



**THE CANADIAN FORUM ON CIVIL JUSTICE:
PROJECT EVALUATION**

FINAL REPORT



PROGRAMS BRANCH

PARTNERSHIP
AND INNOVATION

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FINAL REPORT

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*The views expressed herein are solely those
of the author and do not necessarily reflect those
of the Department of Justice of Canada.*

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INTRODUCTION

The Department of Justice has funded the Canadian Forum on Civil Justice (CFCJ, or the Forum) in its start-up phase, from 1998/99 to 2000/01. The Forum is now seeking funding for its on-going operations. As part of its decision-making process, the Department determined that an evaluation of the Forum's activities to-date would be desirable. This evaluation was therefore undertaken to determine whether the Forum has added value to the Canadian civil justice community.

This report describes the Forum and its activities, and presents answers to the evaluation questions addressed.

PART 1: BACKGROUND AND PROGRAM DESCRIPTION

I. Origins and rationale

In 1995, the Canadian Bar Association, National (CBA) formed a Task Force on the Systems of Civil Justice “to inquire into the state of the civil justice system on a national basis and to develop strategies and mechanisms to facilitate modernization of the justice system so that it is better able to meet the current and future needs of Canadians.” (from the Forward to the Task Force Report). The Task Force concluded that the central issues affecting access to the civil justice system are delay, costs associated with proceeding in the civil courts and lack of understanding of the civil justice system. There were 53 recommendations in the Task Force Report, which identified issues in the civil justice system and recommended steps to improve that system.

The CBA Task Force found that there were gaps in gathering and sharing information on civil justice issues in Canada because, unlike the United States, Australia or Britain, Canada did not have an organization focused on improving the civil justice system. The Task Force recommended¹ the creation of an independent organization to encourage participation from all groups involved in civil justice reform and to facilitate the exchange of information and experience in civil justice reform. The Forum was established pursuant to that recommendation through a joint initiative of the Canadian Bar Association and the University of Alberta, Faculty of Law. The Canadian Forum on Civil Justice is a national organization, incorporated under Part II of the *Canada Corporations Act* in May 1998.

¹ *Systems of Civil Justice Task Force Report*, Recommendation #52.

II. Mission and Objectives

The mission statement of the Canadian Forum on Civil Justice states that the Forum “is a non-profit, independent organization dedicated to bringing together the public, the courts, the legal profession and government in order to promote a civil justice system that is accessible, effective, fair and efficient”.

The stated objectives of the Forum are:

- To seek to improve the civil justice system in ways and means including but not restricted to the following:
 - Collecting in a systematic way information relating to the system for administering civil justice;
 - Carrying out in-depth research on matters affecting the operation of the civil justice system;
 - Promoting the sharing of information about the use of best practices;
 - Functioning as a clearinghouse and library of information for the benefit of all persons in Canada concerned with civil justice;
 - Developing liaisons with similar organizations in other countries to foster exchanges of information across national borders; and
 - Taking a leadership role in providing information concerning civil justice reform initiatives and developing effective means of exchanging this information
- To encourage persons, groups and organizations to participate in civil justice reform;
- To carry out its mandate free of the traditions and self-interests of all participants; and
- To do all other things deemed necessary and prudent to carry out the mandate of the Forum.

III. Governance

A Board of Directors sets policy and guides the operations of the Forum. The Board comprises leading members of the Bar, government, court administrations, the judiciary, legal academia and the lay public from across the country. In addition, members of an Advisory Board sit as non-voting members of the Board of Directors.

The Board of Directors meets in person at least once a year (usually during the annual Canadian Bar Association meeting), and by teleconference three times a year. In addition, Committee meetings occur in-person and by teleconference as required.

IV. Resources

The federal Department of Justice has provided project funding to establish the Forum to a total of \$75,000 from April 1, 1998 to March 31, 2001 (\$25,000 per fiscal year). The Forum's sources of funding are broken down by year below:

1998-99 Fiscal Year:

Funder	Amount	Type of Funding
Federal Department of Justice	\$ 25,000	Operating (Start-up funding)
Government of British Columbia	\$ 7,500	Operating (Start-up funding)
Government of Alberta	\$ 7,500	Operating (Start-up funding)
Government of Saskatchewan	\$ 4,000	Operating (Start-up funding)
Government of Ontario	\$ 15,000	Operating (Start-up funding)
Government of Nova Scotia	\$ 3,000	Operating (Start-up funding)
DuPont Canada	\$ 50,000	Operating (Start-up funding)
Association of Canadian Court Administrators	\$ 10,000	Operating (Start-up funding)
Law Foundation of BC	\$ 10,000	Operating (Start-up funding)
CBA Law for the Future Fund	\$ 15,000	Operating (Start-up funding)
TOTAL	\$147,000.00	

1999-2000 Fiscal Year:

Funder	Amount	Type of Funding
Federal Department of Justice	\$ 25,000	Operating (Start-up funding)
Government of British Columbia	\$ 7,500	Operating (Start-up funding)
Government of Alberta	\$ 7,500	Operating (Start-up funding)
Government of Saskatchewan	\$ 2,000	Operating (Start-up funding)
Government of Ontario	\$ 15,000	Operating (Start-up funding)
Government of Nova Scotia	\$ 1,500	Operating (Start-up funding)
Government of NWT	\$ 2,000	Operating (Start-up funding)
Assoc'n of Cdn Court Admin's	\$ 10,000	Operating (Start-up funding)
Alberta Law Foundation	\$ 67,688	Operating
Summer Career Placements	\$ 1,156	Operating
Memberships	\$ 2,925	Operating
Conference Fees	\$ 75	Operating
Alberta Law Foundation	\$ 8,072	Capital Grant
Alberta Law Foundation	\$ 14,908	Project (Alberta Clearinghouse)
BC Law Foundation	\$ 14,980	Project (BC Clearinghouse)
CBA Law for the Future Fund	\$ 14,880	Project (Federal Clearinghouse)
Nova Scotia Law Foundation	\$ 15,180	Project (Nova Scotia Clearinghouse)
SSHRC	\$ 5,000	Project (CURA Application Fund)
TOTAL	\$215,364.00	

