

National Action Committee on Access to Justice in Civil & Family Matters

Prevention, Triage and Referral Working Group

**Consultation Paper
on Prevention, Triage and Referral Processes:
Description of Problem and Plan of Action**

June 7, 2012

EXECUTIVE SUMMARY

This consultation paper supports the second stage of a process initiated by the Prevention, Triage and Referral (PTR) Working Group of the National Action Committee on Access to Justice in Civil and Family Matters (Action Committee). The first stage was a meeting of the PTR Working Group in Ottawa on March 2, 2012 and follow-up communications between working group members to define key PTR problems, and actions that needed to be undertaken.

The second stage is one of consultation with key players in the PTR field. In addition to providing a description of key issues and other concerns, this report explicitly requests feedback on preliminary recommendations. The third stage will incorporate this feedback, together with research undertaken by the working group in a final report in December 2012 that will be submitted to the Action Committee.

In this report, research actions for the working group and preliminary recommendations for consideration by the reader are defined in two areas: prevention and triage/referral.

Prevention refers to activities that are directed towards the development of citizens' legal capabilities in order that they are able to:

- recognize that there are legal components or aspects to many activities and events of everyday life;
- better anticipate and manage these components;
- avoid unnecessary escalation of conflicts into more serious problems that require legal intervention;
- assess options that are available in situations of conflict that foster reasonable solutions;
- have confidence in legal/court services in the event it proves necessary to enter the system;
- be aware of when and how legal representation can assist with disputes.

Public legal education and information (PLEI) is an integral vehicle to develop these legal capabilities. Four research and/or development actions pertaining to prevention are identified:

- to propose key aspects of legal capability that should be integrated into provincial high school curricula across the country;
- to define and promote approaches to the development of legal capability/literacy for adults;
- to liaise with and build basic legal assistance skills of intermediaries;
- to promote and strengthen general information strategies that can contribute to the development of legal capability/literacy within the general public.

Triage and referral and related PLEI activities are seen as occurring at three stages (see p.18):

- in early prevention;
- at the point of entry into the justice system;
- within court and/or tribunal systems.

Three research and/or development areas pertaining to triage and referral are described:

- web portals (reviewing existing portals and models, developing recommendations around quality control approaches, exploring systematic sharing of resources, exploring IT issues);
- PLEI, triage and referral networks (identifying existing triage systems/networks, examining new models, characterizing modes of triage and circumstances in which they are used);
- oversight or governance mechanisms for PLEI, triage and referral policy and coordination for all access to justice initiatives at the provincial/territorial level.

Appendix 1 is a feedback form which contains a list of preliminary recommendations together with other issues on which the working group is soliciting feedback from readers.

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1.0 INTRODUCTION

1.1 THE NATIONAL ACTION COMMITTEE ON ACCESS TO JUSTICE IN CIVIL AND FAMILY MATTERS

The National Action Committee on Access to Justice in Civil and Family Matters was established to increase the public's accessibility to the civil justice system.

The committee envisioned:

A society in which the public has the knowledge, resources and services to effectively deal with civil and family law matters:

- *by prevention of disputes and early management of legal issues,*
- *through negotiation and informal dispute resolution processes, and*
- *where necessary, through formal dispute resolution by tribunals and courts.*

The Action Committee established four working groups:

- Court Processes Simplification
- Access to Legal Services
- Family Law
- Prevent, Triage and Referral (PTR)

Each working group was tasked with identifying:

- how the vision can be achieved;
- tools that can assist citizens in dealing with their civil needs effectively and expeditiously;
- system changes that will increase the public's access to justice.

1.2 BACKGROUND: STAGES OF PTR WORKING GROUP ACTIVITY

This consultation paper supports the second stage of a process initiated by the PTR Working Group. The first stage consisted of a meeting of the PTR Working Group in Ottawa on March 2, 2012¹ and follow-up

¹ Working Group members include:

- Rick Craig, Executive Director, Justice Education Society (BC);
- Ab Currie, Principal Researcher, Research & Statistics Division, Justice Canada;
- Nathalie Des Rosiers, General Counsel, Canadian Civil Liberties Association;
- Mary Ellen Hodgins, President, Hodgins and Co., Management Consulting (BC);
- Gillian Marriott, QC, Executive Director, Pro Bono Law Alberta;
- Sarah McCoubrey, Executive Director, Ontario Justice Education Network;
- John Sims, QC, former Deputy Minister of Justice and Deputy Attorney General of Canada;
- Colleen Suche, QC, Justice of Manitoba Court of Queen's Bench;
- Barb Turner, QC, Acting Executive Director, Strategic Initiatives, Justice and Attorney General, Alberta;
- André Wery, Associate Chief Justice, the Quebec Superior Court.

Tim Roberts of Focus Consultants attended the meeting as a recorder, and in consultation with other working group members, is the writer of this consultation paper.

communication by working group members, resulting in an internal preliminary report outlining the working group's definition of the key PTR problems and actions that needed to be undertaken.

The second stage is one of consultation with key players in the PTR field. For this purpose, this document describes the deliberations of the working group and some of its intended research agenda, but equally important, it presents preliminary draft recommendations and invites reaction and/or alternative recommendations by readers. Appendix 1 contains a list of the preliminary recommendations and other items on which the working group would like feedback.

The third stage will incorporate this feedback, together with research undertaken by the working group, in a report in December 2012 to the Action Committee. This more comprehensive final report will present final recommendations for innovative prevention, triage and referral approaches and related PLEI activities for Canada and its Provincial/Territorial jurisdictions.

1.3 CONTENTS OF THIS CONSULTATION PAPER

This consultation paper contains:

1. A description of the vision on which the PTR Working Group's activities and this consultation paper are based;
2. Acknowledgement of the context that may impact, shape or constrain future action in regard to PTR structures and planning.
3. A description of the problem the working group feels should be addressed in regard to the role of prevention work in access to justice, both for youth and adults.
4. Identification of key prevention issues that require further exploration and definition, and preliminary recommendations on which the working group would like feedback.
5. A description of the problem in regard to accessibility and usability issues for triage and referral services.
6. Identification of key triage and referral issues that require further exploration and definition, and preliminary recommendations on which the working group would like feedback.

Appendix 1 contains a list of preliminary recommendations together with other issues on which the working group is soliciting feedback from the reader.

2.0 THE VISION

Historically the discourse about access to justice has been system-centered. That is, it has revolved around the notion that justice for individuals is best achieved if they are provided with access to lawyers, judges, courts and tribunals. In this paradigm the role of law and access to justice is best reinforced by good laws, comprehensive legal aid plans and high quality enforcement.

This report does not contradict the need for any of these important elements of a well-functioning justice system. However, its primary starting point and consistent focus is on the needs and concerns of individuals: it looks at legal problems from the point of view of the people experiencing them. This approach is in keeping with current innovative trends and thinking internationally, exemplified in the recent Hiil Trend Report.

