

Roundtable Report and Questions for NAC March 13, 2015 Meeting Participants

Introduction

Each meeting participant is invited to prepare a written report answering the following questions to provide background information and express views on key discussion points in advance of the March 13, 2015 in-person meeting. These written reports will be shared with all participants in advance and will serve as a written update and foundation for discussions at the meeting.

Brief background on participants

- **Please identify yourself and any organization you represent.**

Justice Richard LeBlanc, Senior Administrative Judge, Family Division, Supreme Court of NL
Todd Stanley, Assistant Deputy Minister, Department of Justice and Public Safety

- **Please identify the access committee or other collaborative working group you/your organization is participating in.**

The Newfoundland and Labrador Access to Justice Steering Committee; Supreme Court A2J Working Group; Court of Appeal A2J Action Committee; Family Court A2J Committee

- **Please list the organizations and/or individuals participating in the access committees or cluster groups you are collaborating with.**

Minister of Justice and Public Safety, Honorary Co-Chair (Ex-Officio) (pending)
Chief Justice of Newfoundland and Labrador, Honorary Co-Chair
Chief Justice of the Supreme Court of Newfoundland and Labrador (Ex-Officio) (pending)
Chief Judge of the Provincial Court of Newfoundland and Labrador (Ex-Officio)
Senior Administrative Judge, Family Court
Assistant Deputy Minister, Department of Justice and Public Safety
President, CBA NL Branch
Executive Director, CBA NL Branch
Executive Director, Public Legal Information Association of NL (PLIAN)
President, Provincial Advisory Council on the Status of Women
Executive Director, Law Society of Newfoundland and Labrador (Ex-Officio)
Director of Legal Education, Law Society of Newfoundland and Labrador
Provincial Director, Legal Aid of Newfoundland and Labrador
Deputy Provincial Director, Legal Aid of Newfoundland and Labrador
Chief Executive Officer, Supreme Court of Newfoundland and Labrador
Legal Officer, Supreme Court of Newfoundland and Labrador
Dave Dyer, Newfoundland and Labrador English School District
Ian Wallace, Private Practice Bencher of Law Society of Newfoundland and Labrador

- **Please describe what role members of the public or non-legal groups play in these access committees or cluster groups.**

The President of the Provincial Advisory Council on the Status of Women:

The Provincial Advisory Council on the Status of Women (PACSW) was established by the Government of Newfoundland and Labrador in 1980 and received legislative standing with the introduction of the *Status of Women Advisory Council Act*. PACSW's mandate is to advise Government on matters relating to the status of women as well as bring before the public matters of interest and concern to women. PACSW is comprised of 11 Council members from across the Province. We work with community organizations and individuals, as well as Government and, as such, are able to gain an understanding of issues and concerns from a broad cross-section of women in the Province. Issues pertaining to access to justice constitute a major focus of the work of PACSW. The President of the Provincial Advisory Council on the Status of Women participates on the Access to Justice Committee in order to bring forward a public perspective, specifically with respect to women's access to justice issues.

Safe and Caring Schools – Newfoundland and Labrador English School District (NLESD)

Representatives sit on the steering committee act as the liaison with community partners for the NLESD. The intention is to assist in the development of educational initiatives with outside partners that would benefit NLESD students.

Access Initiatives: outcomes measurement

- **Please describe the goals and terms of reference of any access groups or collaborative clusters you are participating in.**

In Fall 2013, a group of individuals, all committed to access to justice, convened a meeting to plan for a presentation and visit by Justice Cromwell in April 2014. The April 2014 presentation consisted of a public town hall meeting hosted by the CBA, Department of Justice (as it then was), Law Society and the Supreme Court of Newfoundland and Labrador. The next day, a local Access to Justice Symposium was held for invited stakeholders and participants in the justice system. Following this symposium, the Newfoundland and Labrador Access to Justice Steering Committee was formed.

The committee meets monthly, and it took several meetings to finalize a Terms of Reference, which includes the following:

The Newfoundland and Labrador Access to Justice Steering Committee

With the goal of making Newfoundland and Labrador a national leader in improvements to access to justice, the purpose of the A2JSC is:

- To promote an accessible, efficient and cost-effective justice system for all Newfoundlanders and Labradorians, with an emphasis on providing justice services that address the family and civil law needs of individuals in the province;
- To promote an understanding of the importance of the right to equal and accessible justice;
- To encourage coordination and collaboration by justice stakeholders and community partners along with the courts, to most effectively and accessibly address the legal needs of Newfoundlanders and Labradorians;
- To promote enhanced legal literacy through legal education directed at the public at large and more particularly youth
- To promote legal literacy through legal education directed at students in the Newfoundland and Labrador.