2000 – 2001 Fiscal Year:

Funder	Amount	Type of Funding
Federal Department of Justice	\$ 25,000	Operating (Start-up funding)
Government of British Columbia	\$ 7,500	Operating (Start-up funding)
Government of Alberta	\$ 7,500	Operating (Start-up funding)
Government of Ontario	\$ 15,000	Operating (Start-up funding)
Government of NWT	\$ 1,000	Operating (Start-up funding)
Assoc'n of CdnCourt Admin's	\$ 10,000	Operating (Start-up funding)
Alberta Law Foundation	\$137,010	Operating
STEP Grant	\$ 2,772	Operating
Memberships	\$ 6,150	Operating
Saskatchewan Law Foundation	\$ 14,780	Project (Sask'n Clearinghouse)
SSHRC Grant	\$ 5,000	Project (CURA Application Fund)
Alberta Law Foundation	\$109,950	Project (Alberta Civil Justice System and the Public Research)
TOTAL	\$341,662.00	

2001-2002 Fiscal Year:

Funder	Amount	Type of Funding
Alberta Law Foundation	\$267,977	Operating
Government of Saskatchewan ²	\$ 2,000	Operating
Government of NWT	\$ 1,000	Operating
Memberships ³	\$ 200	Operating
SCP	\$ 1,135	Operating
Alberta Law Foundation	\$ 10,000	Capital Grant
SSHRC	\$200,000	Project ("Civil Justice System & Public" Research Grant)
Federal Department of Justice	\$ 22,230	Project (Newsletter & Website Upgrade Project)
Federal Department of Justice	\$ 2,290	Project ("Civil Justice System & Public" Translation Project)
TOTAL	\$506,832.00	

² This year was the end of multi-year funding commitments provided by a number of Federal, provincial and territorial governments (1998-1999 to 2000-2001). Funding renewals have been obtained from most of these governments, but with limited success for the year 2001-2002 fiscal year due to world events and fiscal realities.

³ The primary mechanism used by the Forum to generate memberships is their newsletter. There was a decrease in membership revenues this year because the Forum did not publish a newsletter.

2002-2003 Fiscal Year:

Funder	Amount	Type of Funding
Alberta Law Foundation	\$267,977	Operating
Government of Alberta	\$ 10,000	Operating
Government of Ontario	\$ 15,000	Operating
Government of New Brunswick	\$ 1,000	Operating
Government of Nova Scotia	\$ 1,500	Operating
Government of NWT	\$ 1,000	Operating
Summer Career Placement	\$ 1,500	(approx) Operating
SSHRC	\$200,000	Project (“Civil Justice System & Public” Research)
TOTAL	\$497,977.00	

Since the 2000/01 fiscal year, the Forum has received core funding from the Alberta Law Foundation, and research funds from the Social Sciences and Humanities Research Council to conduct a major research project on the “Civil Justice System and the Public”. This project funding combined with an increase in the operating grant received from the Alberta Law Foundation, has enabled the Forum to increase its staffing levels. The Alberta Law Foundation expects that the core funding it provides will be supplemented by grants from the federal, provincial and territorial governments, as well as corporate sponsors.

Prior to 2000/01, the Forum operated with an Executive Director, a Librarian and an Administrative Assistant. As a result of the recent infusion of funds, staffing of the Forum includes:

- The Executive Director
- A Program Director, with responsibility for upgrading the website, publishing the newsletter and development of the Civil Justice Clearinghouse
- A Librarian, who conducts legal research, updates the Clearinghouse materials, and supervises temporary staff, such as summer students
- Two Administrative Assistants
- A Research Coordinator
- Two Research Assistants (half-time)
- Two summer students

V. Clients/Target Populations

The stakeholders of the Forum include:

- the Canadian public
- Legal professionals
- the Judiciary

- Government
- Court Administrators
- Legal aid and court workers
- Academics
- Public Legal Educators and Continuing Legal Educators
- Arbitrators and Mediators

VI. Program delivery

In order to achieve its objectives, the Forum engages in a number of activities. Each of these activities is discussed below, together with their anticipated results.

a. The Civil Justice Clearinghouse

The development of the Clearinghouse has been a primary focus of the Forum to-date. The Clearinghouse consists of:

- An on-line searchable database accessed through the Forum's website (www.cfcj-fcjc.org) which includes over 15,000 bibliographic references, and a number of full-text unpublished documents.
- A library of materials and documents available for on-site research (also included in the on-line database).⁴
- On-line links to other legal websites.

By maintaining an up-to-date list of legal websites, the Forum hopes to become the first point of access for individuals and organizations seeking information on the Canadian civil justice system and civil justice reform. The website is also intended to serve as one of the means for sharing best practices.

The original bibliographic database was developed in 1998 and 1999, but has since been greatly expanded through an on-going collection process. Because of the greatly expanded database, the Forum redesigned the database using more sophisticated software, and the database now resides on a more powerful server. Policies related to the collection and distribution of materials (including copyright, retention schedules, archiving and publication of materials on the Forum website) are currently being developed.

Finally, one of the stated objectives of the Forum is to carry out its mandate free of the traditions and self-interests of all participants. Thus, it is hoped that all stakeholders will recognize the Forum as an objective source of information.

⁴ These materials are also used to respond to specific requests from interested individuals and organizations. Staff also use their broad knowledge of developments in the civil justice system to answer requests for information.

b. Conducting In-depth Research

Part of the Forum's mandate is to conduct research on matters affecting the operation of the civil justice system. The main research focus has begun with a large project entitled "The Civil Justice System and the Public", which is a study of communication between the courts and the public, and an identification and promotion of best practices in communication.

In addition to the substantive work on improving communication and increasing public interest in civil justice reform, it is hoped that the large collaborative partnership which brings together partners who share a concern for civil justice reform, will create links between these partners and in turn facilitate ongoing consortium building and research.

c. Liaison/Outreach

Liaison activities are intended to raise the profile of the Forum, facilitate the collection of materials for the database, bring together interested individuals and organizations to promote the sharing of information and stimulate interest in civil justice reform. Similarly, liaison activities should lead to increased information sharing among interested individuals and organizations, and increased professional interest in civil justice reform.

