

# News & Views

## ON CIVIL JUSTICE REFORM

Issue 6 • Summer 2003

Canadian  
Forum  
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We welcome your submission of articles (or topics of interest) for publication in “News & Views on Civil Justice Reform”. Tell us about an experience of civil justice reform in your jurisdiction. Provide us with a comparative analysis. Report on what is new in your civil justice system. Let us know what you would like to find out more about. Submissions may be made in French or English; however we ask that contributions be written in plain language. For more detailed information, please contact the editors: Kim Taylor, Diana Lowe or June Ross, QC.

This newsletter is intended to serve as an information source on civil justice reform initiatives for lawyers, judges, legal educators, court administrators and members of the public.

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- Alberta Justice
- Ontario Ministry of the Attorney General
- New Brunswick Justice
- Nova Scotia Justice
- Northwest Territories Justice

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The contents of this newsletter are intended as general legal information only and should not be relied upon as legal advice.

The opinions and views expressed in this newsletter are those of the individual writers and do not necessarily reflect the opinion of the Canadian Forum on Civil Justice.

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# Civil Justice System and the Public: National Field Research Begins

The *Civil Justice System and the Public* project is entering its next phase! In June 2003, our research team began national data collection in Nova Scotia, visiting court sites in Halifax and Truro. In July, the team is in Ontario, visiting Toronto, Thunder Bay and Ottawa, and August will find us in Montreal and Rimouski, Quebec. Field research continues in the fall with trips to Nunavut and British Columbia.



Research Assistants

In preparation for the national data collection, Research Coordinator Mary Stratton recently met with project partners and key contacts in Halifax, Toronto, Ottawa, Montreal and Iqaluit where she received encouragement, enthusiastic support and practical assistance in making the project a success.

In March 2003, we were delighted to host our first Partner Symposium at the University of Alberta. Funded by Justice Canada and the Alberta Law Foundation, the Symposium brought together many of our partners from across Canada. This three-day event allowed our partners to meet each other and share their wealth of knowledge about civil justice in Canada. Together we learned more about the *Civil Justice System and the Public* Alberta results, our national field research plans and contributed to the design and future planning for the project.

Although analysis and dissemination of the Alberta research is ongoing, we have already presented some preliminary findings. In October 2002, Diana Lowe and Mary Stratton presented, "Talking with the Public: The Public, Communication and the Civil Justice System," at the Canadian Institute for the Administration of Justice Conference in Hull Quebec. This



Partner Symposium

paper was well received and will be published in the conference proceedings. It is also available from the Forum.

In May 2003, members of the research team made presentations about the *Civil Justice System and the Public* research at four conferences:

- 4th Annual *Advances in Qualitative Methods*, Banff, Alberta;
- *Community University Expo International Conference*, Saskatoon, Saskatchewan;
- The 20th Annual *Qualitative Analysis Conference*, Ottawa, Ontario; and
- *Canadian Association for University Continuing Education (CAUCE)*, Calgary, Alberta.

We will continue to seek opportunities to provide information on our research results and are very pleased to have received an additional \$10,000 funding from the Alberta Law Foundation for Alberta dissemination activities. We will develop a full report on our Alberta findings and will hold focus group meetings in each of the Alberta research locations (Calgary, Edmonton, High Level and Peace River). These focus groups will allow us to present and discuss our findings with members of the communities involved in the research.

For more details about the *Civil Justice System and the Public*, or if you are located in one of our research jurisdictions and would like to become more involved, we invite you to contact our Research Coordinator, Mary Stratton, by e-mail at [mstratto@law.ualberta.ca](mailto:mstratto@law.ualberta.ca) or by telephone at (780) 492-9426.



Kim Taylor has joined the Forum as Acting Program Director. Kim obtained her Bachelor of Arts and Bachelor of Law degrees from the University of Alberta (BA 1979, LLB 1982). Upon graduating, she worked with the federal Department of Immigration. During her tenure as an Immigration Adjudicator, she was involved in refugee and access to justice issues. Kim was called to the Bar of British Columbia in 1992 practising Immigration & Refugee law both as private counsel and with the Legal Services Society Immigration & Refugee Law Clinic. She returned to Alberta where she was called to the Bar in 1998. Kim has since been involved in legal research, adult education and poverty law.

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Michael Lines is the Law Librarian and Information Coordinator at the Forum. Michael obtained a B.A. in Classics and an M.A. in Medieval Studies before completing his education as a librarian. His research interests include legal history, property law, and a variety of library topics, including library buildings and digital copyright. Some of his more practical interests are the creation of digital collections and open source software. Michael has experience in a variety of law libraries, handling reference, collection development and library education tasks.

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# The Changing Face of Public Legal Education in Canada

Lois E. Gander LL.M., Associate Dean (Academic), Professor and Director, Legal Studies Program, Faculty of Extension, University of Alberta

## ORIGINS OF PUBLIC LEGAL EDUCATION

Public legal education (PLE) began to take shape in Canada in the late 1960's and early 70's as various agencies responded to the legal information needs of activists, protesters, drop-outs, and the otherwise disenfranchised who saw that the law was affecting their lives in a direct way. While many of the first efforts in meeting these needs were short term and *ad hoc*, by the mid-70's, several provinces sported organizations that existed for the sole purpose of providing PLE.<sup>1</sup>

Today, PLE has become an integral part of the Canadian legal landscape. It is a nation-wide enterprise that enables Canadians to learn more about virtually any aspect of the law through a variety of formats and at varying levels of sophistication. PLE makes access to legal knowledge a realistic expectation for thousands of Canadians. That knowledge is often the key to accessing and engaging effectively with the justice system whether as citizens, litigants, witnesses, or jurors.

## NATURE OF PLE

### What is PLE?

The terminology surrounding PLE tends to be confusing. In some jurisdictions Public Legal Education is referred to as Public Legal Education and Information (PLEI), in others as Public Legal Information (PLI), and still others as Community Legal Education (CLE) or Community Legal Information (CLI).<sup>2</sup> The term Law-Related Education (LRE) is used by some, but not everyone, to distinguish public legal education that is carried on in the schools from that which is directed to adult audiences.<sup>3</sup> The reasons for these distinctions in terminology are largely historical and often have to do with fitting programs within the mandates of particular agencies, especially funders.

Efforts to define PLE with any precision have largely failed. Each of the words that make up the term **public legal education** are themselves concepts that elude definition.

**Public** has many meanings in PLE encompassing both the general public and specific sectors of it, including "intermediaries" who in turn serve their own "publics".<sup>4</sup>

**Legal** has been no easier for public legal education proponents to define than "law" has been for legal theorists. Suffice it to say that the focus of PLE tends to be on "black letter law." But it is by no means limited to either substantive or procedural law. PLE covers the broader terrain of legal philosophy, theory, history, law making, the administration of justice, social policy-development, and reform. It also

ventures into the domains of dispute resolution, restorative justice, and other means of achieving justice.<sup>5</sup>

**Education** signals that PLE services are not limited to the provision of information. PLE encompasses the development of knowledge and understanding about our justice system and the examination of alternative justice processes, including those of other cultures. PLE programs assist participants to develop skills in engaging with the justice system whether as concerned citizens, professionals, litigants, witnesses, or jurors. PLE programs also cultivate attitudes that enable Canadians to interact effectively with their justice system.<sup>6</sup>

Like any concept, public legal education is often understood best by looking at what it is not - not legal advice,<sup>7</sup> not legal representation, not continuing legal education for lawyers.

Since PLE is not easily defined, it has come to be associated with the activities of the organizations that have expressly taken on PLE mandates. Those activities range from one-page pamphlets to online electronic services as those who practice PLE challenge themselves to extend the limits of the field.<sup>8</sup>

### What is the mission of PLE?

Just as there is no consensus as to what PLE is or how to do it, there is no firm agreement on the mission of PLE. However, many PLE providers believe that the ultimate goal of PLE is to assist the public to understand that the justice system is a public institution - that they are not just the beneficiaries of the system but the stewards of it.<sup>9</sup> Advocates of this view take the position that it is not enough for the public to access the system as informed consumers; as citizens they need to engage with it in a meaningful way. The job of PLE is not only to make the system more comprehensible to the public, but also to help the system be more responsive to public needs and more welcoming of public involvement.

One of the reasons why there is no consensus on many fundamental aspects of PLE is because PLE is not an end in itself with its own vision, goals and objectives. Rather, it is a multi-functional tool that can be used alone or in combination with other services to meet a variety of objectives set by governments; legal service providers; educational institutions; community, service, and advocacy organizations; and a myriad of special interest groups. PLE has been used to help people avoid common legal problems, to provide the public with greater access to the justice system and dispute resolution, to support crime prevention initiatives, and for community, social, and citizenship development.

## Who is involved in PLE?

### A. Providers

A national network of provincial organizations has been at the forefront in establishing PLE as a field of practice and in promoting it as an essential part of our justice system, along with its innovative responses to that system's changing needs. They have been supported in this effort by provincial and federal ministries of justice, provincial law foundations and national organizations, such as the now defunct Canadian Legal Information Centre.

While provincial PLE organizations have played a prominent role in delivering public legal education, hundreds of other agencies undertake activities that also play a role in providing legal education or information to the public. This broader group of agencies includes ministries of education, heritage, and immigration; schools; public and special libraries; bar associations; courts; community, service, and advocacy organizations; and special interest groups.<sup>10</sup> In many instances, these agencies work collaboratively with a major PLE organization to enhance their joint effectiveness as well as the efforts of each agency.

Volunteers are key to the success of many PLE agencies. Lawyers and judges donate countless hours speaking at events, designing and developing resources, engaging in fund-development activities, and serving on boards of directors. Other professionals and community members join them, contributing their time and expertise in advancing the goals of PLE organizations. The presence of that support is often essential to the very survival of the organization.

### B. Audiences

The audiences for PLE are as diverse as its providers. One of the first lessons of PLE is that the general public is not an homogenous body but a conglomeration of publics. PLE audiences are defined by their own particular needs – needs that include their specific legal issues, the way in which they will use the knowledge they are seeking, their learning styles, and their ability to access particular kinds of resources.<sup>11</sup> Nonetheless, there is hardly a subset of the public or a remote community in Canada that has not felt the touch of a PLE program or service.

PLE providers do not always provide their services directly to these publics. Doing so may be too costly or ineffective. Instead, PLE organizations may work with others who are better positioned to serve a particular public. Teachers, librarians, a variety of other professionals and a host of organizations serve as intermediaries between PLE agencies and the ultimate beneficiaries of their service. PLE organizations provide training and resources to assist them in their work. This strategy of working with intermediaries was developed in the mid-70's as a means of using existing information and service networks to reach as many people as possible. It is also a very effective way to reach those who might need legal information most but who are particularly hard to identify or to serve directly. The result of this strategy has been the development of a loosely connected

network of networks that PLE providers turn to as circumstances dictate.

