



THE DESIGN LAB FOR CREATING LIMITED LICENSE PRACTITIONER PILOT PROJECTS

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Justice and Dispute Resolution

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Elaine Selensky

Haley Stearns

Everhett Zoerb

With special contributions from Melissa Craig and Allyse Cruise

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Executive Summary

A new Saskatchewan framework for limited legal services has several potential benefits, including increased access to justice, improved consumer choice, more effective regulation, and better support for lawyers. These benefits have been recognized by researchers such as a Legal Services Task Team appointed by the Law Society of Saskatchewan and the Saskatchewan Ministry of Justice, and the participants of the 2015 Dean's Forum on Dispute Resolution and Access to Justice. Recent legislative changes have opened the door for the Law Society of Saskatchewan to license people, who are not formally trained lawyers, to practice law in limited capacities.

We invite you to join us in building on other groups' work related to this topic by developing a framework for Limited Licence Practitioners in Saskatchewan. More specifically, we encourage you to consider the potential for experimentation in a "regulatory sandbox." This approach involves relaxed regulations in a controlled environment and allows for innovation based on well-informed policy and input from participants. Creating a new group of limited legal service providers will require a new regulatory scheme that must balance protection of the public with sufficient flexibility for addressing access to justice concerns. The regulatory sandbox is one way to facilitate the search for this balance.

In this paper, we propose three frameworks as starting points for potential regulatory sandbox initiatives. These frameworks include: (1) a legal designation for community service workers; (2) court-workers or tribunal-workers; and (3) private sector Limited Licence Practitioners. The legal designation framework would allow for individuals working in a community service or human service organization to obtain permission to practice in a limited and highly specialized area of law that relates to the work they do. The court-worker or tribunal-worker would offer

guidance for court, tribunal, and alternative dispute resolution processes. The private sector program would provide a range of limited services to the general public within a for-profit model.

To identify needs and evaluate our proposed models and results from the regulatory sandbox, we utilize aspects of Access to Justice BC's Access to Justice Measurement Framework. Each of the models that we propose would serve to address positively five key access to justice indicators: (1) mitigation of impact of legal problems; (2) voice and participation; (3) need for legal advice; (4) accessibility of justice system; and (5) social and economic costs. These indicators are effective tools for guiding the development of balanced structures for Limited Licence Practitioners.

Through a regulatory sandbox concept, proposed model frameworks, and access to justice performance indicators, this paper and the 2020 Dean's Forum will foster collaboration and innovation. Our efforts will lead to sustainable Limited Licence Practitioner frameworks that mitigate risks while taking large steps toward addressing access to justice concerns in Saskatchewan.

1.0 Introduction

Appreciation for the potential benefits of limited legal service providers has been growing for several years. In 2014, the Dean's Forum on Dispute Resolution and Access to Justice ("Dean's Forum") identified opportunities for paralegal services, legal information services by lawyers and qualified non-lawyers, and summary advice and referrals.¹ Participants of the 2015 Dean's Forum built on the theme of limited non-lawyer legal services by identifying challenges and opportunities related to regulation and licencing,² education,³ and implementation.⁴ Since that time, the possibility of having Limited Licence Practitioners ("LLPs")⁵ in Saskatchewan has become a reality.

In its 2018 report, a Legal Services Task Team ("LSTT" or "Task Team") appointed by the Law Society of Saskatchewan ("LSS") and the Saskatchewan Ministry of Justice "examine[d] the issue of allowing non-lawyers to provide legal services to Saskatchewan residents."⁶ The Task Team recommended allowing service providers to practice law with a limited license on a case-by-case basis⁷ and conducting or supporting pilot projects to experiment with certain types of limited licenses.⁸

This year, the Dean's Forum will focus on further developments to the LLP program by discussing potential pilot projects within a "regulatory sandbox." We

¹ See "Justice Innovation and the Culture of Legal Practice" (13 March 2014) at 7–8, online (pdf): *University of Saskatchewan* <law.usask.ca/documents/research/deans-forum/02_JusticeInnovation_CultureofLegalPractice_2014DeansForum.pdf>.

² See Lindsay Beaudry et al, "A Discussion Paper on Introducing Paralegals into the Saskatchewan Legal Market", (12 March 2015) at 9–11, online (pdf): *University of Saskatchewan* <law.usask.ca/documents/research/deans-forum/10_Non-LawyerLegalServices_PolicyDiscussion_2015DeansForum.pdf>.

³ See *ibid* at 11–17.

⁴ See *ibid* at 17–21.

⁵ We use the term "Limited Licence Practitioners" in this report because it appropriately describes the role of these service providers and it is more inclusive than other terms that refer to a more specific field of practice. "LLP" is also used to describe the certification or designation that the service providers will receive.

⁶ LSTT, "Final Report of the Legal Services Task Team" (August 2018) at 2, online (pdf): *Law Society of Saskatchewan* <www.lawsociety.sk.ca/media/395320/107840-legal_services_task_team_report_august_14-2018-1.pdf>.

⁷ See *ibid* at 78.

⁸ See *ibid* at 87.

invite you to join us in responding to the Task Team's call to action, which stated, in part, the following:

The Task Team's recommendations seek to create opportunities, but *their success will require several actors to take up the call to innovate*...Presently, the demand for publicly-funded legal services is greater than the supply, and some existing services struggle to maintain funding...

...There is a role for a *wide range of players to engage with the opportunities* arising from its recommendations, including all levels of government, the private sector, entrepreneurs, educators and educational institutions, students, near-to-law professionals, community service agencies, and private citizens. The Task Team calls for broad consideration of the ways in which current legal actors and those not traditionally associated with the legal system can collectively support the ability of all citizens to have meaningful access to appropriate legal services.⁹

Through our combined efforts, we will develop effective and worthwhile pilot projects for LLPs in Saskatchewan, which will be a step toward increasing the supply of legal services and ultimately improving access to justice. However, implementing these pilot projects will require wisdom and prudence in order to adequately meet access to justice needs while mitigating risks.

⁹ *Ibid* at v [emphasis added].

1.1 Overview

This paper will be our guide as we collaborate to develop the structures for LLP pilot projects that are tailored for Saskatchewan. It approaches the challenges we face through the lens of a **performance measurement framework**¹⁰ and suggests a **regulatory sandbox**¹¹ approach. The performance measurement framework serves as an effective tool for determining current needs, identifying justice gaps, and evaluating innovative solutions. We have selected performance indicators from this measurement framework based on the unique needs in Saskatchewan as informed by our consultations with several stakeholders. The regulatory sandbox approach builds on the outcomes of this framework and creates an efficient environment for testing ideas and fostering innovation.

We begin this paper with a summary of our methodology, an explanation of the unmet legal needs in Saskatchewan, and a discussion of the performance measurement factors that we have selected. We then provide a brief overview of the concept of a regulatory sandbox and how this approach would work for the implementation of LLP pilot projects. Next, we outline frameworks for potential pilot projects that could fill particular access to justice gaps and compare these frameworks with similar models in other jurisdictions. Finally, we present an assessment of these pilot project frameworks using our performance measurement framework before drawing conclusions.

Throughout this paper, **there are spaces for you to jot down your thoughts and engage with the issues** that we have identified. These spaces are indicated by a pencil icon. Your knowledge and creativity in these discussions will be critical to the success of these projects. We are excited to work alongside you and other stakeholders

¹⁰ Details regarding the performance measurement framework are discussed in Part 2.2, *below*.

¹¹ The concept of a regulatory sandbox is explained in Part 3, *below*.

in developing innovative solutions for LLPs to fill access to justice gaps in Saskatchewan.

1.2 Methodology

We relied on two research methods for this project: (1) a literature and environmental scan of LLP and regulatory frameworks; and (2) consultations with various stakeholders.

The literature review builds on the work of the LSTT. It involves an analysis of academic research and commentary as well as a scan of existing programs in other jurisdictions.¹² This review informs our discussions, and we consider features of it directly and indirectly throughout this paper.

Our consultations consisted of interviews with twelve organizations or individuals involved in different roles in the legal system.¹³ The purpose of the consultations was to identify and assess areas of need in Saskatchewan that could benefit from LLPs and to gain diverse perspectives on the potential opportunities and challenges related to pilot projects. We noted the following **themes arising from our consultations**:

1. Regulatory frameworks must be flexible to account for a variety of potential service providers but, at the same time, must mitigate risk and protect the public interest.
2. It is important to define the scopes of practice of LLPs and lawyers and allow for exclusive zones of practice as well as overlapping zones of practice.
3. Legal triage¹⁴ will be an essential component of LLP programs.

¹² For a list of some of the most helpful articles and a summary of the programs in other jurisdictions, see Appendix A.

¹³ For a list of persons consulted, see Appendix B.

¹⁴ The Prevention, Triage and Referral Working Group of the National Action Committee on Access to Justice in Civil and Family Matters defines triage as follows: “Triage refers to the practice of

4. There are opportunities for LLPs in all substantive areas of law.
5. People and organizations offering limited legal services have valuable experience and ideas and should be consulted during implementation of LLP frameworks.
6. Rural and Indigenous populations face unique access to justice challenges that could be addressed in part by LLPs.
7. There is a broad spectrum of individuals who have some resources that they are able and willing to put toward legal fees but cannot afford the typical fees of a lawyer.
8. The risk of doing nothing is greater than the risk of change.

1.3 Project Limitations

We identified the following limitations to our research and this report.

1.3.1 Sample Selection

We selected consultation participants based on who could provide insight to our research in the area of limited legal services. We attempted to gain diverse perspectives, but the responses that we received cannot be taken to represent a random sample. Therefore, our findings may not be reflective of the opinions of the entire population that may be affected by changes in the way legal services are offered in Saskatchewan. We also chose to rely on the public survey conducted by the LSTT¹⁵

responding to and ‘sorting’ the problems of individuals based on their degree or type of need, in order to determine the appropriate type of service/approach within a context of limited resources” (National Action Committee on Access to Justice in Civil and Family Matters, “Responding Early, Responding Well: Access to Justice through the Early Resolution Services Sector” (12 February 2013) at 14, online (pdf): *Canadian Forum on Civil Justice* <www.cfcj-fcjc.org/sites/default/files/docs/Report%20of%20the%20Prevention%2C%20Triage%20and%20Referral%20WG%20.pdf>).