Terms of Reference

The A2JSC has the following terms of reference:

1. To provide leadership to a cohesive and collaborative approach for initiatives intended to improve access to the civil and family justice systems in Newfoundland and Labrador.
2. To provide, as appropriate, a forum for engaging the public and public sector participants on issues related to access to justice.
3. To share information, monitor and co-ordinate work undertaken, and educate the public about the efforts of the committee and working groups.
4. To promote innovation in all aspects of the delivery of civil and family justice services.
5. To gather feedback from various stakeholders on initiatives being implemented in the various sectors of civil and family justice services to ensure that we are meeting the needs of the targeted audience.

- **Have any access initiatives emerged from or been undertaken by this committee/collaborative cluster or through connections made through the committee/cluster?**

Yes. Specifically:

Supreme Court of Newfoundland and Labrador

1. Symposiums: The April 2014 Symposium generated ideas from a wide segment of stakeholders who use the justice system. These ideas needed a champion and from there the NL Access to Justice Steering Committee was formed. In April 2014, a commitment was made to all participants to bring them back a year later to report on what advances in access to justice had been made. The follow-up Symposium is tentatively scheduled for June 2015 and will be confirmed when a venue has been finalized. Already the agenda, including topics and speakers, are being organized for this second symposium.
2. Rules of Court Simplification Project: In May 2014, the Supreme Court hired the first of two lawyers to work on the Rules of Court Simplification Project. The last time that the Rules were holistically reviewed was 1986. The purpose of this project is to streamline processes, introduce plain language, and simplify procedures governing the practice of civil law in NL. The Court of Appeal rules are also part of this project. The anticipated project completion date is March 2016.
3. Waiving or Adjusting Filing Fees in Meritorious Cases: The court is actively pursuing, with the Department of Justice and Public Safety, an amendment to the fees regulations to enable the court to waive or adjust fees in meritorious cases.
4. Use of Technology: Wireless access for parties in courtrooms so that they can do legal research from the courtroom and access their emails, calendars for scheduling, etc.
5. Online Information:
 - In May 2014, Rick Craig presented to senior staff of all levels of court, as well as to judges of the Supreme Court of NL, on the B.C. Education Society's website. This website generated much discussion on materials that could be included in a local website for self-represented litigants.
 - A sub-committee of the steering committee has been formed to review national and international websites in order to identify best practices in offering information to self-represented litigants.

Discussions have also taken place with builders of these websites to determine costs of building a similar 'one stop shop' access to justice website for NL. Work continues and is ongoing in this area.

- In February 2015 judgments of the NL Court of Appeal were added to the Court's website in a searchable format. Making judgments available online will assist parties who do their own legal research.
- In February 2015 the Court of Appeal established four Twitter accounts, one for each of judgments, docket, rule and policy updates and general news. Public can follow to get information on judgments as they are filed, on upcoming hearings, on rule and policy updates and other news.
- In December 2014, the Family Court law clerk commenced the development of self-help guides for self-represented litigants. Seven of these have been drafted and are undergoing final reviews and approvals. The goal is to post these guides on the website in March 2015.
- In January 2015, the Court of Appeal commenced the development of a plain language template for self-represented litigants to serve as a guide for the filing factums and appeal books.
- In Fall 2014, the Supreme Court established its own YouTube channel. The intention is for this channel to host self-help videos for self-represented litigants.

6. Information Sharing and Professional Development:

- Presentation by Dr. Julie Macfarlane: Dr. Macfarlane presented to members of the NL CBA Branch, as well as a separate session for judges and staff of all levels of courts in NL. She is the lead for the National Self-Represented Litigants Project established at Windsor Law in the wake of the momentum created by her national study of self-representation, published in 2013.
 - In October 2014, all supervisors and managers of the Supreme Court participated in a professional development session entitled "How to Provide Information Without Giving Legal Advice".
 - In November 2014, all frontline staff at all levels of Supreme Court participated in a professional development session entitled "How to Provide Information Without Giving Legal Advice".
7. In December 2014, an A2J Working Group was formed at the Supreme Court, Trial Division. The purpose is to action concrete, tangible items that will have immediate impact on self-represented litigants.
8. In January/February 2015 all Supreme Court locations, including the Court of Appeal, conducted a two-week survey to determine the number of self-represented litigants coming to the registries and the type of information they were seeking. Results are currently being tabulated. Early findings from the trial division are that 90% are coming to seek information on family matters. Ten years ago people came to the Courts primarily to file documents whereas today they are coming to ask court staff to provide information and answer questions for them.