### C. Funders

Funding for PLE comes from a variety of sources and has been instrumental in shaping the field. Funding takes the form of both core and special project funding. Core funding supports an organization's infrastructure and any on-going programs and services it may offer. This is the most difficult type of funding for organizations to secure but it is essential to maintaining the organization's viability and its credibility with the public. Law foundations and federal and provincial governments have played the main role in sustaining PLE organizations.

Most PLE activities, however, are supported through special project funds. Again, law foundations and various federal and provincial justice ministries provide the bulk of this funding. To these major funding sources are added legal aid societies, law societies, other provincial and federal ministries, public and private foundations, corporations, and individual donors. Some PLE groups offer a few services on a fee-for-service basis or sell advertising in their publications. PLE agencies are nothing if not inventive in exciting the interests of a diverse group of funders! Project funds enable PLE organizations to respond to particular issues of current concern. However, project funding may not allow the organization to respond to priorities it has identified nor to provide a sustained response to on-going public needs.

## THE IMPACT OF PLE

Public legal education has been undertaken in Canada on a concerted basis now for over thirty years. It is reasonable to begin to take stock of its accomplishments and to call for some accounting of its impact.

Experience suggests that the benefits of PLE are felt at an individual level and in communities, organizations, and Canadian society more broadly. The annual reports of PLE organizations document the millions of individuals who access these services. Surveys provide feedback from users and there is ample anecdotal evidence testifying to the value of those services to individuals. Lawyers and judges also readily offer support based on their first-hand experience with individuals who have benefited from a PLE service. The overwhelming, if not unanimous, force of this evidence is that PLE is needed, sought out, and effective in helping people better understand their legal needs and make better decisions about when and how to seek legal assistance.

Both geographic and interest-based communities<sup>12</sup> as well as not-for-profit organizations have used PLE as a means of developing their infrastructures<sup>13</sup> and meeting their collective legal needs.<sup>14</sup> PLE services directed to these audiences assist people to understand their legal responsibilities and avoid legal problems or at least deal with them before they become serious.

Teachers are among the most enthusiastic users of PLE services.<sup>15</sup> They recognize the invaluable role that PLE plays

in preparing students to become responsible members of our democratic society. Teachers also use law-related education as a means of developing students' critical thinking skills and of dealing with important issues such as bullying in schools.<sup>16</sup>

Perhaps PLE's most significant accomplishment to date has been to demonstrate that a little knowledge is NOT a dangerous thing. Early fears that PLE would mislead the public into believing that they could become their own lawyers have not materialised. Instead, PLE has helped to dispel myths about the justice system, breakdown barriers between the public and the justice system, and encourage people to seek legal redress where appropriate. PLE providers have helped the public understand the system so they can become both better consumers and better critics of it.

## FORCES OF CHANGE

Over the thirty or so years of PLE development in Canada, the environment in which it has operated has changed dramatically. But one of the salient features of PLE is that it is highly responsive to changes in its environment.

Five major forces have shaped contemporary forms of PLE.

### 1. Changes to the Justice System Itself

For some years now, there has been a quiet revolution occurring in Canada's justice system. Reforms addressing the efficiency of court processes, the cost of litigation, and the accessibility of legal assistance have been proceeding alongside the introduction of the *Canadian Charter of Rights and Freedoms* and changes to substantive areas of the law. Dispute resolution, restorative justice processes, and sentencing circles are starting to complement traditional formal court processes and will have an impact on the future prospects and possibilities for PLE. Changes such as these alter the backdrop of PLE as well as providing new needs and opportunities. The public needs to know that people within the court system recognize and are addressing the need for reform. People with legal problems need to know that they have options beyond traditional litigation about how they want to resolve disputes in which they are embroiled.

### 2. Changes in Public Expectations

One of the forces that has led to changes in the justice system and that continues to be a force shaping public legal education is growing public demand that the courts be more accessible and that the justice system in its entirety be more accountable. As the Department of Justice Canada observes in its Strategic Plan 2001 - 2005, "Canadians want to understand their justice system, to access its services easily and to play a meaningful role in the system's evolution."<sup>17</sup> Responding to those expectations challenges everyone in the system, including those who provide public legal education services. PLE agencies tend to find themselves stretched too far if they try to meet basic citizenship needs, provide broad education about the justice system, engage the public (or sectors of it) in justice system consultations and law reform initiatives, and also meet the needs of individuals experiencing personal problems. Yet specializing in only one or two of these facets

of PLE may not be a viable option either.

### 3. The Impact of Lay Litigants

Despite the increasing range of options available for resolving disputes, many people are continuing to opt for their "day in court". Some of those litigants do not accept the premise that they must have a lawyer to do so. Others cannot afford professional representation. With the cost of legal aid becoming a key issue for governments, the problem of unrepresented litigants is of increasing concern to service providers and the courts. Whatever the cause, courts are finding that an increasing number of people are representing themselves, making demands of the system that it is poorly equipped to meet.<sup>18</sup>

Unbundling<sup>19</sup> or breaking legal services down into separate parts so that PLE can assist litigants with some of their legal needs may prove to be a partial response to the problem of lay litigants. However, most PLE providers would resist the notion that PLE could be a complete alternative to direct legal assistance except in limited circumstances where litigants have sufficient familiarity with the legal system to navigate it successfully on their own. What constitutes self-help PLE and how far PLE should go in providing self-help resources are as yet unresolved issues.<sup>20</sup>

### 4. The Impact of the Internet

One of the most significant forces of change on PLE is the growing acceptance of the World Wide Web (the Internet) as a medium of communication and a dominant source of information and learning opportunities.<sup>21</sup> The Internet is less than ten years old but already it offers PLE new ways of creating, sharing, and managing knowledge<sup>22</sup>, of reaching far-flung audiences and of engaging and supporting communities of interest.<sup>23</sup>

The Internet also calls into question some core beliefs about PLE's place in the legal world. Experience already indicates that conventional understandings about the differences in the needs and interests of legal professionals and various publics need to be rethought. The physical, psychological, and structural barriers that used to keep the public from accessing resources found only in law libraries are all but eliminated on-line. With the Internet, anyone can now take advantage of ready access to legislation and cases, long thought to be of value only to someone with legal training. Similarly, both legal professionals and the public access the full range of professional texts, academic journals, and lay resources.<sup>24</sup>

Just as the Internet has introduced new opportunities and dissolved some old distinctions and boundaries, it has reinforced others. Access to computers, competency in using them, literacy, English language proficiency, and a host of other barriers provide real limits to who will be able to benefit directly from electronically provided PLE. The digital divide is as critical an issue for PLE providers as it is to others concerned with social justice.

It is easy to overstate this concern, however.<sup>25</sup> No conventional PLE delivery mechanism reaches everyone

either. In fact, the Internet improves direct access for people who experience difficulty accessing conventional resources by virtue of being physically disabled or geographically distant. Public access terminals located in libraries and other community centers across Canada provide Internet access to many people who cannot afford their own equipment. With the Internet, librarians and other intermediaries now have further resources with which to assist various publics.

## 5. The Changing Nature of Funding

Over the years, funding for PLE has come from increasingly diverse sources and the balance between core funding and special project funding has shifted toward the latter. In response, many PLE organizations have had to reduce or eliminate ongoing and comprehensive services and refocus their efforts on short-term, special projects. This has led to accusations of “flavour of the month” PLE rather than PLE derived from local needs and community priorities. The result is a continually changing and sometimes ragged patchwork quilt of services and resources that differs from jurisdiction to jurisdiction.

## THE FUTURE OF PLE

These forces alter the backdrop of PLE as well as providing new needs and opportunities for PLE. For the most part, PLE advocates have succeeded in weaving PLE into the fabric of the Canadian legal tapestry. Many people within government and the legal community acknowledge the excellent work done by PLE agencies in helping people avoid legal problems, in providing access to our justice systems, and in preparing people to assume citizenship responsibilities.

A better understanding of PLE by policy-makers and funders would enable them to make more effective use of PLE to increase the impact of their larger law reform, administration of justice, or legal services strategies. Including PLE providers in discussions when important decisions are being made about contemporary justice issues would enable PLE’s potential contributions to be assessed in the context of each particular initiative.

Recognition that PLE can only contribute in proportion to the infrastructure that sustains it is also necessary. The stronger the infrastructure, the greater the possibility of having an appropriate tool at hand to meet future challenges. In addition to adequate core funding of PLE, three elements are essential to that infrastructure.

### 1. Communication and coordination

The host of new PLE providers combined with the increasing public demand for accountability will increase the pressure on PLE agencies to share resources and coordinate their activities. That can only occur if there are effective means for communicating within the PLE community. There are currently several mechanisms for doing so nationally. These mechanisms will help prepare PLE providers to shape the next round of PLE development.

- ACJNet, <[www.acjnet.org](http://www.acjnet.org)>, the national online access to justice service, provides information for the public (in its many guises) and for PLE providers wanting to know what services and resources are currently available. Greater recognition by PLE providers of the role ACJNet can play in making their own services and resources known should lead to increased contributions and sharing on the Internet.
- PLEAC, the Public Legal Education Association of Canada, serves as the national body for bringing together PLE providers to exchange information about their activities, discuss issues of common interest, and develop relationships that may lead to resource-sharing and collaborative undertakings. A broader membership and more active involvement of diverse PLE providers will better ensure that PLEAC fulfills its potential.
- The Canadian Forum on Civil Justice has developed an impressive network within the justice community and is positioned to encourage relationships between that community and the many networks developed by PLE providers.

### 2. Research

Research about PLE is still in its infancy, yet PLE providers will be handicapped in understanding and providing a compelling case for their services until more research and analysis can be undertaken. A small body of Canadian research and analysis provides some theoretical and empirical support for the impact of PLE. That research has taken three forms: conceptual and historical analysis of PLE,<sup>26</sup> needs assessments,<sup>27</sup> and program evaluations.<sup>28</sup> Results of that research need to be discussed in more depth to determine its applicability to future PLE directions.

### 3. Professional development

There is neither formal pre-service nor in-service training in public legal education available anywhere in Canada. Nor is there a clear career path leading to employment in or for progressing through the field. For the most part, PLE agencies’ professional staff are drawn from a host of related fields, such as law, education, library science, and journalism. Such training as exists in PLE tends to be on-the-job, under the tutelage of someone appropriate in the organization. In only a few situations are more organized introductions to the field provided.

The absence of formal professional development opportunities means that knowledge in the field is scattered and that newcomers to PLE are often left to learn as they go, reinventing the knowledge and sometimes repeating the mistakes of those who have gone before them.

In partial response to this need, the Legal Studies Program at the Faculty of Extension at the University of Alberta is developing a web service devoted to the theory and practice of public legal education. The service will not only provide guided access to documents about PLE but will facilitate the development of new knowledge through interactive

functions such as online forums, workspaces, and mentoring. This service will need to be augmented by other kinds of professional development opportunities and an analysis needs to be done to determine what those opportunities should include.