Most recently researchers and reports have begun to focus on new approaches, more bottom up, working from the problems people actually experience and from their capabilities. . . . We will call these initiatives justice needs approaches, because they have in common that they start from the actual problems that people experience and their capabilities to solve them. These capabilities are then strengthened. This can be done by local initiatives, which some proponents of bottom up reform are arguing for. But. . . justice needs approaches can also be scaled up across borders, and stimulated by new types of codification, precisely because they start from people's problems and not from the laws or the legal system that has been built in their country.²

This vision of access to justice requires definition of problems, setting of objectives and the creation of recommendations that are focused on the legal capabilities of individuals and on structures that support their capacity to understand, anticipate and resolve issues. In this paradigm, the formal justice system remains important, but is not the starting point. In fact the starting point is in building a notion of prevention that precedes the emergence of specific legal problems.

² Hiil, Towards Basic Justice Care for Everyone: challenges and promising approaches. Trend Report, Part 1. April 2012, p. 15. http://www.hiil.org/data/sitemanagement/media/TrendReport_Part1_020412_DEF%20%282%29.pdf.

3.0 CONTEXT

The following are contextual factors that affect future action in regard to prevention, triage and referral structures and planning.

Funding

- Government is downsizing and reducing funding generally, and is disinclined to invest in new structures involving “bricks, mortar and people.” There is nonetheless room for service rationalization;
- With declining interest rates, Law Foundations have declining revenues;
- Much is being asked from the private bar in terms of lawyers’ donating time pro bono; it is not reasonable to also seek a sustainable funding source through Law Society levies from bar members.
- Government or Law Foundation funding has not necessarily been the driver of PLEI, triage and referral initiatives in all provinces.

Existing Foundation

- Canada has a strong tradition of community-based PLEI services that have developed locally to meet the needs of people within a specific geographic, cultural or economic community. The organizations and projects currently addressing the legal information and education needs in each province have experience with jurisdictional challenges, expertise in effective delivery and strong relationships with the community. Their activity occurs both in relation to the prevention stage of the access to justice continuum (see Section 6.1) and in triage and referral at the point of entry into the justice system.
- As described in the previous paragraph, a PLEI provider is essentially any service or organization that provides legal information to individuals, groups, and/or the general public. This definition encompasses organizations for whom PLEI is a small component of legal advice and representation services, organizations that are not legal services, but have developed limited legal information on a particular aspect of their social service delivery, and sole-purpose PLEI organizations that regularly provide workshops, develop literature and/or manage legal information websites.
- Canada and its jurisdictions also have numerous organizations that perform triage and referral functions. These include many community based advocacy organizations (often funded by Law Foundations or Legal Aid organizations), pro bono law delivery services, government agencies, the courts, and administrative tribunals. In many cases these organizations have formed networks with varying levels of management and coordination, and capacity to make effective referrals.

Competition

- Local services may be protective of their “turf,” and not necessarily welcome rationalization of services or increased referral and networking protocols. This tension between nurturing local energy in the form of small grants and planning effective networks that involve more centralized coordination is not limited to the justice field or to government (e.g. it is evident in grants offered by universities).

Silos

- There is increasing concern that our justice system will not be able to confront current challenges because of the “silos” that exist. As resources shrink the tendency is to “circle the wagons” and protect existing services. When this happens the distance between silos becomes ever greater. Ironically, what is needed is exactly the opposite response: justice system stakeholders need to collaborate more than ever and develop common approaches and shared resources. This need also applies to organizations with common mandates within a silo.

Confidentiality

- Protocols around confidentiality are important for clients, but they make communication between organizations about individual client circumstances and needs more difficult. They also require clients to keep repeating their stories with each new referral, unless protocols and waivers are developed to permit transmission of information under specific conditions.

Short term versus long term planning

- Strategic planning around portals and networks needs to be more long term than it is at present. Technology is constantly changing, as are Canada's demographics.

Social values

- The philosophical foundations and social values of nurturing and sustaining a democratic, active citizenship and social cohesion are fundamental to the notion of an effective prevention, triage and referral system. The concept of access to justice which underlies modalities of prevention, triage and referral is explicitly tied to efforts to overcome social exclusion and barriers to citizen engagement. It also relates to public policy concerns for health, security and economic well-being of citizens. Such values act to a certain degree as counterweights to some of the disincentives to triage and referral development mentioned above.

4.0 DEFINITION OF THE PROBLEM: PREVENTION

This section describes:

- a definition of key elements of the term “prevention”;
- where the concept of prevention is located within the larger discourse about access to justice;
- assumptions that relate to this notion;
- concerns or issues related to the definition.

4.1 WHAT ARE THE ELEMENTS OF A DEFINITION OF “PREVENTION”?

Prior to defining prevention, it is important to be clear about several terms that form a context for that definition. These are:

- *Events* - are simply things that happen in people’s everyday lives. They can be a set of circumstances that are unique to an individual at a particular time (e.g., an accident, illness or loss of employment), or more routine or predictable, “life passage” events.
- *Conflicts* – are divergent goals, interests, attitudes and/or behaviours that exist between individuals, groups or populations. Conflicts can be latent (i.e., not result in a problem or dispute), emerging (and perhaps preventable if well-managed), or manifest (serious enough to require concerted intervention).
- *Problems* – are issues that need to be addressed, arising either out of natural events (e.g., the need to make a will or have power of attorney), or out of emerging conflict.
- *Disputes* – involve conflicts that have become manifest and require intervention. A dispute arises from a problem or conflict, but a problem or conflict does not have to become a dispute.

Prevention refers to activities that are directed towards the development of citizens’ legal capabilities in order that they are able to:

- recognize that there are legal components or aspects to many activities and events of everyday life;
- better anticipate and manage these components;
- avoid unnecessary escalation of conflicts into more serious problems or disputes that may require legal interventions;
- assess options that are available in situations of conflict that foster reasonable solutions;
- have confidence in legal/court services in the event it proves necessary to enter the system;
- be aware of when and how legal representation can assist with disputes.

PLEI is integral to the development of those legal capabilities, just as it has been an essential mechanism to support the triage and referral activities described in Section 6.0. However, for many workers in the PLEI field a focus on prevention activities and tools may comprise new territory, so conceptualization of the concept of prevention is important.

Analogies can be made to the concept of prevention in the health field and/or the notion of financial literacy in the area of money or wealth management. For example, it would not be helpful to teach people that they will not be sick in their lifetime. Rather, prevention helps identify ways of avoiding risks that could lead to illness, of knowing when an illness is likely not very serious and can be self-managed, and of

understanding when it is advisable to consult a doctor or other medical professional. By analogy, it is unrealistic to teach citizens that all conflicts or matters involving legal issues can be avoided. The emphasis needs to be on learning skills and activities that assist in the management of conflict, the identification of situations where basic legal knowledge or legal advice may be necessary, and the avoidance of situations where legal problems are likely to occur or to become aggravated.