¹⁵ See LSTT, *supra* note 6 at 106–24.

rather than interview individuals who would be potential users of LLP services. We recognize that further discussions with the public will be useful moving forward.

1.3.2 Limited Access to Data

Currently, hard data specific to the legal needs of Saskatchewan residents are lacking. The research on legal needs of the Canadian population as a whole, although helpful, does not address the unique geographical and cultural attributes of Saskatchewan. Data focused particularly on the needs in Saskatchewan are needed to accurately assess the areas where LLPs could have a distinct impact on access to justice. Moving forward, a Saskatchewan legal needs survey would be an important step in the overall process of implementing an LLP regulatory scheme.

1.3.3 Time Constraints

The time that we had to conduct our research and synthesize our findings, analysis, and recommendations was limited to approximately two months. As a result, **we intend for this paper is to be a starting point** for discussion among stakeholders.

2.0 Current Context

2.1 Unmet Legal Needs

In Saskatchewan, and across Canada, unmet legal needs have significant impacts on people's lives. There are two noteworthy factors contributing to the vast amount of unmet legal needs: (1) many people simply cannot afford a lawyer; and (2) large rural and remote populations, particularly in Saskatchewan, present a unique challenge for access to services.¹⁶

Data show that Canadians have urgent needs to access legal services. A legal needs survey conducted by the Canadian Forum on Civil Justice ("CFCJ") between September 2013 and May 2014,¹⁷ found that "[w]ithin a given three-year period, an estimated 11,420,889 adults in Canada (or 48.4% of people over 18) will experience one or more everyday legal problems that they consider to be serious or difficult to resolve."¹⁸ Further, legal problems create or worsen medical, mental health, social, family, and personal problems.¹⁹

However, despite the prevalence of these legal issues and their associated problems, people are not obtaining adequate representation. A report by the Canadian Bar Association ("CBA") found that, although the actual number of self-represented litigants in Canada is unknown, **anywhere from 10–80% of litigants are self-represented**, depending on the level of court and the nature of the claim.²⁰ Further,

¹⁶ These factors were topics of discussion in several of our consultations.

¹⁷ CFCJ, "Everyday Legal Problems and the Cost of Justice in Canada: Cost of Justice Survey Data" (2018), prepared by Lisa Moore at 6, online (pdf): <cfj-fcj.org/wp-content/uploads/Everyday-Legal-Problems-and-the-Cost-of-Justice-in-Canada-Cost-of-Justice-Survey-Data.pdf>.

¹⁸ *Ibid* at 25.

¹⁹ In addition to financial issues (see *ibid* at 206–10), the CFCJ survey found that, after a single legal problem, people experience non-legal costs as follows: 65.2% had increased use of the medical system (*ibid* at 212); 41.2% had increased use of mental health services (*ibid* at 215); and 20.9% had increased social, family, or personal problems (*ibid* at 218).

²⁰ CBA, "reaching equal justice report: an invitation to envision and act" (November 2013) at 44, online (pdf): <www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf>. The CBA's report makes several

provincial court family matters and small claims courts have the highest levels of unrepresented litigants.²¹

There are several programs in Saskatchewan seeking to address the legal needs of people who cannot afford full representation by a lawyer. Table 1, *below*, summarizes some of these Saskatchewan programs but is not exhaustive. It is important to recognize that there are many organizations offering legal services or information in Saskatchewan.

Table 1. Organizations seeking to address legal needs.

Program	Main Focus	Target Audience	Reach of Services
Saskatchewan Legal Coaching and Unbundling Project	Improving awareness of limited scope service	Lawyers and the public	58 lawyers actively offering limited scope services across Saskatchewan ²²
Saskatchewan Access to Legal Information Project	Providing education and tools needed for providing legal information in libraries	Librarians	Requests for legal information are addressed in 30 minutes or less ²³
Saskatchewan Legal Aid Commission	Providing legal services in mostly criminal and family law ²⁴	Low income applicants who qualify	14,619 applicants in 2018–19, mostly ages 25–36 ²⁵
Pro Bono Legal Services (“PBLs”)	Providing free legal services, specialized legal	Low income applicants who qualify	Over 1,000 attendees to clinics and over 3,100

recommendations related to limited legal service providers, including recommendations for team delivery of legal services to offer comprehensive, holistic, and cost-effective services (*ibid* at 97) and recommendations for working to enhance paralegal services across Canada (*ibid* at 104–5).

²¹ *Ibid.*

²² See Sask Legal Coaching and Unbundling Pilot Project, “About” (last visited 21 February 2020), online: <www.skllcup.com>.

²³ CREATE Justice, “Saskatchewan Access to Legal Information Data Collection Pilot Project 1.0 Report” at 4, online (pdf): *University of Saskatchewan* <law.usask.ca/createjustice/documents/SALI_DataCollectionPilotProject_1.0.pdf>.

²⁴ The Saskatchewan Legal Aid Commission, “2018 - 2019 Annual Report” (last visited 21 February 2020) at 5, online (pdf): <legalaidsk.ca/community_resources/documents/LegalAidAnnualReport20182019.pdf>.

²⁵ *Ibid.*

	clinics, and referrals to other programs mostly in family and civil law ²⁶		calls to the office—all were assisted or referred ²⁷
Community Legal Assistance Services for Saskatoon Inner City (“CLASSIC”)	Providing free legal services through walk-in clinics, legal advice clinics, and identification clinics mostly in criminal and family law	Low income applicants who qualify—specifically in Saskatoon inner city	Over 1,500 people in 2018–19 ²⁸
Pro Bono Students Canada (“PBSC”)	Work with other organizations to provide services and research	Organizations that work in the justice sector	Over 15,000 individuals nationally in the 2018–19 year ²⁹
Public Legal Education Association of Saskatchewan (“PLEA”)	Provide general information and resources on a variety of legal subjects	Public	Information available online and in print on 15 topics ³⁰

Despite the meaningful work and incredible impact of these groups, legal needs in Saskatchewan, particularly in the civil context, remain unmet. The 2015 Dean’s Forum identified lawyer paraprofessional services as a way to address legal needs³¹ and, since then, legislative changes have opened a space for paraprofessionals in Saskatchewan.³²

²⁶ Pro Bono Law Saskatchewan, “2017 Annual Report” (last visited 21 February 2020) at 4, online (pdf): www.pblsask.ca/fileadmin/pblsask/storage/uploads/public/PBLS_Annual_Report_2017_%2800169282xB6EE0%29.pdf.

²⁷ *Ibid.*

²⁸ CLASSIC Inc., “2018-2019 Annual Report” (last visited 21 February 2020) at 4, online (pdf): www.classiclaw.ca/uploads/1/6/8/5/16850750/2018-2019_annual_report.pdf.

²⁹ Pro Bono Students Canada, “Impact” (last visited 21 February 2020), online: www.probonostudents.ca/impact.

³⁰ See PLEA, “Saskatchewan’s source for free legal information.” (last visited 21 February 2020), online: www.plea.org.

³¹ Beaudry, *supra* note 2 at 2.

³² See Bill 163, *An Act to amend The Legal Profession Act, 1990 and to make a consequential amendment to The Notaries Public Act*, 3rd Sess, 28th Leg, Saskatchewan, 2018 (assented to 15 May 2019), SS 2019, c 7.

2.2 Performance Measurement Framework

Throughout our consultations, interviewees raised concerns regarding several areas of unmet legal needs. We synthesized the needs identified and chose five key indicators from the Access to Justice Measurement Framework introduced by Access to Justice BC (“A2JBC”).³³ These indicators can help us imagine what a successful LLP program could look like and will be applied to potential pilot program models that we propose in Part 5: Implementation and Evaluation, *below*. The indicators that we have chosen are as follows:

- a. **Mitigation of impact of legal problems:** The extent to which the impact of the legal problem faced by justice system users is being mitigated.³⁴ How can the different LLP models mitigate the impact of legal problems in Saskatchewan across different problem and service types?
- b. **Voice and participation:** The extent to which individuals can meaningfully participate and be heard in legal proceedings to resolve their legal problems.³⁵ How can the different LLP models help users play an active and meaningful role in resolving their own legal problem?
- c. **Need for legal advice:** The extent to which people who express a need for legal advice are able to obtain legal advice.³⁶ How can the different LLP models make legal advice available to more users?
- d. **Accessibility of justice system:** The ability of people to afford, understand, use, and navigate services within the justice system as they seek assistance in managing everyday legal needs or find a solution to a legal problem (by gender,

³³ Yvon Dandurand & Jessica Jahn, “Access to Justice Measurement Framework”, online (pdf): *International Centre for Criminal Law Reform & Criminal Justice Policy* <icclr.org/wp-content/uploads/2019/06/Access-to-Justice-Measurement-Framework_Final_2017.pdf?x30145>.

³⁴ *Ibid* at 26.

³⁵ *Ibid* at 28.

³⁶ *Ibid* at 13.

geographical region, age, etc.).³⁷ How can the different LLP models increase access to the justice system for all people, including rural/remote, Indigenous, or marginalized groups?

- e. **Social and economic costs:** The social and economic costs associated with unresolved legal problems or with various gaps in access to justice services, including broad economic costs and social costs of unresolved conflicts.³⁸ How can the different LLP models work to reduce social and economic costs of unmet legal needs?



Question for engagement: What other performance indicators (see Appendix C for some ideas) should be considered when designing an LLP pilot project in Saskatchewan?

³⁷ *Ibid* at 14.

³⁸ *Ibid* at 32.