Public Legal Information Association of NL (PLIAN) Initiatives related to access to justice:

1. General Legal information phone line and Lawyer Referral Service: The ongoing operation of a general legal information phone line and Lawyer Referral Service, intended to provide the general public with free access to general legal information and access to a lawyer at a reduced cost.
2. Family Law Guide, 3rd Edition: Published in 2014, the newest edition of this guide aims to provide easy-to-understand information about the family law process in Newfoundland and Labrador. The guide contains information on divorce procedures, custody and access, child and spousal support, distinctions for common-law relationships, responses to family violence, child protection, and resources available throughout the province, among other topics.
3. Families in Transition: Information for Youth: This new project, funded by the federal Department of Justice, aims to provide accessible and age-appropriate information about family law to youth aged

10-16. This project involves the development of a new presentation to be delivered to youth in communities throughout Newfoundland and Labrador that explores topics such as new living arrangements after a separation or divorce, what happens in Family Court, child support, and protection against abuse in families. We are also developing a brand-new website, covering the same topics, which will be launched in 2015.

4. Wills and Estates Presentations: In the past year, PLIAN has delivered numerous presentations on wills and estates issues, including wills, power of attorney, and advance health care directives to seniors' clubs and other community organizations all over the province, including in St. John's, Trepassy, Robert's Arm, Grand Falls-Windsor, Marystown, Corner Brook, Goose Bay, L'Anse au Clair, and Nain.
5. Healthy Relationships Workshops: PLIAN has developed a delivered a series of day-long workshops for women and girls, particularly in Aboriginal communities, on the topic of Healthy Relationships. This workshops has been delivered in 8 different communities around the province, and covers issues such as the signs of potential violence in a relationship, legal responses to relationship violence (including Emergency Protection Orders and peace bonds), strategies and resources for dealing with violence in relationships, and information about the procedure for going to court as a witness to testify in a domestic violence case, among other topics and activities.
6. School Presentations: PLIAN has presented on various legal issues to hundreds of students throughout Newfoundland and Labrador in the past year, covering topics including family law, healthy relationships, careers in the law, the legal consequences of bullying, and the law related to sexual assault and consent in Canada.

Legal Aid Commission initiatives related to access to justice:

The Legal Aid Commission has instituted an access to justice program to assist persons involved with matrimonial property issues get counsel.

Website-Sub-Committee

A key initiative undertaken by the committee was a review of websites that provide accessible, easily understood information that was consolidated on a single site or that contained easily accessed links to other comparable sites with relevant information.

Newfoundland and Labrador English School District (NLESD)

NLESD will assist with the coordination of CBA-NL Law Day 2015 activities.

Canadian Bar Association – NL Branch (CBA-NL)

CBA-NL has been consulting with Steering Committee members (and associated organizations) with respect to planning activities for CBA Law Day 2015. This year's Law Day activities will include the delivery of presentations to intermediate and high school students on commonly asked legal questions and legal issues of importance to this demographic, particularly issues surrounding use of social media.

If yes, please answer the following questions:

- **What access goal is this initiative meant to improve? What is the goal of the access initiative or strategy?**
 - **Is this initiative meeting a significant gap in access or a significant access need?**

Supreme Court of Newfoundland and Labrador

Local Symposium – defining the local issues and solutions, as well as providing feedback to the access committee so that it feeds into the work of the Access Committee.

Website – making information more accessible to the public. The ‘one stop shop’ website is a longer term goal; however, various participants on the NL Access to Justice Steering Committee are working on their individual websites to improve immediate services for self-represented litigants.

Information, self-help kits, short videos, and forms assisting self-represented litigants have either been added, or will be added in the near future, to the Supreme Court of NL’s website. New materials to the Court’s website are also in an accessible format for persons with visual impairments.

Public Legal Information Association of NL (PLIAN) Initiatives related to access to justice:

The goal of PLIAN’s initiatives is to generally improve access to justice for the people of the province and increase general legal literacy in the province. We aim especially to fill a gap in legal services for people who do not qualify for Legal Aid representation, either due to income or subject matter, but who also cannot afford a private lawyer, which is a significant portion of our population. We strive to provide information to all age levels, in any area of the law they have an interest in knowing more about – whether it is family law, wills and estates, information for victims of violence, or other topics.