There are fundamentals that a preventive health approach fosters such as getting regular exercise and avoiding smoking or excessive alcohol consumption. The key elements of “good legal health” for the average citizen or for specific citizen groups requires elaboration both within school curricula and for adults in society at large, as discussed in Sections 5.1 and 5.2. A definition of these elements would be the basis of a response to the question “What are the key things about law that citizens need to understand and address at various stages or situations in life so that legal issues can be anticipated and managed, rather than develop into problems?”

To use a second analogy, the development of financial literacy is required to manage life situations related to employment, renting or purchasing a residence, incurring debt and/or planning for financial security. Financial or legal information provided preventively, i.e., in advance of these situations, is preferable to the need for advice after the “damage has been done”, e.g. on such matters as foreclosure or bankruptcy.

4.2 LOCATING THE IDEA OF “PREVENTION” WITHIN THE LARGER DISCOURSE ABOUT ACCESS TO JUSTICE

Within the overall discourse about access to justice, the concepts of triage and referral are normally seen as referring to the formal justice system, and as occurring at the front end of that system. By contrast, “prevention” refers to activities, actions and decisions occurring before the entry point into the system. Prevention activities do not necessarily lead citizens to enter the justice system. They may provide clarity or reduce stress around decisions that have legal dimensions. They may ultimately help citizens to use the justice system more knowledgeably or may obviate the need for citizens to use the system at all for any given issue. Prevention activities may occur long before legal issues arise, e.g. with students or newcomers, or may be more closely related to a citizen’s entry into institutions, spheres, situations, or life phases that require specific types of legal understanding.

4.2.1 *Do triage and referral activities also occur in the sphere of prevention?*

Triage refers to the practice of responding to and “sorting” individuals so that they can receive services or information based on their degree of type of need, within a context of limited resources. In the prevention part of the access to justice continuum, the function of triage is likely to be established within networks of services that are not explicitly “legal” or “justice” services. They may, for example be advice, community or educational services. This implies that from a developmental perspective, considerable “bridging” activity needs to occur between social/health/community services and justice and advocacy services. This bridging activity is critical, because individuals’ legal problems are often hidden from the view of the formal justice system and even from networks of advocacy organizations. It is only by deepening and extending the reach of triage and referral functions within the social service realm and building connections back into the justice realm that access to justice becomes a robust and meaningful concept.

Effective triage in the sphere of prevention requires that service providers have an understanding of the range of a client's needs, are able to identify that some of these needs may have legal dimensions, can assess the importance of accessing legal information relative to other client needs, and can identify appropriate resources if they are needed. For example, a community service for immigrants might become aware that a client is seeking employment, and together with the client, determine that a workshop on employment standards could be critical in helping the client manage conflict or address problems knowledgeably before they develop into disputes.

Following from this example, referral networks related to the prevention part of the access to justice continuum can also be established. Referrals can take the form either of "sign posting" or "referrals." "Sign posting" refers to situations in which the client takes or is given responsibility for contacting other organizations through which they can acquire the desired information or skills. "Referrals" refers to situations where the advisor takes at least partial responsibility for contacting another organization or service that can fulfill the need (e.g., by enrolling the client in an employment law workshop).³

4.3 ASSUMPTIONS RELATED TO THE NEED FOR PREVENTION ACTIVITIES

Several assumptions which underlie the need for a preventive approach are listed below⁴:

- most ordinary life transactions have legal aspects;
- legal problems often have momentum, and trigger other problems;
- one-third to one-half of all adults in most modern countries experience one difficult legal problem in any given three year period;
- there is a large proportion of citizens who either do not recognize their problem as having a legal component or don't know where to go for help;
- fifty percent of people try to solve such problems on their own;
- only a tiny proportion of legal problems ever reach court;
- avoiding problems or the escalation of problems, and/or early resolution of problems is generally cheaper and less disruptive than resolution using the courts.

4.4 CONCERNS OR ISSUES RELATED TO THE DEFINITION OF AND APPROACH TO PREVENTION

Several issues or concerns are discussed below which help clarify the parameters or purpose of prevention activity.

4.4.1 *Prevention and the continuum of legal needs*

Prevention deals with the period before court or justice system involvement. It does not, for example, focus on needs of self-represented litigants, as this subject relates to needs of individuals within the justice

³ For a discussion of signposting and referral networks, see www.asauk.org.uk/fileLibrary/pdf/SignpostingReferral_ReferralNetworksDiscussion.pdf.

⁴ It is important to articulate these assumptions because the types of issues people face are not always readily apparent if they do not identify the legal component themselves. Support for these assumptions from the literature will be provided in the final report.

system. Nonetheless, it is not always clear how far before entry into the system the notion of prevention applies. If the activity takes place too close to the entry point it simply becomes “preparation for the legal system” rather than prevention. If it takes place too far from that entry point, it will seem like “basic life management” rather than an activity that promotes understanding of the law and management of conflicts. There is a continuum of legal needs and activities involved, on which prevention needs to be situated.

At the “life management” end of this continuum there is a need to develop an understanding of active citizenship and the operation of political and legal systems. In the middle of the continuum the focus is on active management of life issues and events so as to avoid or minimize conflicts and address problems before they evolve into disputes. Both of these parts of the continuum involve prevention activities. At the “legal” end of the continuum the need is for active management of disputes as they relate to the formal legal system (including, for example issues concerning self-help/self-help representation, full representation, unbundled services, etc). At this end processes relate more to triage and referral than to prevention.

At the legal end of the continuum, the term “legal problem” is often understood in the same way by both service provider and client. However, on the prevention end of the continuum, use of the term “legal problem” can be confusing. The average citizen often does not think of events or issues as generating “legal problems.” Rather, they simply result in “problems.” An individual may talk to peers, friends, family, church or community contacts long before coming to understand that there is a legal component involved. The art of prevention activity is to help citizens anticipate the legal dimensions of life events which may involve conflict, lead to problems or result in disputes.

This function is critical in a society in which normal activities and life transitions have legal implications, e.g., making major purchases, signing contracts, terminating employment, etc. All these everyday activities are defined by laws and require people to address problems. They can escalate into disputes when people do not appreciate the legal dimensions (e.g. a major purchase may not seem like a legal issue until one relies on the warranty; a lease might not need review by a lawyer, but an eviction notice pursuant to that lease might well require review).