3.0 Regulatory Sandbox: An Experimentation Space for Saskatchewan

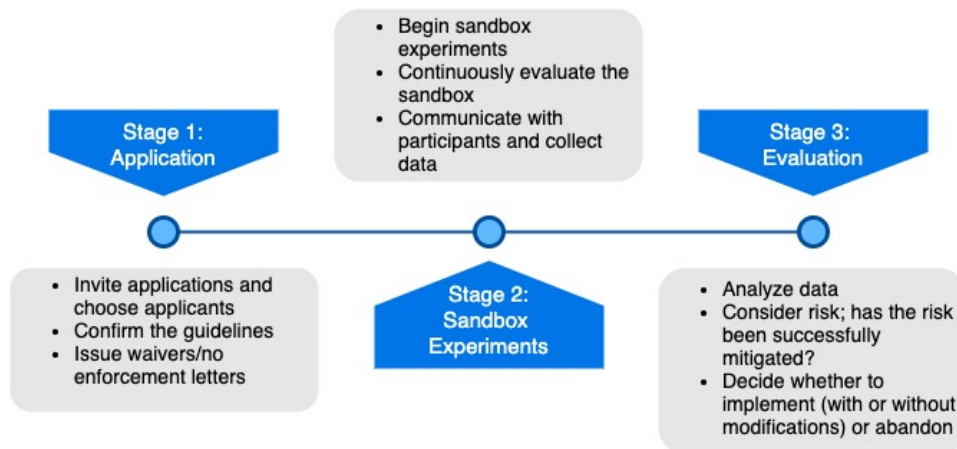


Figure 1. Stages of a regulatory sandbox. Adapted from Margaret Hagan.

3.1 What is a Regulatory Sandbox?

A “regulatory sandbox” is a concept that has been successful in the financial and technology industries but only recently found application in the legal field. It is defined as **“a methodological approach to potential relaxation of regulatory requirements that build in more testing and feedback through a safe innovation zone.”**³⁹ It acts as a “bubble” in which pilot programs and testing exist.⁴⁰

“Sandboxes are used as an alternative to regulation that is based on speculation about what behaviours could result – and what risks can emerge – from changing technologies or changing policies.”

- *Regulatory Sandboxes for legal services innovation*

More simply, a regulatory sandbox is an experimentation space. It is a place **where rules and regulations are relaxed, but not removed**, so that new ideas can be tested without normal consequences. It involves feedback with participants, which **results in data-driven and well-informed policy and regulatory decisions.**⁴¹ The main feature of a regulatory sandbox is a “formal and structured mechanism to receive

³⁹ Margaret Hagan, “Regulatory Sandboxes for legal services innovation” (8 November 2019), online: *Medium* <medium.com/legal-design-and-innovation/regulatory-sandboxes-for-legal-services-innovation-7438bb9b658e>.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

applications by firms”⁴² who then work with the regulating agency to test new innovations in policy, programming, or service models.

There are several guiding principles and tools applicable to a regulatory sandbox:

- **Key principles**—there must be clear guidelines for participants so that there is still public protection. Any participant who goes beyond the guidelines can be expelled from the sandbox.
- **Restrictions on who can enter the sandbox**—the regulator decides who enters the sandbox through an application process. The participant should be required to specify their innovation and how it meets the regulator’s goals (public interest, access to justice, ethics, etc.).
- **Regulatory waivers/no enforcement action letters**—the regulator specifies that if the participant stays within the structure of the sandbox, then the participant can take some controlled risk without being punished. However, the regulator can maintain the ability to act if the public is harmed or the participant goes outside of the sandbox parameters.
- **Controlled lists of requirements that can be relaxed or maintained**—the regulator should specify what rules are waived, altered, relaxed, or kept.
- **Rolling evaluation**—the regulator should formally and continually evaluate throughout the sandbox, giving the participant the broad metrics and letting the participants have input on the specific evaluation of their program.
- **Informed consent**—can require consumers understand and consent to using the sandbox service.⁴³

⁴² *Ibid.*

⁴³ See *ibid.*

The sandbox is also only temporary—it offers a space to test, collect data, and refine innovations. Once the parties are confident in the model, the sandbox is removed, and the policy or regulations stand. Or the sandbox might reveal that the model is too risky or unworkable and can then be abandoned.⁴⁴

We apply these principles and tools to our proposed pilot project frameworks in Part 5: Implementation and Evaluation.

Further Readings:

Financial Regulatory Sandboxes

- Aaron Stanley, “Arizona Becomes First U.S. State To Launch Regulatory Sandbox For Fintech” (23 March 2018), online: <www.forbes.com/sites/astanley/2018/03/23/arizona-becomes-first-u-s-state-to-launch-regulatory-sandbox-for-fintech/#3b26f0fa1372>.
- Financial Conduct Authority, “Regulatory Sandbox” (5 November 2015), online: <www.fca.org.uk/firms/innovation/regulatory-sandbox>.
- ADGM FSRA, “ADGM Launches its Fintech Reglab” (2 November 2016), online: *Abu Dhabi Global Market* <www.adgm.com/media/announcements/adgm-launches-its-fintech-reglab>.
- Monetary Authority of Singapore, “Sandbox” (19 February 2020), online: <www.mas.gov.sg/development/fintech/sandbox>.
- Schan Duff, “A Better Way to Create a Regulatory Sandbox” (18 December 2018), online (blog): *Consultative Group to Assist the Poor* <www.cgap.org/blog/better-way-create-regulatory-sandbox>.

Legal Regulatory Sandboxes

- Jorge Gabriel Jiménez & Margaret Hagan, “A Regulatory Sandbox for the Industry of Law” (2 April 2019) Stanford Law School Legal Design Lab White Paper, online (pdf): <www-cdn.law.stanford.edu/wp-content/uploads/2019/04/Regulatory-Sandbox-for-the-Industry-of-Law.pdf>.
- Margaret Hagan, “Regulatory Sandboxes for legal services innovation” (8 November 2019), online: <medium.com/legal-design-and-innovation/regulatory-sandboxes-for-legal-services-innovation-7438bb9b658e>.
- Solicitors Regulation Authority, “SRA Innovate” (last visited 27 February 2020), online: <www.sra.org.uk/solicitors/resources/innovate/sra-innovate>.

⁴⁴ See *ibid.*

3.2 Why is a Regulatory Sandbox Appropriate for the Saskatchewan LLP Process?

There are three main reasons that a regulatory sandbox is the appropriate model for the introduction of LLPs into Saskatchewan: (1) it is well suited for application on a case-by-case basis,⁴⁵ which fits with the current LSS approach; (2) it balances protection of the public with encouragement of the expansion to the legal industry;⁴⁶ and (3) it creates a regulatory framework that promotes input and buy-in from the legal profession and potential LLPs.

3.2.1 Fits with the LSS approach

Currently, the LSS is in the process of seeking out service providers that could be eligible for a limited license.⁴⁷ Having already reached out to some of these service providers in its scan, the **LSS could efficiently transition to a regulatory sandbox** by inviting potential LLPs to work with it to create and test different regulatory and ethical structures. This will allow direct industry input while removing some of the creation burden from the LSS.

3.2.2 Balances public protection and expanding the legal industry

Many of our consultations revealed a concern for how a framework could protect the public but, at the same time, not create barriers for LLPs in entering the industry. By having a controlled space to test new regulations, the LSS can ensure the public is protected by having safeguards in place, but participants in the sandbox can freely experiment within those safeguards without fear of sanctions. And because a

⁴⁵ See *ibid.*

⁴⁶ Fintech Sub-Group on Regulatory Sandboxes, *Briefing on Regulatory Sandboxes*, UNSGSA, (last visited 21 February 2019), online (pdf): <www.unsgsa.org/files/1915/3141/8033/Sandbox.pdf>.

⁴⁷ LSS, “Law Society Seeking to Identify Non-lawyer Service Providers for New Initiatives” (last visited 21 February 2020), online: <www.lawsociety.sk.ca/about-us/consultation>.

regulatory sandbox involves ongoing and open communication between the participants and the regulator, the LSS will be kept informed of how potential regulations are working. **This approach will lead to proactive and informed regulation creation at the end of the sandbox.**

3.2.3 Input and buy-in from users

Although regulations seek to protect the public, **the audience of the regulations is potential LLPs and the legal industry** because it is them that will need to work within the regulatory scheme. By inviting meaningful participation in the creation of the new regulations, this group will be more willing to adopt the new framework and comply with rules and regulations. This audience will be confident that the system was created with their interests and the user in mind.

4.0 Potential Pilot Projects

Through our literature review and research into existing programs in other jurisdictions,⁴⁸ we have developed three frameworks for potential pilot projects in Saskatchewan. **These frameworks build on recommendations of the LSTT as a way to strike a balance between mitigating the risk to the public and providing needed flexibility for services.** One of the main recommendations of the LSTT is to licence LLPs on a case-by-case basis,⁴⁹ an approach that has been adopted by the LSS⁵⁰ and, as discussed above, could facilitate the implementation of a regulatory sandbox.

However, our proposed frameworks depart from LSTT recommendations by expanding existing models or imagining new options. We also explore their implementation through the approach of a regulatory sandbox. Recognizing that this project is still in the early stages, our models aim further into the future, creating frameworks that can be used to implement regulatory schemes that will grow with the new class of paraprofessionals.

We explore each framework below and tie them to existing similar models in Canada and internationally. We also identify the strengths and risks of each model.

We propose three frameworks: legal designation, court-worker program, and a private sector model:

- 1. Legal Designation:** would allow for individuals working in a community service or human service organization to obtain permission to provide legal services in a limited and highly specialized area that relates to the work they do.

⁴⁸ See Appendix A *below*.

⁴⁹ See LSTT, *supra* note 6 at 78.

⁵⁰ See LSS, *supra* note 47.

2. **Court-Worker Program:** largely based on the Aboriginal Courtworker Program already in place in Saskatchewan.⁵¹ This framework proposes the expansion of the Aboriginal Courtworker program to be available for all residents of Saskatchewan and to cover a broader area of legal needs.
3. **Private Sector:** would allow LLPs to practice law in a limited capacity in law firms, other organizations, or as sole practitioners.