## CONCLUSION

Public legal education has come a long way in thirty-five years. A national network of provincial and territorial services has been developed. PLE providers have acquired a much deeper understanding of the extent and complexity of public needs and are more expert at meeting those needs. They have also developed several mechanisms for sharing knowledge and resources.

The demand for PLE continues to grow and new players are responding to that demand. But this new PLE community is largely unorganized and the services they provide often fragmented and piece meal. If PLE is to achieve its full potential, commitment by policy-makers and funders to a strong PLE infrastructure is critical.

Millions of people turn to public legal education agencies each year for assistance in understanding some aspect of Canada's justice systems. The availability of PLE communicates a strong message about our commitment to making our justice system open, responsive, and accessible. But it is a commitment all of us within that system must make if we want Canadians in turn to make a serious commitment to access to justice under the rule of law.

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## Endnotes

- 1 For a more substantial discussion of the early years of public legal education in Canada see L. Gander, *The Radical Promise of Public Legal Education in Canada* (LLM, University of Alberta, 1999) [unpublished].
- 2 Pat Pitsula is the most recent policy analyst to encounter this problem. See P. Pitsula, *Review of the Role of Public Legal Education in the Delivery of Justice Services* (Vancouver: Ministry of the Attorney General, 2003); See also G. Dykstra, "By Whatever Name" (1982) 7:3 Resource News 9.
- 3 For a discussion of the development of law-related education in Canada see R. Case, *On the Threshold: Canadian Law-Related Education* (Vancouver: Centre for the Study of Curriculum and Instruction, University of British Columbia, 1985).
- 4 For an early discussion of this issue see G. Rivard, "The 'Public' in Public Legal Education" (1980) 4 Canadian Community Law Journal 34.
- 5 *Supra*, note 1.
- 6 Even jurisdictions or organizations in which the term, 'public legal information', is favoured usually include in their mandates activities that might more appropriately be considered "education".
- 7 The difference between information and advice is discussed in G. Dykstra, "Answering Questions on the Law: Opinions" (1977) 4:3 Emergency Librarian 18 and G. Dykstra, "How and Why: Legal Information Referrals" in W.A. Katz & A. Tarr eds., *Reference and Information Services: A Reader* (Metuchen, N.J.: Scarecrow Press, 1978).
- 8 The range includes legal information and referral phone lines, libraries of lay materials, speakers bureaus, training workshops, law camps, booklets, audio-visual resources, radio and TV shows, newspaper columns, newsletters, magazines, mock trials, and dramatic presentations.
- 9 For several years the slogan of the Canadian Bar Association's Law Day celebrations was "The Law Belongs to You." Canadian Bar Association, *Law Day, April 17, Promises Public Hundreds of Events* (Ottawa: 1986).
- 10 A. McChesney, *PLEI Provided by Intermediaries: Does Widespread Access Mean "Equal Access"?* (Ottawa: Department of Justice Canada, 1997).
- 11 School children, incarcerated offenders, front-line social workers, human resource officers, bankers, firefighters, immigrants, musicians, fathers, members of boards of not-for-profit organizations, politicians, seniors, the deaf, and even lawyers are among the cross-section of Canadians who have benefited from PLE programs and services.
- 12 See H. Roberts, "Public Legal Education and Community Development" (1983) 6 Canadian Community Law Journal 36; H. Roberts, "Community Development as a Means to Public Legal Education" (1984) 7 Canadian Community Law Journal 109; S. S. Sy & K. Anderson, *VIOLET: Learning on the Net* (Edmonton: Legal Studies Program, Faculty of Extension, University of Alberta, 1999); and S. S. Sy & K. Anderson, *The Community Development Process of RoseNet* (Saskatoon: 2000) for more discussion of this aspect of PLE.
- 13 The Legal Studies Program's experience in developing VIOLET is an interesting example of how PLE helped individual agencies as well as their network enhance their infrastructure.
- 14 The Legal Studies Program maintains a web site on the law for not-for-profit organizations and charities at <<http://www.law-nonprofit.org>>.
- 15 See W. Cassidy, "Law Related Education - Promoting Awareness, Participation and Action" in D. Selby & T. Goldstein eds., *Wearing Connections: educating for peace, social and environmental justice* (Toronto: Sumach Press, 2000) for a discussion of some of the reasons that law related education has declined in recent years.
- 16 See Marsha Mildon, "Changing Faces" (2002) August/September *LawNow* 23 for teacher resources on this topic.
- 17 Available on the Department of Justice web site at <[http://www.canada.justice.gc.ca/en/dept/pub/just/strat\\_plan/index.htm](http://www.canada.justice.gc.ca/en/dept/pub/just/strat_plan/index.htm)>.
- 18 See D. A. R. Thompson & L. Leieron, "A Practising Lawyer's Field Guide to the Self-Represented" (2001 - 2002) 19 Family Law

Quarterly 529 for a discussion of this phenomenon from a litigator's point of view.

Editors note: The next issue of this newsletter will include a discussion of unrepresented and self-represented litigants.

- 19 Stephen Coughlan, "Unbundling Legal Services" CBA EPIIgram March 2001 <[http://www.cba.org/CBA/EPIIgram/March\\_2001](http://www.cba.org/CBA/EPIIgram/March_2001)>; See also F. Mosten, "The Unbundling of Legal Services: Increasing Legal Access" in R. Smith (ed.) *Shaping the Future: New Directions in Legal Services*, (London: Legal Action Group, 1995) 47.
- 20 For a discussion of some of the issues, see A. W. Currie, *Assisted Self-Representation in Criminal Legal Aid An experiment in limited service delivery* (Ottawa: Department of Justice Canada, June, 1998) (TR1998-3e); See also J. Giddings & M. Robertson, "Informed Litigants with Nowhere to go: Self-help Legal Aid Services in Australia" (2001) 25 (4) *Alternative L. J.* 184 and other papers by Giddings.
- 21 The implications of the Internet for PLE are discussed more fully in L. E. Gander, *Applications of the Internet for Public Legal Education*. (Edmonton: Legal Studies Program, Faculty of Extension, University of Alberta, 2001).
- 22 For a discussion of the importance of ensuring that developments in knowledge management in the corporate sector are applied in the public sector see L. E. Gander, "Knowledge Management in the Public Interest" in J. Martin & K. Wright eds., *Managing Knowledge: Case Studies in Innovation* (Edmonton: Spotted Cow Press, 2000).
- 23 See for example, ACJNet <<http://www.acjnet.org>>; the Legal Services Society's family law website <<http://www.familylaw.lss.bc.ca/>>; Eucaloi's website <<http://www.educaloi.qc.ca/>>, VIOLET, <<http://www.violetnet.org>> and VIOLETForum accessible through the VIOLET site or directly at <<http://www.humanities.ualberta.ca:8080/~violetforum>>.
- 24 It is difficult (even unethical, possibly illegal) to determine exactly who uses what resources on any web site. However, such surveys as the Legal Studies Program has been able to conduct regarding users of ACJNet, its national online law and justice service, suggest that lawyers and non-lawyers use the service in equal numbers.
- 25 Statistics Canada reports that regular Internet use increased for all income groups during 2001 including low-income households. However, only 32% of the one-quarter of households with the lowest income level regularly used the Internet in 2001. Still, this was almost triple the rate of 12% in 1997. For more information see the "Household Use Internet Survey", *The Daily* (25 July 2001) online: Statistics Canada <<http://www.statcan.ca/Daily/English/020725/d020725a.htm>>.
- 26 The conceptual and historical analyses suggest ways of coming to terms with the complexity of PLE. For example, S. Brickey & D. Bracken, *Public Legal Information Needs in Canada: Towards a Conceptual Framework* (Ottawa: Department of Justice, 1982); L. Gander, *The Radical Promise of Public Legal Education in Canada* supra note 1; S. E. McDonald, *Public Legal Education in Ontario Legal Clinics* (Master of Arts, University of Toronto, 1998) [unpublished]; S. Sawyer, *Dreams of Justice: Community Groups, Legal Education and Social Change in British Columbia* (M. Ed., University of British Columbia, 1993) [unpublished].
- 27 Needs assessments confirm what PLE providers know from experience – the public needs and wants to know more about the law and the legal system. The findings of 40 of these needs assessments were recently synthesized to provide a set of fundamental propositions about PLE. G. Dykstra & L. Gander, *Synthesis of Public Legal Education Needs Assessments* (Edmonton: Legal Studies Program, University of Alberta, 2003); See also Compas Inc., *Public Legal Education and Information Study* (Ottawa: Department of Justice Canada, 2002) for the most recent national needs assessment study. By far the largest, and likely most significant, research project to be carried out in PLE is the *Civil Justice System and the Public* project. This project is examining factors that facilitate and impede communication between the civil justice system and the public with a view to making recommendations for improving communication practices. For more information see <<http://www.cfcj-fcjc.org/research.htm>> or contact the Canadian Forum on Civil Justice at [cjforum@law.ualberta.ca](mailto:cjforum@law.ualberta.ca).
- 28 Program evaluations tend to look at organizational objectives for PLE activities and comment on whether those objectives were achieved. While the Department of Justice Canada recently prepared an annotated bibliography of those evaluations, there has been no synthesis of their findings on which to base any broad conclusions about the impact of PLE. Lindsay Cader, *The Evaluation of Public Legal Education and Information: An Annotated Bibliography* (Ottawa: Department of Justice Canada, Research and Statistics Division) [forthcoming].

## Alberta Law Review – Call For Papers

Diana Lowe and June Ross, editors of *News & Views*, will be co-editing a special 2004 issue of the *Alberta Law Review* on Civil Justice and Civil Justice Reform. We would like to invite you to participate in this project by submitting articles relating to issues and innovations on this theme. Appropriate topics would include concerns related to delay, cost and complexity associated with civil court proceedings, progress in the implementation of reforms proposed by the Canadian Bar Association *Systems of Civil Justice Task Force Report*, and the evaluation of these or similar programs. The deadline for submissions is March 31, 2004. Paper topics can be discussed in advance by contacting Diana Lowe at (780) 492-2470 [dlowe@law.ualberta.ca](mailto:dlowe@law.ualberta.ca) or June Ross at (780) 492-1962 [jross@law.ualberta.ca](mailto:jross@law.ualberta.ca)

Electronic submissions are encouraged to: [articles@albertalawreview.com](mailto:articles@albertalawreview.com).

Submissions should also be in hard copy and addressed to: Alberta Law Review, Faculty of Law, University of Alberta, Edmonton AB T6G 2H5 Phone: (780) 492-5559 Fax: (780) 492-4924 e-mail inquiries: [info@albertalawreview.com](mailto:info@albertalawreview.com).

For more information: go to the Alberta Law Review Web site, [www.albertalawreview.com](http://www.albertalawreview.com), and click on "submissions".