4.4.2 Prevention and the involvement of lawyers to solve problems and disputes

Prevention messages should not be seen as inappropriately leading citizens away from engaging lawyers when their expertise is in fact essential (e.g. concerning property matters in a separation or divorce). Prevention is about clarifying reasonable options; this includes determining when a lawyer (or legal advice/information received through a Law Line) is indeed the appropriate option. In family law prevention information could also clarify the difference between a collaborative and litigation-based approach, and what situation each serves. The goal of prevention efforts is not to reduce the appropriate reliance on lawyers and legal advice, but rather to help people make an early, informed decision about how to resolve legal matters, including getting legal advice.

4.4.3 Legal capability – knowledge, skills and attitudes

Historically there has been an emphasis on legal knowledge, rather than on the skills and attitudes to deal with conflicts that could lead to legal problems. The term “legal capability” reflects an increased emphasis

on skills and attitudes, and can be considered preferable to the term “legal literacy,” which primarily refers to knowledge acquisition. Ultimately, all three aspects – knowledge, skills and attitudes – are important.

Curriculum development is an essential component to the development of citizens’ abilities to manage conflicts and avoid their escalation into legal problems. Several contextual observations concerning curriculum development should be made:

- 1) Involvement of lawyers and other legal professionals is essential in the development of school law curricula, but has not always occurred. There is some debate on where the responsibility lies to support public legal education of this nature (e.g. provincial Ministries of Justice/AG, Ministry of Education or Law Foundations).
- 2) The requirement to take law classes in high school varies considerably from jurisdiction to jurisdiction.
- 3) There is a need for some national discussion on essential legal knowledge/skills that should be addressed in school curricula, whether it be in law, citizenship, social studies or other course(s).
- 4) In the context of a discussion on prevention, the term “education” is passive, and is best replaced with the more active phrase “building legal capability.”

Over and above the need to establish essential skills for school curricula, a national dialogue needs to be developed and research undertaken to determine the extent of legal capability, confirm its essential components (which are understood theoretically at this point) and suggest ways in which it can be developed in the Canadian public.

4.4.4 Self-management

When used in the discussion of prevention, the term “self-management” should not be equated with abandonment by the justice system, abandonment of legitimate claims or avoidance of lawyers. Rather it is part of the development of legal capability, i.e., of providing individuals with a fuller understanding of law and its place in daily life and of providing tools to participate in the management of daily conflicts and the avoidance of legal problems.

4.4.5 Methods of building legal capability

As noted in Section 4.4.3, legal capability involves a focus on knowledge, skills and attitudes. Two essential approaches for developing skills and attitudes are: 1) building relations between citizen groups (e.g., students, immigrants, Aboriginal peoples) and legal providers through mutual exposure in workshops), and 2) creating engagement and involvement during the workshops (role playing, mock hearings).

4.4.6 Target audiences and intermediaries

Although schools are an obvious forum for the development of legal capability among students, the forums for other target audiences require the use of intermediary service providers and institutions. When individuals do not recognize the legal aspects of their problem, intermediaries trained to refer to appropriate legal services can provide a conduit to the justice system.

Apart from students, target audiences include, for example:

- newcomers (i.e. immigrants, refugees)
- youth who aren't engaged in school
- Aboriginal peoples
- disability communities
- families/seniors
- adults when they have a problem
- linguistic minorities
- renters
- consumers

Potential intermediaries include:

- religious institutions
- settlement agencies
- friendship centres
- band councils
- recreation coaches
- front line government staff
- informal groups (colleagues)
- doctors/health clinics
- grocery stores
- Youtube/net

The most difficult target audiences are those not affiliated in some way with institutions or groups. It is for this reason that intermediaries not typically involved in social service delivery are also listed. Different engagement strategies may be necessary for each type of intermediary if they are to serve a useful purpose in relation to prevention.

4.4.7 The need for general information strategies

Effective prevention also requires more general, non-institutionally based information strategies. This is for two reasons: 1) many individuals are not affiliated with specific institutions or community organizations that can play an intermediary role, and 2) people often do not attend outreach events unless they have a legal problem (and recognize it as such). In other words, they will seldom attend a workshop "preventatively." By contrast, high school students are a captive audience.

Three approaches to general information strategies are:

- 1) To promote effective internet searching capabilities (e.g., that citizens are taught that information on the net may not apply to their jurisdiction). This strategy may ultimately be nested in the wider framework of developing legal literacy in the computer age. This discussion applies to prevention, but is addressed in greater detail in relation to PLEI, triage and referral in Section 6.2.
- 2) To research 211-type phone services and create ways of linking with them to ensure key prevention information related to legal matters is embedded in their service delivery approach. A 211 number is a toll-free information and referral service, which connects people to a full range of

non-emergency social, health and government services in their community. The service, originally promoted by the United Way, started in Toronto in 2002, and currently exists in B.C., Ontario, Alberta (Calgary and Edmonton) and Quebec, and will be introduced in Nova Scotia in 2013. It is different from a 311 service, which connects people to municipal government services in many cities.

- 3) To research and improve existing toll free and other telephone services.

4.4.8 *The need for policy integration at the provincial/territorial level concerning access to justice*

The need for a system of quality assurance for legal portals and for effective development, coordination, and maintenance of triage and referral networks leads logically to the need for some system of governance and oversight of these structures. Although in several jurisdictions there has been integration of access to justice initiatives at the service level through the development of multi-agency consortiums and through web-portals, there has not been a comparable integration at the policy level. This issue applies both to prevention initiatives and to triage and referral functions, and is described more fully in Section 7.3.

5.0 ACTION AREAS AND PRELIMINARY RECOMMENDATIONS RELATED TO PREVENTION

The four topics listed below relate closely to the discussion and issues described in Sections 4.1 – 4.4. Each topic involves two components:

- 1) Action areas for the PTR Working Group. These are called “action areas”, but this does not imply that all the actions should be taken by the working group itself. Rather, initial exploratory research will be undertaken by the working group to prepare a more detailed action agenda for presentation in a final report in December 2012. How that action agenda should be implemented will be addressed in the December report.
- 2) Preliminary recommendations for consideration and feedback by readers. These recommendations are repeated in Appendix 1, together with other issues for feedback by readers.

The four topics are:

- 1) Definition of key aspects of legal capability that should be integrated into provincial school curricula across the country;
- 2) Definition and promotion of approaches to the development of legal capability/literacy for adults;
- 3) Liaising with and building advocacy skills of intermediaries;
- 4) Promotion and strengthening of general information strategies that can contribute to the development of legal capability/literacy.

It should be emphasized that many of the recommendations in the following sections have funding implications. For example, the Public Legal Education Association of Canada (PLEAC) is identified as a catalyst to further certain objectives. Without appropriate funding, these tasks cannot be undertaken.