4.1 Legal Designation

Community organizations and human service agencies in Saskatchewan play vital roles in assisting individuals with various difficulties. Some of these difficulties may involve legal issues, but most organizations lack the resources and ability to provide legal services.⁵² If these organizations had the benefit of legally trained professionals on staff, then the limitations they face would be significantly reduced.⁵³ There is potential for LLPs to serve as these legally-trained professionals.

“Many community service organizations encounter clients with legal issues, and will try to assist them in navigating their legal issues in various ways, including advocating on their behalf, offering assistance with filling out forms, and making referrals to other legal service organizations and programs. Most of these organizations do not have the benefit of having lawyers or other legally-trained professionals on staff, so they are limited in the extent of support they can provide for legal issues.”

- *Legal Services Task Team* (at 27)

⁵¹ See generally Government of Saskatchewan, “Aboriginal Courtworker Program” (last visited 21 February 2020), online: <www.saskatchewan.ca/residents/justice-crime-and-the-law/courts-and-sentencing/aboriginal-courtworker-program> [Government of Saskatchewan, “Aboriginal Courtworker”].

⁵² See LSTT, *supra* note 6 at 27.

⁵³ See generally CBA, *supra* note 20 at 160. The CBA report suggests situating paralegals in human service agencies (see *ibid*) and having paralegals perform triage services (see *ibid* at 156).

4.1.1 The Framework

Staff or volunteers within these organizations could obtain a legal designation that would allow them to assist individuals with problems that have legal aspects. The people working in these roles would be highly specialized and would provide services that are directly related to their public purpose. They would be **specialists in depth rather than breadth**.⁵⁴

Through our consultations, we learned that many vulnerable and marginalized people often face complex legal problems that require the full assistance of a lawyer. However, providing legal assistance to these people early and in the community organizations that they already utilize and trust may be one way of helping them with legal problems before they become overly complex.

“This shift in focus is designed to help the most people in the most efficient, effective and just way at the earliest point in the process. To achieve this shift, the justice system must be significantly enhanced so that it provides a flexible continuum of justice services...A key element of this expanded continuum of services is a robust, coherent and coordinated ‘front end’”

- A Roadmap for Change (at 11)

The importance of intervening early was identified in “Access to Civil & Family Justice: A Roadmap for Change”⁵⁵ and was a key theme of the 2013 Dean’s Forum.⁵⁶ The Action Committee on Access to Justice in Civil and Family Matters explains the importance of providing services “at a time and place at which most everyday legal

⁵⁴ This theme and the need to define the scope of practice for LLPs were stressed by the people we interviewed.

⁵⁵ Action Committee on Access to Justice in Civil and Family Matters, “Access to Civil & Family Justice: A Roadmap for Change” (October 2013) at 11–13, online (pdf): *Canadian Forum on Civil Justice* <www.cfcj-fcj.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf> [Action Committee, “Roadmap for Change”]. The Action Committee’s report, commonly referred to as the “Cromwell Report,” focuses on how changes across the entire justice sector can address access to justice issues in civil law and family law. It recommends expanding legal services in several ways, including by increasing opportunities and funding for paralegal services (*ibid* at 14).

⁵⁶ “Dean’s Forum on Dispute Resolution and Access to Justice: Summary notes from September 20, 2013” (last visited 21 February 2013) at 1, online (pdf): *University of Saskatchewan* <law.usask.ca/documents/research/deans-forum/01_FirstMeeting_2013SummaryNotes.pdf>.

problems occur”⁵⁷ and at which the cost to individuals is lowest and the opportunity to resolve the largest number of problems early is highest.⁵⁸



Question for engagement: What organizations would most benefit from having someone on staff who holds a legal designation to provide specialized and limited legal advice? Are there any organizations that would be ideal for a regulatory sandbox?

4.1.2 Comparison to Existing Models

To understand how this framework could operate, it is helpful to examine current programs with similar features. The Utah State Bar Licensed Paralegal Practitioner Program⁵⁹ (“Utah LLP Program”) limits the areas in which LLPs can practice to family law, landlord and tenant law, forcible entry and detainment, and debt collections.⁶⁰ The Utah LLP Program allows those without a professional law degree to take LPP-approved courses for ethics in their preferred area of practice.⁶¹ A legal designation

⁵⁷ Action Committee, “Roadmap for Change”, *supra* note 55 at 11.

⁵⁸ See *ibid* at 12.

⁵⁹ See generally Utah State Bar, “Licensed Paralegal Practitioner Program” (last visited 21 February 2020), online: <www.utahbar.org/licensed-paralegal-practitioner>.

⁶⁰ *Ibid*.

⁶¹ Scotti Hill, “Licensed Paralegal Practitioner Program Overview and Information” (last visited 25 February 2020), online (pdf): <www.utahbar.org/wp-content/uploads/2020/01/LPP-Info.pdf>. Applicants must also receive a certification from one of three national associations (*ibid*).

framework in Saskatchewan could operate similarly in allowing LLPs to take courses in their related field.

The Immigration Consultants of Canada Regulatory Council⁶² (“ICCRC”) is a regulatory body that oversees consultants permitted to advise clients exclusively on immigration matters.⁶³ The consultants are highly specialized in immigration law but do not provide any advice on other legal issues. Community service organization professionals with a legal designation would similarly be specialized and limited to legal issues in their particular field. The framework would allow LLPs to be specialists in depth.

Table 2. Comparison of two existing models with highly specialized professionals.

	ICCRC	Utah LLP Program
Strengths	Consultants are highly specialized in one area	Consultants are highly specialized in few areas Educational requirements ensure competency
Weaknesses	Costs for education, entry, and membership are the sole responsibility of the consultant	Educational requirements could be a barrier to entry

4.2 Court-worker or Tribunal-worker

A court-worker or tribunal-worker program would be modelled on the success of the Aboriginal Courtworker Program and would provide assistance to self-represented litigants (“SRLs”).

⁶² See generally Immigration Consultants of Canada Regulatory Council, “Welcome!” (last visited 21 February 2020), online: <icrc-crcic.ca>.

⁶³ *Ibid.*

4.2.1 The Framework

Through our consultations and research, we learned that the legal process is an area of significant confusion and difficulty for SRLs. **Under a court-worker framework, LLPs would provide procedural advice to clients, triage legal needs, create action plans, translate proceedings, and give information regarding forms.** These kinds of services may fall into the “grey area” between legal information and legal advice. Providing a clear framework would help clarify the role of these service providers.

There is also a need for procedural guidance in the administrative law context, which is where a tribunal-worker framework could provide solutions. Two specific areas suggested to us in consultations are the Office of Residential Tenancies and the Automobile Injury Appeal Commission (“AIAC”). Our interviews revealed that most individuals appearing at the AIAC are SRLs. Injury appeals often involve complex arguments and require sophisticated medical evidence. Most SRLs are not equipped to navigate this process and lack the knowledge and skills necessary to effectively advocate for themselves. The administrative tribunal context, in many ways, poses the same challenges as the court process.

4.2.2 Comparison to Existing Models

There are several models that should be evaluated when shaping a court-worker or tribunal-worker program for Saskatchewan.

The **Aboriginal Courtworker Program**, which is already in place in Saskatchewan, offers a model for the court-worker framework. The Aboriginal Courtworker Program provides services to Aboriginal adults and youth in the legal process in the areas of criminal and family law.⁶⁴ It offers valuable services in rural or remote areas of Saskatchewan, including by translating processes and outcomes so

⁶⁴ Government of Saskatchewan, “Aboriginal Courtworker”, *supra* note 51.

that users can understand and comply their conditions.⁶⁵ This service helps Indigenous persons avoid further issues because of non-compliance. It also allows them to participate within the justice system more meaningfully.

An existing program that could provide inspiration for the tribunal-worker framework is the **Office of the Workers' Advocate**⁶⁶ ("OWA"), which "may assist any worker, or any worker's dependant, with respect to any claim being advanced by the worker or dependant for compensation."⁶⁷

Other existing programs of interest are the **Legal Information Society of Nova Scotia Public Navigator Program**⁶⁸ ("Public Navigators") and the **New York Court Navigator Program**.⁶⁹ In Nova Scotia, Public Navigators are not formally trained lawyers but are instead community volunteers.⁷⁰ They are trained to assist SRLs in accessing legal information and ensure that they use proper court documents.⁷¹ The Nova Scotia program has a focus on alternative dispute resolution, training volunteers to provide information to help SRLs choose the best option for their legal problem.⁷²

The New York Court Navigator Program gives a broader scope to volunteers, where court navigators work in the housing court and civil court to provide moral support to litigants, explain procedure, and help with court forms.⁷³ Volunteers in the

⁶⁵ See *ibid.*

⁶⁶ See generally Government of Saskatchewan, "Request Help with Your WCB Claim or Appeal" (last visited 21 February 2020), online: <www.saskatchewan.ca/business/safety-in-the-workplace/assistance-for-wcb-claims-and-appeals>; see also *The Workers' Compensation Act, 2013*, SS 2013, c W-17.11, s 161.

⁶⁷ *The Workers' Compensation Act, 2013*, *supra* note 66, s 161(2).

⁶⁸ See generally Legal Information Society of Nova Scotia, "LISNS Award winning Public Navigator Project" (last visited 21 February 2020), online: *Legal Info* <www.legalinfo.org/current-projects/about-the-pn-project>; The Courts of Nova Scotia, "Representing Yourself in Court" (last visited 21 February 2020), online: <www.courts.ns.ca/Self_Reps/self-rep_home.htm>.

⁶⁹ See generally New York State Office of Court Administration, "Court Navigator Program" (last visited 21 February 2020), online: *New York Courts Unified Court System* <www.nycourts.gov/courts/nyc/housing/rap.shtml>.

