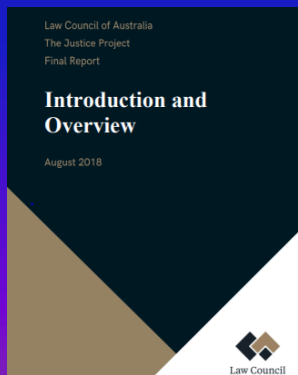
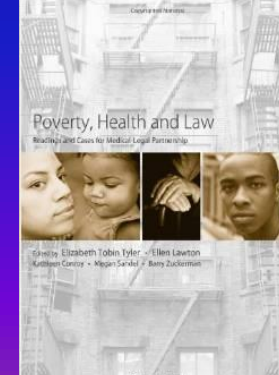
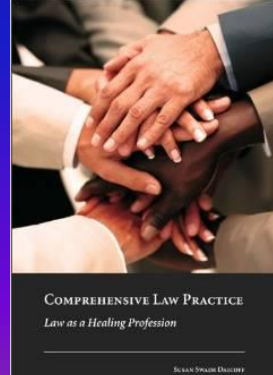
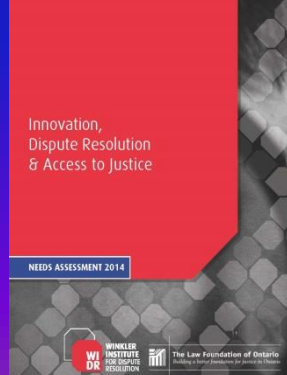
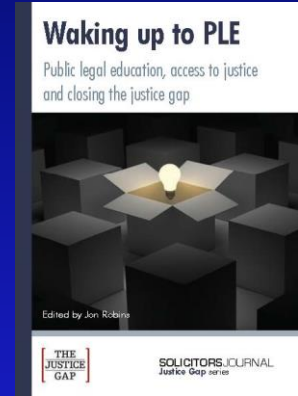
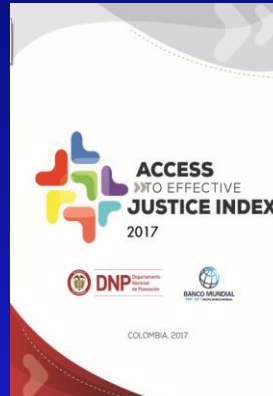
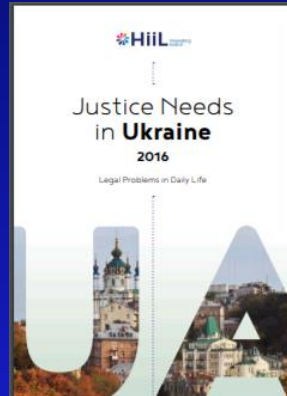
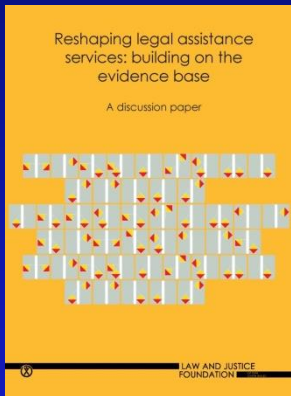


Just access or access to justice? A call to action!

OSF Civil Justice Indicators' Workshop: Sept. 26 – 27, 2018 (New York)
Michele M. Leering - Community Advocacy & Legal Centre & PhD candidate, Queen's University



**“Unequal justice
is not less
justice, it is
injustice.”**

**“[t]he greatest
ethical dilemma
confronting the legal
profession”**

Richard Abel: “An Agenda for Research on the Legal Profession and Legal Education: One American’s Perspective” in Hilary Sommerlad et al, eds, *The Futures of Legal Education and the Legal Profession* (Oxford: Hart, 2015).

Poor people and the law: Sharp legal things...

Poor people are not just like rich people without money.

Poverty creates an abrasive interface with society; poor people are always bumping into sharp legal things.

Poor people do not lead settled lives into which the law seldom intrudes; they are constantly involved with the law in its most intrusive forms.

Stephen Wexler, *Practicing Law for Poor People*, 79 Yale Law Journal 1049 (1970)

What is access to justice?

And from whose perspective?

The profession ?



Or the people?



People must be able to:

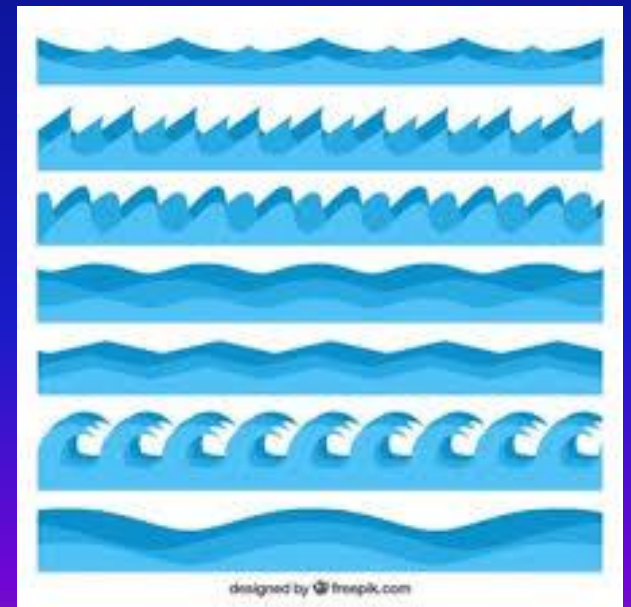
Know,

Use,

Shape

(Vivek Maru)

Rod Macdonald's:
Historically...
five waves of A2J



What is
**Access
to
Justice?**

Access to justice means more than simply providing access to lawyers – it's about...



Access to justice as ... a ...

WICKED PROBLEM.

noun | wi-kəd | prä-bləm

a problem that is difficult or impossible to solve because of incomplete, contradictory, and changing requirements that are often difficult to recognize.