The Alberta Law Review is published quarterly by the Alberta Law Review Society, a non-profit group of students from the University of Alberta and the University of Calgary. The objective of the Alberta Law Review is to promote legal research and scholarship and to provide a forum for the discussion of contemporary issues.

# Cross Country Snapshot of Public Legal Education



## Public Legal Education & Information

Since 1984, the federal Department of Justice has contributed annual core funding to non-profit Public Legal Education and Information (PLEI) organizations dedicated to educating citizens about the laws that govern them and the justice system. By supporting these organizations, the Department helps Canadians to become legally literate and better able to participate in and access the justice system.

The PLEI Program provides annual funding to one provincially designated organization in each jurisdiction to deliver public legal education and information to the citizens within their region. PLEI contribution funding to the territories is provided through the Access to Justice Agreements (AJAs) that also cover Legal Aid and Aboriginal Courtwork services. Through its Partnership and Innovation Program, the Department of Justice has also provided financial support to a variety of organizations that apply for funding to undertake specific project initiatives within the area of PLEI. These groups have included community groups such as women's organizations and shelters, immigrant serving agencies; Non-Governmental Organizations such as Canadian Criminal Justice Association, Church Council on Justice and Corrections, Elizabeth Fry Society; the Canadian Bar Association; schools and school boards; and municipal governments.

We have also integrated a PLEI component into various departmental initiatives, including the Youth Justice Renewal

Strategy, the Child-centred Family Justice Strategy, the National Crime Prevention Strategy, the Family Violence Initiative and the Victims of Violence Initiative. These initiatives have drawn on the expertise of the designated organizations, as well as other members of the Public Legal Education Association of Canada (PLEAC), to assist them in informing Canadians about changes in the laws that may have direct impact on their lives.

For the past several years, the Department of Justice has participated in the annual Public Legal Education Association of Canada Conference. We host a one-day session for the purpose of sharing information that has a direct impact on service providers across the country and supporting the Department's ability to promote access to the law and the justice system throughout Canada.

We continue to be impressed by the accomplishments of PLEI agencies across the country and we look forward to continued collaboration with our PLEI partners.

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## British Columbia

Public legal education and information (PLEI) in BC has a rich 30-year history. The work carried out reflects client needs, organizational mandates and various perspectives. While most organizations cobble their budgets together from core and project funds received from a variety of government departments, the Law Foundation of BC has been a major funder and advocate for provincial PLEI services.

The People's Law School is an independent, non-profit organization whose sole purpose is to provide PLEI to BC residents. Established in 1972, it provides free plain language booklets, speaker placements, a cultural minorities program, and, more recently, law-related theatre presentations in schools. "The Society strives to provide people with practical information about the laws as they affect people's lives, such as family law, employment standards, and child protection law." In particular, it

provides PLEI to special needs groups - seniors, youth, immigrants, and entry-level workers. It relies extensively on partnerships with other organizations throughout the province, as well as volunteer lawyers and judges.

The Legal Services Society of BC (LSS) assists low-income individuals to resolve their legal problems and facilitates their access to justice. It uses PLEI to meet both objects. Key strategies include a toll-free staffed legal information and referral line, the production of print and web-based materials, and training and support for community advocates in areas of law where full representation is not available. Three specialized websites have been developed in collaboration with other service providers. The Electronic Law Library (ELL), [www.bcpl.gov.bc.ca/ell](http://www.bcpl.gov.bc.ca/ell), is part of the virtual reference desk of the BC public library system; PovNet, [www.povnet.org](http://www.povnet.org), is run by poverty law service

providers, and a family law web site, [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca), was developed in consultation with family justice service providers.

The Canadian Bar Association, BC Branch has operated the Lawyer Referral Service since 1971 and Dial-A-Law since 1982. Dial-A-Law is a library of pre-recorded messages prepared by lawyers on specific legal topics from automobiles to wills. Scripts are also available on their website, [www.bccba.org/ScriptContent/login.asp](http://www.bccba.org/ScriptContent/login.asp). More than 49,000 visitors accessed the scripts in 2001/02.

The Law Courts Education Society of BC was established as a society in 1989 after 10 years of running court-based educational programs. It provides educational programs and resources about the justice system to the public and encourages awareness of community needs within the system. It partners with the Ministry of the Attorney General, the Ministry of Education, the judiciary, the Canadian Bar Association (BC Branch), schools, and communities. Their Justice System Education Program is available to any group who wants or needs to learn more about the justice system. They also offer a variety of specialized programs for various groups.

The Centre for Education, Law and Society was established

in 1984 and given formal approval by the Simon Fraser University Board of Governors in 1994. It seeks to improve the legal literacy of children and young adults through a program of teaching, curriculum development, and community initiative. Projects are diverse and focus on the schools. Three undergraduate courses and one graduate course in law education have been developed and are offered through the Faculty of Education.

These are some of the key organizations in a large and active network of PLEI providers, which encourage clients, institutions, or the public to understand and use or shape the law.

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## Alberta

Alberta was one of the first jurisdictions in Canada to take up the public legal education (PLE) challenge. Flexibility in the objectives of the Alberta Law Foundation has meant that diverse organizations - some with PLE as their only mandate, others with PLE as part of their broader programming - have been able to explore both conventional and innovative means of delivery. Written materials, classroom sessions, telephone lines, dramatic presentations, intermediary training, mass media programming, simulations, literature, and web-based services have all been used successfully.

The Public Legal Education Network of Alberta (PLENA) is a network of agencies, organizations and individuals united by their common interest in public legal education and information. Members are involved wholly or in part in direct delivery of PLE to the public, most on a not-for-profit basis. PLENA facilitates communication, co-operation and coordination among groups providing law-related public educational services. PLENA's broad membership, representing a wide range of PLE experience focussing on a variety of subjects and its close connections with communities across the province, gives it the ability to identify and reach many audiences. Today, virtually every sector within the province has been the beneficiary of some form of public legal education.

The Legal Studies Program (LSP) at the Faculty of Extension of the University of Alberta has a broad PLE mandate. It is also one of the few PLE agencies in Canada with both research and PLE professional development mandates. Current LSP initiatives include exploration of strategies for using the Internet for public legal education

and consolidating the last 35 years of PLE knowledge. The Legal Studies Program publishes the *LawNow* suite of resources and developed and manages ACJNet, [www.acjnet.org](http://www.acjnet.org), the national access to justice network.

Community-based legal service organizations such as Student Legal Services of Edmonton (SLS), Student Legal Assistance (SLA) in Calgary, and Calgary Legal Guidance (CLG) also play large public legal education roles. SLS is a primary supplier of public legal education pamphlets. CLG runs Alberta's Dial-a-Law service with recorded information on legal issues. John Howard Societies throughout the province provide education on criminal justice issues for both adults and school students.

The provincial government and the Courts are taking on increasingly important PLE roles. Alberta Justice has a PLE Coordinator and a web site with considerable information about the Alberta legal system. The Family Law Information Centres of the Alberta Court of Queen's Bench provide information for self-represented family law litigants and the Alberta Law Society Libraries provide services to the Alberta public.

Agencies with specific programs for public education are also an important part of the Alberta PLE scene and many integrate PLE with their other mandates. Native Counselling Services of Alberta has an active PLE program and the new Edmonton Centre for Equal Justice includes PLE as part of its programming. Community colleges and school boards across the province provide a range of "law for the layman" courses and undertake special projects

within their geographic mandate while various research institutes provide topical educational resources and services.

Alberta PLE is primarily funded by the Alberta Law Foundation and Justice Canada. As well, many groups receive funding from other foundations, associations and agencies including Alberta Justice.

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## Saskatchewan

Recent years at the Public Legal Education Association of Saskatchewan (PLEA) have been some of the most interesting, challenging and successful in our history – one of the longest histories among PLEI organizations in Canada, having been established in 1980.

An Aboriginal PLEI Needs Assessment was recently completed. The opportunity to learn of Aboriginal-specific PLEI needs and address these through novel methods of delivery is very exciting for us. This focus will be a continuing priority for our organization. We are very grateful to the Law Foundation of Saskatchewan for making the Needs Assessment possible.

Funding is always a PLEI issue, and collaboration involving community organizations, governments, courts, legal professionals, and other PLEI agencies, is integral to meeting the mission of developing an informed and engaged citizenry. PLEA recently partnered with the Saskatchewan and Canadian Human Rights Commissions, Aboriginal Friendship Centres of Saskatchewan, and Saskatchewan Intergovernmental and Aboriginal Affairs to produce the handbook, *The Rights Path*. The handbook addresses issues that may face Aboriginal peoples living in urban centres. Such partnerships are extremely important in the volunteer and non-profit sector as resources are often stretched.

Important new materials and activities relating to civil justice have come from PLEA lately. A new booklet called *Special Care Homes* meets a vital informational need in Saskatchewan. Another new booklet called *Domestic Relations*, incorporates significant legislative changes in family law. A series of further booklets on consumer law was completed through the generous assistance of Saskatchewan Justice. These publications look at consumer concerns

involving automobile and general purchases, frauds and scams. We were also able to recently bring back two very popular booklets, *Buying and Selling a Home*, and *Non-Profit Organizations*. Most of our materials are available on our web site, [www.plea.org](http://www.plea.org).

PLEA's League of Peaceful Schools, established through special funding from the Law Foundation of Saskatchewan, maintains a strong presence in our province. The program links and supports schools wishing to create a safer and more peaceful learning environment.

Other core PLEA activities (Free Legal Information Sessions at public libraries and regional colleges, our Speakers Bureau, Phone-in Line, and weekly newspaper article series) continue to be strongly relied upon and supported by the people of Saskatchewan.

PLEI is strong and vibrant in Saskatchewan, although we continue to face many challenges in meeting our mission. These challenges include issues related to funding, an increasingly complex society, cultural diversity, and raising our profile both in the community and within the legal system. Little of our work would be possible without the support of the Law Foundation of Saskatchewan, whose members have always believed in the great cause and mission of educating people about the law and the legal system for the betterment of our society.

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## Manitoba

Community Legal Education Association Manitoba Inc. (CLEA) is a not-for-profit organization incorporated in 1984. There are five staff members and a volunteer, fifteen-member Board. CLEA's primary function is to provide public legal education and information services to Manitobans. We do this through various core programs including:

- Law Phone-In & Lawyer Referral – people can phone

from anywhere in the province and obtain information about the law, or, if appropriate, referral to a lawyer or law-related agency;

- Speaker's Bureau – over eighty lawyers have volunteered to speak to community groups and schools on a variety of legal topics;
- Community Legal Intermediary Training Course (CLI) – a series of twelve, two and one-half hour sessions on

various areas of law. CLEA trains intermediaries who then act as resources in their community or at their jobs.

CLEA also takes on a variety of projects. We recently completed a series of 22 workshops around the province on the *Youth Criminal Justice Act*. Currently, we are creating a teaching kit for Grades 9 to 12, also dealing with the *Youth Criminal Justice Act*. We hope to launch the kit in September.