Liaison is undertaken primarily by the Executive Director, who attends relevant conferences and meetings. The Forum also sponsors conferences and workshops on timely topics (e.g. a national conference on court-annexed mediation). Whenever possible, the Executive Director is an active participant in conferences, making presentations and meeting with particular interest groups.

The work on the Clearinghouse also involves the creation and maintenance of on-going contacts with people and organizations across Canada and internationally, as does the planning and production of the Forum's Newsletter.

The Forum is the lead partner and coordinator of a research project on the "Civil Justice System and the Public", which brings together for the first time, partners who share a concern for civil justice reform but have been separated by geography, jurisdiction and discipline. Participants come from academia, the judiciary, the legal profession, court administration, community organizations, public legal education agencies and the public. This collaborative research project is intended to provide sharing of knowledge and expertise among participants, and in so doing reinforce decision-making and problem-solving capacities.

The Executive Director sits on a number of Research Committees (e.g. with the Association of Canadian Court Administrators and the Canadian Institute for the Administration of Justice). In addition to fostering useful contacts, it is hoped that the

Executive Director's participation on research committees will ensure that the Forum is aware of research initiatives involving the civil justice system, and will lead to further opportunities for joint research agendas.

d. Fundraising

If the Forum is to become an on-going presence in the civil justice field, it will need to obtain stable funding. The Forum benefits from a significant commitment on the part of the Alberta Law Foundation, which provides the Forum with core funding. In approving this funding, the Alberta Law Foundation clearly indicated that the Forum must also obtain operating funds from other sources. The Forum has received funding from some Departments of Justice, but is now seeking to increase the amount of funding available from each jurisdiction and to obtain long-term funding commitments. It is also looking to secure funding from other sources.

PART 2: THE EVALUATION

I. Evaluation Issues and Questions

The ultimate aim of this evaluation is to determine whether the Forum has become a valuable addition to the civil justice community, and should thus warrant further funding by the Department of Justice Canada. We therefore addressed the following issues:

- The Forum's achievements in promoting civil justice reform, increasing knowledge and obtaining sustaining funding
- Whether the Forum is positioned to achieve success in the future

In addressing these issues, we considered the following questions:

- Is the Clearinghouse reaching and being used by its intended audience?
- Is the on-line database functional and available?
- Is the website a useful information sharing mechanism?
- How useful and timely is the Newsletter?
- What other mechanisms has the Forum used to share information?
- Have best practices been identified and shared?
- Has research led to increased knowledge about the civil justice system?
- To what extent has the CFCJ activities led to joint research agendas?
- To what extent has the CFCJ encouraged the creation of partnerships?
- Has research been undertaken by the CFCJ jointly with other stakeholders?
- Has the CFCJ identified a clear and appropriate strategic direction?
- To what extent has the CFCJ obtained sustained funding?

II. Evaluation Methods

Three lines of enquiry were followed during this evaluation. Interviews were conducted to gather qualitative information on stakeholders' experience with the Forum and its services; a survey was distributed with the Forum's Newsletter to obtain utilization and satisfaction data about the information sharing activities of the Forum; and a document review sought specific information on certain aspects of the Forum's activities (see Appendix B for details).

Interviews: Contact information for 30 potential interviewees was provided by the Forum, to ensure that a sufficient number of individuals could be reached and interviewed in the short time available for this task. Interviews were conducted from May 30th to June 18th, 2002, and covered the topics shown

in Appendix B. No interviewee declined to participate, although some were unable to do so due to scheduling constraints.

A total of 19 interviews were conducted (one interviewee was both an academic and a member of the Board of Directors, and therefore is counted in both categories):

- The Chair of the Board of Directors of the Forum
- Three other members of the Board and the Advisory Board
- The Executive Director
- The Chairs of the two Research Committees on which the Executive Director sits
- A representative of the Canadian Bar Association
- A representative of the Alberta Law Foundation
- Two representatives of provincial funders
- Three members of the judiciary
- Three academics concerned with civil justice reform
- Three other general stakeholders

Survey: A questionnaire (see Appendix B) and covering letter were included with the Newsletter distributed in mid-May, 2002. It included a postage-paid return envelope, so that respondents could return the questionnaire directly to the evaluators. Returns were requested by June 7, 2002. Approximately 1,500 questionnaires were distributed, and 55 were returned for analysis, giving a response rate of only 4%. With this response rate, we can be confident that the results are valid within $\pm 13\%$. Responses should therefore be interpreted with caution, keeping in mind that 96% of survey recipients chose not to respond.

Respondents to the survey identified themselves as follows:

Category	Number	% of total
Judiciary	9	16%
Lawyer	28	51%
Court Administrator	5	9%
Government	6	11%
Other legal	4	7%
Academic	1	2%
Public	1	2%
No response	1	2%
Total	55	100%

Document Review: The documentation reviewed included:

- Past issues of the Newsletter, for general content and for evidence of the sharing of best practices and research results;
- Administrative and project files, for information on research undertaken, sources and levels of funding, requests for information, and evidence of partnerships created; and,
- The Forum's website, to test the ease of use and accessibility of the on-line database, and for evidence of information sharing. Utilization statistics were also reviewed.

The review of the administrative and project files was carried out by the Forum's Executive Director, working from a checklist provided by the evaluators (see Appendix B). The alternatives would have been to have the evaluator travel to Edmonton (with attendant high costs), or for the Forum to photocopy the files. Both alternatives were considered too costly.

III. Limitations of the Methodology

Given the level of funding provided to the Forum by the Department of Justice Canada (\$75,000 over three years), it was not appropriate to conduct a costly evaluation. Consequently, this study was limited in its scope and, as a result:

- A limited number of interviews were conducted. The names of interviewees were provided by the Forum, rather than through a formal sampling of stakeholders.
- No follow-up was conducted with survey recipients to encourage their response.
- File information was provided by the Forum – there was therefore no objective review by the evaluators.