Photo credit:

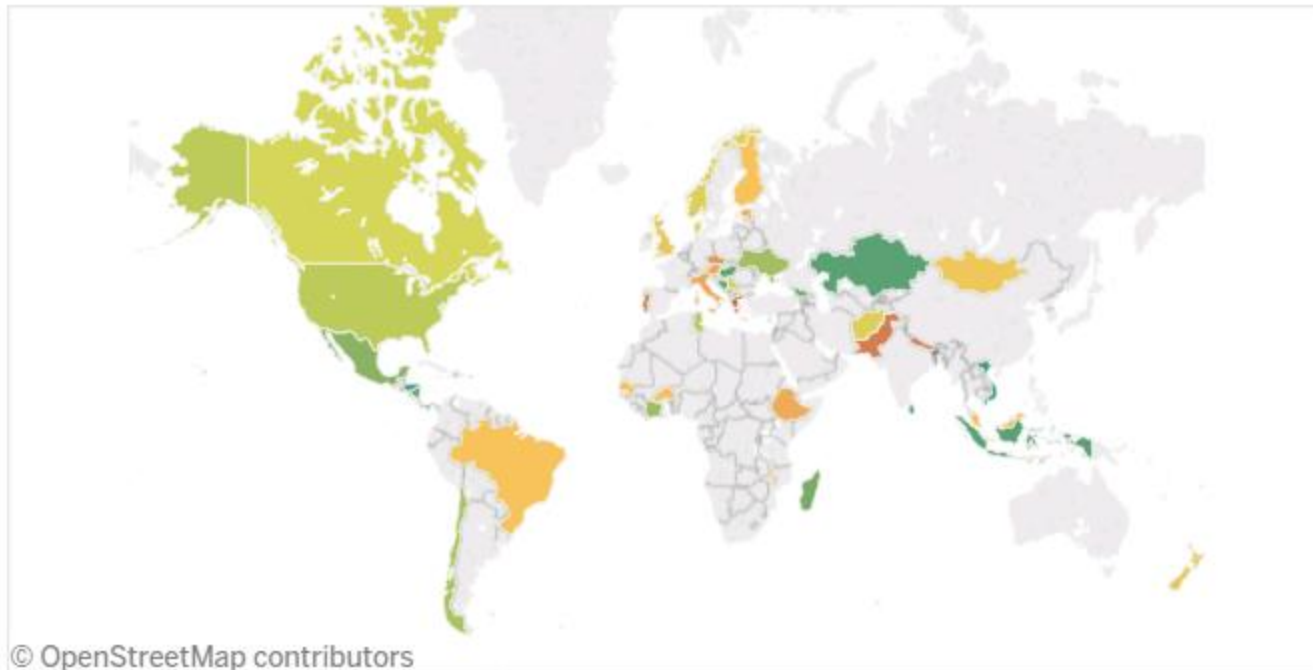


UNHCR
The UN Refugee Agency

Innovation Service

A2J as ... a global phenomenon ...

Percentage of people who experienced a legal problem in past two years.



Color Legend: 14%  89%

Photo credit: <https://worldjusticeproject.org/our-work/wjp-rule-law-index/special-reports/global-insights-access-justice>

A2J as the enabler of all the other SDG ... !



Source: United Nations.

Access to Justice as a BIG “*theory of change*”



- ✓ **Information** about the law, legal rights, and “paths to justice”
- ✓ **Services** to help navigate the system, improve legal health & prevent legal harm & solve problems
- ✓ Promote justice through **reform** of unjust laws and adopting new laws
- ✓ **Systemic advocacy** to improve policies & practices & programs
- ✓ **Accessible enforcement**

Why should we care about A2J as
a policy priority?

What happens?

when justiciable problems aren't solved



Justiciable problems are never resolved



38%

of people with a justiciable problem report developing a health or social issue in direct response to that problem



54%

of children whose parents had an unresolved justiciable had a problem at school



11%

of children whose parents had an unresolved justiciable problem got in trouble with the law

Analyse housing security incorporating A2J: Early intervention & systemic advocacy to prevent homelessness



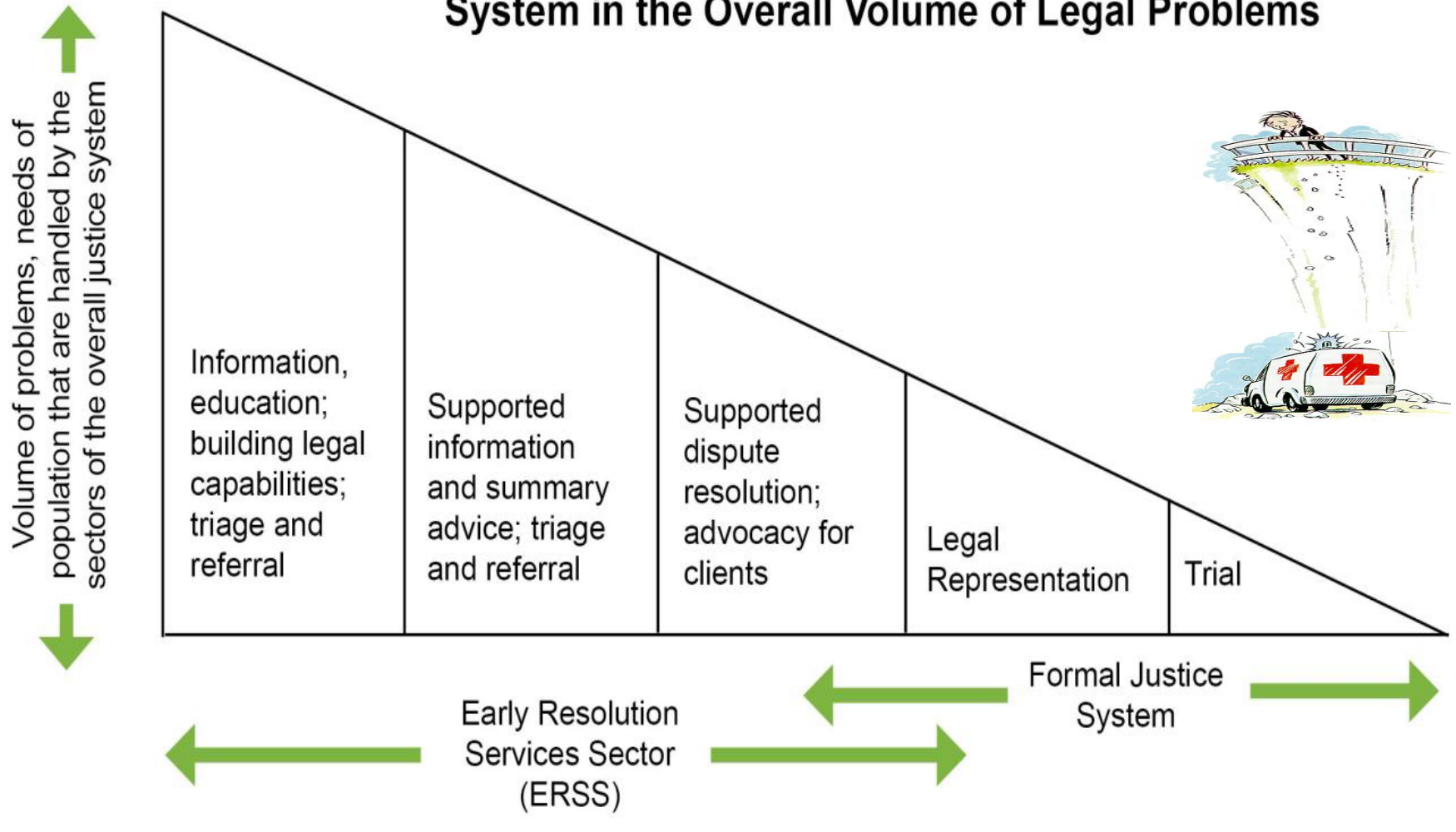
“Trusted intermediaries” red flag legal issues: early intervention

Legal awareness is needed much earlier in the cycle (1:00 - 3:00 o'clock)

Graphic modified from original in *Eviction Prevention and its Relation to Homelessness*, Acacia Consulting & Research Final Report, Canada, March 2006

Questioning A2J assumptions: Where are problems best resolved?