We also distribute a variety of plain language legal publications produced by CLEA and other agencies. Many Manitoba government departments have programs or have produced publications for the general public in order to increase public understanding of legal issues.

- Manitoba Justice, for instance, has produced several excellent publications. These include *Family Law in Manitoba*, an excellent and quite comprehensive booklet dealing with various family law issues, and a series of information sheets explaining the rights of victims under the *Victims' Bill of Rights*. As well, *For the Sake of the Children* is an excellent supportive information program for parents experiencing separation and divorce.
- Manitoba Family Services and Housing have a series of pamphlets dealing with parenting issues after separation and recently produced a series of information sheets on

Employment and Income Assistance.

- The Seniors Directorate publishes *A Legal Information Guide for Seniors* which provides information on wills, estates, health care directives and powers of attorney. The publication is actually a good guide for adults of all ages.

It is impossible to summarize the diversity of public legal education and information activities in Manitoba in a few paragraphs; this is just a sampling. The highlights of Community Legal Education Association activities are presented, as well as some of the many other public legal education and information initiatives taking place in the Province.

The core funders supporting CLEA and our PLEI activities are the Department of Justice Canada, the Manitoba Law Foundation and the Law Society of Manitoba. We also have many community partners and could not offer our programs without the help of hundreds of volunteers.

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## Ontario

Ontario has a decentralized and diverse – but far-reaching and effective – network of public legal education delivery. People in Ontario receive legal information through organizations in their communities such as women's shelters, community centres, settlement agencies, schools, hospitals, libraries, police, government offices and court-related services. Many organizations develop a few products or workshops each year, with and for their communities.

Ontario is unique and fortunate in that this network includes the community legal clinic system of 79 independent clinics supported by Legal Aid Ontario and dedicated to providing legal services to their low-income or otherwise disadvantaged communities. The need to inform low-income communities about their legal rights was a key rationale behind the establishment of Ontario's community legal clinics. Clinics develop presentations, workshops and materials to address the legal information needs of their communities. In 2001, legal clinics across Ontario made over 3,000 presentations and produced over 2,600 public legal education pieces. In recognition of this work, the largest food bank in the province honoured the clinic system with its 2002 Public Education award.

One of the community legal clinics is Community Legal Education Ontario (CLEO), a specialized legal clinic established over 25 years ago. It is the cornerstone of community-based public legal education for Ontario's low-income and disadvantaged communities. CLEO, working with hundreds of partners in local legal clinics and

community coalitions, identifies and develops practical, clear-language materials that respond to the pressing legal information needs of Ontario's most vulnerable communities.

In 2002, over 1.3 million CLEO publications were ordered by legal clinics and by over 2,200 other community agencies throughout Ontario. Organizations used CLEO materials in a variety of ways, including distributing them in the community and using them in workshops and to support community organizing. As well, CLEO's website was a much-used information resource in 2002; publications were downloaded over 250,000 times!

In 2000, Ontario's three Chief Justices convened a public education task force that brought together many leading representatives of the legal and education communities, including CLEO. The Ontario Justice Education Network (OJEN)<sup>1</sup> was formed out of the task force activity. Through local committees and its collaborative network, OJEN mobilizes activity and generates support for a range of Ontario public education programs that promote understanding of our justice system.

OJEN's *Courtrooms & Classrooms* school-level program extends across the province, with over 400 volunteers from the bench, bar, court-related personnel and local organizations. In 2002, over 30,000 students met with community leaders from the justice and legal sectors. Collaborative local committees also carry out initiatives such as Mock Trial tournaments and Law Day events and

seminars. Other OJEN achievements include resource materials for Ontario's law-related grade 10 civics curriculum and a highly successful Summer Law Institute for secondary school teachers.

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## Quebec

For almost three years now, Éducaloi has been dedicating itself to serving the needs of Quebec citizens by developing appropriate tools for providing legal information to them in a plain language form. Since the creation of [www.educaloi.qc.ca](http://www.educaloi.qc.ca), which receives approximately 40,000 Internet hits a month, the site has garnered many awards and honours. Most notably, Éducaloi received the 'Educational Site' category of the prestigious *Boomerang Prize*, handed out in recognition of the best interactive communication pieces in Quebec. Moreover, Éducaloi has recently received an Honourable Mention at the Excellence in Public Administration Awards, also in the Education category.

The choice of the Internet as our means of communication is one that became quite apparent to us early in the creation of our organisation. It was quite a challenge to serve a population of 7,000,000, expressing itself in two languages, and spread out over a vast territory. The Internet proves to be the ideal way of meeting that challenge. It is thanks to these Internet tools, amongst other things, that Éducaloi has made its name.

Éducaloï's web site is the backbone of the organisation; that is why so much effort is put into maintaining its quality. Since law is not a static discipline, Éducaloï must constantly assure itself that the information contained on its 2,000-page

- 1 Network members include the province's three Chief Justices, the Department of Justice, the Ministry of the Attorney General, the Ministry of Education, The Law Foundation of Ontario, the Law Society of Upper Canada, the Advocates' Society, the County and District Law Presidents' Association, the Ontario Bar Association, Legal Aid Ontario, the Ombudsman, the Canadian Civil Liberties Education Trust, the Ontario History and Social Science Teachers' Association, Community Legal Education Ontario, the Association of Community Legal Clinics of Ontario, the Ontario Principals Council, and the Institute for Catholic Education.

site conforms to the current laws. The site's credibility and future depend on it. In order to attain this objective, Éducaloï has installed an information update strategy for information contained on its site. It has also created the Web-content Manager position, which has the responsibility of managing, adding to, and updating the ever-increasing information contained in the Éducaloï Internet site.

In the fulfilment of its mission, Éducaloï can count on the support of the Department of Justice Canada, the Quebec Ministry of Justice, as well as on that of the Barreau du Québec, which sponsors the organisation. Over the course of the next year, Éducaloï intends to develop new partnerships in order to finance on a continuing basis, the updating of its Internet tools. Maintaining the quality of the showcase we have given ourselves is indeed quite a challenge. We hope to be able to continue counting on the ever-growing support of partners and ambassadors taking to heart, as we do, accessibility to justice.

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## New Brunswick

New Brunswick is a small province in terms of population and geography, but tremendously rich in diversity. With a significant rural population, a relatively large Francophone population, and several First Nation communities, many exciting challenges present themselves when providing legal education and information to the general public.

The Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization dedicated to providing service in both official languages. For many years, PLEIS-NB has worked closely with government and community agencies around the province to

identify legal information needs and to develop ways to meet them. As a small agency, such partnerships are critical to delivering PLEI in a meaningful way. Members of the provincial Bar and Bench, along with justice system personnel, provide valuable contributions by sitting on our volunteer Board of Directors, reviewing new products, volunteering in our Speaker's Bureau, and collaborating on projects. PLEIS-NB also relies on close partnerships with other PLEI organizations around Canada for everything from product sharing, to product review and joint projects.

In New Brunswick, PLEI delivery is achieved in different

ways. Currently, PLEIS-NB produces well over 100 bilingual products and publications on a wide variety of legal topics that are distributed throughout the province free of charge. In addition to our publication program, we offer a Speaker's Bureau, Video Lending Library, toll-free Family Law Information Line, web site, community referrals, and workshops and seminars on various legal topics. We provide general legal information only - we do not give legal advice, we do not advocate, and we do not lobby.

At a time when many populations are feeling increasingly frustrated by the formal legal system, the demands on our agency are growing. On average, PLEIS-NB responds to approximately 120,000 requests for legal information each year. PLEIS-NB also participates on a number of provincial and regional committees working on various justice issues such as crime prevention, family violence, access to justice

for disability communities, and fraud prevention for seniors.

As a non-profit agency, growing demands for public legal education are a concern. Promoting our services must always be in balance with the resources at hand. It is a constant challenge to meet the day-to-day legal information needs on topics such as wills and estates, landlord and tenant, and family law. At the same time, we work hard to provide information about legislative changes and citizenship issues. Ours is a bumpy road, but one that PLEI providers across Canada travel with pleasure.

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## Nova Scotia

The Legal Information Society of Nova Scotia (LISNS) is celebrating 20 years of providing legal information and education. Much has changed within that time including a growing recognition of the need and value of PLEI. Demand for PLEI has increased from a few hundred calls a year to more than 9,000 in 2001.

LISNS provides legal information in a variety of ways. These include phone, print, Internet, and audio-tape. LISNS is the only sole purpose PLEI provider in Nova Scotia. Other agencies provide legal information as part of their service to specific audiences. These community agencies may be the first port-of-call for a person with a problem. We all work cooperatively to try to ensure that legal information is available when and where it is needed.

LISNS, in partnership with Pro Bono Students Canada at Dalhousie Law School in Halifax, provides an opportunity for law students to learn first-hand the variety of problems facing ordinary individuals seeking legal information. The students have an opportunity to talk with these individuals and through this exposure gain an understanding that socio-economic and legal problems are often interconnected. Students learn to reduce legal language so a non-lawyer can understand complex legal issues. This experience will be valuable as they embark on their chosen careers.

In addition, the provincial government provides PLEI through various programs. The provincial Department of Justice has developed plain language materials about the court processes to address issues raised by the number of unrepresented litigants appearing at all levels of court. Judges, court staff, Legal Aid, the private bar and LISNS have been involved in this initiative.

The media is also taking an interest in PLEI, although it may not recognize it in quite those terms. "The Docket" focuses on legal issues and the host has a background in

both law and journalism. This locally produced program airs nationally on CBC.

Over the last 20 years there has been increasing recognition that the law is not the sole purview of the courts and the legal profession. This trend will continue in the future. Individuals face a myriad of legal questions and problems throughout their lives. When problems occur, they want information; they want to know what their options are. Many do not have the resources to pay for legal services, yet these people are often society's most vulnerable members. If an individual's rights are to mean anything at all and if they are to be able to fully participate as citizens, they must have access to legal information.

Demand for PLEI continues to increase, but resources have not kept pace and we face a continuing challenge to 'do more with less'. Funding levels for core services remain at 1980's levels. This means LISNS must place a greater emphasis on fund raising to secure resources just to keep up with inflation. As well, we try to expand services to meet the public's needs.

Just as we need a responsive, accessible healthcare system which meets the needs of the individual and in which people trust, we need a responsive, accessible justice system. This justice system must not only provide access to courts and lawyers, but also to information about the system itself and an individual's rights and responsibilities. Much has been accomplished in the last 20 years but many challenges are still to be met. LISNS continues to meet those challenges.

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## Prince Edward Island

Community Legal Information Association (CLIA) is a province-wide, community-based, charitable organization established in January, 1985. The Association's goal is to provide Prince Edward Islanders with understandable, useful information about laws and the justice system. We do this with *pro bono* support from members of the local Bar and other professionals.

