paralegals, mediators, community advocates and aboriginal court workers); the results are currently being analyzed. Further consultations are expected to include, at a minimum, courts, Crown corporations, the profession in general, Saskatchewan Trial Lawyers Association, Collaborative Law, Canadian Bar Association, Pro Bono Law, Public Legal Education Association, CLASSIC, Legal Aid, tribunals, community based organizations, notaries, paralegals, the public, insurance brokers, financial planners, and estate planners.

The Ministry and the Law Society are working towards appointment of a Legal Services Task Team, whose responsibility will be to make recommendations as to the direction that further work should take.

– *Submitted in collaboration between the Ministry of Justice, Justice Innovation Division and Legislative Services Branch and the Law Society of Saskatchewan (March, 2017).*

***Legal Education and Centre of Excellence in Access to Justice*** – At the third meeting of the Dean's Forum in March 2015, Forum members expressed support and encouragement that the College of Law consider how its program and community contributes to more "accessible justice". In addition, there was support for the creation of a Centre of Excellence in Access to Justice that would build on the existing collaboration among justice system stakeholders involved in the Dean's Forum, and therefore be a collaborative and interdisciplinary space for research, dialogue, and action. The implementation of various legal education related recommendations from the last meeting of the Dean's Forum are underway at the College of Law.

The Centre of Excellence in Access to Justice was approved by University Council at the University of Saskatchewan on October 20, 2016. The centre, named "CREATE Justice" (the Centre for Research, Evaluation, and Action Towards Equal Justice) was announced to the public on October 25, 2016. The official launch of the centre was on March 1, 2017. For more information on CREATE Justice and to sign up for the centre's eNews, please visit the official website at <http://law.usask.ca/createjustice/>. To read

a copy of the full CREATE Justice proposal to University Council, please visit <https://www.usask.ca/secretariat/governing-bodies/council/committee/planning/Reports%20for%202016-17/October2016-Create-Justice-Centre.pdf>.

Also, the CREATE Justice Project Bank has been created by the Access to Justice Coordinator/Director of CREATE Justice. The Project Bank is a list of access to justice related research questions and project-based topics organized by themes, which have been identified through ongoing consultations with justice stakeholders as needing research or project work. The Project Bank was circulated among instructors, and instructors supported four students who undertook Individual Directed Research topics in the areas described above, under the heading of “Fall 2016 Independent Directed Research Students’ Papers”. If you have access to justice related research questions or project-based topics that could be added to the CREATE Justice Project Bank, please email the Access to Justice Coordinator/Director of CREATE Justice, Ms. Lowenberger, at [b.lowenberger@usask.ca](mailto:b.lowenberger@usask.ca).

– Submitted by the College of Law (March, 2017).

#### ***D. Developments Related to the 2016 Dean’s Forum***

***Putting the Public First*** – Three key projects have been implemented in response to the “Putting the Public First” topic, which was discussed at the fourth meeting of the Dean’s Forum. These projects are coordinated by the Access to Justice Coordinator/Director of CREATE Justice from the centre in collaboration with partner organizations, and are described below:

- *the Saskatchewan Access to Legal Information Project;*
- *the Architects of Justice project; and*
- *the Annual Access to Justice Week.*

*The Saskatchewan Access to Legal Information Project* (the SALI Project) is a collaboration among the College of Law, Public Legal Education Association of Saskatchewan (PLEA), Law Society of Saskatchewan Library, Saskatoon Public Library, and University Library, University of Saskatchewan. The objective of the SALI Project is to increase access to legal information for Saskatchewan residents. The first SALI meeting was held in September 2016. This one-day, action-oriented symposium at the College of Law involved several dozen justice stakeholders and library representatives discussing how library representatives, as intermediaries and credible information providers, could help improve access to justice in Saskatchewan. The meeting was generously supported by a University of Saskatchewan President’s Social Sciences and Humanities Research Council (SSHRC) grant. The next steps identified during the meeting are currently being implemented by project participants. The group plans to hold a conference on October 20-21, 2017, during the second annual Access to Justice Week. For more information on the project, and to sign up for the project newsletter and/or listserv, please visit: <http://law.usask.ca/createjustice/projects/Saskatchewan-Access-to%20Legal-Information.php>.