As noted previously, the response rate to the survey was very low (only 4%). Normally, a 30% response rate is expected from such a survey. Some reasons for a low response rate could be attributed to:

- if recipients did not read the Newsletter package immediately, they would not have seen the survey and may have missed the return date;
- recipients may not have had any opinions to express, and thus chose not to respond at all;
- recipients are busy professionals, and may have chosen not to spend the time to respond.

PART 3: EVALUATION FINDINGS

I. Evaluation Questions and Answers

A. *Is the Clearinghouse reaching and being used by its intended audience?*

Several interviewees felt strongly that there is a significant potential for the Forum to act as a central clearinghouse for civil justice information in Canada. They pointed out that one of the reasons the CBA Task Force recommended the creation of the Forum was the lack of knowledge of what was happening in different jurisdictions, which led to duplication of efforts. With time, and the expansion of the database of unpublished materials, they felt such duplication would be minimized as people become more aware of the research or pilot projects undertaken in other jurisdictions.

Survey respondents⁵ echoed the interviewees. Forty-five respondents chose to answer this question. Of those, 58% felt that the Forum has the potential to become their first point of access for information on the civil justice system and its reform.

About one third of survey respondents had contacted the Clearinghouse directly (rather than through the website) and of those, three quarters had done so more than once. Note that over half the respondents who had contacted the Forum directly also had accessed the website at least once.

Survey respondents were also asked on what topics they had requested information from the Clearinghouse⁶, and whether the Clearinghouse was able to provide the information. The table below shows the results.

Topic	Sought information	Received information needed	% successful
Civil justice system	14	10	71%
Access to justice	10	7	70%
Court administration	6	4	67%
Practice and procedure	8	7	88%
The judiciary	2	1	50%
Alternative Dispute Resolution	11	10	90%
The legal profession	2	0	0%

⁵ Note that the small number of survey respondents means that all references to responses should be interpreted with caution.

⁶ The Forum does not maintain formal statistics on direct requests for information. However a review of the files showed a broad range of requests from various members of the Forum's "audience". Appendix A describes these requests in more detail.

Technology	4	4	100%
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It is interesting to note that, of those who had received information, 25% obtained it on-line, 50% obtained it through direct contacts with staff, and 25% used both points of access. Fewer than half of those who accessed the website had tried to search the database, and most of them found it easy to use.

To the question of the ability of the Forum to meet their needs for information concerning the civil justice system, almost half of the 37 respondents who answered this question indicated they were somewhat satisfied with its ability, and a third were very satisfied. Similarly, interviewees expressed considerable confidence in the ability of the Forum to fulfill their requests for information.

B. *Is the on-line database functional and available?*

The Forum has devoted considerable efforts during its first three years to setting up the Clearinghouse. After its initial bibliographic database went on line, it was quickly determined that the software and computer platform used were not adequate to handle the volume of materials that kept growing through on-going data collection efforts. Forum staff have acted to correct those problems, so that the website now offers access to the entire database, in both French and English (although there are considerably fewer references in French, which is to be expected, since there is a greater volume of English documentation available in Canada and abroad).

The database search results currently do not render French accents, due to coding problems resulting from the translation of records from Mac systems to Windows-based systems. The Forum has taken steps to correct their French records.

Unpublished materials are considered to be a valuable addition to the Clearinghouse (a student was recently hired to seek out additional unpublished materials, and particularly French materials). Efforts have only recently begun (with the launch of the updated website) to incorporate such materials into the on-line database. The first materials to be included will be the papers resulting from the Department of Justice *Dispute Resolution Award in Law Studies* competition, and the papers written for the Negotiating the Future Conference. A network of key contacts in all jurisdictions has been created, and these contacts have helped the Forum identify and collect relevant materials. Some issues are still to be resolved, dealing with copyright, for example, and work is on-going on a collection policy, led by a sub-committee of the Board of Directors. Where organizations are unwilling to share their materials directly, the Forum will insert a link to the information on the other organization's website.

C. *Is the website a useful information sharing mechanism?*

The Forum's website contains bilingual information on the Forum itself, on its mandate and its various activities. It also includes an invitation to readers to submit materials to the Clearinghouse – an effort to expand the database. Several interviewees, and two survey respondents, indicated that they have provided unpublished materials.

Over one third of survey respondents said they had accessed the website, and of those, three quarters had done so more than once. Thus, while the website is not well-used by respondents, once they have tried it, they seem to come back again. The majority felt the information provided on the website was useful.

Few of the interviewees had made extensive use of the website. The reasons most often given were that they had assistants to conduct their research, or they were not very computer literate and preferred to contact the Forum directly for information.

Until the website was updated in early April 2002, the Forum did not maintain user statistics. The compilation of website statistics began on April 23rd. Since then, almost 1,200 people have visited the site, a total of 1,912 times, an average of 1.6 times per visitor. This supports the findings from the survey, indicating that users tend to visit the website multiple times (75% of respondents had accessed the site more than once).

From 91 visitors in May, 2002, the total rose to 911 in June, 2002, coinciding with the distribution of the Newsletter. Given that the Newsletter was distributed to approximately 1,500 recipients, and assuming that the 820 new visitors in June resulted from the receipt of the Newsletter, over half of those recipients took the time to check out the website. It will be important to confirm in future months that those new visitors found enough of interest to conduct repeat visits (demonstrated by a continued high number of visits per visitor).

Over 80% of visitors chose to browse the site in English. The most popular pages on the site, in both French and English, were the pages containing links to other sites⁷. This would seem to indicate that users are beginning to use the Forum as the point of access for civil justice reform information on the Web.

The majority of visits to the site come from individuals entering the address of the Forum's website directly, indicating that the Forum's efforts to create visibility are bearing fruit.

D. How useful and timely is the Newsletter?

The Forum has published four issues of its Newsletter, in fall and winter 1999, in spring 2000, and in spring 2002. The Newsletters are also available on the Forum's website.

⁷ The website statistics do not reveal how many visitors accessed and used the database.

Survey respondents report that the Newsletter contains relevant and useful information. Two-thirds of survey respondents indicated they had read at least one issue of the Newsletter, and of those, only one felt the information was not at all useful.