CLIA is a resource to the community providing legal information, education, leadership and support about municipal by-laws, provincial and federal laws, the legal and court systems, and the general administration of justice in PEI. We work through personal contact; workshops, presentations and seminars; CLIA web site (more and more); our legal information resource centre (less and less); the development and distribution of publications; special programs; and the media. CLIA operates a regional 1-800 telephone inquiry line and Lawyer Referral Service for the Law Society of PEI.

We network and develop partnerships throughout the community: consultative, coordinated, cooperative or collaborative. We work closely with the courts and criminal justice agencies to jointly inform, educate and develop community capacity around law related issues. Of particular interest is our involvement in two provincial initiatives.

1. The Executive Director sits on the management team of the Premier's Action Committee on Family Violence Prevention. We organized Island-wide public forums on family violence and are now in the first year of a five-year Family Violence Prevention strategy. This involves awareness, education and training; partnerships and coordination; service delivery; and policy, legislation and legal issues.

2. The Executive Director also chairs the Implementation Steering Committee which follows on the work of the Access to Justice Task Force, established by the Honourable Gerard Mitchell, Chief Justice of Prince Edward Island, in 2001. CLIA notes with interest the following general recommendations from the Task Force Report:

- There must be greater attempts undertaken to educate the public about the justice system.
- There should be greater co-operation between the Judiciary and the Community Legal Information Association to develop self-help kits and information booklets, packets, videos, etc., for use by the public and the litigants who represent themselves in court proceedings.
- The Community Legal Information Association office needs to be located in a more accessible location and be given a higher profile in the Community.
- The government should take steps to ensure that teachers in the school system have adequate information, textbooks and other resources to educate children about our legal institutions and the justice system.
- The language, procedures and accessibility of the civil justice system ought to be simplified, made more user friendly and made easier for all to understand.
- The Court must develop the ability to explain the fundamentals of the dispute resolution process to litigants.
- The public needs to be informed about rights and responsibilities and the effective use of all means of dispute resolution.

CLIA is part of a national network of PLEI organizations that exist in every province and territory and is a member of the Public Legal Education Association of Canada. Funding for CLIA comes from a variety of sources, primarily the Department of Justice Canada, the Office of the Attorney General (PEI), the PEI Law Foundation, and the Law Society of PEI.

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## Newfoundland and Labrador

The delivery of PLEI in Newfoundland and Labrador is an exciting and challenging endeavor. Our population is spread over a large area with many rural communities dotting an often inaccessible coastline. It is further divided into island and mainland areas. Adding to our challenges are the diverse pockets of French, Mi'Kmaq, Metis, Innu and Inuit populations.

PLEI is necessary as many communities lack the resources that allow individuals to make informed decisions about

legal matters; remote areas may lack lawyers, libraries and even Internet access. As a result, community groups and volunteer organizations play an integral role in the delivery of PLEI services. They provide assistance to victims, family mediation, services for new Canadians, protection services, women's advocacy groups, human rights and general guidance through the legal system.

Public Legal Information Association of Newfoundland (PLIAN) is the sole purpose PLEI provider in Newfoundland

and Labrador. The Department of Justice Canada, the Department of Justice Newfoundland and Labrador and the Law Foundation of Newfoundland and Labrador fund PLIAN. Our Board of Directors, volunteers and community partnerships are vital in the delivery of PLEI.

PLIAN is dedicated to informing and engaging the public and the legal community about the law and the legal system. We write and distribute pamphlets on legal topics, conduct information sessions and presentations, host a Legal Information Line, a Lawyer Referral Service and a web site. Our web site, [www.publiclegalinfo.com](http://www.publiclegalinfo.com), provides free legal information. It offers cost-effective distribution, can reach most remote communities and contains information on all our services. It also contains our publications in four languages - English, French, Innu and Innuṭituk.

In meeting the province's diverse nature, PLIAN is committed to community outreach. We travel throughout the province conducting presentations and seminars and disseminating information, brochures and pamphlets. We also mail out publications to over 5,000 community organizations, government groups, medical centres and schools.

PLIAN also engages in a number of special projects designed to meet the unique needs of our communities. Youth Justice Camp is a day camp for junior-high youth where they learn about the law, legal processes and the effect both may have on them. We recently compiled Family Law Kits that have

been distributed to service providers throughout the province. PLIAN has equipped clergy, social workers, women's centre staff, librarians and others with legal information people require but are often unable to access.

Often, special projects center on legislative changes. Our book, *For the Record*, outlines in plain language the *Youth Criminal Justice Act*. *For the Record* has been a tremendous success and is presently being up-dated, re-printed and distributed!

PLIAN is committed to working with partners to develop solutions to emerging issues. Currently we are collaborating with the provincial and federal Departments of Justice to address issues pertaining to youth, families and others. Through partnerships, PLIAN is able to share expertise, information and resources to better serve Newfoundlanders and Labradorians. We recognize the importance of an informed public and are committed to ensuring that Newfoundlanders and Labradorians remain on the cutting edge of the ever-changing legal system.

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## Nunavut

In July 2000, the Legal Services Board of Nunavut came into being and began seriously thinking about PLEI. The unique aspect of PLEI work in Nunavut is that those individuals who seek to administer PLEI must first gain the respect and trust of their audience. In a Territory that is self-governed by the Inuit people, the need to engage everyone in understanding the justice system remains critical to that system's success. PLEI providers must fully understand the culture and incorporate Inuit Qaujimaḡatuaḡangit or Inuit traditional knowledge, into the work that they propose to do.

In March of 2001 the Legal Services Board of Nunavut brought elders, court workers and service providers together to talk about PLEI needs and how to meet them. From this meeting a number of initiatives were born. These include:

- A recognition that the Inuit court workers must receive better training and support in order to effectively deliver PLEI. A formal training and certification program was developed and the training has commenced for all Nunavut court workers. The focus is on building confidence, support and recognition. Court workers are then able to effectively deliver PLEI to people understandably upset and confused by how different the

formal justice system is to their traditional ways.

- In 2001, the Board developed a web site dedicated to PLEI, [www.plein.ca](http://www.plein.ca), providing practical information and referral on legal matters in English, Inuktitut and French.
- Nunavut joined forces with the NWT to provide legal information through a volunteer lawyer operated LAW LINE that is available two evenings per week.
- Also in 2001, a weekly PLEI newspaper column was introduced in the territorial newspaper. Volunteers write short, simple articles on legal topics. This very basic forum has received a great deal of positive feedback. Articles are in both English and Inuktitut. They are also posted on our PLEIN website. To date, *News North* has published 77 "Legally Speaking" articles. Topics include information on criminal, family, poverty and administrative law.
- Finally, the coming into force of the new *Youth Criminal Justice Act* has resulted in two ongoing projects. The first, *On the Road to Justice*, involves joining forces with British Columbia PLEI providers. The co-operative environment among PLEI groups in Canada has enabled us to modify an existing program and deliver it to Nunavut students in

a cost efficient and effective way. The second project is a large public media campaign scheduled for the next fiscal year. Community radio stations will deliver information segments on the new *Act* throughout the Territory.

There is still lots of work to be done on PLEI in Nunavut, but with many people now working together to plant, water and nurture the seeds of knowledge, we cannot help but reap the rewards.

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## Northwest Territories

The Legal Services Board of the Northwest Territories is responsible for the provision of Legal Aid to territorial residents. We are also responsible for providing Public Legal Education and Information throughout the Territory.

We operate the LAW LINE staffed by volunteer lawyers. It is available twice per week from 5:00 p.m. until 10:00 p.m. We accept telephone queries from Nunavut as well as NWT. Long-distance charges are reversed and the Legal Services Board shoulders the expense. The Law Society of the Northwest Territories operates a Lawyer Referral Service that is also accessible on-line and they have a PLEI page on their web site with general information on various legal topics. Both are available at [www.lawsociety.nt.ca](http://www.lawsociety.nt.ca).

Legal Services Board outreach initiatives include Community Courtworkers interacting with youth attending programs at the Native Friendship Centre. Courtworkers explain our legal aid program and distribute pamphlets containing basic information on *Charter* rights and appropriate behaviour if engaged by authority figures such as the police. Other collaborations include Aurora College, where our Yellowknife based Courtworker staffs an information booth each September.

Our Community Courtworkers also do a lot of referral work with the general public. Many people are referred to non-governmental organizations in spousal and child abuse situations. As well, there are referrals to the full gamut of governmental programs including income support, child welfare, health and social services.

One unique situation in the NWT is a Justice of the Peace Court. The Chief Territorial Court Judge has expanded the role of this Court. It has been designated a summary

conviction court that can accept guilty pleas to Criminal Code offences, provided the Crown (usually a local RCMP Court Liaison Officer) elects to proceed by way of summary conviction. People appearing in such a court need to understand the process and its consequences. This educational task falls to our Community Courtworkers.

Family-law practitioners here have recently embraced the principles of collaborative law dispute resolution procedures. They have become increasingly familiar with this new and innovative way of resolving what can be very difficult family breakdowns. The courts have also begun directing independent legal counsel for a child where the child's legal and personal interests might conflict with those of the Superintendent of Child Welfare or of the parents or guardians. Commensurate with these new directions is the educational need that arises as a result of these changes. Over the coming months our Community Courtworkers will be taught the basics of collaborative law to better assist our clients.

NWT Legal Services Board pamphlets on a number of topics are distributed to all of our Community Courtworkers. They make the pamphlets available to the public in the various Courtworker Offices. "Custody & Access" and "Peace Bonds", created in partnership with the local Coalition Against Family Violence, are very popular. Our pamphlets are presently being revised in order to reflect recent changes and to include information on the goals and objectives of collaborative dispute resolution.

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From its position of splendid isolation in the northern vastness, the non-profit Yukon Public Legal Education Association goes about its business of providing legal information and education services to the citizens of the Yukon Territory.

Our principle service is the Law Line, a call-in service that provides information on any legal issue. When legal information is not available on the caller's question, Law Line provides a referral to other community agencies or government departments, which might be better able to assist the caller. This service receives an average of 13 to 16 calls a day. The largest percentage of these relate to family law issues, with civil litigation and criminal law being the next most asked about areas of law.

The agency also makes available a number of self-help kits. As reflected by the numbers above, the greatest demand is for materials relating to family law issues. We provide a Divorce Kit - which includes the documents necessary to commence a divorce and carry it through to its completion; a Variation Application Kit - to assist with applications to change the terms of corollary relief orders made in divorce actions; and a kit designed to assist with claims for custody and child support in common law marriage disputes. In addition, we have general litigation forms available and kits for landlords and tenants to deal with a variety of claims

under the *Landlord and Tenant Act*. All of these documents are available to the general public on our web site, [www.yplea.com](http://www.yplea.com). The site was upgraded last summer and is significantly larger and improved.