5.1 COMMON NATIONAL LEGAL CAPABILITY EXPECTATIONS FOR SCHOOLS

At least five jurisdictions have law courses that are offered in primary and/or secondary schools. In some provinces it is taught in one grade only; in others it is taught in several. Similarly, it is a mandatory subject in some of these jurisdictions, and optional in others. In other jurisdictions elements of law may be taught in Social Studies or other curricula.

5.1.1 *Actions/further research for PTR Working Group*

This action area requires several tasks of the PTR Working Group:

- 1) Identify and review key evaluation and/or research studies that address the development of legal capability (i.e. with an orientation towards preventive skills and attitudes rather than substantive knowledge);
- 2) Encourage the Public Legal Education Association of Canada (PLEAC) to identify 5 or 6 key points in regard to legal capability, skill and attitude development that should be addressed as a starting point for a conversation about key aspects of legal capability to be taught in schools;

- 3) Present a case for inclusion of these key areas in school curricula. The case would be broadly prescriptive about the substance of these 5 or 6 areas, but not prescriptive about what level or within which school curricula they should be included.

5.1.2 Possible recommendations

Recommendation #1:

That PLEAC, working with representatives of Ministries of Justice and Education from across Canada, produce a report on:

- a) *What constitute the key areas of legal capability for students in Canadian schools;*
- b) *Key learning outcomes regarding legal capability, skills and attitudes that can be implemented at a provincial and territorial level based on the report above.*

Recommendation #2:

That a national meeting of Ministers of Education:

- a) *Adopt in principle the need for a common set of learning outcomes in all provincial and territorial jurisdictions so that all Canadian students, no matter where they live, have access to the basic learning required to provide them with the legal capability skills required to manage their legal needs during their lifetimes;*
- b) *Agree to establish a process to create a national and common set of legal capability learning outcomes to be implemented in all provinces and jurisdictions.*

Recommendation #3:

That justice education resources be made widely available by PLEAC or a consortium of PLEI organizations for teachers to ensure that they have access to the most current and effective curriculum resources that are available in Canada.

Recommendation #4:

That Ministries of Education and Justice in each province and territory meet in order to develop strategies to support the funding and development of educational resources required to support the creation of legal capability skills for students.

5.2 APPROACHES TO THE DEVELOPMENT OF LEGAL CAPABILITY SKILLS FOR ADULTS

There is currently a large body of PLEI for adults in various formats, but its primary emphasis is on what citizens can do if they have a legal problem. The purpose of this action area is to help shift the orientation of these materials and sites so that they include a greater emphasis on prevention. As discussed in Section 4.4.4, this would help adults to build skills to understand the legal dimensions of life situations and avoid escalation of conflict. While part of the objective of this action item is intended to help citizens manage issues effectively so they do not overburden the court system, it is not meant to discourage citizens from seeking access to the legal system when there have been injustices.

5.2.1 Action/clarification by PTR Working Group

Development of this area will require clarification by the committee of:

- 1) The key content messages;
- 2) How they should be delivered;
- 3) Who is already delivering this type of content;
- 4) Who is benefiting from it and who is not benefitting from it (i.e. is being left out and not receiving necessary information);
- 5) How it should be evaluated.

While part of the objective of this action item is intended to help citizens manage issues effectively so they do not overburden the court system, it is not meant to discourage citizens from seeking access to the legal system when there have been injustices.

5.2.2 Possible recommendations

Recommendation #5:

That a consortium composed of PLEAC members, working with representatives of Ministries of Justice and Education and other provincial/territorial departments serving specialized adult populations, produce a report on:

- a) *what constitute the key areas of legal capability for adults;*
- b) *key learning outcomes regarding legal capability, skills and attitudes that can be implemented at a provincial and territorial level based on the report above.*

Recommendation #6:

That representatives from relevant ministries in each province and territory meet in order to develop strategies to support the funding and development of educational resources required to support the creation of legal capability skills for adults. Ministries could include Justice/Attorney General, Education, Social Services/Human Resources/Family Services and departments serving Aboriginal peoples, immigrants and other potential target groups.

5.3 LIAISING WITH AND BUILDING BASIC LEGAL ASSISTANCE SKILLS OF INTERMEDIARIES

Intermediaries within non-legal services (see Section 4.4.6) are essential to an effective prevention strategy of building wide-based legal capabilities in the population.

5.3.1 Actions/further research for PTR Working Group

A strategy would consist of the components listed below, the first four of which will be preliminarily defined by the PTR Working Group. Each of the components will require both a substantive (subject area, types of law) and geographic (jurisdictional) lens.

- 1) Identify existing models of building legal capabilities
- 2) Identify networks of potential intermediaries:

- this would not need to be a community by community mapping process, but rather would begin with readily identifiable networks through organizations such as Community Legal Education Ontario (CLEO), the Aboriginal Justice Network, etc.
- 3) Assess the common level of knowledge, skills and comfort with legal information⁵
 - e.g. what types of questions are intermediaries generally unable to answer
 - 4) Identify what is needed for intermediaries to do early triage to legal resources that can be used to avoid the creation of problems that will need to be adjudicated by the legal system
 - this intermediary role will also include encouraging the building of basic legal capability
 - intermediaries will need to understand the expanded functions they will be taking on in fulfilling this role. Many of them already do triage to assist or support legal problem resolution. This additional role relates to prevention assistance and support.
 - 5) Help create a community to build these skills.

5.3.2 Possible recommendations

There are many different networks of intermediaries: immigrant service organizations, aboriginal service organizations, seniors, disability community organizations and others. It may be that the key prevention and legal capability areas will be identified in the research that will be undertaken in Section 5.3.1. If that is the case, then recommendations should be aimed at governments and law foundations to provide funding to ensure that intermediaries employed by the different types of service organizations receive the training necessary to provide effective assistance to their clients with these legal needs and also to identify what specific PLEI resources they need. If so, some recommendations could be:

Recommendation #7:

That a meeting be held of key funders of intermediary services that provide prevention and triage services to specific client communities (immigrant, aboriginal, deaf, blind, etc.). The purpose would be to develop a coordinated approach to the training of intermediaries whom they fund so that they are able to provide their clients with the basic legal capability skills required by every citizen.

Recommendation #8:

That PLEAC develop a strategy to help its members determine what PLEI resources should be developed for use by intermediaries with their respective client communities. Once identified, these resources should be shared nationally.

5.4 PROMOTION/STRENGTHENING OF GENERAL INFORMATION STRATEGIES

5.4.1 Action for PTR Working Group

This strategy is essentially one of working together with existing 211 (and comparable) services, promoting the inclusion of a focus on building legal capability, suggesting how this focus might be enhanced, and addressing issues of quality control. This strategy will also extend to existing toll free services which are

⁵ Research work on this theme has been done by Trevor Farrow (Osgoode Law School) and Pierre Moreau (Université de Montréal)

mainly operated by PLEI organizations. Initially it will involve determining what information is offered by each service, and the accuracy and comprehensiveness of this information as it relates to legal capability and legal resources.

