FOLLOW-UP REPORT & SUMMARY NOTES:
MEETING SASKATCHEWAN'S JUSTICE NEEDS WITH TECHNOLOGY

FROM THE SEVENTH ANNUAL DEAN'S FORUM ON ACCESS TO JUSTICE AND DISPUTE RESOLUTION
UNIVERSITY OF SASKATCHEWAN – COLLEGE OF LAW
MARCH 13, 2019

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DEAN'S FORUM
ON ACCESS TO JUSTICE AND DISPUTE RESOLUTION

Table of Contents

Introduction

The afternoon session of the seventh annual Dean's Forum on March 13, 2019, focused on the topic of *Meeting Saskatchewan's Justice Needs with Technology*. The afternoon was structured so that the Dean's Forum attendees were part of a hypothetical **"Think Tank" that was tasked with ideating how to use technology to improve the legal empowerment of the public.** The attendees were introduced to the Think Tank by being asked to consider how to strengthen the public's access to **credible and centralized legal information** online in a matter that would improve the public's capacity to exercise their legal rights and responsibilities.

The Think Tank concept was premised on the recognition of the work that has already been done in the province through organizations such as PLEA and Sask211. The attendees were given a brief description of the current ecosystem in Saskatchewan and the current state of legal technology in other jurisdictions, as well as an introduction to **design thinking and process mapping**. For further details on design thinking and process mapping please see below and Appendix A and B. The results of the process mapping exercise are pictured in Appendix C.

Following the introduction, the Think Tank was divided into four breakout groups. Each group was tasked with a different legal problem and were asked to map out the steps that a client would go through in order to resolve their legal problem. The legal problems that the groups were asked to address included: a residential tenancy debate, a wills issue, a family matter, and a wrongful dismissal issue. At this stage, the Think Tank was asked to identify any pain points that a user might experience in trying to resolve their legal issue. Following this breakout session, the Think Tank once again broke out into groups to develop solutions or "ideate" surrounding these pain points. The Think Tank then gathered to report back on their conversations and talk about next steps. A discussion surrounding risk analyses and kaizen was also explored. This report outlines the important insights drawn from the discussions.

Common User Pain Point Themes that Emerged from Process Mapping

The Think Tank collected "Pain Points" as they process mapped, keeping with a typical Kaizen model. Pain Points represent frustration within a process and are the foundation on which logical process improvements are made. The discussions that were prompted reinforced the necessity of providing online legal information that is **(1) centralized; (2) accessible; and (3) relevant**. It became increasingly apparent that these were not isolated concepts but rather overlapping concerns for the usefulness of online resources.

The attendees found that they encountered many different pain points when trying to map out the process of resolving a legal problem. **The common themes of these pain points were grouped under the following headings:**
- **Identifying Scope of Search and Interpreting Results;**
- **Documents and Information;**
- **Contact with Service Providers and the Justice System; and**
- **Life Problems.**

1.   Identifying Scope of Search and Interpreting Results

The attendees found that one of the barriers with the current legal-tech ecosystem is that **users need more help identifying the scope of their legal problem**. There is a lot of information currently available online; however, it is not useful to individuals who cannot identify what their legal issue is.

The attendees discussed the need for more information on **understanding how the public searches for legal information**. Simply putting the information into "plain language" does not guarantee that the public will know what search words are key to finding relevant information. As well, the abundance of information available online makes it difficult for the public to assess what information is reliable or credible. **Search engine optimization** is a key area for further focus and discussion.

2.   Documents and Information

Many of the attendees found that the forms and court rules that were available online were not accessible because of excess legal jargon and confusing terminology. **Making the information more accessible by using plain language** was seen as important by many of the attendees.

3. Contact with Service Providers and the Justice System

A problem that was identified by many of the attendees was the **difficulty in finding referral information** and how to contact service providers. There was also a **lack of information about the procedural steps** involved with interacting with the justice system.

4. Life Problems

Many attendees acknowledged the fact that many **legal issues are not isolated from the other circumstances in a client's life**. A common pain point identified was the lack of integration with near-to-law services such as healthcare that would be beneficial for clients.

Ideate: Brainstorming Solutions

Below is a summary of the potential solution ideas (both technology and non-technology related) resulting from the "ideate" solution brainstorming session in the break-out groups. There were four "themes" to the problems as discussed above. Participants also rated the "risk level" associated with the potential solution (L = low risk, H = high risk). For photos of the "ideate" session please see Appendix F. Note that some solutions created by the group were not readable in the images taken.

Problem Theme	Solution	Risk Level
Contact with Service Providers & Justice System	Interactive triage website	L
	Law hotline 1-800	L
	Consolidated resource with info	L
	Expand services past work hours	L
	Automate consent in certain situations	H
	Need to be able to speak with a person	
	Free legal care	H
	Devolve decision making	H
	Non-lawyers giving legal advice	H
	Rebrand: service not a place	L
	Online traffic court (etc.)	L
	24 hour online/real life courts	L
	Redefine legal advice versus legal information	H
	Online tort claims	L
	Revive court worker program	L
Documents & Information	Plain language forms	L
	Plain language court rules	L
	Minimize number of forms needed	L
	Free legal services	L
	Law phone line	L
	Checklists	L
	Centralized comprehensive website (one stop shop)	L