⁷⁰ See Legal Information Society of Nova Scotia, *supra* note 68.


⁷¹ See Courts of Nova Scotia, *supra* note 68.

⁷² See Legal Information Society of Nova Scotia, *supra* note 68.

⁷³ See New York State Office of Court Administration, *supra* note 69.

New York program are not formally trained lawyers but are required to attend a training seminar that includes in-class and on-site training.⁷⁴



 **Question for engagement:** How could a volunteer court navigator be implemented in Saskatchewan? What kind of structures could be put in place to ensure volunteers are competent and effective?

[illegible]

Each of these existing programs has relative advantages and disadvantages, some of which are summarized in Table 3, *below*.

Table 3: Comparison of existing models relevant to a court-worker or tribunal-worker program for LLPs.

	Workers' Advocates	Aboriginal Courtworker Program	Nova Scotia Public Navigator Program	New York Court Navigator Program
Strengths	Advocates are highly specialized in one area	Program addresses cultural and language needs	Volunteer program addresses cost concerns	Volunteer nature of program addresses cost concerns

⁷⁴ See City of New York, “Volunteer opportunity description”, online: *NYC Service* <www.nycservice.org/opportunities/9186>.

		Courtworkers are highly specialized in one area		<p>Navigators provide moral support in addition to legal support</p> <p>Navigators work specifically in housing and civil matters</p>
Weaknesses	Capacity and cost issues: large number of tribunals could make having advocates for each one difficult	<p>Limited capacity</p> <p>Provides services for Indigenous litigants exclusively</p> <p>Aids once at the litigation phase, rather than focusing on ADR</p>	Volunteer nature of program could pose competency risks	Volunteer nature of program could pose competency risks

4.3 Private sector

Our final proposed model addresses the potential of LLPs in the private sector. With any gap in the market, private businesses will look to fill the need only if it is economically viable. In conceptualizing a private sector LLP model in Saskatchewan, these professionals could be seen in three distinct areas: (1) working in law firms; (2) part of other private organizations; or (3) as stand-alone businesses.

4.3.1 The Framework

Defining the scope of practice for LLPs in the private sector is particularly important. Other jurisdictions such as Washington and Ontario have focused on defining the

scope by substantive areas of law.⁷⁵ In Saskatchewan, given the smaller population and geographical considerations, focusing on areas of law would likely not be viable.⁷⁶ **Instead, the focus could be on limiting the scope of the industries in which the LLPs can practice.** One example of an organization providing limited services in this manner is **Altus**, which works exclusively in the property assessment industry.

Determining the services that a private sector LLP can provide requires consideration of direct/outward services and internal services. **Outward services** could include things like legal information, triage, document preparation, interviews of clients, and so on. **Internal services** (for LLPs working within larger organizations) could include assisting with things such as witnesses preparation, document and footage review, and signing off on smaller internal processes that are normally done by a lawyer.⁷⁷

4.3.2 Comparison to Existing Models

In the private sector, there are three models on which we focused our study: (1) the **Washington paralegal**; (2) the **Ontario paralegal**; and (3) the **property assessment agents**. Each of these models has their own strengths and risks that were all considered when conceptualizing a Saskatchewan model.

Table 4: Comparison of existing private sector models.

	Washington LLLTs	Ontario Paralegals	Property Agents
Strengths	Focus on family law means paralegals are highly specialized	Strong regulatory framework	Internal regulation and training - cost effective for LSS

⁷⁵ See “Limited License Legal Technicians” (2 January 2020), online: *Washington State Bar Association* <www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians>; “Paralegals” (last visited 21 February 2020), online: *Law Society of Ontario* <lso.ca/public-resources/your-law-ontario-law-simplified/paralegals>.

⁷⁶ See LSTT, *supra* note 6 at 53.

⁷⁷ These particular ideas arose from our consultations.

	Narrow scope means easier regulation	Addresses multiple areas of legal practice - consumer choice	Fills one specific niche - stay limited in scope
Risks	<p>Cost of training is a barrier to entry</p> <p>Single focus on family law and high cost to entry raise concerns regarding effectiveness at addressing access to justice needs</p>	<p>Built for a much larger and different geographical population than Saskatchewan</p> <p>High regulation costs</p>	<p>Internal processes are not consistent across all businesses - LSS would need to vet them</p> <p>Liability - who insures them</p>

Our consultations highlighted several other risks and strengths particular to the Saskatchewan private sector context. One of the main strengths of having a private sector option is **consumer choice**. There are a number of people who cannot afford a lawyer but are willing to pay some amount for legal services.⁷⁸ Another major strength is **long-term viability**. As addressed earlier, organizations like CLASSIC and PBLs are essential in our communities. However, the organizations such as these cannot meet the entirety of legal needs.

In order to ensure long-term viability, there must be a wide range of services that includes publicly funded options without putting too much pressure on them. This is where LLPs in the private sector can address part of the justice gap affecting people who do not qualify for CLASSIC or Legal Aid but cannot afford the full cost of a lawyer.


Many of the risks identified during consultations centred on regulation and protection of the public interest. Concerns regarding **competency, liability, ethics and insurance** were raised by multiple stakeholders. Interviewees also noted risk relating to perception and culture within the legal profession. One concern is that private

⁷⁸ This point was emphasized by people we consulted.

sector **LLPs will be much less viable without the support of lawyers**. There will be overlap between the scope of practices of lawyers and LLPs and, in the private sector, law firms will be instrumental in helping LLPs find footing.

Although the private sector option may present more risks than our other two frameworks, it will be necessary in the long-term. Not only will this option **provide more market choice** for people who can afford some services but not a lawyer, but it will also **allow organizations like CLASSIC to assist people who cannot afford any services**. This model is most viable in urban areas but reducing the pressure on public options in urban areas has the potential to allow those options more reach into rural and remote parts of Saskatchewan.



 **Question for engagement:** LLPs have the advantage of being able to perform similar services to lawyers at a lower rate. What tasks (either internal or with clients) would make more sense done by an LLP in a law firm or private organization?

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

5.0 Implementation and Evaluation

5.1 Applying the Regulatory Sandbox to the Frameworks

There are three stages to a regulatory sandbox. Each of our three suggested frameworks (legal designation, court-workers, and private sector) could fit within this approach as an effective way to experiment with ways to meet the regulatory requirements needed to successfully implement LLPs while mitigating risks to the public interest. The following subsections discuss how the frameworks would look when implemented using the regulatory sandbox concept.

5.1.1 Stage 1: Application

As discussed above, the LSS is already taking steps that would fall under this stage of the regulatory sandbox approach.⁷⁹ The LSS has an opportunity to formalize an application process for the service providers that it is identifying and choose participants that fit within the models we have suggested or within variations of those models.

However, the LSS would also need to establish clear guidelines for participants and decide whether informed consent from consumers would be required for any sandbox experiment.

Each of our proposed frameworks would require special considerations under the application stage when establishing them in the regulatory sandbox. Table 5, *below*, summarizes some of these considerations:



Figure 2. Stage 1 of a regulatory sandbox. Adapted Hagan.

⁷⁹ See LSS, *supra* note 47 and accompanying text: the LSS is currently identifying individuals and organizations who are providing limited legal service and may continue to do so.

Table 5: Special considerations for establishing each proposed framework in the regulatory sandbox.

Legal Designation	Court-worker	Private Sector
<ul style="list-style-type: none"> Non-profits and community organizations as participants 	<ul style="list-style-type: none"> Consult with the courts Volunteer or non-volunteer? 	<ul style="list-style-type: none"> What private law firms would be interested What size of firm would be appropriate

5.1.2 Stage 2: Sandbox Experiments

The second stage of the regulatory sandbox would focus on testing each of the frameworks and service providers. Once eligible participants are chosen, the guidelines are established, and waivers are issued, participants would begin offering legal services within the agreed scope.

At this stage, the participants will do much of the work, but the LSS would continuously touch base with them and collect data and feedback at agreed intervals and in an

agreed form. **Communication is crucial:** continued conversations between the participants and the LSS will generate the much-needed data that will be used to decide whether any given framework is adopted, modified, or abandoned. If a sandbox poses too much risk to the public and those risks cannot be managed, then it may need to be abandoned at this stage.

Several items can be tested at this stage of the sandbox. In particular, we identified two main categories of testable concepts: (1) administrative; and (2) risk mitigation strategies. **Administrative items** refer to the requirements set out in a new provision of the *Legal Professions Act*,⁸⁰ such as education, fees, and ability to vote and

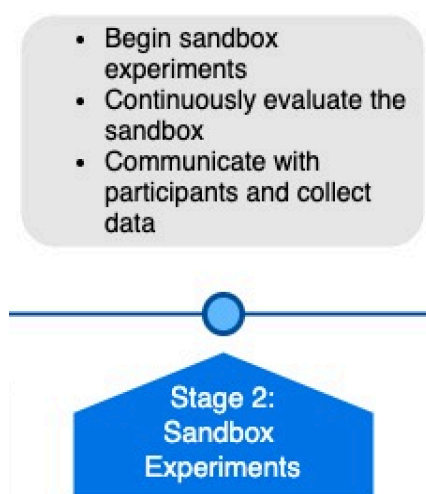


Figure 3. Stage 2 of a regulatory sandbox. Adapted from Hagan.

⁸⁰ SS 1990-91, c L-10.1, s 24.1(2).

sit as benchers.⁸¹ These items may be tested in the sandbox, or the LSS may simply consult with participants regarding the parameters. **Risk mitigation** refers to things such as insurance requirements, competencies, scope of practice, and support systems for LLPs. These items can be thoroughly tested in the sandbox.

The three potential strategies listed below would benefit from having the sandbox space to determine their effectiveness at protecting the public while still encouraging industry growth.

1. Organizational oversight

Our consultations made it clear that having LLPs as part of law firms or other larger organizations is one way of lowering the risk of LLPs going beyond their scope. Interviewees also identified **organizational oversight as a way to deal with liability issues and ethical considerations**. The larger organization would provide the internal oversight structures, insurance coverage, and support system for LLPs.