Legal Aid Commission

Many persons who are involved in matrimonial disputes are unable to afford to retain counsel but do not qualify for Legal Aid because they have significant amounts of equity in matrimonial property. The initiative launched by the Legal Aid Commission has as its goal the reduction of the number of such persons.

Website-Sub-Committee

The rationale for reviewing websites related to the goal of creating a centralized site for information related to family and civil law for NL. The site would be established, maintained and promoted for easy access and use by the public.

Newfoundland and Labrador English School District (NLESD)

Participation in Law Day 2015 activities, specifically, a student-lawyer forum, would increase student education and awareness of their legal rights and responsibilities, specifically with respect to online activities.

Canadian Bar Association – NL Branch (CBA-NL)

The goal of CBA Law Day is to increase public education and awareness about the legal system.

- **What is the expected outcome of the access initiative?**
 - **Who are the intended beneficiaries?**
 - **What is the intended impact?**

Supreme Court of Newfoundland and Labrador

Local Symposium

Beneficiaries: Participants and stakeholders throughout the justice system.

Impact: Enabling beneficiaries to have a voice in access to justice issues and solutions.

One Stop Shop Website

Beneficiaries: General public, and in particular, self-represented litigants, as well as junior lawyers who are still learning Court Rules and processes.

Impact: Ensuring that self-represented litigants are prepared for court hearings will make it easier on all participants in the courtroom, including those who have hired a lawyer. A current complaint from those parties with lawyers is that they are paying additional costs because it takes longer for a hearing to proceed when a self-represented litigant is involved. Often times hearings cannot proceed because the self-represented litigant is not prepared (i.e., has not filed proper documents or is unaware of courtroom procedure/etiquette). A judge's time, as well as that of the parties, is wasted.

Rules of Supreme Court Simplification Project:

Beneficiaries: All citizens who seek redress in civil matters in the Supreme Court.

Impact: Costs will be reduced as procedures and processes will be simplified; this will have a positive impact for both those represented by a lawyer and those who are not.

Supreme Court Website:

Beneficiaries: Citizens, including lawyers, who require the services of Supreme Court.

Impact: Making information available on how to represent oneself in court will improve the process for both represented and non-represented parties, as well as for judges who are arbitrators between parties.

Supreme Court Staff Training on Self-Represented Litigants:

Beneficiaries: All citizens seeking services at Supreme Court.

Impact: The public will leave court with information, as well as more satisfied with their experience.

Public Legal Information Association of NL (PLIAN)

Beneficiaries: PLIAN's intended beneficiaries include all Newfoundlanders and Labradorians.

Impact: The intended impact is to improve access to justice and increase legal literacy in the province.

Legal Aid Commission

Beneficiaries: People who have significant equity in matrimonial property but no liquid assets.

Impact: These beneficiaries will be able to retain private counsel to assist them to settle all their matrimonial issues, including division of assets.

Website-Sub-Committee

Beneficiaries: Members of the public requiring information on family and civil law.

Impact: The expected impact is a website that provides accessible and easily understood information. The site would ideally mitigate the need for members of the public going to multiple sources and entities in order to have questions answered related to their particular circumstances.

Newfoundland and Labrador English School District (NLESD)

Beneficiaries: NLESD students.

Impact: Increased student awareness about legal issues, particularly issues surrounding use of social media.

Canadian Bar Association – NL Branch (CBA-NL)

Beneficiaries: NLESD students

Impact: Increased awareness about legal issues, particularly issues surrounding use of social media.

- **Outcomes and results:**
 - **What was the achieved outcome?**
 - **What were the measurable impacts on access needs?**
 - **What were the impacts that could not be measured (not every indicator of success can be counted)?**

Supreme Court of Newfoundland and Labrador

It is still too early in the process to do measurement.

Public Legal Information Association of NL (PLIAN)

Feedback for our programs is generally obtained by evaluation forms distributed at presentations and with our publications. The response to our work has been very positive, with many other organizations and schools requesting our programming after they learn of our work. It is difficult to measure these impacts, as often measuring better understanding of the legal system is intangible, and may not always be directly put into practice by our clients or participants in our sessions.

Legal Aid Commission

It is still too early in the process to do measurement.