	Modernize service rules	L
	One stop shop (building)	L
	Create solutions outside of court	L
	Navigator	L
	Expand options for submitting forms	L
	Removing formality of environment	L
	Expanding legal advice (court workers)	L
	Night court	L
	Simplify process	L
	Civil duty counsel	L
	Family court worker	L
	Amazon Prime law	L
	Legal benefits (through insurance)	L
Identifying Scope of Search & Interpreting Results	Interpretation services	L
	Talk bots	L
	Links to database	L
	Legal information online - link to resources like SALI/PLEA	L
	Machine figuring out your problems	H
Life Problems	Better online access 24/7	L
	Centralized and predictable	L
	UBER - but a lawyer	H
	AI that identifies common issues (data analytics)	L
	Remove redundant processes	L
	Step-by-step process	L
	Limit to resources that are actually helpful	L
	Plain language	L
	Expected time + cost	L
	Triage	L
	Suggestion action when completing another task in your life (example = travel)	L
	Works with my current schedule	L
	Standard template for forms	L
	Option for phone-in	L
	Follow-up	H

Moving Forward

The Think Tank found that it is in the public interest that the legal community embrace technology and in order for the legal community to do this effectively, the community needs to adopt a "start-up" mentality. This involves embracing the client-centred approach to creative problem solving and empathizing with the client.

It is important in the client-centred approach that any next steps involve the client's perspective. Many of the Think Tank participants acknowledged the reality that solutions that seem high risk to a lawyer appear low risk to the client.

Tim Brown, Q.C. concluded the day by stating that the tools necessary to enact change already exist; all that is needed is a bit of ingenuity and a willingness to try. Now is not time to be afraid to disrupt the system and ignore the access to justice problem. Technology has already disrupted the legal profession and it is the responsibility of the legal community to think about the future and take action. It is important that the community accepts the responsibility for action within the legal system.

The Think Tank ended on a positive note with commitments from several participants to embrace technology and move forward with project development to meet the justice needs of Saskatchewan. Tim Brown, Q.C. led with a commitment from the Law Society of Saskatchewan, followed with commitments by Dean Martin Phillipson from the College of Law and Glen Gardner, Q.C. from the Ministry of Justice.

The legal community cannot avoid the change that is occurring due to technology and it is important that the community take proactive steps to evolve alongside technology. This is key to ensure that the legal community stays relevant as technology advances and that the legal community is able to fulfill the legal needs of Saskatchewan's public.

Next Steps and Future Recommendations

The following reflect our ideas for potential next steps and future considerations. An excellent starting point would be to complete a needs assessment and user consultations and to summarize the gaps in Saskatchewan's justice arena. This will help inform the target areas that the portal will focus on. The resources that currently exist in Saskatchewan, including PLEA and Saskatchewan 211, should be built off of and integrated. We do see a need for a comprehensive portal that provides centralized legal information and referrals. Additionally, it would be helpful to hold a session leading up to the next Saskatchewan A2J Network meeting to put together a task team with responsibilities. All process improvements should be designed utilizing the hybrid model of Design Thinking and Kaizen employed during the Dean's Forum.

1. Needs Assessment and User Consultations: To ensure alignment with the needs of Saskatchewan, it would be helpful to conduct a needs assessment and further public research with a social scientist.

2. User Consultations and Testing: It is important to remain focused on the end-user throughout the process. Drawing on best practices from the technology sphere, it is recommended that end-users are consulted, and the portal is tested at multiple stages of development. This will help with course correction along the way, rather than leaving major changes to the end.

3. Multi-disciplinary task force: A multi-disciplinary task team will help bring differing perspectives. This could include professionals from areas such as technology, business, and project management. The team should embrace a culture of innovation.

4. Develop a change management plan: Please see Appendix I for considerations.

5. Marketing Plan: It is recommended that a marketing plan is developed and implemented as the portal is rolled out.

6. Online Referral Services: A potential feature to consider in the future is the development of a referral or matching service. An individual with a legal problem could enter the basic details of their needs into a system: the problem, a rough budget, and contact information. Lawyers could log into the system and view the list of individuals in need. This could help reduce lawyer search fatigue. However, issues related to data and privacy and competition amongst lawyers would need to be addressed.

Appendix A – Design Thinking One Pager

Design thinking is a user-centred approach to creative problem solving. The flow of Design Thinking is:

1. **Empathise**
   - The goal is to understand the user. It is the effort to comprehend the way the user does things and why, their physical and emotional needs, how they think about the world, and what is meaningful to them.
   - How: observe (view users and their behaviours), engage (conversations with the user), and listen (always ask "why?").
2. **Define**
   - This is your "point-of-view": the explicit expression of the problem you are addressing.
   - How: craft a meaningful and actionable problem statement.
3. **Ideate**
   - Concentrate on idea generation.
   - How: remember that it is not about coming up with the 'right' idea, it is about generating a broad range of possibilities.
4. **Prototype**
   - Build a prototype to help you learn.
   - How: a prototype can be anything that a user can interact with or experience.
5. **Test**
   - Solicit feedback from your users about the prototype.
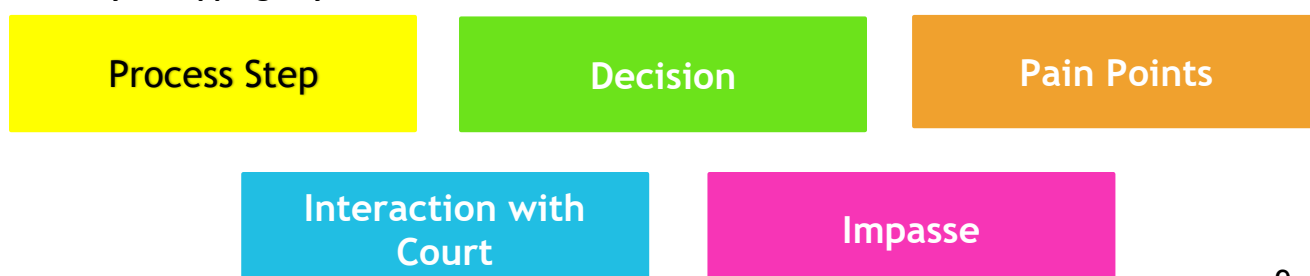   - How: show – don't tell, create experiences, and ask users to compare.[1]