Figure 1: Involvement of the ERSS and the Formal Justice System in the Overall Volume of Legal Problems



Ensure impact: What is the change we are trying to create?

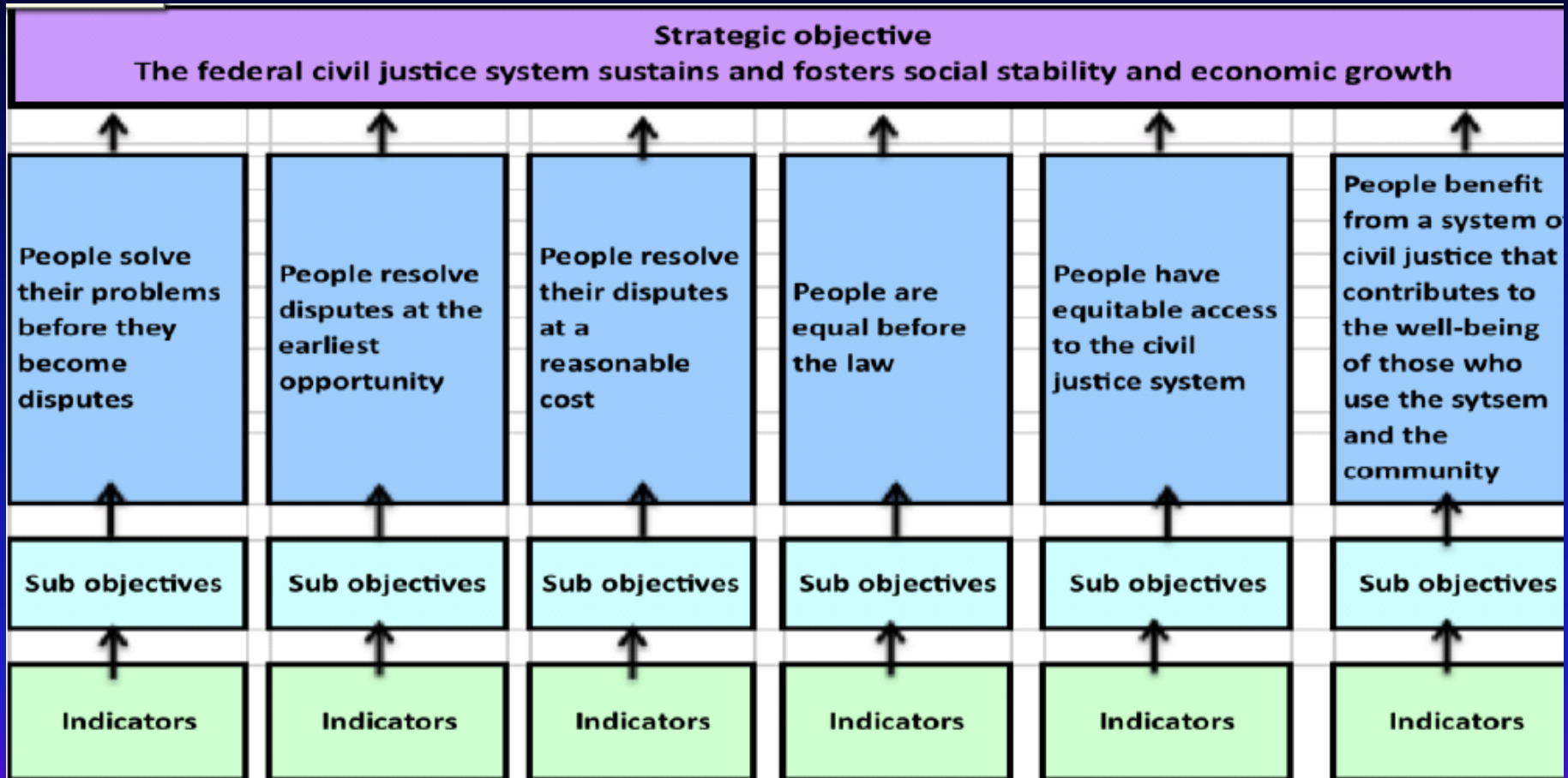
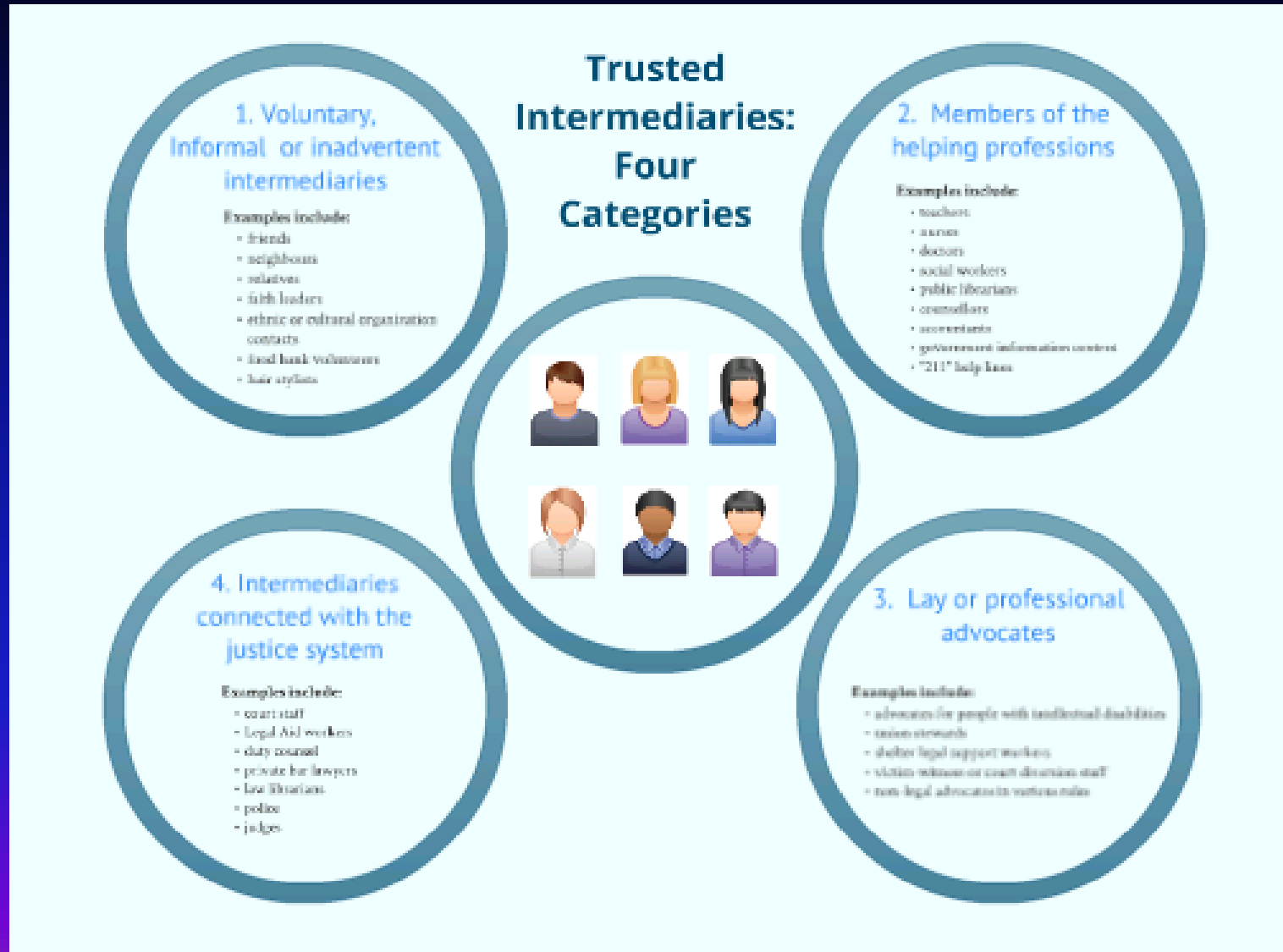
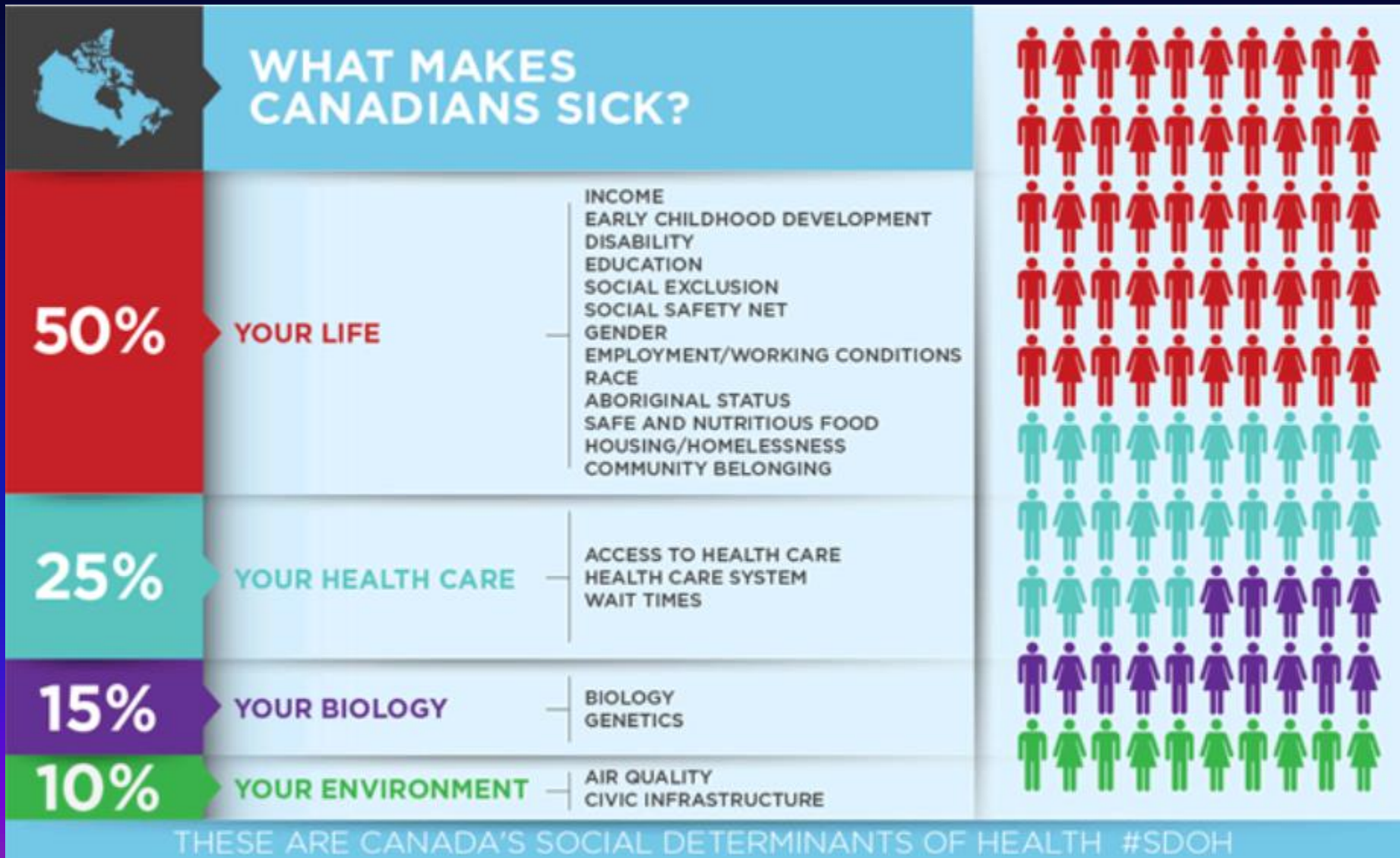