It should be noted that several respondents also indicated in their comments that receiving this edition of the newsletter was the first time they had heard of the Forum. One interviewee mentioned that several of her colleagues, who had just received the Newsletter, were very interested and eager to find out more about the Forum. The Executive Director also pointed out that an increase in membership applications normally followed each issue of the Newsletter. It would appear therefore that the distribution of the newsletter increases the visibility of the Forum.

A particular strength of the Newsletter, according to some interviewees, is that it includes articles describing activities and programs in jurisdictions across the country. For those courts which do not have much research assistance, the Newsletter, and the Forum as a whole, becomes a valuable resource in keeping informed of what is happening in other jurisdictions. It is also a periodic reminder to governments, judges and lawyers that civil justice reform should remain on the agenda.

Several interviewees mentioned that the size of the Newsletter is appropriate, and that care should be taken that it not evolve into a journal. The types of short, to-the-point articles that currently make up the Newsletter are more likely to be read by busy legal professionals. Interviewees also reported that the topics covered in past issues of the Newsletter were appropriate.

E. What other mechanisms has the Forum used to share information?

In addition to the Clearinghouse, the website, and the Newsletter, the Forum participates in conferences and meetings of other organizations, organizes continuing legal education programs and conferences, and publishes articles in publications of other organizations.

A national symposium on *Negotiating the Future*, which examined alternative dispute resolution issues in relation to the civil justice system, was co-sponsored by the Forum and the Canadian Institute for the Administration of Justice, the Association of Canadian Court Administrators, and others. The symposium was mentioned by several interviewees as an interesting and useful initiative.

The Executive Director has also been very visible at conferences and annual meetings of other organizations, such as the Canadian Bar Association, the Canadian Association of Provincial Court Judges and the Association of Canadian Court Administrators. Her involvement includes participation on panels, presentation of workshops, and reports on the activities of the Forum. Several interviewees indicated that the Executive Director's participation and visibility in these fora have been instrumental in raising the profile of

the Forum. In the future, other Forum staff members will also undertake some of these activities.

F. *Have best practices been identified and shared?*

Although the Forum has not undertaken any specific research projects to identify best practices, it does provide a venue for the sharing of information about experiences that may improve the functioning of the civil justice system. For example, the Newsletter included the following articles:

- *Facilitating Access to the Courts through Class Actions: Canadian Developments*, by Margaret A. Shone of the Alberta Law Reform Institute. Newsletter Issue 4;
- *An Overview of Civil Case Processing in Ottawa*, by Bob Kingsley of the Canadian Centre for Justice Statistics. Newsletter Issue 3; and
- A report on the *Ontario Mandatory Mediation Project*, by Ann Merritt of the Ontario Ministry of the Attorney General. Newsletter Issue 2.

Some interviewees cautioned that it is not the role of the Forum to impose or develop standards, but rather to generate discussion and to supply ideas about what has worked in other jurisdictions.

G. *Has research led to increased knowledge about the civil justice system? To what extent has the CFCJ activities led to joint research agendas? Has research been undertaken by the CFCJ jointly with other stakeholders?*

The Forum is the lead partner in a multi-disciplinary and collaborative three-year research project, “Civil Justice System and the Public”, “designed to involve the public in identifying changes in communication that will improve the system. The goal of the research is to make specific and clear recommendations about improving communication. Ultimately, the aim is to improve access to the civil justice system by increasing the ability of the system to hear, involve and respond to the public. The project will investigate barriers to effective communication between the civil justice system and the public, identify models for effective communication, and use model projects to test effective communication practices.” Interviewees were unanimous in their support and in their belief that the results from this research will be useful. While it is too soon for actual results, the national partnership has been involved in the development of the research instruments. The philosophy of the partnership research model and the research instruments have been circulated to the partnership and the Forum is in the process of making them available on the website.

By participating on the research committees of other organizations, it was hoped that joint research agendas would be developed, leading eventually to joint or complementary

research projects. To date, this has not happened. However, one interviewee suggested that creating a “linking” committee, where like-minded organizations could examine the issue of joint research, might be useful.

H. To what extent has the CFCJ encouraged the creation of partnerships?

As part of its outreach activities, the Forum seeks to establish and promote partnerships with individuals and organizations across Canada. At the most basic level, the Forum considers the funding provided by federal and provincial governments to be an indication of their commitment to civil justice reform and the role of the Forum in promoting it. As a result of providing funding, several governments are represented on the Forum’s Board of Directors, thus ensuring an exchange of information. Government representatives also assist the Forum in expanding its network of contacts. In turn, the Forum has been asked by various bodies (e.g. the Justice Canada consultation on Poverty Law) to provide input to the policy development process.

While not strictly a partnership issue, the inclusion of members from across the country, and from many different organizations, on the Board of Directors and the Advisory Committee is an important link with other organizations. Several interviewees mentioned, for example, that they also sit on other Boards and are thus able to keep those other organizations informed of the activities of the Forum.

The Forum has acted as a catalyst in bringing organizations together, for example, for the Negotiating the Future symposium, in Continuing Legal Education programs, and the “Civil Justice System and the Public” project. While such joint activities received considerable praise from interviewees, some also noted the significant time investment required. Thus, the ability of the Forum to undertake future conferences will depend on the availability of staff and its continued success in attracting co-sponsors.

The “Civil Justice System and the Public” project brings together many partners, namely: the University of Alberta (with Academics from a number of faculties), the Public Legal Education Association of Canada and member agencies, the Canadian Judicial Council, the Canadian Association of Provincial Court Judges, the CBA National, the Association of Canadian Court Administrators, the Canadian Institute for the Administration of Justice, Justice Canada, the Canadian Centre for Justice Statistics, the Alberta Law Reform Institute, the Legal Aid Society of Alberta, and the Yellowhead Tribal Community Corrections Society.

Some of these partners are active as researchers, while others provide access to the public for data collection purposes or serve as advisors to the researchers. It is expected that these partnerships will yield wider collaboration in the future in other activities or projects.