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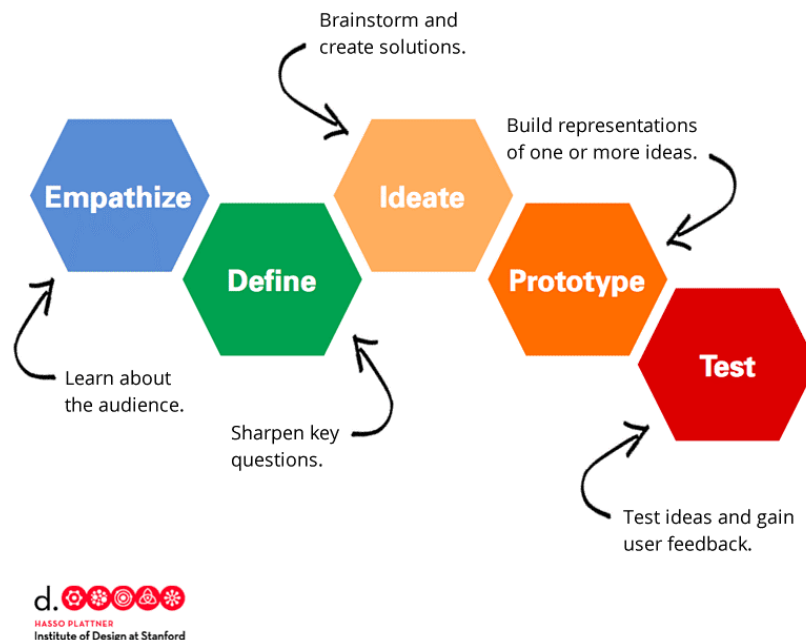
[1] Source: Hasso Plattner, Institute of Design at Stanford, "An Introduction to Design Thinking" (2010), online (pdf): https://dschool-old.stanford.edu/sandbox/groups/designresources/wiki/36873/attachments/74b3d/ModeGuideBOOTCAMP2010L.pdf?fbclid=IwAR2QfPwJd9-IN-zbk_GIy7SgbqGriYNlKKC7CwDa7rd-O9FY3fo82qaNvm4
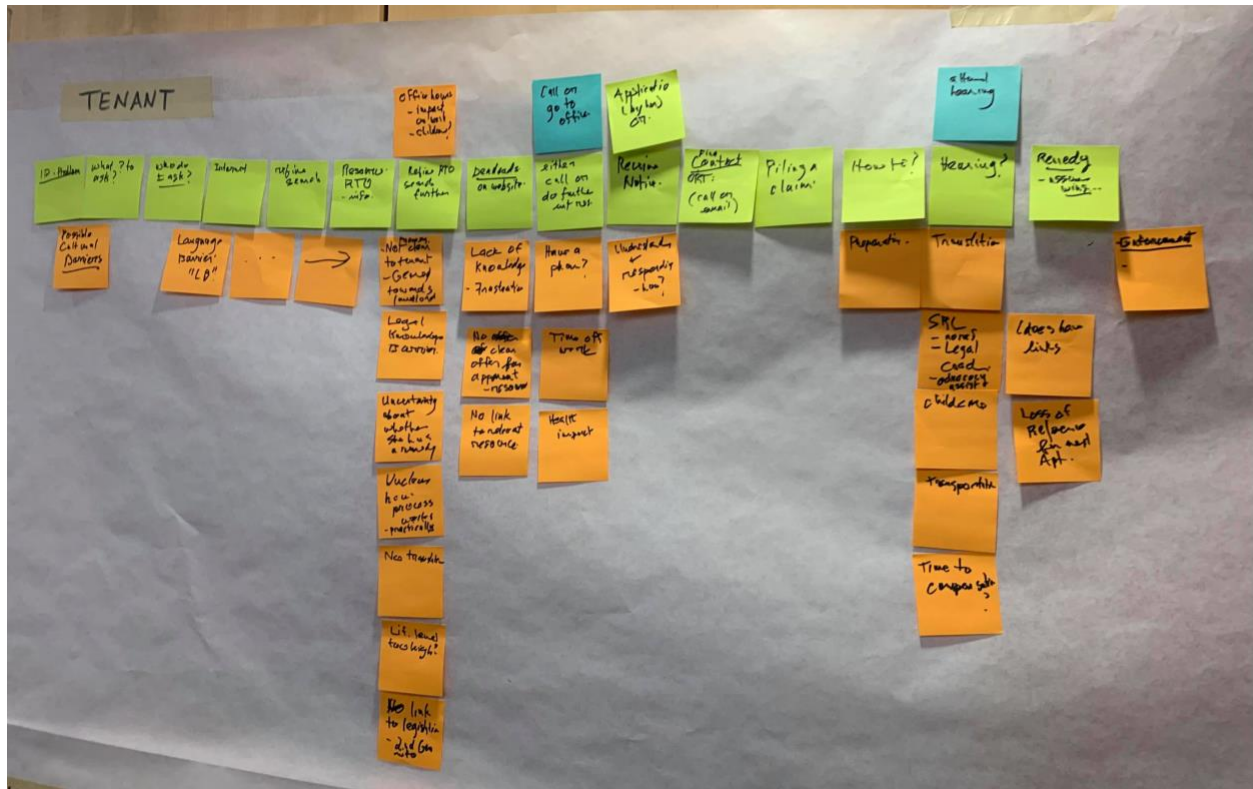
Appendix B – Process Mapping One Pager

