



Civil Justice System and the Public

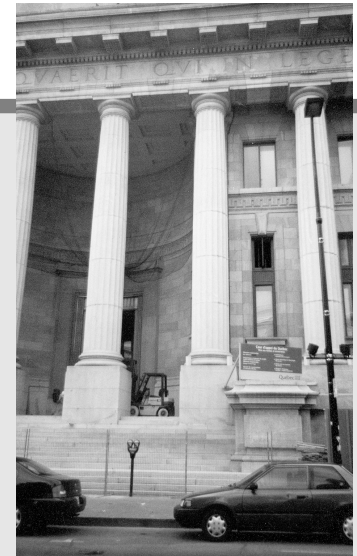
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Access to Civil Justice: Improving Communication

The *Civil Justice System and the Public* focuses on understanding and improving communication within the civil justice system, and between the civil justice system and the public. The goal of the research is to make specific and clear recommendations about improving access to the civil justice system by increasing the ability of the system to hear, involve and respond to the public.

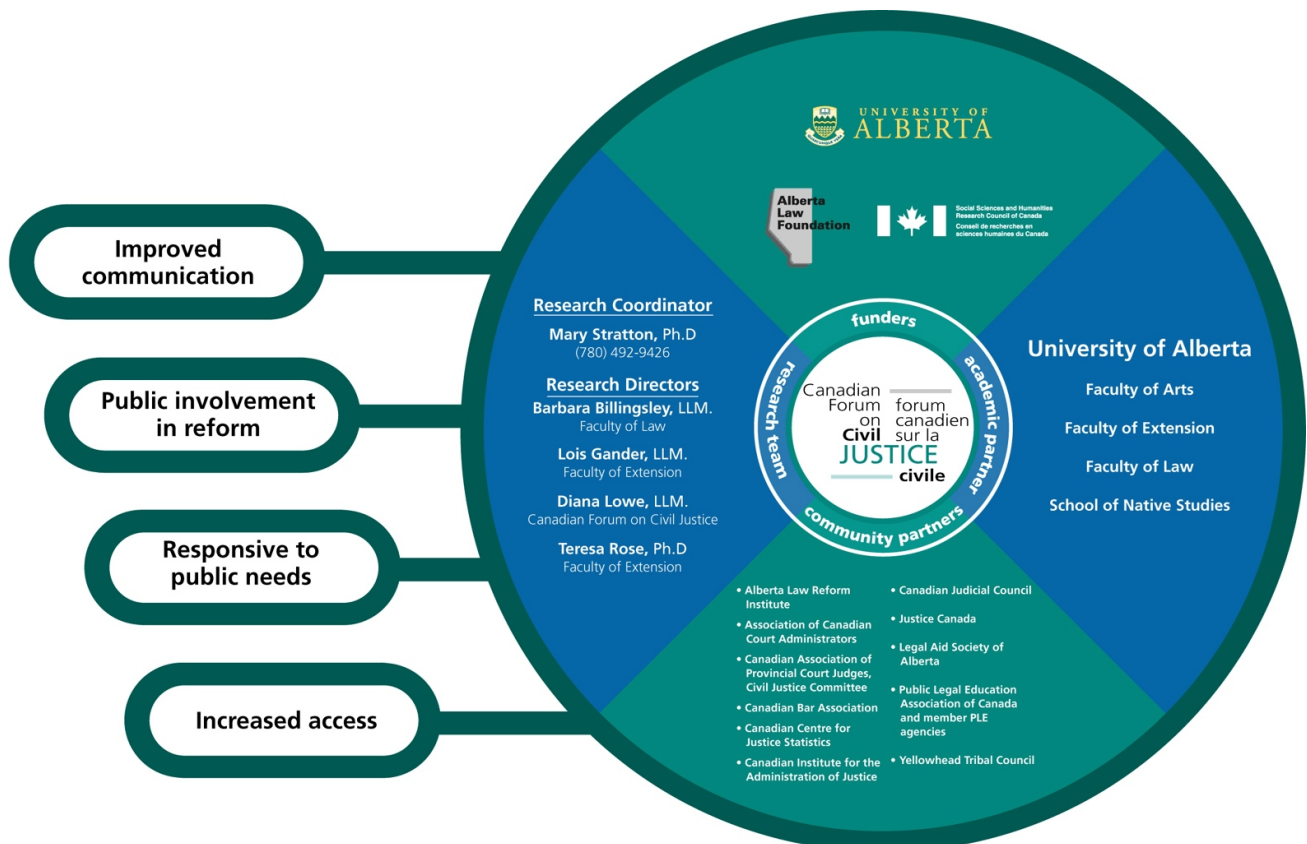
The Civil Justice System in the Social World