5.4.2 Possible recommendations

Recommendation #9:

That agencies currently delivering 211 and other law-related telephone advice and information services in their province or territory meet to discuss how their services can more specifically contribute to the building of legal capacity within the public, and quality control issues that need to be addressed in relation to this orientation.

Recommendation #10:

That key decisions or reports resulting from these meetings be shared with other jurisdictions across the country and discussions be organized to standardize this type of service delivery wherever possible.

6.0 DEFINITION OF THE PROBLEM: TRIAGE AND REFERRAL

There are three themes of central importance when defining the problem in regard to triage and referral, and related PLEI activities.

- web portals;
- triage and referral networks;
- oversight of PTR policy and coordination.

There are many contextual factors that impact these areas of activity, as described in Section 2.0.

6.1 WHERE DOES TRIAGE AND REFERRAL AND RELATED PLEI OCCUR?

Triage and referral and related PLEI can occur at three stages as depicted in the chart below. For the purposes of this paper, the primary focus of triage and referral is in the first two stages, as stage three occurs within court/tribunal systems and is the proper domain of government and these institutions.

Stage 1: Early Prevention	Stage 2: Entry to Justice System	Stage 3: Within Court, Tribunal and Mediation Systems
Triage and referral and related PLEI to increase legal capability and manage conflict (see Section 4.2.1)	Triage and referral and related PLEI upon entry into larger justice and advocacy system when a legal problem has been defined	Triage and referral and related PLEI at various stages within court/tribunal systems

The first stage of triage and referral (**Early Prevention**) occurs prior to access into the larger justice system and can help build an understanding of individual and group prevention strategies. It can also direct individuals to non-court and non-legal resources that can help manage conflict and address problems. This activity domain has been defined in Section 4.2.1, however it is important to conceptualize that PLEI, triage and referral functions exist in all three stages.

The second stage (**Entry to Justice System**) occurs at the point when problems emerge and are defined as legal. On the one hand this stage is currently the most dynamic and active of the three; on the other hand it still requires considerable coordination and integration. Although the function of triage and referral at this stage is similar to that described for the prevention stage in Section 4.2.1, there are two differences. First, the locus of triage activity is no longer primarily within the social service sector, but is shared more fully with the advocacy and PLEI provider sectors, i.e., groups whose knowledge and skill base is more rooted in legal and justice issues. Secondly, triage and referral at this stage has less to do with helping individuals manage conflict and addressing problems on their own, and more to do with identifying the type and level of resource necessary to resolve a dispute that has materialized. It may also be that at this stage the distinction between “signposting” and “referral” becomes even more important (i.e., that the referral agent needs to take a more active role in ensuring a client reaches the intended resource). Nevertheless, in both stages a critical concern is that the triage and referral networks be well developed and coordinated.

The third stage (**Within Court, Tribunal and Mediation Systems**) occurs as various streams or options are considered as individuals pursue cases within the legal system. The large majority of triage decisions at this stage are defined within the courts/tribunals, and/or by lawyers and/or by mediation services, but there is nonetheless some role for PLEI and possible referral at this stage (e.g. for self-represented litigants).

6.2 WEB PORTALS

Web portals help citizens use the internet to define their problems or information needs, navigate through various options and access needed resources (background documents, step-by-step instructions, court forms, contact information, etc). Portals may, but usually do not create new resources; they provide navigational tools and build links to resources developed by individual organizations and/or networks of organizations. This access to a wide range of materials is both a significant asset to the user and a source of problems that can affect the user. The purposes for which portals should be developed, and how they should function within the framework of a network of services, are issues that need to be carefully considered and addressed from a systems perspective.

These issues can be defined in terms of several interconnected themes:

Access/selection

- Should one portal be promoted above others? On what basis is this decision made? (For example, in BC, Clicklaw is a portal developed and supported by 24 organizations, but there are numerous sites and sources of information outside of this group). Research on various approaches is needed. For example, how can users be directed to portals that are appropriate to the jurisdictions in which they reside, or in which an action arose, in order to ensure that the information is applicable (see also “jurisdiction” below)?
- Who should take on this role? It was felt that although law societies have a direct role in ensuring the quality of advice of lawyers, it is not feasible that they monitor portals and websites. What, if any, role should government play? Government involvement could be seen as problematic insofar as it is often a party to legal disputes with citizens.
- This discussion is also part of the larger discussion on oversight for the overall PTR area, which is addressed in Section 6.4

Quality/accuracy/functionality

- Who is responsible for ensuring the currency and accuracy of information?
- It was felt that although the notion of controlling the web is a non-starter, the notion of ensuring quality (and directing citizens to quality sites) is definitely feasible. Suggestions along this line include a system of ratings (e.g. Wikipedia-type star system), the development of a complaint mechanism, certification (quality control) by an oversight body, and more generally developing mechanisms to educate consumers that certain sites/portals are better than others. While these are external mechanisms, there are also mechanisms that need to be built internally into the operation of sites.
- Government funds are used to develop some portals. Should government or other funders require that mechanisms be established internally to ensure ongoing quality control of the portal?

Jurisdiction

- Users of legal portals and sites often do not understand that resources in one jurisdiction do not apply to their jurisdiction. This problem may best be handled by some screening mechanism that asks users to state their province or territory (and/or the P/T where a legal problem arose), so that they are automatically screened to materials pertaining to that jurisdiction. Even if such a mechanism is not feasible, at a minimum there should be a clear alert to users upon entering a portal that materials they use must be jurisdiction-specific.

6.3 TRIAGE AND REFERRAL

Several contextual issues are important in a discussion of triage and referral processes:

6.3.1 Entry points

As noted in Sections 3 and 4, community organizations and websites (rather than formal justice system services or the courts), are often the initial entry point for citizens who are grappling with situations of conflict or with new life circumstances that may require legal information.

Even where “one-stop” entry points exist (e.g. Legal Service Centres in Alberta), they 1) do not take into consideration the early stage needs for triage described in Section 6.1, and 2) do not necessarily consider habits or preferences of citizens to access information through organizations with which they affiliate or speak their language, and 3) are often not available in remote or non-urban settings. One way or another, community organizations will be involved in triage and referral processes. New models of service delivery such as the Pro Bono Law Ontario project at Sick Kids Hospital in Toronto are expanding still further the notion of community-based delivery of services, and underscore the complexity of triage.

Therefore the main tasks are to understand the degree and forms of networking that exist, how networks can be coordinated and enhanced, and how citizens can be educated to access appropriate/accurate legal information in their jurisdiction.