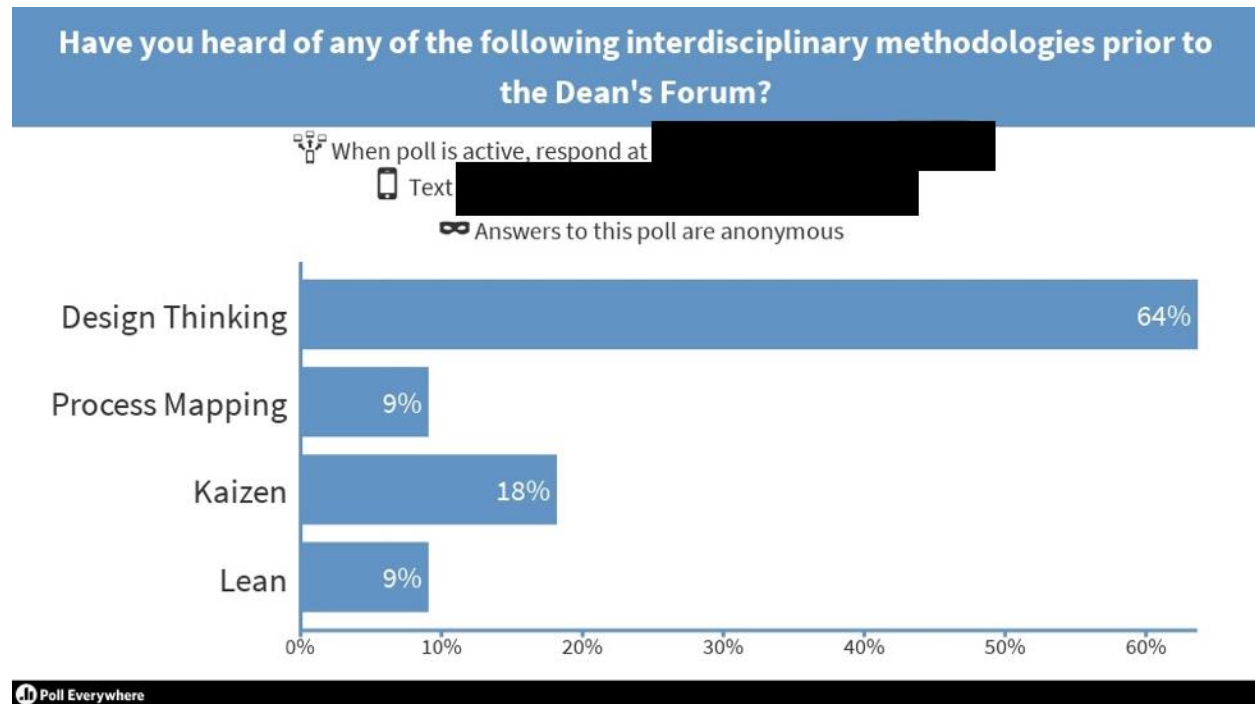| What	A process map breaks down all of the steps and decisions within a process.
Why	Individuals often are unaware of actions that occur upstream or downstream from them. A process map aims to incorporate a cross-sectional team of individuals to fully flesh out a process in its **entirety**. Teams cannot begin (or should not begin) to solve problems until they are aware of the process from a holistic standpoint. Often solutions which seem perfect at one point would create havoc for a downstream user! **Example:** *Pain point* = filing documents in person is difficult as the office is only open during business hours *Solution from user's perspective* = make all filing electronic *Downstream consequences* = (1) privacy concerns; (2) cost on court of printing documentation; (3) inability for Clerk to ensure compliance in documents being filed; (4) etc.
How	Today we will utilize the below process mapping "key colors." Your process mapping should follow as closely to the below instructions as possible but always remember – **YOU are the process owners** – how you choose to visualize the system may need to vary from your instructions. Feel free to add any notes you think are relevant! - Map the process in yellow. Use one sticky note per step. Start with your legal problem and just GO! There is no wrong answer. - Write decisions a user must make on green sticky notes. Green sticky notes should be employed wherever a person's path may "split" – i.e., they could either file the petition for divorce OR could pursue a joint separation agreement. Ideally, we would map downstream from both decisions. But depending on time, your team may want to decide what option is most frequently employed and start by mapping out from this point. - Mark "pain points" on orange sticky notes. Pain points are any complaints or frustrations that people may have with the current system. For example, a pain point for users attempting to file divorce paperwork could be that the court is only open during standard business hours. - Blue sticky notes indicate whenever someone needs to go to a court building during the process. - Is your team stuck on what the correct process is? Note that with a pink sticky. Write the two options you are unclear on. Then, vote as a group on which one is preferred and map downstream from it!