- Is vital to developing a democratic social world
- Provides a mechanism for the peaceful resolution of disputes among citizens
- Assists in establishing our rights and obligations and ensuring these are respected and enforced
- Touches our lives in many ways
- Requires research, reflection and reform to ensure it works as it should.



Collaboration in Action

Our research approach is an action-oriented, collaborative partnership for an exchange of knowledge among those involved in the civil court process.



An Overview of the Main Research Questions and Results

The *Civil Justice System and the Public* research addresses four main questions. This overview is organized as a response to those questions and illustrates the communication context within the civil justice system and between the system and the public. The following points are taken directly from the content of the interview transcripts and many are presented in the words of our research participants. These quotes are followed by a data code number and the role of the participant. This brief overview is based on key findings in Alberta, although our preliminary analysis of the national data indicates similar results.

1. ***What is the current state of communication between the (broadly defined) civil justice system and the public about being involved in a case in the civil court system?***

- Most people working within the civil justice community are involved either directly or indirectly in communications between the civil justice system and the public.
- The public communicate with the civil justice system by any method available to them, but both public and justice community participants strongly suggest that face-to-face communication is most effective.
- When face-to-face communication is impossible, our participants recommend:
 - a) a telephone line that reaches a person who is able to provide comprehensive information
 - b) and/or an accurate, easy to navigate website.
- The current state of communication between the civil court system and the public can be improved. There are communication barriers to overcome, but also many examples of good communication practices to draw from and build upon, both in Alberta and across Canada.
- In particular, we were repeatedly told by both the public and the justice community that there is a need for better public information about the civil justice process:
 - a) the public need to know where to find existing legal information
 - b) clear, accurate legal information must be created to fill identified information gaps (for example, steps in the process of litigation)
 - c) the public need to be able to obtain, at minimum, basic legal advice at key points in the civil justice process.
- People working on the front-lines of communication between the system and the public often do so under difficult conditions for several reasons:
 - a) Insufficient resources that lead to under-staffing, work-overload, and a lack of appropriate training, especially training on how to most effectively communicate with the public.
 - b) the valuable knowledge front-line staff gain from daily interactions with the public is frequently overlooked by those planning systemic changes and reforms.

2. How is the communication experienced by:

a) people within the system

(i) with each other?

(ii) with the public?

b) the public ?

- The civil justice 'system' is actually made up of a number of separate structures that are hierarchically organized, both internally and in relation to each other. Many interactions are highly technical and formalized. Some of these arrangements are necessary to preserve fairness and impartiality. Nevertheless, these hierarchical (and sometimes adversarial) communication customs create communication barriers among those working within the justice community as well as between the system and the public.
- Particularly unfortunate is that the front-line experience of those who interact daily with the public is often not sufficiently valued, and frequently overlooked by those further up the hierarchy who are responsible for initiating change within the system. As one court staff member summed up: "administrators need to be responsible for informing their staff on projects, programs, changes, and there has to be an openness within the system to take an interest in changes."
[*Court Services, 212*]
- When faced with a civil justice matter, members of the public do not know where to begin. They attempt to find information from any source they can think of, but complain of the difficulty of obtaining information that is accurate and clear, both in terms of finding out the right place to go, and of understanding how to proceed through the civil justice process.
- Members of the public come into personal contact with the civil justice system when they have a legal problem that is already generating stress. They generally find the formality and complexity of the civil justice system confusing, even when they have legal representation. Many express frustration about their experience of communicating with the system. For litigants who represent themselves the experience can be overwhelming. A participant commented: "I walked into this resource centre and I felt like crying....the employees there had no idea what had happened to me and what I was feeling and what I was going through."
- But, positive responses from the justice community can make a difference. The participant quoted above continued the story of her experience: "I just walked through the door and the [staff] said 'Hi.' Like they were just so positive and it just washed away what I had experienced [just before]" [*Public Participant, 243*]

