

SRLN Brief: Canadian Access to Justice Research (SRLN 2016)



Access to justice issues have frequented academic, legal, political and mainstream debates for many years in Canada where the percentage of self-represented litigants in civil cases is also significant.

Some key pieces of Canadian research to explore include the following, covering topics including online dispute resolution, legal service delivery, innovative partnerships and collaborations, legal education, and alternative dispute resolution:

- [Everyday Legal Problems and the Cost of Justice in Canada: Overview Report \(opens PDF\)](#), The Canadian Forum on Civil Justice

This report is based on findings from the first legal needs study in Canada in more than 10 years and the first study ever to explore what legal problems cost in dollars, time as well as opportunity costs, costs to physical and mental health and costs to the livelihood of people who engage the Canadian civil justice

system. Additionally, the Overview Report makes specific reference to self-help and self-representation, satisfaction with outcomes after experiencing a legal problem and the resulting costs.

(Canadian Forum on Civil Justice, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, online: CFCJ: <http://cfcj-fcjc.org/cost-of-justice>)

- [Access to Justice: Towards a Collaborative and Strategic Approach](#), Thomas A. Cromwell

A presentation at the thirty-third Viscount Bennett Lecture with remarks addressing: a working definition of access to civil and family justice, the work of the Action Committee on Access to Civil and Family Justice, and thoughts about how law faculties could become more fully engaged in efforts to improve Access to Justice.

(Cromwell, *Access to Justice: Towards a Collaborative and Strategic Approach*, 58 *University of New Brunswick Law Journal*. 38 (2012))

- [The Cost of Seeking Civil Justice in Canada \(opens PDF\)](#), Noel Semple
This article compiles empirical data about the monetary, temporal, and psychological costs confronting individual justice-seekers in Canada. The analysis considers the hourly rates of Canadian lawyers relative to American lawyers, and the costs confronting justice-seekers in family courts relative to other civil courts, among other topics. The article suggests that analysis of private costs can improve access to justice in two ways. First, it can help public sector policy-makers reduce these costs. Second, it can help lawyers and entrepreneurs identify new, affordable ways to reduce the costs that are most onerous to individuals with different types of civil legal need.
(Semple, *The Cost of Seeking Civil Justice in Canada*, SSRN (June 10, 2015))

- [Public Legal Education and Information in Ontario: Learning from a Snapshot \(opens PDF\)](#), Community Legal Education Ontario

This report takes a look at the public legal education and information (PLEI) resources available in Ontario. Hundreds of ministries and offices at all levels of government, and a large number of smaller community-based organizations working at the front lines, are providing legal information of one sort or another. The study explores the question of how can legal information providers help users put their hands on information that they can understand and rely on. Its conclusions offer several recommendations to address these

challenges, and the study calls for greater collaboration among major legal information providers as a key step.

(Community Legal Education Ontario, *Public Legal Education and Information in Ontario: Learning from a snapshot* (Toronto: December 2015))

- [Creating New Pathways to Justice Using Simple Artificial Intelligence and Online Dispute Resolution \(opens PDF\)](#), Darin Thompson

Access to justice in can be improved significantly through implementation of simple artificial intelligence (AI) based expert systems deployed within a broader online dispute resolution (ODR) framework. Simple expert systems can bridge the 'implementation gap' that continues to impede the adoption of AI in the justice domain. This gap can be narrowed further through the design of multi-disciplinary expert systems that address user needs through simple, non-legalistic user interfaces. This article provides a non-technical conceptual description of an expert system designed to enhance access to justice for non-experts.

(Thompson, *Creating New Pathways to Justice Using Simple Artificial Intelligence and Online Dispute Resolution*, International Journal of Online Dispute Resolution (June 2015))

- [The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants \(opens PDF\)](#), Julie Macfarlane

This report is the result of research conducted by Dr. Macfarlane in three Canadian provinces from 2011-2013 on self-represented litigants in family and civil court. It to dispel myths about SRLs including the perception that they choose to self represent because they believe themselves as capable as lawyers. It contains extensive recommendations.

(Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*, Self-Published (2013))

- [Reports for the National Action Committee on Access to Justice in Civil and Family Matters](#), The Action Committee on Access to Justice in Civil and Family Matters

The Action Committee on Access to Justice in Civil and Family Matters in Canada has emerged as a voice for system wide improvements. The Action Committee is focused on fostering engagement, pursuing a strategic approach to reforms and coordinating the efforts of all participants concerned with civil justice. Reports from the Committee include Working Group Reports on issues

like triage, family justice, and simplification.