Today's Mapping Key:

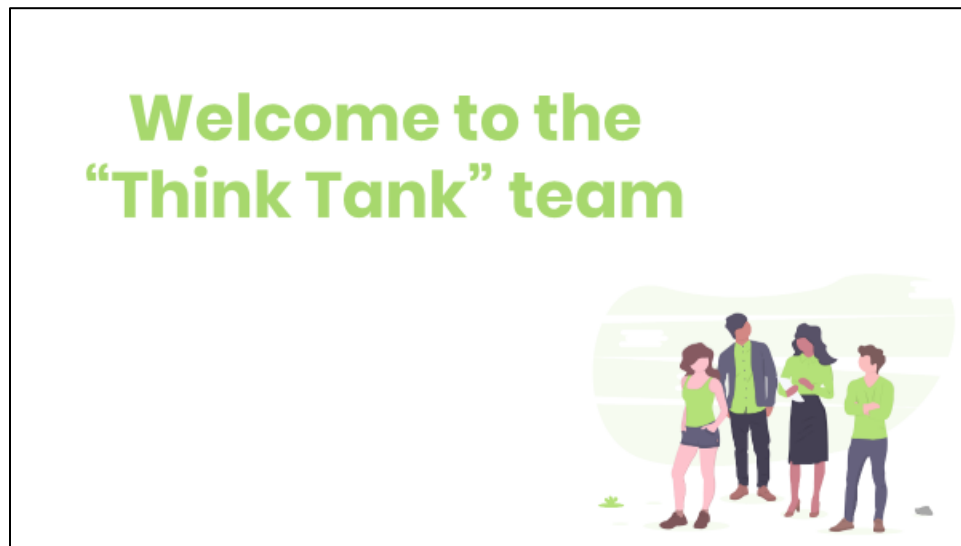| Process Step	Decision	Pain Points

Interaction with Court	Impasse

Appendix C - Process Mapping Results

CHILD AGREEMENT

HUMAN RIGHTS

Look outside the legal system (community)

Give Up

Internal Complaint

Asking for Advice from support

Talk to Coworkers owner

Google Search Problem

Reframing Search

Look to Results - how far to scroll?

Click links

Contact HRC

Referral

Contact other resource e.g. CLASSIC

Give Up

Access to Phone consistently

What response? Where do I go now?

Fill in D (Summ App)

REA doesn't come up on search

How to search? key words

Have to print forms + mail

How do you identify legal issue?

Accessing Tech - library?

Costs - Ambulance

How far to scroll?

How to contact?

How to talk to person if resources are confusing

All in English wordy Not accessible

Cannot access physical office

Contact other resource e.g. CLASSIC

Give Up

Access to Phone consistently

Internal Complaint (if not done)

Denial

May not know why denied

Click links

Contact HRC

Referral

What response? Where do I go now?

Filling in Docs. (Summary, Approval)

Wait to hear back

Mail in photo ID

Wait... Exhaust all Avenues Internally

Accepted

Mediation?

Investigation

Have to print forms + mail

How to contact?

How to talk to person if resources are confusing

All in English wordy Not accessible

Cannot access physical office

Would need to find job

Apply for EI

Time off Work

TIME

Collecting Documents

12

Appendix D – Attendee Poll

Have you heard of any of the following interdisciplinary methodologies prior to the Dean's Forum?

When poll is active, respond at ▮▮▮▮▮▮

Text ▮▮▮▮▮▮

Answers to this poll are anonymous

Methodology	Percentage
Design Thinking	64%
Process Mapping	9%
Kaizen	18%
Lean	9%

Poll Everywhere

Legal Empowerment

"*strengthening the capacity of all people to exercise their rights*" through making legal information "*available and meaningful to ordinary people.*"

Open Society Foundations, "What is Legal Empowerment?" (last modified 15 September 2014), online: <https://www.opensocietyfoundations.org/projects/legal-empowerment>.

Technology
+
Access to Justice

The "Think Tank" Mentality

Design Thinking

EMPATHIZE DEFINE IDEATE PROTOTYPE TEST

Source: https://www.reply.com/en/design-thinking

Consultations

8

Justice Technology needs to be...

1. Centralized
2. Accessible
3. Relevant

Integration is important

The **volume** of information from **different online sources** makes it difficult to find **reliable and trustworthy** information.
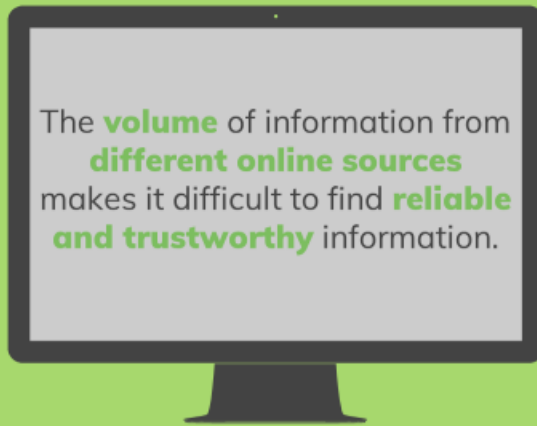
Accessibility

It's not enough that the information is available - it also has to be accessible.