Website-Sub-Committee

As yet, a final decision regarding the website has not been made.

- **Lessons learned for others:**
 - **What challenges did this initiative pose in implementation? What successes?**
 - **What recommendations do you have for others considering a similar initiative?**
 - **Do you have resources to share for others interested in something similar? Do you think others could pursue something similar?**

Public Legal Information Association of NL (PLIAN)

Our major challenges include funding and geography. PLIAN has limited core funding, which does not itself allow for travel or extra program development. We are therefore required to apply each year for new project funding to allow us to reach other parts of the province outside St. John's. This is an unstable financial situation and makes consistent programming a challenge.

The best recommendation we have is to focus on collaboration and opportunities for partnership wherever possible. Creative solutions are necessary to reach the largest number of people possible and to provide the most effective programming.

Website-Sub-Committee

A significant challenge with respect to the development of a website is the associated cost and lack of available funding.

Access committees: lessons learned

- **Did your committee face any obstacles getting formed? In determining focus? In advancing objectives?**

Yes. Keeping the momentum going since the April 2014 Symposium has been challenging. There is no core funding for the Steering Committee to draw upon. This has been particularly challenging with respect to the development of a 'one stop shop' website. There is agreement that the concept of a single Access to Justice website for NL would have the greatest impact, particularly given the widely dispersed and largely rural population where basic services are not available (i.e., court registries, mediation, Family Justice Services).

- **How have you worked around or overcome these obstacles?**

The participants on the Committee are committed and meet on a monthly basis. The issues continue to be worked on, with creative solutions being explored and ideas for potential revenue sources discussed.

- **Have you been successful? If yes, please describe what you think contributed to the success. If no, please describe any plans to continue to address the issue.**

Yes, the commitment of individual committee members has contributed to the success. The group is willing to "think outside the box" and look for creative solutions to address access to justice issues.

Legal Aid

The Committee has been slow to get going and to be a productive group. The main success has been to encourage its members to take initiatives which are then reported back to the Committee. Hopefully, the committee will eventually be able to initiate programs of its own.

Creating a culture of access innovation: collaborating and sharing ideas

- **What future role do you see for the National Action Committee as a coordinating national leader on access?**

The NAC needs to remain in place as an oversight body, with annual reporting from the jurisdictions on what initiatives have been implemented, are being worked on, and being considered. An annual national Forum, such as the one in March 2015, is necessary so that the jurisdictions report on what is occurring across the country and ideas are further germinated. In essence, it will ‘keep our feet to the fire.’

- **Would your organization, committee or cluster working group benefit from regularly sharing ideas, insights, and innovations with access stakeholders across Canada?**

Yes. Many ideas come from the front lines and from people who experience difficulty accessing the justice system.

- **Does your organization, committee or cluster working group already share ideas with likeminded groups working on similar projects or in the same sector? If yes, could this ongoing dialogue be more broadly accessed by interested groups across the Canadian access to justice scene?**

The Steering Committee is made up of a diverse group of people from within and outside the justice system and information is subsequently shared with that representative’s organization. Collaboration is also occurring amongst the organizations. For example, the Supreme Court has added material from PLIAN to its website and organizations representing Courts or legal related services now have links to each other’s sites.

- **Would your organization, committee or cluster working group benefit from an electronic forum, such as an email list-serve where interesting ideas, success, failures could be shared on a regular basis (daily, weekly etc.)?**

Yes.

- **Would your organization, committee or cluster working group benefit from regularly organized meetings of access groups either online for shorter time periods or in-person?**

Yes.

- **Would your organization, committee or cluster working group benefit from access to an online repository of ideas, materials and discussions?**

Yes.

- **What is your view on the importance of engaging the public in access to justice activities? Do you have any suggestions for ways to engage the public?**

It is important to hear the voice of those we serve. We cannot assume that we know what they need from us. In order to reach a wide range of citizens, more than one method of engagement should be used. A combination of the following could be used:

- a. Online surveys,
- b. Counter surveys,
- c. Public representation on Rules Committees,
- d. Town hall meetings—engage the media to facilitate such town hall meetings might draw people to these events,

- e. Exit interviews with parties after their cases are concluded,
- f. Exit interviews with judges/staff who are leaving court on their experiences working with self-represented litigants (to aid in our knowledge and understanding of self-represented litigants), and
- g. Work with the National Self-Represented Litigants Project as they continue to gather data/information on needs of self-represented litigants.