Photo credit: Australian "logic model" for civil justice. Captured in a report of the Symposium at University of Victoria (British Columbia, Canada) Access to Justice Centre of Excellence

Take a systems approach to A2J: Cultivate & support roles of trusted intermediaries



Analyze connection between A2J & legal rights & health equity ...



Consider A2J as a preventative strategy: working to change systemic problems



Photo credit: Medical-legalpartnership.org

A2J creates new language and understanding: legal consciousness, legal literacy, legal capability, legal empowerment, legal health ... as conceptual frameworks



Photo credit: Legalhealthcheckup.ca

Why should we try to measure A2J?

SUSTAINABLE DEVELOPMENT GOAL 16

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels



To leverage more attention on & resources for A2J ...



To track progress ...



**"If you don't know
where you are going,
you might wind up
someplace else."
Yogi Berra**

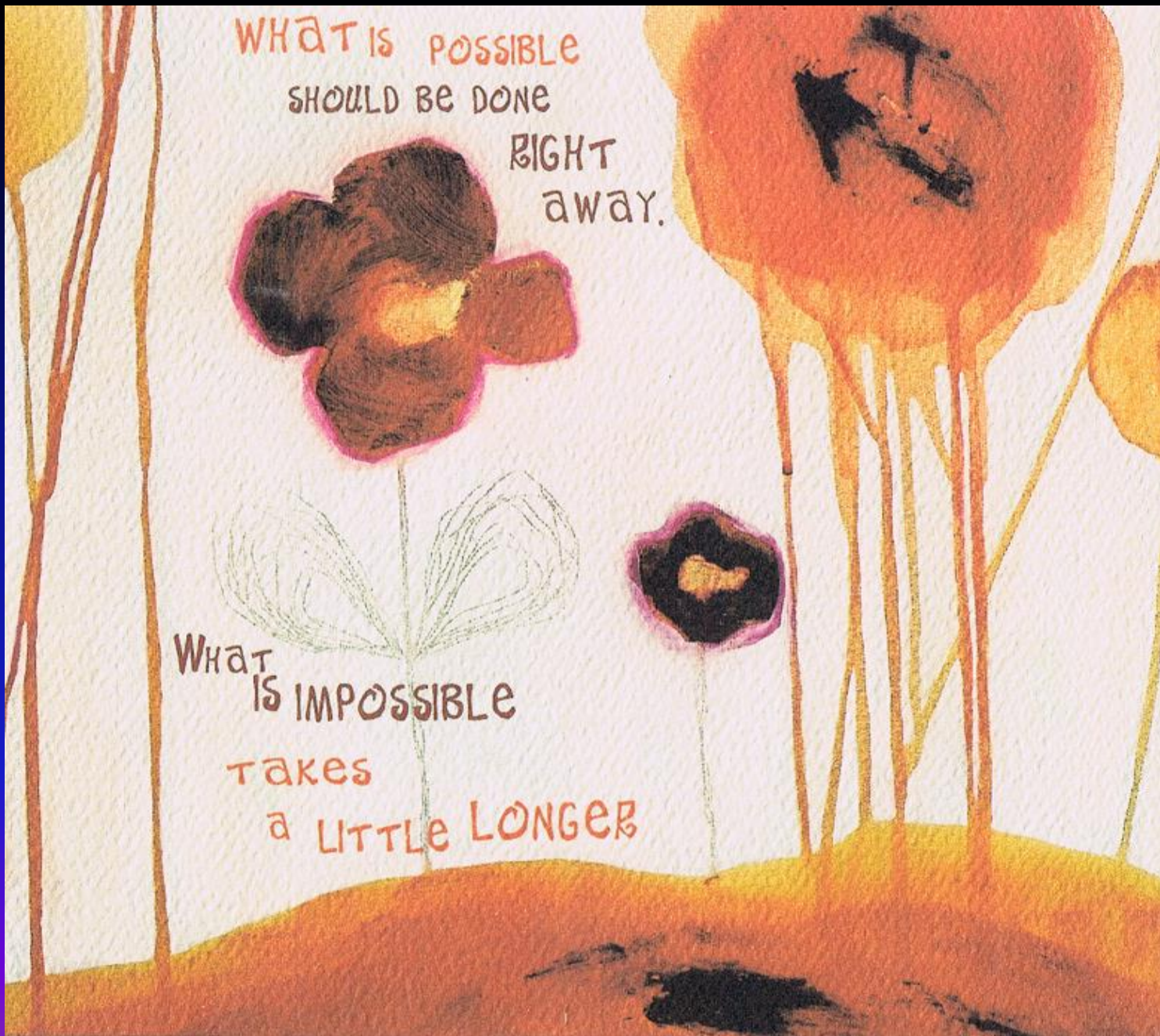
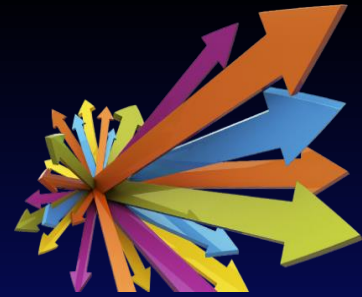
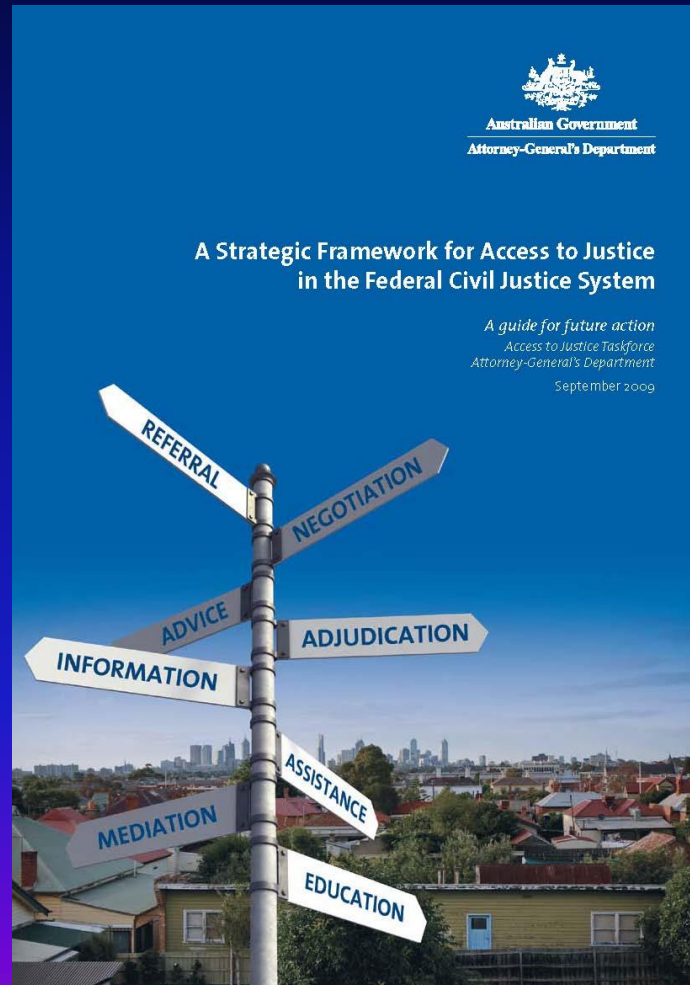


Photo credit: Emily Fuller 2007, Heritage Gallery Designs, Ottawa, Canada

To build engagement: Identify catalysts for equal Justice – Are they contributing? How?