6.3.2 Navigator/“warm referrals”/accompaniment

The referral function is more than just identifying appropriate resources. Ideally it means ensuring that citizens get to the right resource at the right time. It can involve an interactive computerized “navigating” approach such as is used in the Superior Court Self-Service Centre in Maricopa County, Arizona, the use of Court Orientation Workers (BC) for unrepresented accused individuals, or “warm referrals” where court or advocacy workers physically accompany citizens to the referral destination. “Avatar” models can be seen as analogous to these navigator models, but in the virtual realm. Chat or serial telephone assistance can play a similar role. In some cases an online navigator might be sufficient, while in other cases having a trained problem solver in person is more appropriate. Some organizations such as Native Court Workers can combine information, referral and advocacy functions; others such as immigrant services cannot perform all three functions.

These mechanisms and differences in organizational capacity imply the need for links, active coordination and feedback loops between service providers. Even when there are networks of services, coordination requires active development so that the network becomes – from the standpoint of a consumer – more than the sum of its parts.

6.3.3 *Avoiding linear thinking*

It is important not to think of referral in strictly linear terms. There can be mistakes made in triage, necessitating renewed contact with the original referring agency. People are entitled to and sometimes seek a second opinion. Legal problems are often complex and involve multiple stages. Individuals will often deal with issues serially or concentrate only on the most critical issue until it is resolved, but then return to a service. The Australian policy theme of “no wrong door, no wrong number” explicitly recognizes that citizens seek information in many different ways. It is important that citizens do not abandon attempts to get help if they are given incorrect referrals or if an initial referral is not helpful. All these types of situations increase the need for effective communication, linkages and feedback loops between service providers.

6.4 **OVERSIGHT, GOVERNANCE OF TRIAGE/REFERRAL POLICY AND COORDINATION**

The need for a system of quality assurance for legal portals (Section 6.2) and for effective development, coordination, and maintenance of triage and referral networks (Section 6.3) leads logically to the need for some system of governance and oversight of these structures.

In the UK it was found that government funded a large number of local legal and advocacy services (“pioneering partnerships”), but little attention was paid to how to link them. Because these linkages did not exist, consumers often met dead ends or became confused rather than encouraged by the array of services. If they had 2 or 3 failures, they would give up trying to resolve their problems.⁶ In the US there are Access to Justice Commissions in most states that oversee policy, direct research and promote coordination between programs. By contrast, in Canada, many of these functions are performed – if at all – on an ad hoc, local, duplicative and uncoordinated basis. There is no central repository of accumulated knowledge in the field. In Canadian jurisdictions small scale grants are often given by government or law societies to seed local initiatives. This may encourage competition between separate organizations rather than active cooperation and mutual referrals. Local organizations may respond to coordination initiatives negatively, fearing that they may impact their funding base.

There is a need at the policy level to develop a mechanism – be it a commission, committee or other structure – that:

- addresses quality control issues, particularly in relation to PLEI and service delivery resources on the internet and accessible through portals;
- helps to rationalize funding and challenge the “siloing” of service delivery;
- assists networks to develop coordinated and effective PLEI, triage and referral mechanisms;
- addresses issues of training related to triage and referral processes (to help both lawyers to understand community-based services and community organization staff to understand the range of legal and advocacy services).
- maintains the priority on local, responsive PLEI developed by non-governmental organizations that have established relationships with the agencies and individuals helping people.

⁶ Causes of Action, Legal Services Research Centre, UK.

The PTR Working Group is not prescriptive in saying how these needs should be met, but rather wishes to bring attention to the policy vacuum that currently exists. If there is interest, the mechanism could also be used to coordinate all access to justice initiatives at the provincial and territorial levels.

7.0 ACTION AREAS AND PRELIMINARY RECOMMENDATIONS RELATED TO TRIAGE AND REFERRAL

Actions and recommendations that address the three areas described in Section 6.0 (i.e. web portals, triage and referral networks, and oversight and governance) are described in Sections 7.1 – 7.3 below. Contextual factors impacting these areas were summarized in Section 3.0.

7.1 ACTION ON WEB PORTALS

7.1.1 *Actions/further research for PTR Working Group*

The action themes concerning web portals include the following. The first item is one that can be explored preliminarily by the PTR Working Group for the December 2012 report. The remainder will require more substantial consideration and resources that could be facilitated by the recommendation in Section 7.1.2.

- A review of existing portals and models in Canada and in other jurisdictions;
- Development of recommendations around quality control approaches such as evaluation, certifications, complaint mechanisms and how to deal with non-certified sites; explore possible governance or policy-setting structures;
- Examine possible conflicts/overlaps between portals, as well as gaps;
- Explore more systematic sharing of resources, including sharing of expertise nationally;
- Explore IT issues that may impact future portal development and/or functioning, such as IT platforms and the modifying and re-dubbing of videos for use in other jurisdictions.

7.1.2 *Possible recommendation*

Recommendation #11:

That a National Access to Justice Portal or a national, decentralized and linked system of provincial/territorial portals be created that would give people easy access to the various sources of information and assistance for dealing with legal problems. This would require the collaboration of all provinces and territories. This recommendation should be acted on by PLEAC and the Association of Legal Aid Plans of Canada (ALAPC) together, working where possible with provincial pro bono organizations. This project would build on the existing portals to ensure that people find accurate information, but would not ignore those functional portals already operational in many provinces.

7.2 ACTION ON PLEI, TRIAGE AND REFERRAL NETWORKS

7.2.1 *Actions/further research for the PTR Working Group*

The action items related to PLEI, triage and referral networks include the following. The first item can be explored preliminarily by the PTR Working Group for the December 2012 report. The other two will require more substantial consideration and resources, as per the recommendation in Section 7.2.2.

- Identify existing triage systems and types of networks, both within the legal system and community at large;
- Examine new models of triage (e.g. virtual (Avatar) models);
- Categorize the triage modes (e.g. telephone, web-based, in person), the circumstances/structures in which they are used, the stage (early community stage, justice system entry stage, court entry stage), and the degree of accompaniment/support offered. Mention was made of commercial services in the US which have triage/referral processes at three levels: by initial or opening email, then email exchange, then video exchange to talk to a service provider.

7.2.2 Possible recommendations

Recommendation #12:

That PLEAC, provincial Pro Bono law organizations and ALAPC work together to identify existing models for early prevention triage/referral, justice system entry triage/referral, and Court, tribunal and mediation system triage/referral and produce a report that can be used by all provinces and territories to develop more integrated triage/referral services for their citizens. This report should identify emerging approaches to triage/referral such as the use of avatars, chat, telephone and in-person assistance.

Recommendation #13:

That organizations such as the Provincial and Territorial Ministries of Justice, the Judiciary, the Canadian Centre for Court Technology (CCCT), ALAPC, provincial Pro Bono law organizations and PLEAC discuss how to coordinate the development and implementation of cost-effective new strategies and technologies for triage/referral services in their respective jurisdictions.