*Architects of Justice* is an initiative that, through an exploratory survey, increases public participation in developing access to justice solutions. Architects of Justice was created in Ontario by The Action Group on Access to Justice. The survey conducted in Saskatchewan from October 24, 2016 - November 24, 2016 replicated the Ontario initiative and invited Saskatchewan residents to imagine the justice system of the future. The survey, launched during Access to Justice Week, received 400 respondents. Learn more about the initiative and view the “Architects of Justice Survey Report” here: <http://law.usask.ca/createjustice/projects/architects-of-justice-project.php>.

*The Annual Saskatchewan Access to Justice Week* – The inaugural Saskatchewan Access to Justice Week was held October 18-25, 2016. The Saskatchewan Access to Justice Week is one vehicle and approach to engage different communities in the access to justice conversation. The inaugural week intended to provide opportunities to “[e]ngage the public, law students, and justice community in the access to justice conversation; and [h]ighlight initiatives that aim to improve access to justice for Saskatchewan residents”. Some of the week’s events have been mentioned above and included the launch of an awareness campaign, the Architects of Justice Project, and a public lecture entitled “Movement on Access to Justice or An Access to Justice Movement? Where Access to Justice in Civil and Family Matters Goes from Here” by The Honourable Mr. Justice Cromwell, recently retired Justice of the Supreme Court of Canada. To download materials from the week, please visit <http://law.usask.ca/research/deans-forum/access-to-justice-week.php>. For a recap on the week’s activities, view the Law Society Blog write-up, “Access to Justice Week Roundup”, at <https://lsslib.wordpress.com/2016/10/28/access-to-justice-week-roundup/>. The second annual Access to Justice Week will take place from October 16-22, 2017.

– Submitted by the College of Law (March, 2017).

***Accessibility of Superior Courts and Court Procedures*** – In November 2016, Justices of the Queen’s Bench for Saskatchewan and senior members of the bar delivered seminars titled “Conducting Efficient Litigation within the new QB Rules” to more than 200 lawyers in Saskatoon and Regina. The program was designed to highlight the Rules that were designed to facilitate a proportionate court process, by enabling the parties to identify the issues that must be decided to resolve a dispute, and to choose and effectively use processes that are suited to the case. The Court is also considering new practices which may result in an earlier and more active judicial role, and the more effective use of the mechanisms created by the new Rules, in appropriate family law cases.

– Submitted by the Court of Queen’s Bench for Saskatchewan (February, 2017).

*Progress Report compiled by Brea Lowenberger, Access to Justice Coordinator (March, 2017)*

## **Themes of the Fifth Meeting of the Dean's Forum**

College of Law, University of Saskatchewan

*The fifth meeting of the Dean's Forum occurred on March 1, 2017. Student working groups prepared policy discussion papers and presentations. This year's student groups focused on two themes: i) Legal Information, Legal Advice, and Access to Justice, and ii) Expanding Engagement: Creating Connections Between Delivery of Justice and Health Services.*

**Legal Information, Legal Advice, and Access to Justice** – The distinction between legal advice and legal information is fundamental to the daily provision of legal services in Saskatchewan. For lawyers, it helps inform the extent of assistance they can provide without forming a lawyer-client relationship and incurring resulting obligations. For many non-lawyers, it helps delineate the boundary between their services and those only lawyers are permitted to provide. For the public, it often dictates the limits of legal assistance available. But what is the distinction between legal information and advice? What concerns inform this conventional boundary between acceptable “lawyer” and “non-lawyer” legal assistance? How do service providers balance the public's need for assistance and the limits of their professional roles? Are there ways of increasing access to legal assistance while ensuring such assistance is high quality, reliable, and lawfully provided? This Dean's Forum topic considered such questions.

**Expanding Engagement: Creating Connections Between Delivery of Justice and Health Services** – How can partnerships between justice and health systems improve access to justice for the public in urban, rural, and remote areas of Saskatchewan? What can the justice system learn from innovative strategies already employed by the health system? What are possible interconnections between providing justice and health services, and how can technology enhance this service provision? The goal of this second topic is to explore existing innovations and infrastructures in the medical system and consider how they may be adapted to suit the delivery of legal services; to identify potential and existing collaborations between the medical and justice systems; and to open a dialogue about increasing interdisciplinary professional education.

*The student groups' policy discussion papers and follow-up reports will be made available on the College of Law website at <http://law.usask.ca/research/deans-forum/library.php>.*