As is the case in most jurisdictions, self-represented litigants are a significant concern to the Courts of the Territory. Justice R. Veale has been instrumental in the formation of a self-represented litigants committee for the Territory, which has representatives from YPLEA, Yukon Supreme Court administrative staff, the Law Library, one of the women's centres in Whitehorse, Legal Aid and Justice Veale himself. The committee meets on a regular basis to discuss the issue of self-represented litigants and how better to provide aids making the process easier for the litigant and the Court.

As one of, if not the smallest of the PLEI agencies in Canada, there are physical and financial limitations on the services we are able to provide. For our community and for this agency, however, the service we do provide is significant and valued.

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## The Public Legal Education Association of Canada (PLEAC)

Founded in 1987, the Public Legal Education Association of Canada (PLEAC) is an association of organizations and individuals drawn together from across Canada by a common commitment to educating and informing the public about law and the legal system.

More specifically, the objects of PLEAC are:

1. *To sustain a national organization to engage in the promotion of public legal education in all its aspects;*
2. *To support and advance communication among people interested in public legal education;*
3. *To encourage co-operation among people interested in public legal education;*
4. *To promote the development of the discipline of public legal education;*
5. *To further opportunities for professional development in public legal education, and;*
6. *Generally to do all such things which are incidental to or in furtherance of the aforementioned objects which the Directors in their sole discretion think can be conveniently carried on by the Corporation.*

The organization is governed by a Board of Directors elected each year at the Annual General Meeting, which is held in conjunction with PLEAC's annual conference. The conference is usually scheduled for early fall at a different location in Canada each year.

PLEAC provides a valuable forum within which its members can discuss issues in public legal education and information, share programming ideas and best practices, and develop working relationships that can lead to collaborative initiatives.

PLEAC is facing some organizational challenges as it stretches to meet the demands placed on it. The volunteer Board is finding it increasingly difficult to meet growing operational requirements, and in an effort to address this problem, has embarked on establishing a PLEAC office with a paid staff. As well, the Board has begun a strategic planning process with the goal of setting organizational directions for the coming years.

We look forward to an even more vibrant and effective PLEAC better able to serve our membership and the goal of public legal education and information for all Canadians.

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Of the more than 5,000 stories I filed over the years, most of them relating to justice and legal issues, the ones that always seemed to get the greatest public response were what I termed “legal self-help stories”. Interviews with practitioners in various areas of the law, providing little bits of legal advice on what people could do with respect to specific situations. Whether it was employment law lawyers explaining what constitutes wrongful dismissal, or a family law lawyer talking about the ramifications of separation and divorce, the public always seemed to have an insatiable desire for legal information.

My telephone would literally ring off the hook with people wanting to get as much information as they could. How could they get copies of the story I just ran? Is there a phone number for the lawyer who was interviewed in my story? Would that lawyer talk to them free or would they have to pay for the advice? It became clear to me that there is a tremendous lack of access to legal information in this country.

After graduating from law school in 1995, I worked both as a lawyer and as a broadcast journalist. In that dual role, I was able to provide the public with even more information than I did before. Not surprisingly, the need was still there, perhaps even greater. During my last full-time tenure at CityTV, I hosted a weekly phone-in show appropriately titled *Pro Bono*. Each week, a lawyer specializing in a different area would come on and we would open the phone lines to take calls. It takes literally seconds for the phone lines to light up and be jammed once the program begins. We now call that show *Legal Briefs* and it has been incorporated Canada wide on CourtTV Canada and in Toronto on CP 24. CourtTV Canada is a nationally distributed Canadian specialty television service featuring entertaining programs about police, forensic science, the law, the courts, rescue and emergency medicine. It is popular, engaging and informative. CourtTV Canada is owned and operated by Learning & Skills Television of Alberta, Ltd.

There are a number of program segments on CourtTV Canada directly related to accessing the justice system. *Pro*

*Bono Moment* discusses legal issues facing Canadians every day. *Duty Calls* offers useful commentaries on issues governing public and private policing that Canadians encounter. These short informational items appear daily on CourtTV Canada. *Legal Briefs* provides advice and information about how the law affects average Canadians, discussing the ins & outs of the legal system. Other regular segments flow through CourtTV's schedule. From proper Canadian court procedure to laws that you didn't know you could get a ticket for, CourtTV helps Canadians learn and understand the logic and procedure our justice system was built on and many have devoted their careers to maintaining.

As someone who has appeared on TV for more than 20 years, I have few illusions. The popularity of *Legal Briefs* has to do with the subject matter and not the host. It is free legal information; albeit, in small segments and for a very short period of time, but it is invaluable information. It provides the public with a level of accessibility, that as tiny as it may be, doesn't exist anywhere else. Not only is the caller given some specific direction, other viewers can apply what they hear and see to their own situations. Indeed, we make it clear in every show that each caller should always seek his or her own independent legal advice. I am certain many do.

Interestingly, there are large numbers of callers who are already represented by counsel. I have lost track of how many have started the conversation with “*I have a lawyer, but I'm having a lot of trouble getting a hold of him. Perhaps you can help me*”. In fact, there is always a caller, no matter what the specific subject matter is who calls with concerns that her/his lawyer is not doing what has to be done. The lawyer is not calling the client back, is not moving the client's action along, is not giving the support that the client feels they deserve and is necessary. Most are understandably frustrated by this state of affairs. Not being able to comment on their particular case, of course, my usual response is to remind callers that no matter where they live, there is a Law Society that regulates the profession and they should access that process.

*Legal Briefs* has covered and offered information in a wide range of areas, including landlord and tenant, medical malpractice, setting up businesses and other business related law, as well as criminal law and issues such as drinking and driving. The educational component of what we can do on *Legal Briefs* is quite substantive, even in the short time we are dealing with issues. For example, every time we do a show on employment law, we invariably get a call from someone working in an environment where there is a collective agreement in place. They have been let go and want to bring a wrongful dismissal action in the courts. This allows us, each time, to quickly remind our audience that, if you are represented by a union, you must follow the Labour Relations track and grieve your dismissal through the collective

agreement process because you cannot bring a separate action in the court. That results in phone calls, letters and e-mails from viewers who thank me for straightening them out on this issue. Now they will not bother trying to find themselves lawyers but will speak to their union.

Recently, a woman called the show and expressed her frustration with respect to her ex-husband, who had not made any monthly support payments as required. The Family Responsibility Office in the Province of Ontario had not provided her any relief. Her lawyer was unable to do anything more. There was a pending motion but, clearly, I could hear the frustration and despair in the caller's voice. She called, not specifically to ask any question, but simply to let all the other viewers know what she had been going through. My family law expert told her that he understood her frustration. He explained to her that, unfortunately, her situation was not unique; there were many people who, like her, were facing this desperate situation. There was a pause on the line and then she said, "I hope everyone out there can appreciate how difficult the situation can be. I know you really couldn't change anything for me, at least I got to vent for a couple of minutes and this has been extremely important for me. I thank you".

During the commercial break, the other lawyer commented that obviously we had helped someone without giving them

any information whatsoever. I realized then that "access to justice" does not always mean advice or information about a specific problem. Sometimes it can simply mean access to someone who, because of his or her training and background understands exactly what the caller is going through. It was at that point that I realized that the *pro bono* issues we deal with are certainly multi-layered.

I am fully aware that, despite the enormous interest and important information that people are accessing through *Legal Briefs*, we are barely touching the surface of what I believe is a fundamental flaw in the justice system of this country. I am not the first person to comment on these problems with respect to access to legal information. I applaud the initiatives that have sprung up across this country in order to deal with the problem. Many lawyers spend much of their time doing true *pro bono* work, but the problem remains. The importance of *Legal Briefs* and the *pro bono* shows is simply this: for many people, acquiring legal information is their first, and sometimes only, step in a long journey on their quest to access justice.

CourtTV Canada: [www.courtstvcanada.com](http://www.courtstvcanada.com)

*Lorne Honickman is Legal Specialist for CityPulse, CP24 and CourtTV Canada. He is the host of "Pro Bono Moment", co-host of "Legal Briefs" and a practising lawyer with Goodman and Carr LLP in Toronto.*

## Editors Note:

In addition to the programming on CourtTV Canada, there are several television, radio and web-based programs that provide Canadians with a window to view the justice system.<sup>1</sup> They include *History's Courtroom*, a series of one-hour docu-dramas exploring landmark Canadian legal decisions that aired on the History Channel last fall. *The Docket* began airing nationally on *CBC Newsworld* in January of this year. It is a half-hour legal affairs show produced in Halifax that aims to de-mystify the law and show viewers how the law is a fundamental part of every Canadian's day-to-day life. In February, *CBC Newsworld* broadcast a mock trial on whether television cameras should be allowed in Canadian criminal courtrooms and provided Canadians an unprecedented view of jury room deliberations. *Justice* is a half-hour French-language magazine show produced by Radio-Canada that examines current issues in the law. Also in French, the ten episodes of *Dossiers Justice*, an hour-long series of shows in the winter of 2002, examined and analyzed high-profile legal developments in Canada and Quebec. There are also some interesting developments in animated film and radio docu-dramas accessible through web sites. The National Film Board's animated film shorts *Understanding the Law* have won several awards and honourable mentions at international film and animation festivals.<sup>2</sup> CKUA Radio Network in collaboration with the Heritage Community Foundation and the Alberta Law Foundation, has created an interactive web site presenting in audio format, dramatizations of 30 of Alberta's most interesting, contentious and influential legal battles and grounds them in a rich, multimedia historical context.<sup>3</sup>

1 The Canadian Forum on Civil Justice is also very interested in the role print media may play in informing Canadians about the civil justice system. We have included a review of print media in our *Civil Justice System & the Public* research project and will report on our findings in future issues of the Newsletter.

2. Susan Goldberg, "I want my Law TV" (2003) 12:1 National 16.

3. Heritage Community Foundation <<http://www.albertasource.ca/lawcases>>; CKUA <<http://ckua.org>>; Alberta Law Foundation <<http://www.albertalawfoundation.org>>.

# ANNOUNCEMENT

It is with pleasure that the Canadian Forum on Civil Justice announces that Judge Pierre E. Audet of the Court of Quebec has joined our Board of Directors. Judge Audet brings with him a wealth of experience and knowledge, which will benefit the Board and enrich the work we do in Quebec and throughout Canada.

# Courtroom Technology SCAN - Electronic Signatures

Andrew C. L. Sims, QC



Our signature is a highly personal mark of our identity. We use it instinctively. We recognize it so readily and can detect imitations with such ease that we feel quite secure in using it to transact almost all of our important business. We sign contracts, issue notarial certificates, sign petitions or write letters without analyzing just how and why the person at the other end reads and acts upon our simple but unique little mark.

The advent of e-commerce and electronic documents is forcing us to find a substitute for personal “wet-ink” signatures. In the process, it is also forcing us to look at what we use signatures for, why they work as they do and what we, individually and as Courts, are prepared to accept in their place as sufficiently reliable.