(ACAJCFM, *Reports for the National Action Committee on Access to Justice in Civil and Family Matters*, Canadian Forum on Civil Justice (2013))

- [The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians \(opens PDF\)](#), Ab Currie

The purpose of this project was to inform Canadian policy makers about the incidence of civil justice problems and the extent of unmet need for assistance that justiciable problems in civil matters might represent.

(Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*, Department of Justice Canada (2007))

- [Civil Legal Needs Research Report \(opens PDF\)](#), Carol McEown

This paper is designed to provide a picture for the Law Foundation of British Columbia of access to justice issues in the region by summarizing the key research completed in BC and other jurisdictions, considering what it shows about gaps in BC legal services, and drawing conclusions that suggest next steps.

(McEown, *Civil Legal Needs Research Report, 2* The Law Foundation of British Columbia (2009))

- [Legal Aid Denied \(opens PDF\)](#), Alison Brewin and Lindsay Stephens

Drastic cuts to legal aid have cost Canadian society and taxpayers in unmet legal needs and the resulting expenses of social exclusion. This paper features a study published by the CCPA-BC and West Coast Women's Legal Education and Action Fund (West Coast LEAF) in 2004 looking at the impact of the cuts on access to justice.

(Brewin and Stephens, *Legal Aid Denied*, West Coast Leaf (2004))

- [Right-Based Legal Aid \(opens PDF\)](#), Alison Brewin and Kasari Govender

This paper updates and expands on *Legal Aid Denied: Women and Cuts to Legal Services in BC*, the study done in 2004, looking at continued cuts and changes to legal aid and deteriorating legal aid services.

(Brewin and Govender, *Rights-Based Legal Aid*, West Coast Leaf (2010))

- [Putting Justice Back on the Map \(opens PDF\)](#), Laura Track

This report is the product of a year of consultations in 16 BC communities, involving over 200 individuals representing approximately 70 agencies and organizations, including women's shelters and transition houses, family support

centres, women's resource centres, victim support services, multicultural service centres, advocacy organizations, and band offices. As a result of these consultations the authors make two broad recommendations for family law service delivery models: the strategic placement of staff lawyers "in house" in community-based women-serving agencies and the development of a student-driven women's clinic providing free and low-cost family law services to clients. (Track, *Putting Justice Back on the Map*, West Coast Leaf (2014))

- [Reaching Equal Justice Report: An Invitation to Envision and Act \(opens PDF\)](#), Canadian Bar Association Access to Justice Committee

This report, compiled by the Canadian Bar Association's Access to Justice Committee, provides a strategic framework for action in order to set a new direction for the Canadian conversation on access to justice. It is intended to present the Bar's current state of knowledge about what is wrong, what types of changes are essential, and the steps and approaches the Committee thinks those involved might take to overcome barriers to equal justice.

(CBA, *Reaching Equal Justice Report: An Invitation to Envision and Act*, Self-published (2013))

- [Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services](#), Karen Cohl and George Thomson

The Law Foundation of Ontario's 2007 Innovation Fund awarded project revealed pervasive barriers to access to legal information and services for people who do not speak English or French and people living in rural or remote areas of Ontario. In addition to its ongoing funding of access to justice initiatives, the Foundation decided to engage in a broader dialogue to generate systemic solutions to these specific challenges. As a response, in February 2008, the Foundation asked the authors of this report to lead the Linguistic and Rural Access to Justice Project, aided by a small team from within and outside the Foundation. This report presents their findings, along with their recommendations for ways in which the Foundation, working in partnership with other organizations, can make a strategic investment to improve linguistic and rural access to justice in Ontario.

(Cohl and Thomson, *Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services*, The Law Foundation of Ontario (2008))

- [Access to Civil & Family Justice: A Roadmap for Change \(opens PDF\)](#), Action Committee on Access to Justice in Civil and Family Matters
This report has three purposes: to promote a broad understanding of what is meant by access to justice and of the access to justice problem facing the Canadian civil and family justice system, to identify and promote a new way of thinking or culture shift to guide an approach to reform, and to provide an access to justice roadmap for real improvement.
(ACAJCFM, *Access to Civil & Family Justice: A Roadmap for Change*, Canadian Forum on Civil Justice (2013))

Other resources:

- CLEO's Centre for Research and Innovation hosts [a research database through the PLE Learning Exchange website](#). The database is an annotated bibliography of research on public legal education and information (PLEI) issues from Canada and other jurisdictions, and also contains some papers on access to justice generally.
- As part of the *Cost of Justice* project, The Canadian Forum on Civil Justice recently published this [Selected Annotated Bibliography \(opens PDF\)](#) that includes some of Canada's major national and regional legal needs surveys from 1990 to present.

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Document Author:

- Alex Smith Davis

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