11

Accessibility

Making information available online does not make it equally available to everyone.

Presenting Information

Legislation and Regulations

Allows individuals to see where their rights and obligations stem from.

Sample Templates

Helps individuals through filling out a form.

Checklists, Flow Charts and How-To Guides

Allows a "big-picture" view of the process and guides an individual through the necessary steps.

Plain-Language Explanations

Effectively communicates the necessary information to the intended audience.

Videos and Podcasts

Present the information is a different format that might be helpful for different learning styles.

Technology

Don't feel restrained by what you think technology can do.

Human Touch

Individuals can use technology alongside help from trusted intermediaries and legal professionals in order to increase their legal empowerment.
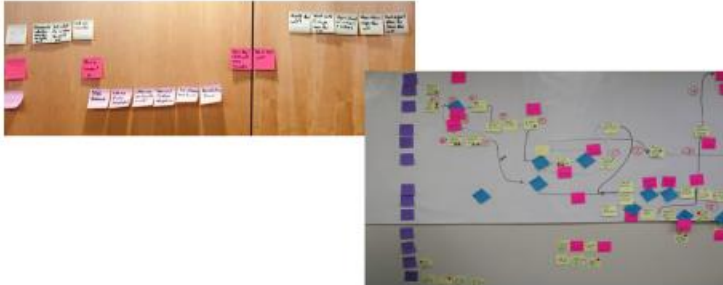
17

Modeling Tech: Problem Solving Techniques

Process Mapping

What?

" Process mapping visually demonstrates the entirety of a process.

Pain Points

Ask yourself: what frustrates ME & what frustrates the USER?

I don't know what form to use!

The form should be fillable in PDF.

They don't know WHAT to file with it.

Why?

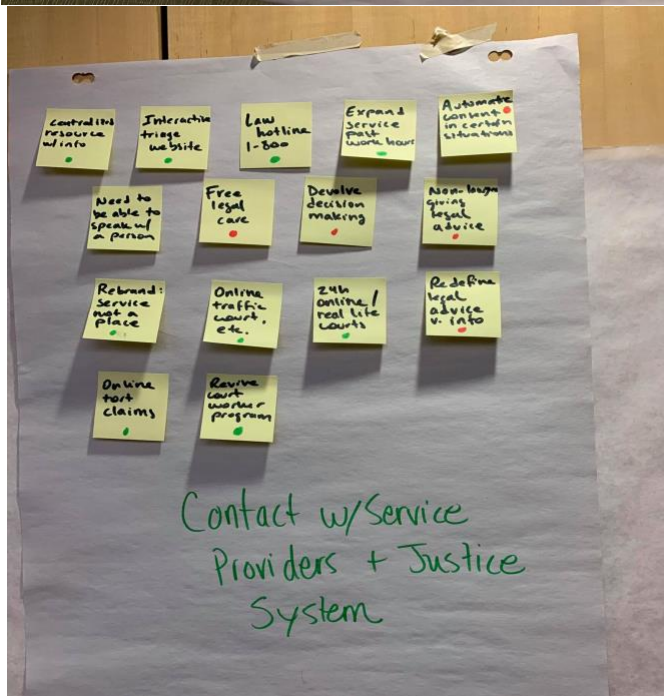" Individuals have a microscopic view. Solutions require a macroscopic understanding.