3. ***What can be done to improve communication between the civil court system and the public?***

- Many things can be done to improve the state of communication between the civil justice system and the public. Some require more resources than are currently available, but others can be achieved simply by increased awareness and making better use of resources already in existence. Participants from both the public and the justice community offered many good suggestions, such as these:
- “First of all, for the civil justice system to be informed about each other so when we are...trying to help the public we know what we are talking about.” [*Legal Aid, 231*]
- “[Among] the civil justice system itself might be helpful...meeting between the various levels...The lowlier type of employees don’t have an opportunity to interact with people in other courts....Some kind of opportunity to....spend a half day, or a couple of hours...and see how the program runs.” [*Court Services, 270*]
- “A training program for us to be able to communicate with the lay person as far as reading forms and trying to help them understand their orders or their documents.” [*Legal Aid, 283*]
- “More time for education or the training component and for the sharing of information.” [*Court Registry, 211*]
- “[A] comment box, an area or avenue that they can use to... express their ideas on how to improve [communication]” [*Court Security, 214*]
- “I think the general public have got to better understand how the system works and we have to assist in helping them....We have to try to make it simpler...in plain language- not so technical....And then...there should be a broad information project to the general public indicating that they can get information [in] these various [ways], but that means the [ways] have to be set up. You have to develop them and then do the PR.” [*Judiciary, 281*]
- “Decide who it is we are trying to reach with our information....Talking to people within your court. Assessing their needs...where they might be better served if there was better information out there. For that you need strong leadership...intuitive front-line workers and a medium in which you can all communicate and meet together to try to...meet the needs that you see.” [*Judiciary, 234*]
- “Public information officers...to assist the court in three areas...developing better lines of communication with the media;the education of students...in our high schools;[and] to deal with the public generally; to develop techniques for communicating information accurately and effectively, both outgoing information

and to deal with information that is coming in.” [Judiciary, 216]

- “[There needs to be] one place where at least the information on all services is located...[and] work with the gatekeeper lawyers, the people who initially see people, on how to disseminate this information.” [Lawyer, 280]
- “Some kind of a clinic set up with lawyers that can at least give people some basic legal advice...should be a number one priority....court time and...money would end up being saved.” [Court Registry, 220]
- “In terms of communication, I would say the website, the [multi-service] kiosk...would be fabulous, and improved access to legal advice.” [Public, 210]
- “Case law....Quick Law and other services like that...your average layperson can tap into and find valuable information...on line....readily accessible.’ [Public, 204]
- “Brochures more layman like....’Cause you read through it and you go, ‘What does that mean?’....They all have that lawyer-talk lingo...and for somebody who hasn’t been there it is difficult to understand.” [Public, 223]
- “My recommendations would be: 1. Work on gaining more resources; 2. Deal with the attitudes of decision makers; 3. Use expertise in communications and a multi-disciplinary approach.” [Judiciary, 221]

4. In the process of answering the above questions, do other issues emerge that have import for other components (including agencies, systems, outcomes) of the justice system?

We found that most issues connected to the civil justice program involved a communication component of some kind. However, there were some issues raised by participants that involve broader social and/or systemic issues. Among these are:

- Lack of resources for adequate staffing and programs (which contributes to case backlog and slow process).
- There are additional challenges in accessing and using the civil justice system for some groups of public (for example aboriginal groups, persons with disabilities).
- Enforcement of court orders and decisions. Members of the public often express dissatisfaction that after winning a case they cannot enforce their order. The cost of attempting to do so is often prohibitive, especially where a small claim is involved.