2. Clear boundaries

Clear boundaries can help mitigate risk and define scopes of practice. The people that we interviewed compared LLPs and lawyers to nurses and doctors. Each pair of professionals has overlapping duties, but there are clear lines as to where one area of practice ends and the other begins.

Two possible boundary options for LLPs are representation and document preparation. **Representation boundaries** could involve clearly setting out which courts and tribunal proceedings are open to LLPs and which are exclusive to lawyers. **Documentation boundaries** could specify certain types of documents that can be prepared by LLPs solely and others that some can be prepared by LLPs but require


⁸¹ *Ibid.*

the supervision of a lawyer. Other documents could be restricted to preparation by lawyers only.

3. Built-in support system

One of the concerns with LLPs working without the supervision of a lawyer is that they could easily go outside their scope and not realize they are providing inaccurate information or faulty advice. Having an established support system that involves lawyers and allows LLPs to contact the LSS without fear of discipline if they have questions would **create a safety net for LLPs and reduce the likelihood of these scope problems**. Structuring these supports similar to the current program available to new lawyer sole-practitioners would make use of already existing LSS frameworks.



 **Question for engagement:** What other possible risk mitigation strategies could be tested in the sandbox, keeping in mind a balance between public protection and barriers to entry?

[illegible]

Table 6, *below*, summarizes some of the special considerations for each framework that should be considered under the application stage when testing strategies and structures.

Table 6: Special considerations for testing strategies and structures of each proposed framework

Legal Designation	Court-worker	Private Sector
Available lawyers who can assist workers or be designated referral options	Paid public sector workers or volunteers?	Minimum size of firm or organization required for participants

5.1.3 Stage 3: Evaluation

The last, but arguably most important, stage of the regulatory sandbox is evaluation. This stage is **where all the data, feedback, and input gathered during Stage 2 is analysed**. Regulatory sandboxes can be used to test programs that promote many objectives such as protecting the interests of the public, protecting the interests of consumer, encouraging diversity within the legal profession, and many more.

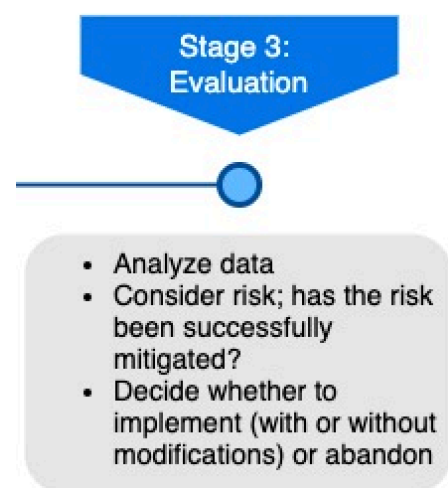


Figure 4. Stage 3 of a regulatory sandbox. Adapted from Hagan.

As the main focus of the Dean’s Forum is advancing access to justice, we have adopted the access to justice measurement framework from A2JBC as the primary method of analysis.

As discussed above, we selected **five indicators from the expansive A2JBC measurement framework**. We strategically chose these factors based on our initial research and our consultations with stakeholders. Each of our model frameworks positively address the indicators in different ways, which is important to reducing gaps in legal services offered. Not every framework will fill the same justice gaps.

Table 7: Ways in which each proposed framework addresses the five selected performance indicators from the A2JBC measurement framework.

Indicator	<u>Legal</u> <u>Designation:</u> Main strength: early intervention	<u>Court Worker:</u> Main strength: focus on procedure	<u>Private Sector:</u> Main strength: increased consumer choice
Mitigation of impact of legal problems	Early intervention in a specific field	Reduce procedural aspects of legal problems	Option between pro bono and full lawyer services
Voice and participation	Early intervention allows users to exercise legal rights throughout the process	Procedural knowledge increases ability to meaningfully participate in the legal process	Consumers can choose the level of participation and services that is right for them
Need for legal advice	Provides advice for legal problems related to human service agencies when the problem is identified	Provides procedural advice for courts and alternative dispute resolution options	Provides more affordable and possibly appropriate option than full representation when users need advice
Accessibility of justice system	Able to reach a wider range of the population through the organization they work with	Available wherever courthouses are and no requirements for who can access the services	More accessible option for urban centres—can relieve pressure on public on non-profit sector
Social and economic costs	Intervenes early, reducing social and economic impact	Reduces procedural issues and moves users through the process more efficiently	Provides a cost-effective option so users can choose when and what services they need

6.0 Conclusion

This paper is a tool for supporting collaboration among stakeholders in the development of sustainable opportunities for LLPs in Saskatchewan. As noted by the LSTT's call to action, the success of these LLP programs will require engagement from a wide range of players, including legal professionals, participants, and the people who need access to legal services. The regulatory sandbox concept that we present is one way that we can effectively and efficiently establish that engagement.

There are many opportunities for potential LLP programs in the regulatory sandbox, including the three model frameworks that we outline. The legal designation option for community service workers, the court-worker or tribunal-worker program, and the private sector LLP design are examples of options that are likely to balance access to justice concerns with protection of the public and mitigation of risk. However, these models are not intended to be the end of the discussion; rather, **they are merely the beginning of a dynamic process.**

The performance measurement indicators that we have outlined in this paper can serve as tools for evaluating the effectiveness of the LLP models within the regulatory sandbox. It is important that LLPs serve to mitigate the impacts of legal problems; increase user voice and participation; improve the availability of legal advice; increase access to the justice system for Indigenous and remote populations; or reduce social and economic costs.

The creation of a regulatory framework for a new class of legal paraprofessionals is a complex and evolving topic. We encourage you to use the concepts that we discuss in this paper as foundations for a regulatory sandbox that will lead to the creation of concrete pilot projects, rules, and support systems for what can and will be an essential component of improving access to justice in Saskatchewan.

7.0 Role of Technology: A Supplemental Report

By Melissa Craig and Allyse Cruise*

The possible roles of technology are expansive. **Within a regulatory sandbox and any LLP pilot project, there is potential to utilize technological innovations to improve efficiency, enhance access, and better serve consumers.** The LSTT recognized in its report that “there may be opportunities for collaboration with other professionals arising from the Task Team’s recommendations” as the role of technology in law continues to evolve.⁸²

7.1 Technology Innovations

Many of the areas of the law that are tailored to LLP pilot projects and regulatory sandbox initiatives are also well-suited to enhanced efficiencies through technology. Well-designed technology can assist in the performance of individuals who choose to practice under an LLP project.

The concept of “centaurs” should be considered for long-lasting LLP success. Centaurs involve technology solutions working in partnership with humans.⁸³ When individuals are assisted by the best technology, those individuals create results superior to either technology or individuals alone.⁸⁴ **Technology will not replace professionals; it will allow them to work more efficiently,** which has positive access to justice implications. For example, software programs can, and in some jurisdictions

* Student researchers and presenters of the seventh annual Dean’s Forum. See Melissa Craig, Allyse Cruise & Jianna Rieder, “Meeting Saskatchewan’s Justice Needs with Technology” (13 March 2019), online (pdf): *University of Saskatchewan* <law.usask.ca/documents/research/deans-forum/Topic2_MeetingSKJusticeNeedswithTech_PolicyDiscussion.pdf>.

⁸² LSTT, *supra* note 6 at 60.

⁸³ See Daniel Jeffries, “AI in Five, Fifty and Five Hundred Years—Part One” (13 September 2019), online: *Hackernoon* <hackernoon.com/ai-in-five-fifty-and-five-hundred-years-part-one-e630058b547f?fbclid=IwAR0obFttQUzSocRq0-2E2-AhLfr8axMsZ5Bqw7TVspusaFlonzBic1EfALA>.

⁸⁴ *Ibid.*

are, assisting with wills, family law, and other areas of legal practice that are ripe for access to justice improvements.⁸⁵

The legal technology market currently encompasses two “types” of products. The first aims to **allow consumers to solve their legal problems on their own**. The second is targeted at **legal professionals for practice efficiency**. Examples of a basic consumer-facing tools that aid in access to justice are online plain language legal information services such as Ontario’s Steps to Justice.⁸⁶ Other tools for consumers include online dispute resolution portals such as British Columbia’s Civil Resolution Tribunal.⁸⁷

Tools that help lawyers work more efficiently include programs such as Clio⁸⁸ and ROSS Intelligence.⁸⁹ A hybrid model—which considers both legal professionals utilizing technology to work more effectively and consumers seeking assistance with their legal problems—would serve LLP pilot projects well. Lawyers who specialize in the practice fields that LLP projects encompass, could lend experience to software development or evaluation. Consequently, the potential risk caused by removing lawyers from the process can be reduced.

Many jurisdictions are considering how emerging technologies should be regulated to facilitate access to justice and to protect the public. For example, the Law Society of Ontario (“LSO”) has created a “Technology Task Force” composed of lawyers, paralegals, and publicly appointed lay-benchers.⁹⁰ The Technology Task

⁸⁵ See e.g. DoProcess Software, “Products” (last visited 1 March 2020), online: <www.doprocess.com/products>; Family Law Software, Inc., “Software for Family Law Professionals” (last visited 1 March 2020), online: <www.familylawsoftware.com>.

⁸⁶ Community Legal Education Ontario, “About Steps to Justice” (last visited 29 February 2020), online: *Steps to Justice* <stepstojustice.ca/about-steps-justice>.

⁸⁷ Civil Resolution Tribunal, “Welcome to the Civil Resolution Tribunal” (last visited 29 February 2020), online: <civilresolutionbc.ca>.

⁸⁸ Themis Solutions Inc., “Legal Practice Management and Client Intake Software” (last visited 29 February 2020), online: *Clio* <www.clio.com>.

⁸⁹ ROSS Intelligence, Inc., “Make today the last day you dread legal research.” (last visited 29 February 2020), online: *ROSS Intelligence* <rossintelligence.com>.