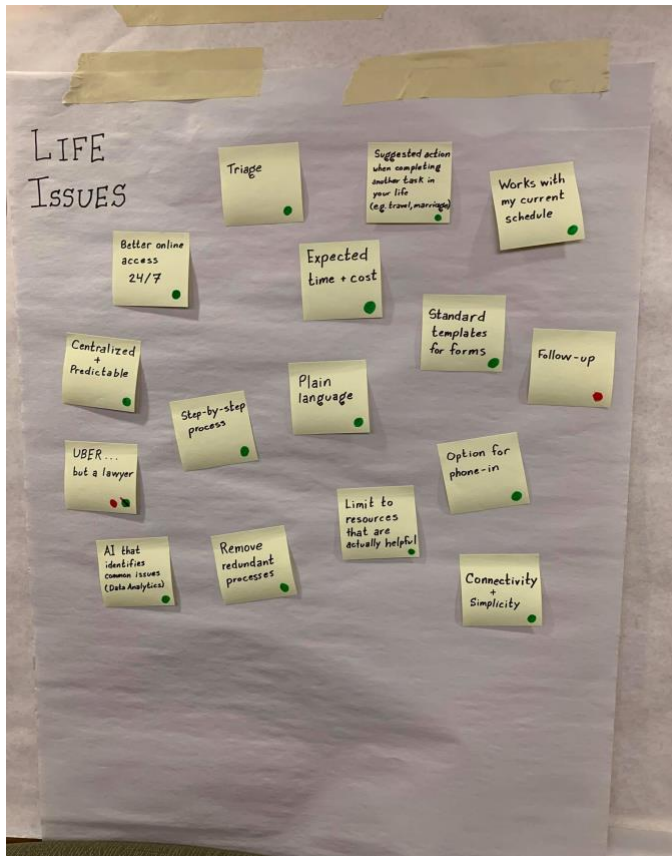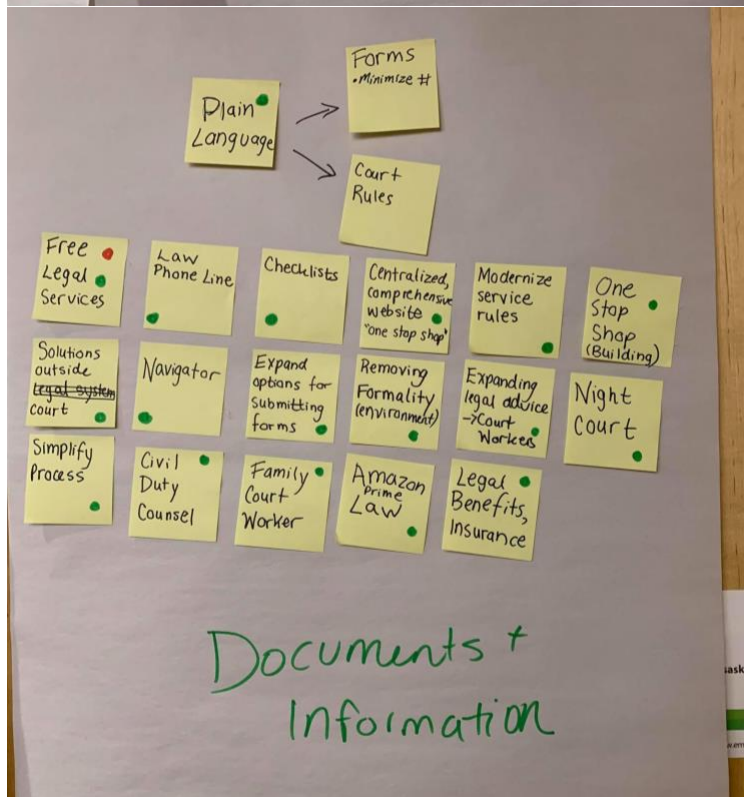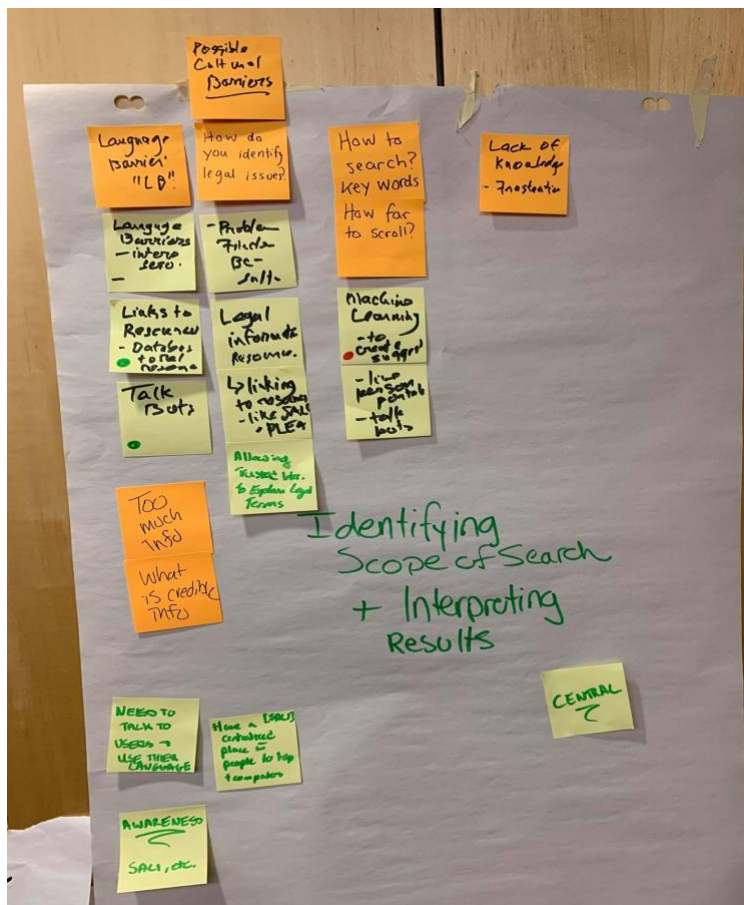# Today's Activity

1) Get a legal problem
2) Using the key on your handout - process map
3) Some basic info - use if helpful
4) Design thinking:
   a) Incorporate user
   b) Not perfect → just done

Appendix F – "Ideate" images

Appendix G – Forum Afternoon Agenda

TOPIC 2   **MEETING SASKATCHEWAN'S JUSTICE NEEDS WITH TECHNOLOGY**

1:15-1:35   **Presentation**

1:35-2:05   **Small Group Breakout Exercise: Process Mapping**

2:05-2:25   **Reporting Back and Debrief**

2:25-2:40   **Afternoon Coffee Break** (provided outside of doors of Main Boardroom)

2:40-2:50   **Review Process Mapping "Pain Points"**

2:50-3:10   **Small Group Ideate**

3:10-3:50   **Prototype Debrief**

3:50-4:05   **Large Group Discussion: Forward Thinking**

4:05-4:15   **Closing Remark**

Appendix H – Breakout Exercise Small Groups

Group	Human Rights	Organization/Position
Group Leader	Charmaine Panko	Representative of the Dispute Resolution Sector
Members	Martin Phillipson	The Dean of the College of Law
	Kylie Head, Q.C.	Assistant Deputy Attorney General, Innovation Division, Ministry of Justice
	Scott Harron	Strategic Lead, Ministry of Justice
	Gerry Tegart, Q.C.	Bencher, Law Society of Saskatchewan
	Chantelle Johnson	Executive Director, CLASSIC
	Zoe Johansen-Hill	Student