A clear indication of the potential of the Forum to act as a disseminator of information for its partners, is the inclusion on the website of the winning papers in the Department of Justice *Dispute Resolution Award in Law Studies* competition. Researchers are also encouraged to use the Forum's information dissemination mechanisms, such as the Newsletter and the Clearinghouse. The Forum actively solicits articles for the Newsletter, and contributes articles to other publications to increase its visibility (e.g. for the Canadian Association of Provincial Court Judges, the Canadian Bar Association, LawNow, Folio).

The Forum also works closely with the University of Alberta Law School. Professors have written articles for the Newsletter, refer students to the Clearinghouse for research purposes, and invite individuals associated with the Forum to participate and make presentations to their classes. The University also provides in-kind financial support through the provision of office space, access to its server, and the services of human resources and payroll, financial services, and the Faculty of Law IT and Lan Administrator.

About half the survey respondents felt that the Forum has increased their opportunities to network with others interested or involved in civil justice reform.

I. Has the CFCJ identified a clear and appropriate strategic direction?

The Board of Directors has been working for the past year on a strategic plan for the next three years. Until that plan is in place, indicating clearly what the Forum's objectives and priorities will be, and how they intend to operationalize them, it is difficult to judge whether the plan is reasonable and achievable. Although interviewees indicated that the objectives and activities would not be changing, this cannot be confirmed until the strategic plan is finalized. Nevertheless, given the progress the Forum has made in implementing its activities, it is reasonable to assume that, if it continues to enhance its existing operations, it will only increase its visibility and contribution.

It was also pointed out that significant resources have been expended, especially in the last year, to ensure the survival of the Forum through various fund raising initiatives. It was felt that once the Forum has secured such additional funding (beyond the basic core funding provided by the Alberta Law Foundation), it could then turn its attention back to substantive issues and activities.

J. To what extent has the CFCJ obtained sustaining funding?

The Forum's fundraising strategy includes:

The Alberta Law Foundation: Although core funding has been secured, it requires continuing efforts to prepare and present semi-annual reports and yearly applications for

funding. As well, Forum staff maintain on-going communications with the Foundation, and have the opportunity to meet with the Board of Directors every year when it considers their application for renewed funding.

F/P/T Departments of Justice: Efforts directed at Departments of Justice are primarily through a network of contacts, and through targeted meetings with senior departmental managers.

The Business Community: The business community is a significant user of the civil courts system, and thus has a stake in the reforms the Forum hopes to promote. Funding is sought for core operations, rather than special projects, in order to maintain the Forum's independence and objectivity. The Forum is working through business associations, making presentations at conferences and following up on the contacts made at those conferences.

The Legal Community: The Forum will seek funding from the legal community, looking particularly to the large firms that have traditionally been involved in supporting large undertakings in the legal community.

Memberships: Individuals and organizations may join the Forum, and provide support through a \$50 membership fee and any additional donations they are able to provide. Memberships have occurred primarily through invitations and Membership Applications that are included in the mail-out of the Newsletter, on the website, and in face-to-face meetings with key contacts throughout the country. Current members come from the judiciary, practicing Bar, academic community, court services professionals, mediation community and the public

II. Achievements

A. Promoting reform within the civil justice system through the provision of relevant, up-to-date information to all stakeholders

It is not the role of the Forum to effect reform, but rather to promote it by ensuring that the issue of civil justice reform is brought forward to policy makers whenever possible and that relevant information is shared among stakeholders.

By fostering its own visibility, the Forum also highlights the issue of civil justice reform. The previous sections mention the many ways the Forum informs stakeholders of its presence and capabilities, namely:

- the Newsletter
- conferences and meetings of other organizations
- continuing legal education programs and conferences

- articles published by other organizations, and
- as the lead partner in the “Civil Justice System and the Public” project

Nevertheless, the fact that several survey respondents mentioned that they had not heard of the Forum before receiving the latest Newsletter, or they were not aware of what it does, indicates that the Forum needs to continue to work on increasing its visibility.

The underlying premise that led to the creation of the Forum is that the availability of up-to-date information will promote reform within the civil justice system. It was beyond the scope of this evaluation to test this assumption. If it is correct, the steps the Forum has taken to share information, by creating the Clearinghouse, the website and the Newsletter, would seem to be appropriate. All of these mechanisms require the participation of outside stakeholders (to provide or create materials), which also promotes an interest in civil justice reform.

CONCLUSION: The Forum has taken steps to promote civil justice reform through increasing its visibility and sharing relevant information.

B. Increasing knowledge on civil justice reform issues

The Forum seeks to increase knowledge on civil justice reform issues through the research it undertakes, the dissemination of its own research results and information produced by others.

