

USER-CENTRED JUSTICE: SOME CANADIAN EXAMPLES

A Statement from the Action Committee

Our Committee supports Canada's courts in their modernization efforts. It provides guidance for addressing challenges, and highlights opportunities and innovative practices to modernize court operations and improve access to justice for court users.

1. CONTEXT AND BACKGROUND

Canada's courts exist to serve the people of Canada, and their doors are open to the public, but the justice they deliver can often feel removed from people's lives. As outlined by the Action Committee in its publication on [Understanding User-Centred Justice](#), an important step to achieving equitable access to justice for litigants, victims, and witnesses is filtering decisions about both modernization efforts and day-to-day service delivery through a lens that starts with the needs and perspectives of these court users. Building on that guidance, this non-exhaustive repository provides concrete examples of user-centred initiatives from across the country. The Action Committee welcomes feedback on additional initiatives and best practices that could be featured here.

2. EXAMPLES

By seeking to better understand and integrate the needs and perspectives of court users into their work, institutions and organizations across the Canadian justice system have adopted a user-centred approach in designing and delivering their services. While the Action Committee primarily focuses on supporting modernization in the courts, rather than in the justice system more broadly, courts can learn from the experience of related institutions. In that spirit, this repository contains examples from a broad range of justice actors to inspire a user-centred shift in courts across Canada as they seek to modernize their operations and improve access to justice for all.

2.1 Responding to user Feedback

After working with stakeholders, the **Provincial Court of British Columbia** took steps to make attending court easier. Feedback from users revealed that attending court by videoconference, rather than in person, for preliminary hearings improves access to justice. Building on this feedback and procedures put in place during the COVID-19 pandemic, the court now provides videoconferencing for pre-trial hearings, including: bail hearings; criminal pre-trial conferences; and short matters like family court management conferences and civil settlement conferences, as well as criminal sentencing hearings where neither party is seeking a jail sentence. To learn more about the court's virtual bail project in particular, see the Action Committee's publication: [Virtual Bail – an Implementation Roadmap](#). Further information about virtual attendance is available in the Court's [Notice 21 Remote Attendance in the Provincial Court](#).

The court has observed that remote appearances often remove barriers like taking a whole day off of work, finding childcare, and resolving transportation issues to get to court in person. It can also save prisoners from being transported out of their local communities, away from their supports, to appear in court for preliminary matters. However, since not everyone has internet

access or confidence in using technology, the court has ensured that there is still a process for people to apply to attend in person.

2.2 Providing Online Access to Justice

The **British Columbia [Civil Resolution Tribunal](#)** (CRT) is an online tribunal that deals with strata (condominium), accident insurance, small claims, non-consensual distribution of intimate image, and societies and cooperative association matters. Before a claim is filed, the CRT provides the “solution explorer”, a free legal expert system that provides customized legal information and options based on a user’s answer to simple questions about their issue.

Rather than asking legal professionals how to design the system, consultations for establishing the CRT started with potential end-users, including those who face the most barriers to accessing the traditional justice system. This approach inspired the asynchronous nature of the CRT’s process, which reflects the user preferences that the system be accessible at all hours. Other user-centred elements of the CRT process include simplifying its intake form by removing extraneous questions and using an online tool to ensure all materials are written at the grade six reading level. The CRT guides users through its process, with information presented in a “just in time” format as it becomes applicable.

Since its inception in 2016, the CRT has gathered feedback through continual user surveys and user testing of new tools. This feedback is aggregated and published in its [annual report](#), and helps both the CRT and the public to know what the CRT is doing well and what it needs to improve.

2.3 Supporting People who Don’t Have Professional Representation

The **Social Security Tribunal of Canada** (SST) has introduced a [navigator service](#) to respond to the gap in user support caused by the low rate of professional representation among tribunal users. Individuals without professional representation are assigned a navigator who guides them through their appeal process before the tribunal, answers their questions, and helps them to prepare for their hearing. Litigants receive calls at key points through the process, but can also phone their navigator when they have a question. While navigators are not lawyers and cannot provide legal advice, they can help litigants to understand what documents they must prepare, how to search the tribunal’s website for decisions, and what to expect during a hearing. A recent [review](#) of the navigator program, which was initially launched in 2019, evaluated the program’s success based on a combination of document review and interviews with former tribunal users, navigators, and government officials who were involved in the program’s design. This review revealed that the program has been successful at reducing stress and improving the hearing experience for tribunal users.