7.3 ACTION ON OVERSIGHT OR GOVERNANCE MECHANISMS FOR PLEI, TRIAGE AND REFERRAL

7.3.1 Action/further research for PTR Working Group

The required action concerning an oversight mechanism is to research mechanisms/bodies/ approaches in other jurisdictions. Mention was made in Section 6.4 of Access to Justice Commissions at the state level in the US, but committee structures built out of existing services and networks may also be considered. The European Commission for Efficiency of Justice is a potential source of information. The University of Ottawa has also been identified as a helpful source of information on governance.

Key issues of concern are the types of responsibilities involved, budget allocation, quality control, evaluation and the role of such a mechanism in fostering innovation.

For purposes of the December 2012 report, the PTR Working Group could undertake a preliminary description of the key models. This could provide the basis for more comprehensive research of models that are of interest in the future.

7.3.2 Possible recommendation

Recommendation #14:

That an Access to Justice Committee (AJC) composed of major justice system stakeholders and with public representation, be established in each province and territory in Canada and that these AJCs undertake to promote and coordinate the development and implementation of all access to justice initiatives in their respective jurisdictions. This includes prevention, triage and referral and associated PLEI activities, access to legal services, family law reforms and court reform.

APPENDIX 1

Feedback Form for Readers

NOTE: This appendix lists the preliminary recommendations from Sections 5 and 7 of the report. The PTR Working Group would like your feedback on the following:

- 1) Whether you basically agree with the spirit of each recommendation;
- 2) Whether you wish to suggest revisions to specific wording of the recommendation(s);
- 3) Whether you have additional or alternative recommendations that would address any of the topic areas;
- 4) Reports, documents or websites that you feel would be particularly valuable in relation to the topic areas;
- 5) Names and contact information of key individuals who are particularly well informed on one or more topics who might be willing to be interviewed;
- 6) Any additional comments.

FEEDBACK FORM FOR READERS

1) Agreement/Non-Agreement with Recommendations

#	Recommendation	Do you basically agree with the spirit of this recommendation?		
Prevention Topics				
1	<p><i>That PLEAC, working with representatives of Ministries of Justice and Education from across Canada, produce a report on:</i></p> <p><i>a) What constitute the key areas of legal capability for students in Canadian schools;</i></p> <p><i>b) Key learning outcomes regarding legal capability, skills and attitudes that can be implemented at a provincial and territorial level based on the report above.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
2	<p><i>That a national meeting of Ministers of Education:</i></p> <p><i>a) Adopt in principle the need for a common set of learning outcomes in all provincial and territorial jurisdictions so that all Canadian students, no matter where they live, have access to the basic learning required to provide them with the legal capability skills required to manage their legal needs during their lifetimes;</i></p> <p><i>b) Agree to establish a process to create a national and common set of legal capability learning outcomes to be implemented in all provinces and jurisdictions.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
3	<i>That justice education resources be made widely available by PLEAC or a consortium of PLEI organizations for teachers to ensure that they have access to the most current and effective curriculum resources that are available in Canada.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
4	<i>That Ministries of Education and Justice in each province and territory meet in order to develop strategies to support the funding and development</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
5	<p><i>That a consortium composed of PLEAC members, working with representatives of Ministries of Justice and Education and other provincial/territorial departments serving specialized adult populations, produce a report on:</i></p> <p><i>a) what constitute the key areas of legal capability for adults;</i></p> <p><i>b) key learning outcomes regarding legal capability, skills and attitudes that can be implemented at a provincial and territorial level based on the report above.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
6	<i>That representatives from relevant ministries in each province and territory meet in order to develop strategies to support the funding and development of educational resources required to support the creation of legal capability skills for adults. Ministries could include Justice/Attorney General, Education, Social Services/Human Resources/Family Services</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure

#	Recommendation	Do you basically agree with the spirit of this recommendation?		
7	<i>That a meeting be held of key funders of intermediary services that provide prevention and triage services to specific client communities (immigrant, aboriginal, deaf, blind, etc.). The purpose would be to develop a coordinated approach to the training of intermediaries whom they fund so that they are able to provide their clients with the basic legal capability skills required by every citizen.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
8	<i>That PLEAC develop a strategy to help its members determine what PLEI resources should be developed for use by intermediaries with their respective client communities. Once identified, these resources should be shared nationally.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
9	That agencies currently delivering 211 and other law-related telephone advice and information services in their province or territory meet to discuss how their services can more specifically contribute to the building of legal capacity within the public, and quality control issues that need to be addressed in relation to this orientation.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
10	That key decisions or reports resulting from these meetings be shared with other jurisdiction across the country and discussions be organized to standardize this type of service delivery wherever possible.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
Triage and Referral Topics				
11	<i>That a National Access to Justice Portal or a national, decentralized and linked system of provincial/territorial portals be created that would give people easy access to the various sources of information and assistance for dealing with legal problems. This would require the collaboration of all provinces and territories. This recommendation should be acted on by PLEAC and the Association of Legal Aid Plans of Canada (ALAPC) together, working where possible with provincial pro bono organizations. This project would build on the existing portals to ensure that people find accurate information, but would not ignore those functional portals already operational in many provinces.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
12	That PLEAC, provincial Pro Bono law organizations and ALAPC work together to identify existing models for early prevention triage/referral, justice system entry triage/referral, and Court, tribunal and mediation system triage/referral and produce a report that can be used by all provinces and territories to develop more integrated triage/referral services for their citizens. This report should identify emerging approaches to triage/referral such as the use of avatars, chat, telephone and in-person assistance.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure

#	Recommendation	Do you basically agree with the spirit of this recommendation?		
13	<i>That organizations such as the Provincial and Territorial Ministries of Justice, the Judiciary, the Canadian Centre for Court Technology (CCCT), ALAPC, provincial Pro Bono law organizations and PLEAC discuss how to coordinate the development and implementation of cost-effective new strategies and technologies for triage/referral services in their respective jurisdictions.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
14	<i>That an Access to Justice Committee (AJC) composed of major justice system stakeholders and with public representation, be established in each province and territory in Canada and that these AJCs undertake to promote and coordinate the development and implementation of all access to justice initiatives in their respective jurisdictions. This includes prevention, triage and referral and associated PLEI activities, access to legal services, family law reforms and court reform.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure

2) Regardless of your response to each recommendation, do you have revisions or alternative wording to suggest? (please identify the recommendation # and suggested changes)

Recommendation Number	Suggested Changes

3) Do you have additional recommendations to suggest on any of these topic areas?

4) Please identify reports, documents or websites that you feel would be particularly valuable to a topic area associated with these recommendations.

5) Please provide names and contact information of key individuals who are particularly informed on specific topics who might be willing to be interviewed.

6) Other general comments or observations.