⁹⁰ LSO, “Technology Task Force” (last visited 1 March 2020), online: <lso.ca/about-lso/initiatives/technology-task-force>.

Force's role is to analyse potential regulatory approaches and tools to embrace technology in the legal sphere effectively and, in doing so, protect the public and facilitate access to justice.⁹¹

The details of the Technology Task Force's research can be found in its "Update Report."⁹² The report offers a possible regulatory framework to deal with services offered directly to the public by formally expanding the LSO's mandate and clarifying that it regulates all legal services in all forms offered in Ontario.⁹³ Another framework the Technology Task Force has considered is limiting the LSO's mandate to regulate clearly only lawyer and paralegal licensees, which would open the door for activities to be provided by non-licensees, such as legal technology tools.⁹⁴

Similar to how a regulatory sandbox incorporates participant feedback and modification where necessary, the development of new technologies for LLPs and lawyers should involve an *iterative design framework* that incorporates user feedback throughout the design phase of a technology solution.⁹⁵ The idea is to create an "iterative" feedback loop by establishing prototypes that are continually tested with actual users. Iterative design differs from linear design forms in that the focus is on capturing feedback throughout the process, not at the end when it is difficult to make adjustments.⁹⁶ **Once innovative technologies have been developed and tested through the iterative design process, they could be introduced to LLP pilot projects to enhance efficiency and improve outcomes of the regulatory sandbox.**

⁹¹ *Ibid.*

⁹² Technology Task Force, "Update Report" (29 November 2019), online (pdf): *Law Society of Ontario* <lawsocietyontario.azureedge.net/media/lso/media/about/convocation/2019/convocation-november-2019-technologytaskforce-report.pdf>.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ See Peter Prud'homme van Reine, "The culture of design thinking for innovation" (2017) 5:2 *J Innovation Management* 56 at 66–67.

⁹⁶ See *ibid.*

7.2 Technology in Legal Education

Legal education is changing. Law and technology is an area ripe for growth in legal education.⁹⁷ Understanding how technology is shaping legal practice today should be a priority for traditional legal training and LLP training programs.

“As law schools continue to distinguish themselves and seek innovative ways to provide legal education, there may be opportunities to expand the scope of program offerings to support different types of practice or legal skills for a broader range of students, including those who may seek opportunities arising out of the Task Team’s recommendations.”

- *Legal Services Task Team* (at 61)

Worldwide, renowned legal institutes are offering students advanced legal technology courses. Colleges such as Berkeley Law and Dalhousie have chosen to provide certificates signifying a student’s educational focus on technology.⁹⁸ Other institutes have created standalone centres focused on legal technology research. The University of Helsinki has a dedicated legal technology lab,⁹⁹ and Stanford has created a legal design lab.¹⁰⁰ Ryerson University curriculum heavily focuses on creating a 21st century legal graduate. The program includes a “Technology Innovation Bootcamp” within the first year and a “Coding Bootcamp” in year two.¹⁰¹

As society moves away from the “information age” to the “algorithmic society,” some argue that the duty for legal professionals should include competence

⁹⁷ Oliver Goodenough, “Developing an E-Curriculum: Reflections on the Future of Legal Education and on the Importance of Digital Expertise” (2013) 88:3 Chicago-Kent L Rev 845.

⁹⁸ UC Berkeley School of Law, “Law & Technology Certificate Program” (last visited 1 March 2020), online: <www.law.berkeley.edu/research/bclt/students/law-technology-certificate-program>; Schulich School of Law at Dalhousie University, “Law & Technology Institute” (last visited 1 March 2020), online: <www.dal.ca/faculty/law/LATI/Teaching.html>.

⁹⁹ University of Helsinki, “Legal tech Lab” (last visited 1 March 2020), online: <www.helsinki.fi/en/networks/legal-tech-lab>.

¹⁰⁰ Stanford University, “The Legal Design Lab” (last visited 1 March 2020), online: <law.stanford.edu/organizations/pages/legal-design-lab/#slsnav-our-mission>.

¹⁰¹ Ryerson University Faculty of Law, “Program Information” (last visited 1 March 2020), online: *Ryerson University* <www.ryerson.ca/law/program>.

in the use of technology.¹⁰² Legal education organizations must prepare lawyers and LLPs to do this in an ethical way. The use of interdisciplinary methods, such as Design Thinking,¹⁰³ within the legal education sphere creates the opportunity for students and educators to help re-imagine the delivery of legal services and aid with the access to justice gap.¹⁰⁴ The LSS has a unique opportunity to develop educational requirements for LLPs that would ensure that this new class of paraprofessionals is embracing and utilizing technology.



 **Question for engagement:** What technology solutions should be considered when designing the LLP pilot programs?

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

¹⁰² See e.g. Jamie J Baker, "Beyond the Information Age: The Duty of Technology Competence in the Algorithmic Society" (2018) 69:3 SCL Rev 557.

¹⁰³ Design thinking is a user-centred method of creative problem-solving. See Hasso Plattner Institute of Design at Stanford University, "Get Started with Design Thinking" (last visited 3 March 2020), online: <dschool.stanford.edu/resources-collections/getting-started-with-design-thinking>.

See Dan Jackson, "Human-Centered Legal Tech: Integrating Design in Legal Education" (2016) 50:1 L Teacher 82.

Appendix A: Existing Programs, Policies, and Innovations

Jurisdiction	Program	Inception	Scope of Allowable Practice	Links to Resources and Commentary
Utah	LLP Program	2018	Family law; forcible entry and detainer; debt collection for small claims	https://www.utahbar.org/licensed-paralegal-practitioner/
Canada	Immigration Consultant	2011	Immigration	https://icrc-crcic.ca/
Saskatchewan	Workers' Advocates		Workers' compensation issues; soon automobile injury accident issues	https://www.saskatchewan.ca/business/safety-in-the-workplace/assistance-for-wcb-claims-and-appeals#assistance-and-representation
Saskatchewan	Aboriginal Courtworker Program	1978 (federal)	Criminal and family matters; only available for Aboriginal youth and adults	https://www.justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html https://www.saskatchewan.ca/residents/justice-crime-and-the-law/courts-and-sentencing/aboriginal-courtworker-program
Nova Scotia	Public Navigator Program	2016	Information only on court and ADR processes	https://www.legalinfo.org/current-projects/about-the-pn-project#interested-in-being-a-volunteer-navigator
New York	Court Navigator Program	2014	Court processes for housing and civil court	https://www.nycourts.gov/courts/nyc/housing/rap.shtml

Washington	Limited License Legal Technicians	2019	Family law	https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2561&context=sulr https://ideas.dickinsonlaw.psu.edu/cgi/viewcontent.cgi?article=1043&context=dlr
Ontario	Paralegals	2007	Small claims; traffic court; tribunals; some criminal matters	https://lso.ca/public-resources/your-law-ontario-law-simplified/paralegals
Ontario	Altus Property Agents	2000	Property assessment	https://www.altusgroup.com
British Columbia	Notaries Public		Limited legal services; execution of documents	https://www.notaries.bc.ca/resources/showContent.rails?page=Services%20BC%20Notaries%20Provide
British Columbia	Designated Paralegal	2012	Give legal advice (under lawyer supervision)	https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/law-office-administration/paralegals/
British Columbia	Potential new class of legal service professionals	TBD		https://www.lawsociety.bc.ca/Website/media/Shared/docs/initiatives/2018AltLegalServiceProviders-Consultation.pdf

Arizona	Legal Document Preparers (LDP)		Prepare legal documents; provide general factual information	https://www.azcourts.gov/cld/Legal-Document-Preparer-Program
California	Legal Document Assistants (LDA)	1998	Distribute legal materials that have been approved by a lawyer; Prepare legal documents under supervision of consumers; File legal documents with courts	https://calda.org/What-is-a-Legal-Document-Assistant-(LDA)
Nevada	Legal Document Preparation Services	2013	Prepare pleadings, applications, or other documents; Translate answers to questions posed in legal documents	https://www.courts.state.co.us/userfiles/file/Court_Probation/17th_Judicial_District/Adams/Navigator%20Flyer%20rev%202018.pdf https://www.nvsos.gov/sos/licensing/document-preparation-services
Colorado	Court Navigators	2016	Similar to New York's Program	http://napco4courtleaders.org/wp-content/uploads/2019/08/Nonlawyer-Navigators-in-State-Courts.pdf
Minnesota	Paralegal Practitioners (not pursued)	2017		https://digitalcommons.hamline.edu/cgi/viewcontent.cgi?article=1091&context=dhp
Alberta	Caseflow Managers	2005	All self-represented litigants are required to meet with a case-flow manager before anything other than pleadings can be done.	http://www.qp.alberta.ca/documents/Regs/2005_150.pdf

			They assist with creating action plans, documents, processes, and assess suitability and refer people to certain processes	
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Appendix B: Consultations

1. Gerald Tegart, Q.C., Co-chair of the LSTT, President of the LSS
2. Glen Gardner Q.C., Deputy Minister of Justice and Deputy Attorney General
3. Melanie Hodges Neufeld, Director of Legal Resources, Outreach and Access, LSS
4. Jody Martin, Director of Regulation, LSS
5. Sarah Buhler, Associate Professor, College of Law, University of Saskatchewan
6. Altus Group, Altus Expert Services, North American Tax Services
7. Tom Schonhoffer, Q.C. Chief Commissioner of the Automobile Injury Appeal Commission
8. Audrey Olson, Senior Crown Counsel, Court Services, Ministry of Justice
9. Rhonda Hueser, Director of the Aboriginal Courtworker Program
10. Kim Newsham, Senior Crown Counsel, Family Justice Services Branch
11. Rolande Wright, Crown Counsel Assistant, Family Justice Services Branch
12. Janelle Anderson, Former employee of the Ministry of Justice, member of the LSTT Joint Staff Working Group.