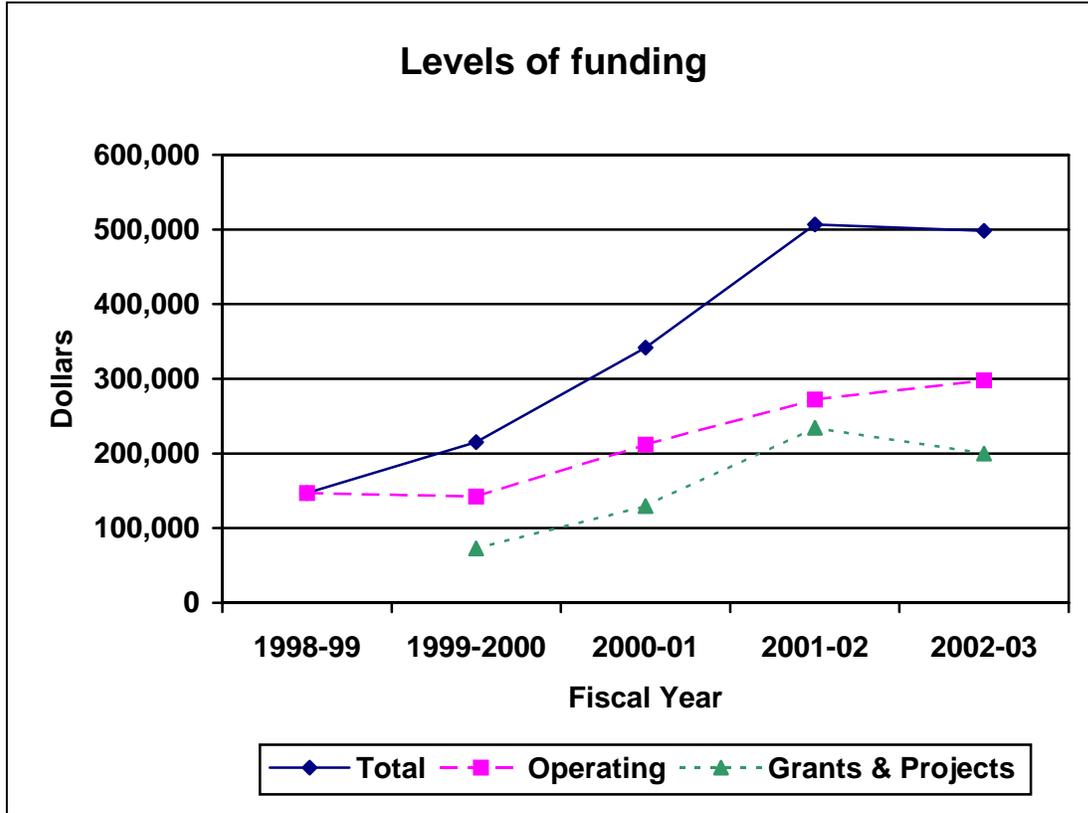
Although it is too early to see concrete results from the “Civil Justice System and the Public” project, it should eventually lead to new knowledge. This project is a major undertaking, and will be a prime research focus for the Forum for the next two years. The Board’s Research Committee has begun to explore other research needs, and is exploring possibilities with legal academics and key contacts in the civil justice system.

However, through its information sharing mechanisms, the Forum has disseminated information on various civil justice initiatives and the results of research undertaken by others (see examples referenced under section I.F. above).

CONCLUSION: The Forum has demonstrated its ability to disseminate information which should increase knowledge among its stakeholders.

C. Achieving sustained and stable funding for the Forum

The Forum continues to seek new sources of funding, from governments and from the business and legal communities and through memberships. The chart below shows the progress achieved in obtaining funding since the Forum’s creation.



Note that figures for 2002-03 include only confirmed funding up to June 2002.

CONCLUSION: The Forum has demonstrated its ability to obtain both sustaining and project funding from a variety of sources.

III. Positioning for Future Success

The Forum has put in place the mechanisms for sharing information and has demonstrated its potential to bring together researchers and key participants in the civil justice system. It has established meaningful partnerships with other organizations, and has built an infrastructure that should continue to encourage the creation of partnerships.

Working initially with minimal staff resources, the Forum has established a presence within the civil justice system community. There are indications that as it becomes better known, the Forum has the potential to become a key resource in the field. Strides have been made in publicizing the Forum through the establishment of the Clearinghouse and the Forum's website, the publication of the Newsletter, and the participation of Forum staff in conferences and meetings across the country. This work should continue if the Forum is to achieve its potential.

For the moment, the funding of the research project on the “Civil Justice System and the Public” has allowed the Forum to hire more staff and expand its presence and its impact. The project will continue for the next two years (with potential for additional work in future years), and this, coupled with the Alberta Law Foundation core funding, should ensure the Forum’s continuity for some time. It will be important, however, that the Forum secure other significant sources of funding to ensure it does not become too dependent on a single source.

In the last few months, much of the Forum’s focus has been on the implementation of the one major research project, the publication of Issue 4 of the Newsletter, the revisions to the website and the Clearinghouse database, a Continuing Legal Education program on “technology in the courts” which will be presented at the August 2002 CBA National Conference, and fundraising. It will be important for its future, however, that there be a renewed emphasis on the development and implementation of an appropriate strategic plan.

IV. Conclusion

The Forum is well positioned to contribute to the reform of the civil justice system. It has leveraged the funds it has received in the past to achieve a basic level of core funding, to launch a major research project, and to set up information sharing mechanisms that will continue to contribute to the civil justice community.

APPENDIX A

DIRECT REQUESTS FOR INFORMATION

APPENDIX A

DIRECT REQUESTS FOR INFORMATION

Requests for information were received from:

- law society staff
- public legal education organizations
- members of the public
- lawyers
- civil trial lawyers associations
- members of the judiciary
- Bar associations/organizations
- judicial organizations
- Department of Justice staff
- academics
- students (high school, University, Law School)
- researchers
- policy makers
- Bar Leaders
- media/journalists
- court administrators
- rules Committees

Requests for information have included:

- information about the current status of litigation in Canada (challenges, new developments)
- information about “public satisfaction” with the Courts
- comparative information/analysis on class action litigation
- comparative information about the availability of contingency fee agreements
- contact/purchase information about the Australian “Courts & the Public” study
- information about “economic litigation” initiatives
- updates on reform initiatives in Canada
- information about justice reviews undertaken in Canada and other common law jurisdictions
- information about dispute resolution models
- updates on court technology
- links to virtual libraries
- contact information/ website links
- information about legal curriculums in the schools
- updates on pilot projects running in Canadian jurisdictions
- information on unrepresented litigants
- information on conferences, seminars, workshops relating to civil justice
- information on excessively long trials
- information on case management rules

- social context training for the judiciary
- information about funding available for legal advocacy organizations
- models for dispute resolution
- requests for permission to copy and distribute our newsletter articles to various committees, organizations, and law school classes
- requests for information about the Forum
- requests for statistics on civil trials
- information on judicial independence
- information on fast track litigation; simplified proceedings; streamlined procedures
- developing dispute resolution curriculums for the Bar and for law schools
- court annexed mediation
- cost of litigation
- legal aid/access to justice
- small claims procedures
- how to file a complaint against a lawyer/judge
- assistance in compiling information on civil justice reform for student casebooks
- public consultations on legal reform initiatives
- jury verdicts in Canadian civil trials
- courses/programs on alternate dispute resolution
- litigation insurance
- rules concordance
- court fees
- pro bono initiatives
- courts and communication initiatives