Additional examples of user-centred justice at the SST can be found in their [2022-2023 Progress Report](#). These initiatives include:

- Launching plain language rules of procedure, which were designed after broad consultation and aimed at the people who use the Tribunal’s services. Information is broken down by theme to make the rules easier to navigate and complicated ideas are divided into short manageable sentences.

- Simplifying the appeal procedure by, for example, making it easier for parties to request more time or reschedule hearings.
- Improving the website, based on feedback received through user testing and an external report. These improvements have included adding more visual content, such as printable process roadmaps, and ensuring that users can easily provide feedback through a button at the bottom of each page.

2.4 Shifting the Culture to Consider User Needs

In collaboration with the judiciary, **Ontario's Ministry of the Attorney General (MAG)** is undertaking a [Courts Digital Transformation](#) initiative, which will consolidate a range of digital services for Ontario's courts – including document filing and management, virtual hearings, and paying fees – into a single platform. Given the size and scope of the project, MAG is focusing its first round of user engagement on supporting change management efforts within the courts. Through interviews and focus groups, MAG has gained a clearer understanding of how those who work in the court system use and process information, and of the challenges that arose from rapidly adopting technology in response to the COVID-19 pandemic. Though the new digital solution is still in early stages of being configured, change champions have been identified throughout the system to support an effective transition. Through this process, MAG has been building its user-research capacity, and will use this new expertise to extend its outreach to court end-users, including self-represented litigants, in the next phase of the initiative.

2.5 Designing Tools to Support Access to Justice

Public legal education organizations across the country have developed tools to support litigants, and particularly those who are self-represented, to address their legal issues and needs.

- The **Public Legal Information Association of Newfoundland and Labrador** has a [family law form builder](#), which guides litigants as they create family law forms.
- **Community Legal Education Ontario (CLEO)** has created an online tool, called [Guided Pathways](#), which auto-fills forms for a number of common legal issues, including family law and small claims court matters, based on answers to a series of questions. In addition to filling out forms, the platform allows the user to develop a personalized checklist and add their own notes.

2.6 Reaching out to the Public

Several organizations across Canada have conducted in-depth consultations about Canadians' legal needs and experience with the justice system. The data gathered in these exercises can be a valuable source of information for courts about user needs and wants.

- Over four years, the **Nova Scotia Barristers Society**, the **Nova Scotia Access to Justice Coordinating Committee**, and then the **Nova Scotia Access to Justice and Law Reform Institute**, carried out a project called [#talkjustice](#), in which they met with over 400 people across Nova Scotia to learn about their experience with the justice system and what access to justice would mean to them. The result was a series of interactive workshops,

presentations and conferences as well as a set of [reports](#) containing valuable first-voice information about how Nova Scotians experienced the justice system.

- The **Alberta Law Foundation** conducted a [community-based legal needs assessment](#) in which it paired literature review and sector data with surveys, interviews, and group discussions to understand the legal needs of people in the province. The research project has identified 12 priority areas of legal need, including for Indigenous Peoples, youth, landlord and tenant disputes, services in the courthouse, and the needs of remote communities. The findings are being used by the community, with the support of the Foundation, to develop strategies to address gaps in legal services and research across the province.

2.7 Working Together to Support Court Users

[Access to Justice BC](#) (A2JBC) is a collaborative of individuals and organizations committed to improving civil and family access to justice through a user-centred approach. It is chaired by the Chief Justice of BC, and includes members representing over 30 justice and inter-sectoral organizations, including every level of court, administrative tribunals, the bar, and civil society. To support a transition to a truly user-centred system, A2JBC has developed a [measurement framework](#) to align member efforts around a shared approach to monitoring and evaluating improvements in access to justice in British Columbia. Through this framework and its over 50 signatories, A2JBC promotes access to justice through, among other things, encouraging a shift towards a justice sector in which there is: improved population access to justice; improved user experience of access to justice; and improved costs.