Group	Wills	Organization/Position
Group Leader	Stacy Muller	Director, Dispute Resolution Office, Ministry of Justice
Members	Chief Judge Plemel	The Provincial Court
	Heather Heavin	Associate Dean, Research and Graduate Studies, College of Law
	Foluke Laosebikan	Bencher and Chair of Equity and Access Committee, Law Society of Saskatchewan
	Kristin Nelson	Director, 211 SK, United Way
	Coleman Owen	Student

| Group	Child Agreement	Organization/Position
Group Leader	Melanie Hodges Neufeld	Director of Legal Resources, Law Society of Saskatchewan
Members	Shannon Williams	Executive Assistant to the Deputy Minister, Ministry of Justice
	Justice Konkin	The Court of Queen's Bench
	Craig Goebel	Chief Executive Officer Legal Aid Saskatchewan
	Glen Gardner, Q.C.	The Deputy Minister of Justice and Deputy Attorney General
	Cindy Kobayshi	Consulting Director of Advancements, 221 SK, United Way
	Larissa Meredith-Flister	Student

Group	Tenant	Organization/Position
Group Leader	Tim Brown, Q.C.	Executive Director, Law Society of Saskatchewan
Members	Glen Luther, Q.C.	Professor, College of Law
	Evert van Olst, Q.C.	Member, Law Foundation of Saskatchewan
	Nicholas Cann, Q.C.	President of the Canadian Bar Association
	Joel Janow	Executive Director, Public Legal Education Association
	Beth Bilson, Q.C.	University Secretary and Professor, College of Law
	Jianna Rieder	Student

Breakout Session Supervisors	Organization/Position
Michaela Keet	Professor and Faculty Liaison to the Dean's Forum, College of Law
Brea Lowenberger	Director, CREATE Justice & Access to Justice Coordinator
Leah Howie	Director, Law Reform Commission of Saskatchewan
Melissa Craig	Student
Allyse Cruise	Student

Appendix I - Technology Change Management Considerations

Change management is critical to the success of any technology implementation. Before implementing new technology, it is important to consider the effects it will have on the various stakeholders involved and devise strategies to effectively manage the change. The following change management considerations can assist in thinking through technology initiatives.[2]

1. **A clearly articulated platform and value statement:** Outlining a clear need and justification for why change is needed is fundamental.[3] This helps create a common understanding and cohesiveness amongst stakeholders.
2. **Strong leadership:** It is important to identify early on key leadership sponsors.
3. **Demonstrate the possibilities:** By having various stakeholders see and imagine the possibilities of the technology, this can build excitement and creativity.[4]
4. **Focus on the positives:** Highlight what the new technology could bring.
5. **Identify and empathize with your end-user throughout the process:** As a starting point, a needs assessment will help ensure alignment with the end-users. Continuous user testing throughout the project will help to maintain this alignment.
6. **An execution roadmap:** An effective roadmap will outline the phases of change, incremental goals, and a plan for cross-functional integration. It will allow all parties involved to have a clear view on how to move forward.[5]
7. **Find champions/super-users:** It can be helpful for end-users to see individuals that they can relate to having success with the technology.[6] Case studies could be presented, and these super-users could help champion the system's adoption.

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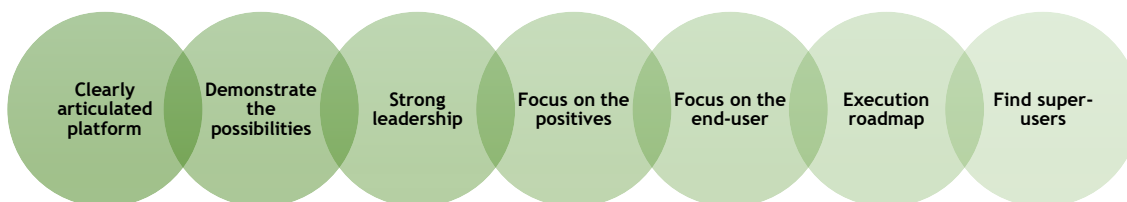
[2] For additional resources see e.g., Frank Ostroff, "Change Management in Government" (May 2006), online: *Harvard Business Review* <https://hbr.org/2006/05/change-management-in-government>; Alasdair Johnston, Frédéric Lefort & Joseph Tesvic, "Secrets of successful change implementation" (October 2017), online: *McKinsey&Company* <https://www.mckinsey.com/business-functions/operations/our-insights/secrets-of-successful-change-implementation>; Tessa Basford and Bill Schaninger, "The four building blocks of change" (April 2016), online: *McKinsey&Company* <https://www.mckinsey.com/business-functions/organization/our-insights/the-four-building-blocks--of-change>.

[3] Andrew McCune, "A Change Management Challenge: Technology is Fast, and Change is Slow" (4 August 2017), online: *BTOES* <http://insights.btoes.com/challenge-to-change-management-technology-is-fast-change-is-slow>.

[4] *Ibid.*

[5] *Ibid.*

[6] "Technology change management: 5 steps to success" (last visited 16 February 2019), online *Salesforce* <https://www.salesforce.com/au/blog/2018/10/technology-change-management--5-steps-to-success.html>.