APPENDIX B

DATA COLLECTION INSTRUMENTS

EVALUATION OF THE CANADIAN FORUM ON CIVIL JUSTICE

Interview guide/topics

1. Relationship or involvement with the Canadian Forum on Civil Justice
2. Partnerships (with the Forum or as a result of Forum activities)
 - a. Participation
 - b. Results
 - c. Future potential
3. Research agendas
 - a. Development process
 - b. Involvement of the Forum
4. Research conducted by the Forum
 - a. Involvement
 - b. Results
 - c. Dissemination/sharing of results
5. Best practices
 - a. Identification
 - b. Sharing
 - c. Dissemination mechanisms
6. Clearinghouse
 - a. Useful?
 - b. Appropriate materials?
 - c. Database searches – straightforward, effective?
 - d. Appropriate subject headings?
7. Participation of Forum staff in other venues
 - a. Conferences/meetings
 - b. With other organizations
8. Newsletter
 - a. Useful?
 - b. Appropriate topics covered?
 - c. Timely?
9. Strategic direction
 - a. Involvement in planning
 - b. Is the Forum well-positioned for the future?
 - c. Appropriate objectives?
 - d. Sufficient resources?

EVALUATION OF THE CANADIAN FORUM ON CIVIL JUSTICE (CFCJ) - SURVEY

Please **leave blank** any questions you do not know the answer to, or prefer not to answer.

- | | |
|--|--|
| <p>1. The topics listed at the right are the major subject headings used by the CFCJ to organize the holdings of the Clearinghouse. Please check all the topics on which you have sought information, either through the Clearinghouse or through other contacts with the CFCJ.</p> | <ul style="list-style-type: none"> ± the civil justice system ± access to justice ± court administration ± practice and procedure ± the judiciary ± alternative dispute resolution ± the legal profession ± technology ± other – please specify: |
| | |
| <p>2. Using that same list of topics, please check those where the CFCJ was able to provide the information you needed.</p> <p style="margin-left: 20px;">a. Did you find the information you needed from the on-line Clearinghouse (database), from direct contact with the CFCJ, or both?</p> | <ul style="list-style-type: none"> ± the civil justice system ± access to justice ± court administration ± practice and procedure ± the judiciary ± alternative dispute resolution ± the legal profession ± technology ± other <ul style="list-style-type: none"> ± from the Clearinghouse ± from direct contact with the CFCJ ± from both |
| | |
| <p>3. Do you think these major subject headings capture the issues important to civil justice reform?</p> <p style="margin-left: 20px;">If not, what other headings would you suggest?</p> | <ul style="list-style-type: none"> ± Yes ± No <hr style="width: 100%; margin-top: 10px;"/> |
| | |
| <p>4. Have you ever accessed the CFCJ website?</p> <p style="margin-left: 20px;">If yes:</p> <p style="margin-left: 40px;">a. How often have you accessed the website?</p> <p style="margin-left: 40px;">b. Was the information on the website useful to you?</p> <p style="margin-left: 40px;">c. Did you search the on-line Clearinghouse (database)?</p> <p style="margin-left: 60px;">If yes:</p> <p style="margin-left: 80px;">Did you find the search function easy to use?</p> <p style="margin-left: 40px;">d. Are your responses to these questions based on your experience with the CFCJ website:</p> | <ul style="list-style-type: none"> ± Yes ± No <ul style="list-style-type: none"> ± Once ± 2-5 times ± >5 times <ul style="list-style-type: none"> ± Very ± Somewhat ± Not at all <ul style="list-style-type: none"> ± Yes ± No <ul style="list-style-type: none"> ± Yes ± No <ul style="list-style-type: none"> ± before it was updated on April 15, 2002 ± after the April 15, 2002 update ± both before and after the update |
| | |
| | |

5. How often have you contacted the CFCJ directly for information or assistance?	± Once ± Never	± 2-5 times	± >5 times
6. Have you read at least one of the CFCJ Newsletters? If yes:	± Yes	± No	
a. Was the information provided in the Newsletter useful to you?	± Very	± Somewhat	± Not at all
b. Were the topics addressed appropriate?	± Very	± Somewhat	± Not at all
c. What other topics would you like to see addressed in the Newsletter?	_____		
7. How satisfied are you overall with the ability of the CFCJ to meet your needs for information concerning the civil justice system?	± Very	± Somewhat	± Not at all
8. Do you think the CFCJ has the potential to become your first point of access for information on the civil justice system and its reform?	± Yes	± No	
9. Have you participated in, or contributed to, the work of the CFCJ? If yes, how?	± Yes	± No	
	± Provided materials for the Clearinghouse ± Worked on committees/working groups ± Provided articles for the Newsletter ± Speaker/participant in CFCJ conference or CLE programs ± Research partner/collaborator/participant ± Other (please specify): _____		
10. Has the CFCJ increased your opportunities to network with others interested or involved in civil justice reform?	± Very	± Somewhat	± Not at all
11. Do you think the CFCJ is a valuable addition to the civil justice community? If not yet, do you think it could become a valuable addition to the civil justice community?	± Yes	± No	
	± Yes	± No	
12. For classification purposes, please identify yourself according to the following categories, selecting the single category that best describes you as a stakeholder in the work of the CFCJ.	± Judiciary ± Court administrator ± Other legal professional ± Public	± Lawyer ± Government ± Academic	

Please add any comments you would like to make about the CFCJ. (Please add another sheet if necessary):

File review information and statistics - Checklist

- Information on research projects:
 - Name/title
 - Value (funding and/or in-kind)
 - Scope
 - Partners
 - Report produced (Y/N)
 - Report/information disseminated: Y/N, how

- Information on funding for each year:
 - Name of funder
 - Amount
 - Purpose (core, project, etc.)

- Future funding
 - Confirmed funders and amounts
 - Active negotiations underway

- Access to services/database (separate stats for website/database and office contacts)
 - Requests for information
 - Number of requests/hits
 - From what type of person (judiciary, academic, etc.)

- Evidence of partnerships
 - Joint projects conducted with what partners
 - Joint activities carried out with what partners
 - Organizations represented on CFCJ Board and committees (current and former)
 - CFCJ representation on other Boards and committees (current and former)