A2JBC also leads initiatives to improve the justice sector, including the [Transform the Family Justice System Collaborative](#), which brings together partners to address the intergenerational impacts of adverse childhood experiences and achieve family well-being and has supported the creation of a [Justice Data and Design Lab](#) and a [Family Justice Innovation Lab](#), which focuses on gathering user experience data as well as supporting and building prototypes towards redesigned or new justice services.

By bringing all relevant actors to the table, A2JBC promotes learning and mutual support and allows the justice sector in British Columbia to improve its ability to address the complex barriers to access to justice in the province.

2.8 Further Examples from Action Committee Publications

Additional examples of courts having altered their practices to consider and integrate the needs and perspectives of end users can be found in various Action Committee publications.

2.8.1 Supporting Indigenous Accused Persons

As highlighted in [the Role of Indigenous Courtworkers in Criminal Proceedings](#), the **Indigenous Courtworker (ICW) Program** provides support and assistance to Indigenous individuals navigating the Canadian justice system. ICWs support a specific population of court users that has been historically marginalized as they further the program's objectives to: empower Indigenous people to understand their right to speak on their own behalf; increase awareness and appreciation of Indigenous context and experiences among justice system administrators;

and address communication barriers between Indigenous people and actors in the justice system.

2.8.2 Designing User-Centred Websites

The Action Committee's publication on [Designing User-Centred Websites](#) includes examples of recent court initiatives to make their websites more user-friendly. Section 6 of this document, *Some Canadian Examples*, highlights recent or on-going website renewal projects by the **Supreme Court of Canada**, the **Nova Scotia Courts**, the **Ontario Court of Justice**, and the **Provincial Court of British Columbia**.

2.8.3 Gathering User Perspectives

The Action Committee's publication on [Gathering User Perspectives to Support Effective Court Operations](#) highlights four examples of Canadian justice institutions that have reached out to users, including end users, to hear about their experiences in the justice sector. These examples, featured in section 3 of the paper: *Inspiring Examples*, include:

- The **British Columbia Court of Appeal**, which conducted a survey to take stock of user experience with its pandemic-related adaptations
- The **Manitoba Family Law Modernization Strategy**, which incorporated solutions for family justice services that were co-designed with Manitobans
- The **Nova Scotia Courts' All Courts Virtual Court Committee**, which collaborated with a pro bono students' organization to gather feedback on the experience of marginalized people with the transition to virtual proceedings
- The **British Columbia Court Services Branch**, which conducts informal interviews – which it calls “interventions” – to gather in-the-moment feedback from court users

2.8.4 Collaborating to Improve Access to Justice

Past Action Committee publications have highlighted the benefits of collaborating with a wide range of partners, including representatives of user populations.

- [Multi-Stakeholder Collaboration: Best Practices and Lessons Learned from the Pandemic](#), includes an Annex that highlights the work of the **Ontario Courts Accessibility Committee** (OCAC). As a multi-stakeholder committee mandated to oversee progress towards an accessible court system for persons with disabilities, OCAC has successfully encouraged earlier and more fulsome consideration of accessibility factors in the design phase of justice sector projects in Ontario. Its combination of representatives from a wide range of community organizations, including those with lived experience of disability, and high-level champions from both the judiciary and executive has supported a user-centred approach to improving accessibility in Ontario's courts.
- The [Case Study: Impact of the COVID-19 Pandemic on the Nova Scotia Wellness Courts](#) highlights, at *Section 2*, the important role of the **Wellness Court Programs Steering Committee**. Like OCAC, this Steering Committee brings together leaders in the judiciary and government with a wide range of partners from both the justice sector and the community. The presence of community partners, including past participants in the wellness

court program and representatives of Indigenous and Black communities, ensures that user voices and concerns are integrated into the governance structure for this specialized court model.