Appendix C: Access to Justice Measurement Framework (from A2JBC)

Main Dimensions Captured by the Measurement Framework



Figure 5. Main dimensions captured by the A2JBC measurement framework. Courtesy of A2JBC.¹⁰⁵

¹⁰⁵ Dandurand & Jahn, *supra* note 33 at 6.

Table 1 - Access to Justice Measurement Framework - Summary		
Elements	Dimensions	Components
Improving Population Access to Justice	Prevalence of legal needs/problems	<ul style="list-style-type: none"> • Prevalence of legal problems in the population • Prevalence of unaddressed legal needs in the population • Public legal awareness
	Response to legal needs	<ul style="list-style-type: none"> • People's choice of path to justice • Legal information and education needs • Legal advice needs • Need for legal representation and other legal assistance • Need for consensual dispute resolution process
	Fair and equitable access to justice	<ul style="list-style-type: none"> • Accessibility of justice system for British Columbians <ul style="list-style-type: none"> • Including geographical access, accessibility for Indigenous people, accessibility for people with mental illness, and accessibility for immigrants and refugees • Financial access to justice system • Timeliness of access to justice system
	Social and economic impact of access to justice	<ul style="list-style-type: none"> • Social policy objectives • Protection of people's rights • Public confidence in the justice system • Public confidence in social institutions • Gender equality • Justice for Indigenous people • Social & economic costs and benefits of access to justice
Improving User Experience of Access to Justice	User experience of obstacles to access to justice	<ul style="list-style-type: none"> • Obstacles to access (distances, technology, affordability) • Eligibility to services • Affordability of services • Delays in accessing justice services and their impact
	Quality of user experience of the justice system	<ul style="list-style-type: none"> • Quality of legal information and education • Trust and confidence in legal information • User empowerment • Quality of referral services • Quality of legal advice • Quality of legal assistance and representation • Experience of self-represented litigants • Quality of consensual dispute resolution processes
	Effectiveness of justice system in addressing user legal problems	<ul style="list-style-type: none"> • Effective resolution of legal problems • Mitigated impact of legal problems • Prevention of legal problems • Prevention of conflicts • Unmet legal needs and their consequences • Limits to the assistance received
	Appropriateness of the justice process	<ul style="list-style-type: none"> • Fairness, equity and impartiality of the process • Cultural appropriateness • Voice and participation
	Justice outcomes for the users	<ul style="list-style-type: none"> • Outcomes of the justice process • User satisfaction with outcomes of justice process • Compliance with court orders, judgments, and mediated agreements • Post-resolution support • User enhanced legal awareness • Enhanced legal capability
Improving Costs	Per-capita costs of services	<ul style="list-style-type: none"> • Per capita costs of services • Impact on new initiatives on per-capita costs
	Per-user costs of services	<ul style="list-style-type: none"> • Per user costs by type of services • Impact of new initiatives on per-user costs
	Other costs	<ul style="list-style-type: none"> • Social and economic costs of unresolved legal problems • Impact of unresolved problems on costs in other sectors

Figure 6. Table summarizing the A2JBC measurement framework. Courtesy of A2JBC.¹⁰⁶

¹⁰⁶ *Ibid* at 9.

Appendix D: Compilation of Tables

Table 1. Organizations seeking to address legal needs.

Program	Main Focus	Target Audience	Reach of Services
Saskatchewan Legal Coaching and Unbundling Project	Improving awareness of limited scope service	Lawyers and the public	58 lawyers actively offering limited scope services across Saskatchewan ¹⁰⁷
Saskatchewan Access to Legal Information Project	Providing education and tools needed for providing legal information in libraries	Librarians	Requests for legal information are addressed in 30 minutes or less ¹⁰⁸
Saskatchewan Legal Aid Commission	Providing legal services in mostly criminal and family law ¹⁰⁹	Low income applicants who qualify	14,619 applicants in 2018–19, mostly ages 25–36 ¹¹⁰
Pro Bono Legal Services (“PBLS”)	Providing free legal services, specialized legal clinics, and referrals to other programs mostly in family and civil law ¹¹¹	Low income applicants who qualify	Over 1,000 attendees to clinics and over 3,100 calls to the office—all were assisted or referred ¹¹²
Community Legal Assistance Services for	Providing free legal services through walk-in	Low income applicants who qualify—	Over 1,500 people in 2018–19 ¹¹³

¹⁰⁷ See Sask Legal Coaching and Unbundling Pilot Project, “About” (last visited 21 February 2020), online: <www.skldcup.com>.

¹⁰⁸ CREATE Justice, “Saskatchewan Access to Legal Information Data Collection Pilot Project 1.0 Report” at 4, online (pdf): *University of Saskatchewan* <law.usask.ca/createjustice/documents/SALI_DataCollectionPilotProject_1.0.pdf>.

¹⁰⁹ The Saskatchewan Legal Aid Commission, “2018 - 2019 Annual Report” (last visited 21 February 2020) at 5, online (pdf): <legalaidsk.ca/community_resources/documents/LegalAidAnnualReport20182019.pdf>.

¹¹⁰ *Ibid.*

¹¹¹ Pro Bono Law Saskatchewan, “2017 Annual Report” (last visited 21 February 2020) at 4, online (pdf): <www.pblsask.ca/fileadmin/pblsask/storage/uploads/public/PBLS_Annual_Report_2017_%2800169282xB6EE0%29.pdf>.

¹¹² *Ibid.*

¹¹³ CLASSIC Inc., “2018-2019 Annual Report” (last visited 21 February 2020) at 4, online (pdf): <www.classiclaw.ca/uploads/1/6/8/5/16850750/2018-2019_annual_report.pdf>.

Saskatoon Inner City (“CLASSIC”)	clinics, legal advice clinics, and identification clinics mostly in criminal and family law	specifically in Saskatoon inner city	
Pro Bono Students Canada (“PBSC”)	Work with other organizations to provide services and research	Organizations that work in the justice sector	Over 15,000 individuals nationally in the 2018–19 year ¹¹⁴
Public Legal Education Association of Saskatchewan (“PLEA”)	Provide general information and resources on a variety of legal subjects	Public	Information available online and in print on 15 topics ¹¹⁵

Table 2. Comparison of two existing models with highly specialized professionals.

	ICCRC	Utah LLP Program
Strengths	Consultants are highly specialized in one area	Consultants are highly specialized in few areas Educational requirements ensure competency
Weaknesses	Costs for education, entry, and membership are the sole responsibility of the consultant	Educational requirements could be a barrier to entry

¹¹⁴ Pro Bono Students Canada, “Impact” (last visited 21 February 2020), online: <www.probonostudents.ca/impact>.

¹¹⁵ See PLEA, “Saskatchewan’s source for free legal information.” (last visited 21 February 2020), online: <www.plea.org>.

Table 3: Comparison of existing models relevant to a court-worker or tribunal-worker program for LLPs.

	Workers' Advocates	Aboriginal Courtworker Program	Nova Scotia Public Navigator Program	New York Court Navigator Program
Strengths	Advocates are highly specialized in one area	Program addresses cultural and language needs Courtworkers are highly specialized in one area	Volunteer program addresses cost concerns	Volunteer nature of program addresses cost concerns Navigators provide moral support in addition to legal support Navigators work specifically in housing and civil matters
Weaknesses	Capacity and cost issues: large number of tribunals could make having advocates for each one difficult	Limited capacity Provides services for Indigenous litigants exclusively Aids once at the litigation phase, rather than focusing on ADR	Volunteer nature of program could pose competency risks	Volunteer nature of program could pose competency risks

Table 4: Comparison of existing private sector models.

	Washington LLLTs	Ontario Paralegals	Property Agents
Strengths	Focus on family law means paralegals are highly specialized Narrow scope means easier regulation	Strong regulatory framework Addresses multiple areas of legal practice - consumer choice	Internal regulation and training (cost effective for LSS) Fills one specific niche - stay limited in scope
Risks	Cost of training is a	Built for a much	Internal processes

	barrier to entry Single focus on family law and high cost to entry raise concerns regarding effectiveness at addressing access to justice needs	larger and different geographical population than Saskatchewan High regulation costs	are not consistent across all businesses - LSS would need to vet them Liability - who insures them
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Table 5: Special considerations for establishing each proposed framework in the regulatory sandbox.

Legal Designation	Court-worker	Private Sector
<ul style="list-style-type: none"> Non-profits and community organizations as participants 	<ul style="list-style-type: none"> Consult with the courts Volunteer or non-volunteer? 	<ul style="list-style-type: none"> What private law firms would be interested What size of firm would be appropriate

Table 6: Special considerations for testing strategies and structures of each proposed framework

Legal Designation	Court-worker	Private Sector
Available lawyers who can assist workers or be designated referral options	Paid public sector workers or volunteers?	Minimum size of firm or organization required for participants

Table 7: Ways in which each proposed framework addresses the five selected performance indicators from the A2JBC measurement framework.

Indicator	<u>Legal</u> <u>Designation:</u> Main strength: early intervention	<u>Court Worker:</u> Main strength: focus on procedure	<u>Private Sector:</u> Main strength: increased consumer choice
Mitigation of impact of legal problems	Early intervention in a specific field	Reduce procedural aspects of legal problems	Option between pro bono and full lawyer services
Voice and participation	Early intervention allows users to exercise legal rights throughout the process	Procedural knowledge increases ability to meaningfully participate in the legal process	Consumers can choose the level of participation and services that is right for them
Need for legal advice	Provides advice for legal problems related to human service agencies when the problem is identified	Provides procedural advice for courts and alternative dispute resolution options	Provides more affordable and possibly appropriate option than full representation when users need advice
Accessibility of justice system	Able to reach a wider range of the population through the organization they work with	Available wherever courthouses are and no requirements for who can access the services	More accessible option for urban centres—can relieve pressure on public on non-profit sector
Social and economic costs	Intervenes early, reducing social and economic impact	Reduces procedural issues and moves users through the process more efficiently	Provides a cost-effective option so users can choose when and what services they need