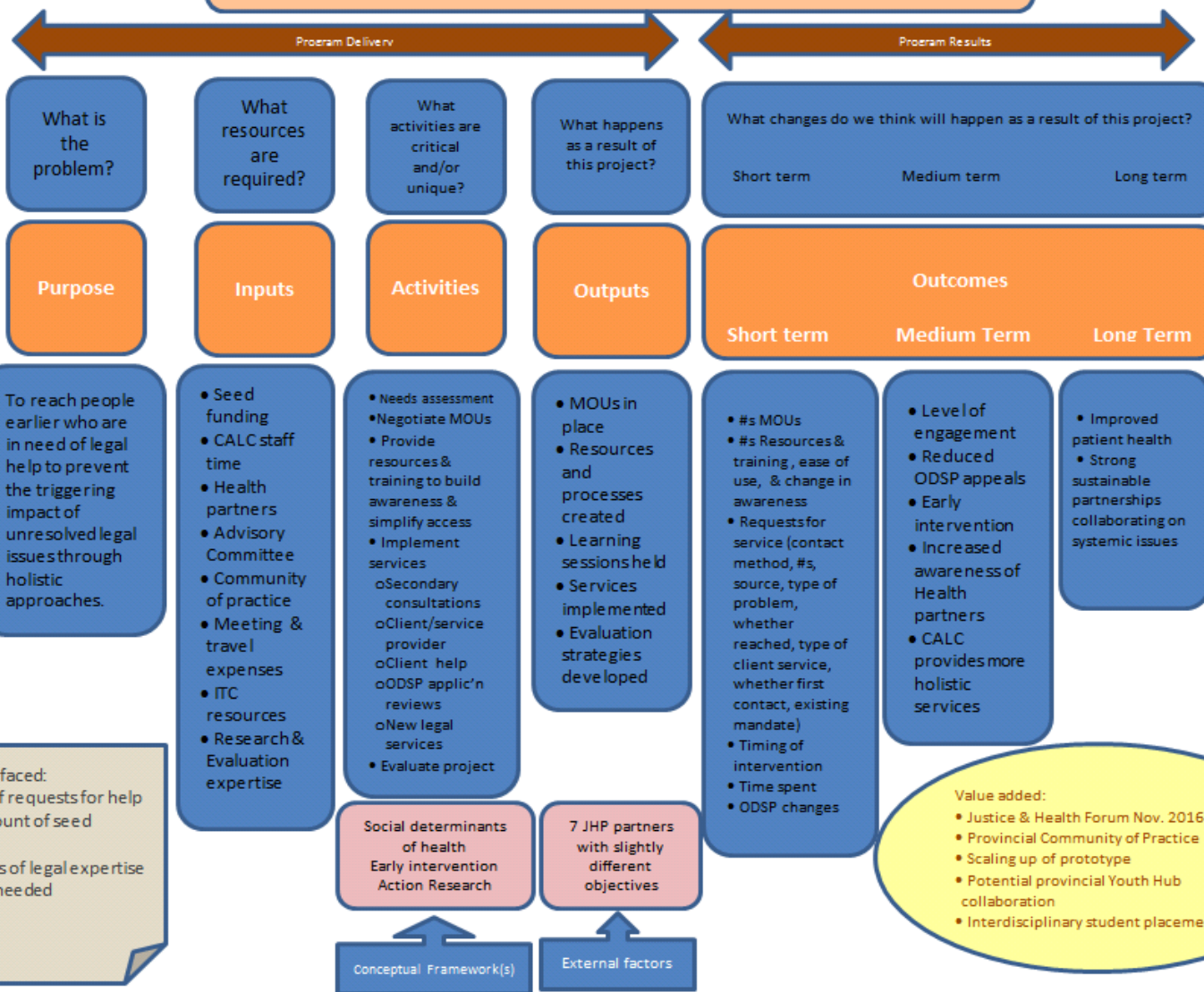


To think strategically about enforcing standards & ensuring measurement: Promising Practices in AUSTRALIA



To question our assumptions about our “theory of change” & what works ...

Simplified logic model for CALC Rural Justice & Health Project – October 2017



To set benchmarks to measure progress: Example from Legal Aid Benchmarks (CBA, July 2016)

1. A national sustainable people-centred system responsive to local circumstances & contributing to health & well-being

2. Scope of Services focuses on essential needs based on evidence

3. Service priorities reflect degree of financial disadvantage & vulnerability



THE CANADIAN
BAR ASSOCIATION

A NATIONAL FRAMEWORK FOR MEETING LEGAL NEEDS:

PROPOSED NATIONAL BENCHMARKS FOR PUBLIC LEGAL ASSISTANCE SERVICES

Report of Canadian Bar Association Access to
Justice Committee



Prepared by Dr. Melina Buckley (Consultant)*
August 2016

4. Spectrum of services includes discrete and systemic approaches and trusted intermediaries

5. Quality of services standards include equal access, timely, high quality, appropriate & cost-effective

6. A supported, collaborative, integrated sector

**ADDITIONAL SLIDES FOR
ILLUSTRATIVE PURPOSES**



Vision

Achieving social justice with dignity and influencing change

Mission: To provide access to justice to people living on a low income

2015-2020 Strategic Plan

Values

Justice is a right
Client-centred
Accessible
Respect
Community Collaboration
Innovative & Effective

Increase Access to Justice

Ensure Safe & Affordable Housing

Ensure Secure Employment & Income

Offer Holistic & Integrated Help

Reach Vulnerable Communities

Strong Board Governance

Effective & Efficient Clinic Infrastructure

Multiple ways to access justice: comprehensive approach



Clients can call toll-free – their local community legal clinic



Clients can visit clinic office or satellite location or access via community partners who are “trusted intermediaries”



Clients can access information online via website, Facebook blogs and Twitter



Clients represented at Administrative Tribunals and Courts and other forums






Public legal education and Information (PLEI) activities, outreach events, workshops, legal empowerment, community capacity-building and organizing, community development



Law reform and systemic advocacy strategies

Connect the Social Determinants of Health to legal rights ...