The computer industry is well ahead of the law in that it has already developed technologies which provide electronic document protection, signature authentication and, for those who want it, encryption to protect privacy. However, like much in that industry, there are many solutions but as yet limited standardization.

If all an electronic document needed was a copy of our physical signature the solution would be easy. We have long been able to scan signatures and insert them in documents, with a look much like an ordinary document. This lacks two key elements. First, there is no assurance that the document remains unchanged after its trip through cyberspace. Second, you can't be sure that someone else did not obtain that copied signature and affix it to some new document of their own.

If electronic signatures are to generate confidence, they need to come with some ready method of authentication. If electronic signatures are to have legal effect, the law must set the conditions under which they will be accepted and documents thus signed made enforceable.

An electronic signature needs to be:

1. unique to the individual;
2. demonstrably affixed to the document by that individual; and
3. affixed in such a way that no change to the document is possible after the signature is affixed, or else in a way that discloses any subsequent change.

What does a digital or electronic signature look like? Unfortunately the answer varies depending on the vendor involved. You will be happy to learn they do not have to involve smiley faces or jiggling icons. A few electronic signatures include a digital image of the signatory's own wet-ink signature. If the document is changed at all after electronic signing, the same image changes to include a red bar or X or some similar caution. Other electronic signatures are just one or more lines of random numbers or letters. However, all these signatures can be verified electronically. The normal verification process connects the reader to the computer system of a verifying agency, which sends back a message “verifying” that the electronic signature is indeed that of the particular individual and that the original document is intact.

Most electronic signature software fits comfortably within familiar software applications. Some fit in with ordinary word processors and e-mail programs. Adobe Acrobat, for example, is well equipped to handle a variety of electronic signature protocols. Like other add-ins they simply add extra menu items and commands. And like bankcards and PIN numbers of a decade ago, they will prove less scary and insecure than you initially fear.

As always, you need to know the acronyms. Two common ones are CA for “Certification Authorities” and PKI for “Public Key Infrastructure”. You start by setting up your electronic signature with a CA. They give you two “keys” - one private and one public (hence PKI). You receive a piece of software that analyzes your document and applies an identifying number when you tell it to, usually by typing in your password. The software then performs a complex mathematical sum on your document. It saves it, along with your Private Key, as part of the document but without changing that document's form or content. Any change to the document will then create a conflict with this mathematical sum and disclose any post-signature tampering.

To verify the electronic signature the recipient uses the Public Key, included in a certificate with the document that

also identifies the signatory. These Public Keys are “certified” through a check against the computer registry of the CA. This is done by unraveling and checking the mathematical sum to make sure it matches the received document. The CA then sends your computer an electronic verification saying the document was indeed signed by the individual and that it has not been changed. This is a simple explanation of how certified digital signatures work.

An added element of importance to lawyers is verification of the signatory’s professional status. This will be particularly important as e-filing of Court documents comes of age. Juricert, a project initiated by the Law Society of British Columbia and supported by the Federation of Law Societies of Canada, is offering electronic signature certification that links the person and their professional status to an electronic identity. For more information check out [www.juricert.ca](http://www.juricert.ca). This added feature works with a variety of electronic signature products.

Where is the law on electronic signatures? The Federal Government took the lead on enforceability by amending the *Canada Evidence Act* to provide rules for proving electronic documents and signatures. Now in that *Act*, “electronic signature” means a signature that consists of one or more letters, characters, numbers or other symbols in digital form incorporated in, attached to or associated with an electronic document. The *Act* also now includes the power to make Regulations stating what the legal

presumptions will be about evidence relating to electronic documents signed with secure electronic signatures. This power includes making regulations respecting: (a) the association of secure electronic signatures with persons; and (b) the integrity of information contained in electronic documents signed with secure electronic signatures.

The Uniform Law Conference of Canada has adopted a model *Uniform Electronic Commerce Act* that builds on the United Nations Commission on International Trade Law (UNCITRAL) model legislation. You can find an annotated version at: [www.law.ualberta.ca/alri/ulc/current/euecafa.htm](http://www.law.ualberta.ca/alri/ulc/current/euecafa.htm). Several provinces have already enacted similar legislation.

For those wanting the “full meal deal” on the policy and technology issues on digital signatures and the law, the best resource is probably still the Digital Signature Guidelines published by an American Bar Association committee on August 1, 1996. For a brief tutorial based on that report go to [www.abanet.org/scitech/ec/isc/dsg-tutorial.html](http://www.abanet.org/scitech/ec/isc/dsg-tutorial.html).

Electronic signatures and transaction verification are already cornerstones of e-commerce. Their use in litigation and Court filing will inevitably follow.

*Andrew Sims, QC is a lawyer practicing in Edmonton and principal of the Sims Group, a consulting practice providing advice to courts and tribunals. He will write “Court Technology Scan” as a regular column for our newsletter.*

## “Technology in the Courts”



The Forum is pleased to be moderating a reprise of our successful panel “Technology in the Courts” for the annual conference of the Association of Canadian Court Administrators. The conference is being held September 14 –17, 2003 at the Fantasyland Hotel in Edmonton. Our panel will take place on Tuesday, September 16, 2003, at 9:00 a.m. Speakers include:

- **Peter Baran**, Senior Advisor and former CEO of Juricert Services Inc., a corporation of the Law Society of BC, speaking about digitally secure identification and its applications;

- **Julian Borkowski**, Acting Director of the Video Conferencing Program with Court Services in BC on setting up video conferencing capability in BC courts;
- **Andy Sims**, QC, with an electronic presentation about the Alberta electronic appeals pilot project, including demonstrations of an electronic factum with appeal documents on CD-ROM with hyper-links for easy reference; and
- **Barbara Kincaid**, General Counsel for the Supreme Court of Canada speaking about the Court’s e-filing project and policy issues surrounding that project.

For more information contact Faye Morrison, Manager, Information & Technology Services, Court Services, Alberta Justice Tel: (780) 427 –3430 e-mail: [faye.morrison@gov.ab.ca](mailto:faye.morrison@gov.ab.ca) or check the conference website at [www.acca2003.com](http://www.acca2003.com).

# Civil Justice Clearinghouse

One of the Forum's main priorities is the continuing development of the Civil Justice Clearinghouse. It has grown to over 18,000 items and is expanding. The Clearinghouse database contains bibliographic information and full-text articles on civil justice reform in Canada and abroad and is an essential tool for everyone researching civil justice reform in Canada. We are carrying out projects across Canada, locating and making available previously unpublished and hard-to-find documents on various civil justice reform initiatives. The Forum is also spearheading a thesaurus project that is the result of our work in developing Civil Justice Subject Headings for the Clearinghouse. The thesaurus will make thorough searching on difficult civil justice topics simpler by capturing the varying terminology used in different jurisdictions to describe civil justice reform topics.

We also continue to improve the 'user-friendliness' of the Clearinghouse by adding new search functions. A 'shopping cart' feature, 'drill-down searching' and 'search history' capabilities are all under consideration for future implementation. If you have any questions or suggestions

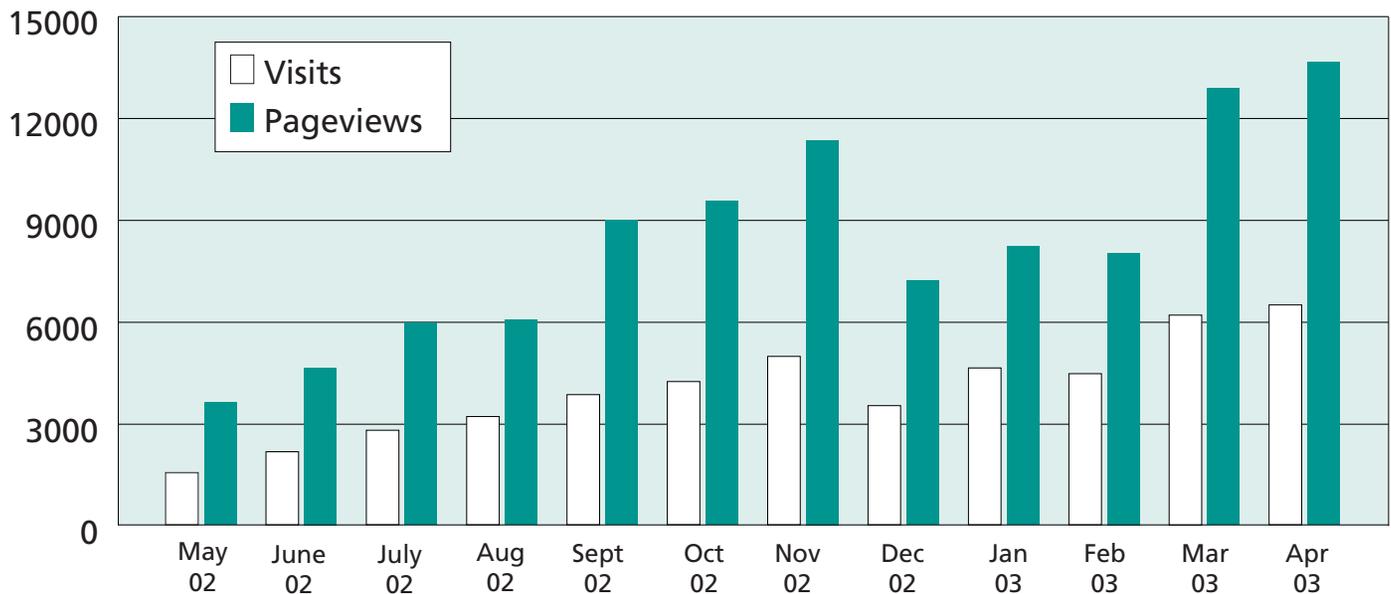
with regard to the Clearinghouse, please contact Michael Lines, Law Librarian and Information Coordinator at (780) 492 – 4307.

To visit the Clearinghouse, go to [www.cfcj-fcjc.org](http://www.cfcj-fcjc.org) and click on "Civil Justice Clearinghouse". To assist with the development of our Clearinghouse, please contact the Forum at [cjforum@law.ualberta.ca](mailto:cjforum@law.ualberta.ca).

## Website Statistics

In May 2002, our statistics show that our web site was not yet well known. By April 2003, however, that picture has changed dramatically. Now the statistics show that people are becoming familiar not only with the Forum's existence on the Web, but also with the exciting information we have available. People are returning to the site after their initial contact to access information contained more deeply within the site. Articles on ADR/Dispute Resolution in Newsletter #2 and the Dispute Resolution Competition Papers are receiving considerable interest.

Visits by Individuals and Total Pages Viewed  
May 2002 - April 2003



We want the content of our newsletter to answer your questions, respond to your concerns, or include your article or comments. Please write to us and contribute your ideas to future issues of *News and Views on Civil Justice Reform*: [cjforum@law.ualberta.ca](mailto:cjforum@law.ualberta.ca)