Issue	Related Social Determinants	Legal Help	Impact on Health / Health Care
<p>Tenant Rights</p> 	<p>Housing Disability Early Life Food insecurity Gender Race</p>	<p>Evictions Repairs Pests Privacy Harassment Discrimination Utility bills /rent Vital services (heat) Lease breaking</p>	<p>Stable, healthy, decent housing → less stress → better compliance with treatment plans</p>
<p>Income Security</p> 	<p>Income Income distribution Disability Early life Food insecurity Health services Social exclusion</p>	<p>ODSP, CPP-D denials OW denials OW/ODSP “on hold” Overpayments OW/ODSP benefits EI issues WSIB issues</p>	<p>Higher income means fewer trade-offs between food, a roof, heat, and healthcare.</p> <p>A stable income means less stress, better management of chronic illness, better health outcomes for children</p>
<p>Employment, Working Conditions, Education</p> 	<p>Unemployment Job Security Working Conditions Education Health services Gender Race</p>	<p>Unpaid wages Reduced hours Termination Unsafe work Harassment Discrimination Suspensions/expulsions Special education</p>	<p>Education is one of the best predictors of adult health</p> <p>Health insurance is often linked to employment</p> <p>Safer work means fewer injuries</p>

A few Facts about Access to Justice: Civil Justice problems are pervasive



- 45% of population experience one justiciable problem every three years
- Poor and vulnerable are particularly prone
- Problems multiply – trigger and escalate
- Social, health and economic costs result
- People do not take their problems to law
- 6.5% only reach the justice “system”
- Self-representation is increasing (50% +)

ACCESS To Legal Services



meet existing
LEGAL NEEDS
Better differently

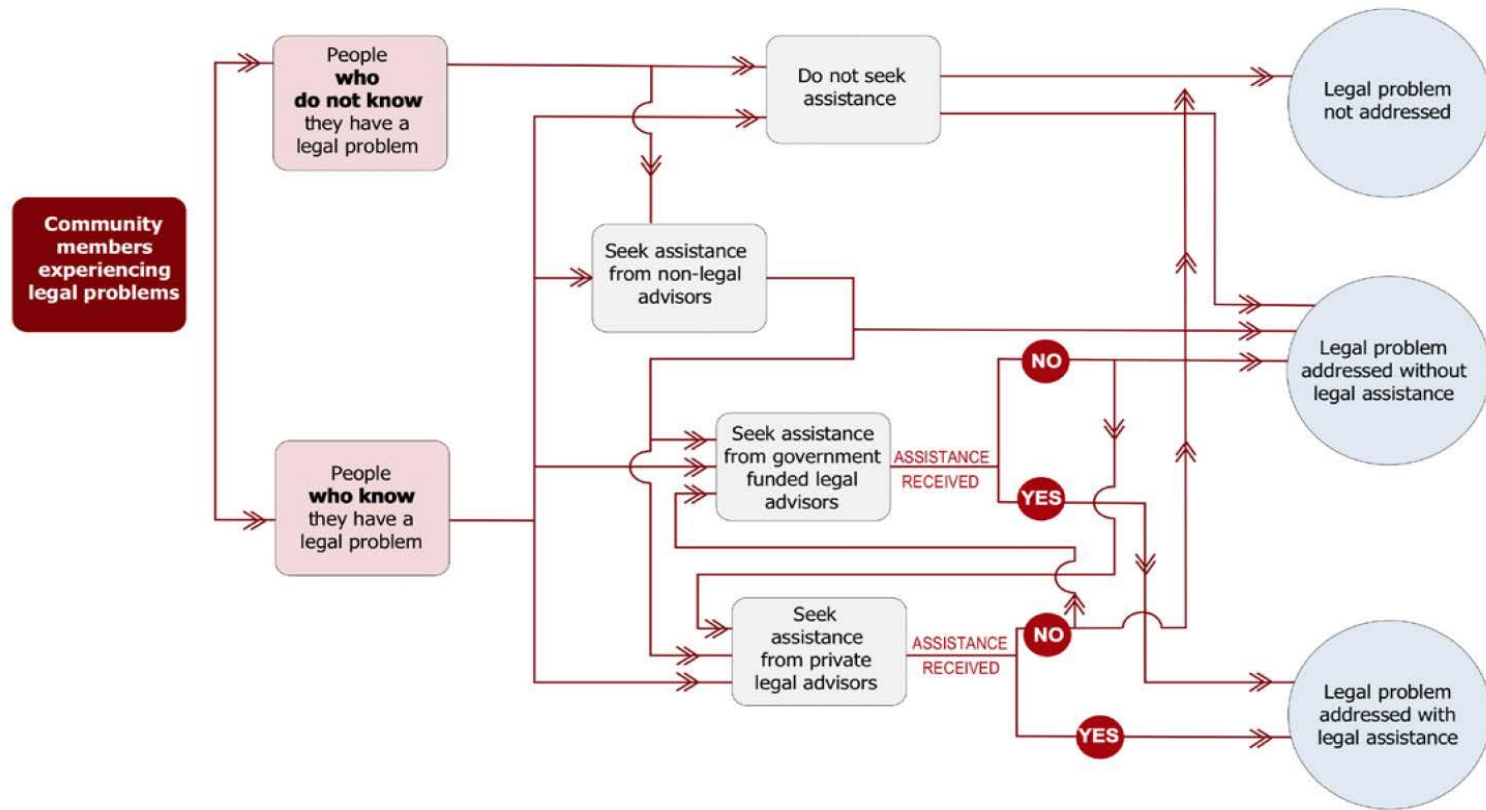
& Meeting
UNMET Legal
Needs

Considering Not Just the
QUANTITY of PEOPLE SERVED
But the QUALITY of the SERVICE

Evaluating the Australian National Framework Agreement

Figure 2.1

PATHWAYS FOR COMMUNITY MEMBERS EXPERIENCING LEGAL PROBLEMS



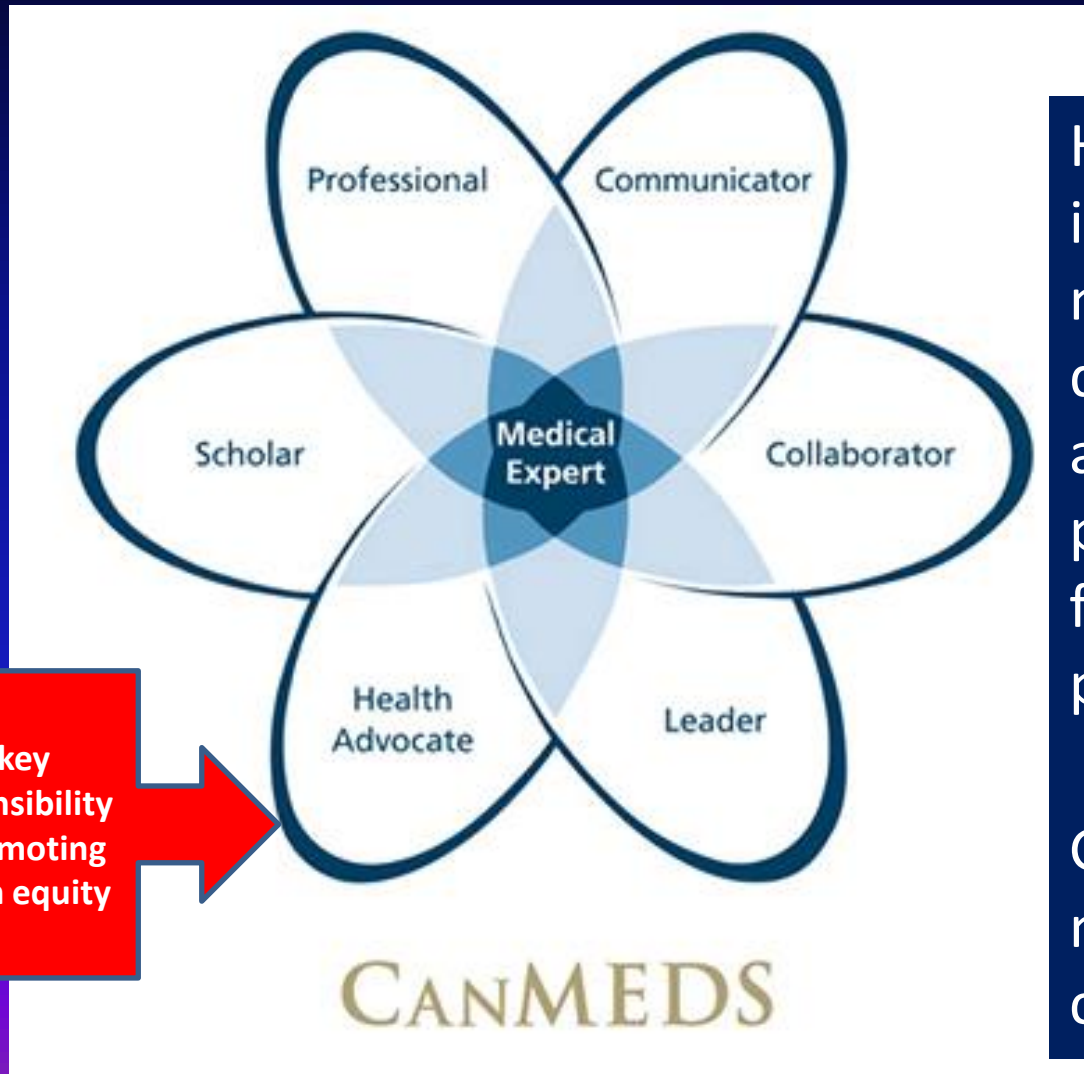
Source: The Allen Consulting Group



1. Put the public first
2. Collaborate and coordinate
3. Prevent and educate
4. Simplify & make sustainable
5. Take action
6. Focus on outcomes

Six Principles for ensuring Canadians have access to Justice: Requires a
“SHIFT IN Professional consciousness”

**Inspiring the legal profession: Think about our professional roles ...
Compare to a medical professional who must play 7 KEY physician roles**



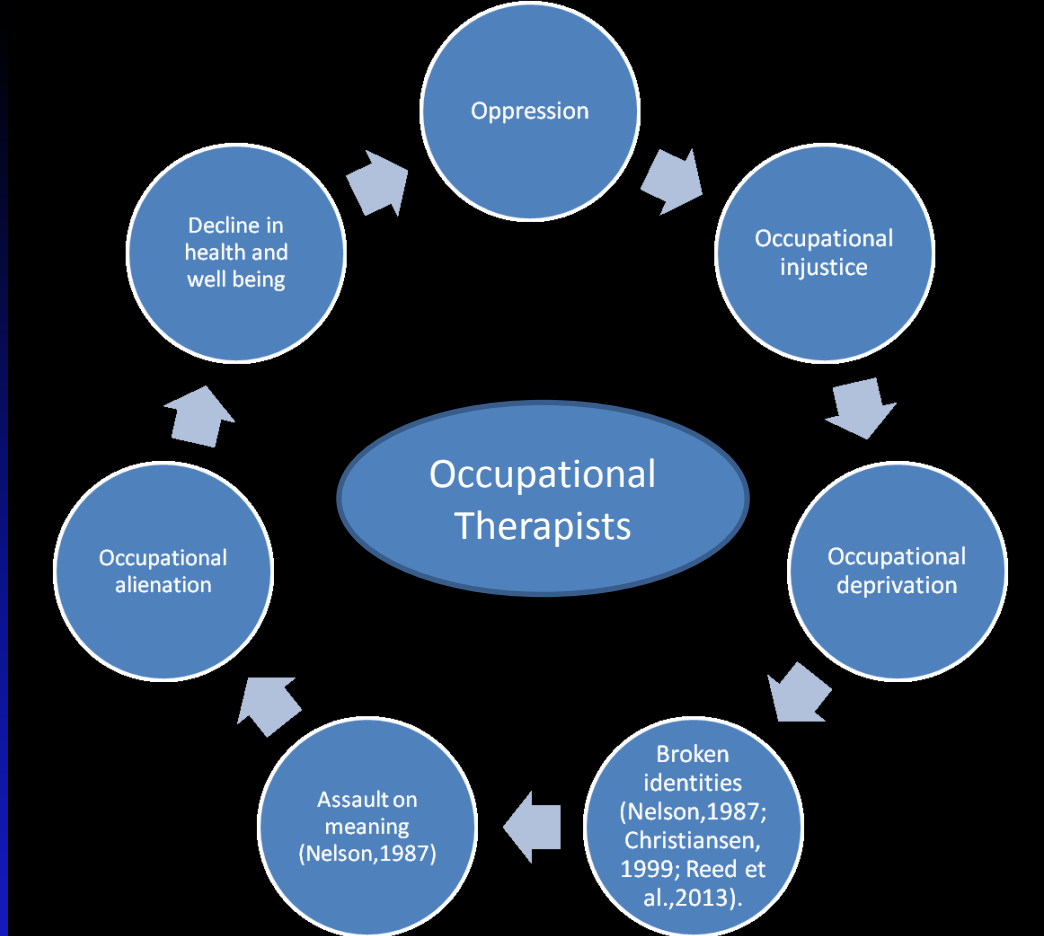
A key responsibility is promoting health equity

How does this influence learning needs, competency development, & foster a healthier professional identity for the legal profession?

Get inspired by the the medical profession & create new synergies!

Legal professionals
developing an
“Access to Justice
Consciousness”

Shifting professional values:
What do the health disciplines require?



Occupational justice

“Justice related to opportunities and resources required for occupational participation sufficient to satisfy personal needs and full citizenship”

christiansen & Townsend,2004, p 278.

- TO experience meaning and enrichment in one's occupations
 - TO participate in a range of occupations for health and social inclusion
 - TO make choices and share decision-making power in daily life
 - TO receive equal privileges for diverse participation in occupations
- Townsend & wilcock, 2004.*

Inspiration: Thinking about e & Health issues

Assessing Spheres of Influence:

Learning from medical & health professions' analysis



Buchman S, Woollard R, Meili R, Goel R. Practising social accountability. From theory to action. *Can Fam Physician* 2016;62:15-8. (Eng), 24-7 (Fr).