

# Public Legal Education and Information Resources in BC: Update 2014

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## Introduction

### Purpose

The purpose of this paper is to provide a general overview of the current public legal education and information (PLEI) resources on civil law topics included on [www.clicklaw.bc.ca](http://www.clicklaw.bc.ca) (“Clicklaw”) in order to identify and analyze gaps and overlaps. The research will update information presented in “Clicklaw and Beyond: Public Legal Education and Information Materials in BC”, Reid et al. (2009), a report prepared for The Law Foundation of BC, online at [www.clicklaw.bc.ca/resource/1921](http://www.clicklaw.bc.ca/resource/1921) (the “2009 Report”). Broadly speaking, the goal is to identify whether the gaps/overlaps and recommendations contained in the 2009 Report apply to the current situation of PLEI in BC in 2014.

This research was commissioned by The Law Foundation of BC/Legal Services Society of BC to serve as a planning tool for the Foundation and for PLEI organizations in BC. It will be accompanied in May/June 2014 by a paper that will examine promising practices in the delivery of PLEI.

For ease of comparison, the structure of this report will follow, for the most part, that of the 2009 Report. Similarly, this paper adopts the “user-centered” approach identified in the 2009 Report: that PLEI resources and the needs they seek to address be viewed from the perspective of the person using them. Like the 2009 Report, no attempt will be made to assess the quality or effectiveness of specific PLEI resources or programs. However, it should be emphasized that ensuring quality and effectiveness of PLEI products should continue as a

major concern for PLEI providers, as should ways to incorporate needs analysis and evaluation procedures in resource production and maintenance.

## **Executive Summary**

The PLEI sector in BC is characterized by numerous not-for-profit organizations of varying size, mandates, organizational structures and financial and human resource capabilities. This “proliferation” of organizations can be viewed as a problem (inefficiencies in capital allocation and operating costs; resource duplication/overlap; confusion-“who does what?”—in the marketplace) or a benefit (variety of perspectives, potential enhanced responsiveness to emerging needs by smaller, more nimble organizations). In the current environment of reduced sector funding, greater scrutiny and increased focus on good governance, consideration of sector “rationalization” (i.e. collaborative activity, restructuring, merger) is appropriate.

As can be expected, since 2009, the overall number of PLEI resources on Clicklaw has increased, especially in the area of family law. Resources are now available in a greater number of languages and formats (e.g. Wikibooks). However, inconsistencies in data collection methods between 2009 and 2014 make detailed comparisons between these years difficult. Since they are the only data currently available, they are used in this report, but with a caution (see *infra*, “Limitations to the Data on Resources”).

There have been no major developments in legal needs between 2009 and 2014, with one exception: the growing numbers of self-represented litigants. In addition, there is increased awareness that included along with low-income earners in the cohort of users of PLEI are middle-income earners. The need for resources to assist the self-represented litigant through court and tribunal procedures is more acute. So is the need for user guidance—in the form of in-person services or by their “technology facsimile”.

Assessment of gaps in resource offerings follows the “topic- driven” methodology used in 2009, again with a caution on the limits of this approach. A number of gaps identified in 2009 still exist today (e.g. debt, consumer, seniors) as do overlaps (e.g. family law resources) and a minor amount of repetition. Of equal importance to gaps and overlaps, however is the currency and accuracy of the resources and the ease of the individual in identifying resources that meet his/her needs and working with them. More must be done by PLEI providers to address these concerns.

The current economic climate demands that a strategic approach be taken by the PLEI sector (producers and funders) to address the problems of gaps, overlaps, accuracy and need for user “guidance” through the volume of resources available. Five of the subject areas contained in the Clicklaw resource inventory require particular attention: debt, family law for self-represented litigants, consumer, accidents and injuries, seniors. Each area ranks high in legal needs surveys and is not sufficiently represented in Clicklaw inventory. PLEI providers should consider these topics for new/additional resources or for updates/revisions/re-formatting of existing resources.

## Outline

Section 1 of this paper will explore current issues for PLEI in BC by reviewing recent literature on access to civil and family justice and civil legal needs studies taken in BC, Ontario and beyond since 2009 and by identifying the competitive, economic and technological forces affecting the PLEI sector.

Section 2 of this paper will update and analyze Clicklaw content along the dimensions of topic type, format and language. A survey of the literature on promising practices in the delivery of PLEI will be the focus of a later report.

Section 3 will provide an overview of current legal needs assessments/surveys.

Gaps between current Clicklaw PLEI resources and current legal needs will be identified in a matrix contained in section 4. A commentary on overlaps in resources will also be contained in this section.

Section 5 will suggest recommendations for bridging gaps by addressing five subject-matter priority areas identified in the matrix and in the legal needs literature as requiring attention.

## **Section One: The Current Situation: PLEI in BC**

### *A Call to Action*

The 2009 Report identified a number of complex societal/market factors influencing PLEI organizations in BC. These include the increasing complexity of laws and regulations; the growth in numbers of people handling their legal problems on their own; changing demographics: aging population, growth in number of new immigrant populations; continuing advances in internet technology; the 2008 recession and resulting constraints placed on justice sector public services as well as the availability of financial support for the PLEI sector. These factors continue to be relevant today and represent challenges as well as opportunities for PLEI organizations. Increasing justice system costs, delays, growing complexity of procedures, increased numbers of self-represented litigants in Canadian courts—all have contributed to an acknowledgement among justice system stakeholders that the justice system is in crisis.

The challenge of a system in crisis led to the creation in 2008 of the Action Committee on Access to Justice in Civil and Family Matters. Its mandate was to help justice system stakeholders develop consensus priorities for civil and family justice reform and to encourage them to work together in a cooperative and collaborative way to improve access to justice.

Over the past five years, working groups of the Action Committee examined specific priority areas (access to legal services, court processes simplification, family law and prevention, triage and referral) to find ways to improve access to justice within them. PLEI organizations across Canada were represented on these working groups and played an important role in conveying to all stakeholders the public's perspective of the justice system and the need for a more "public centered" approach to access to justice reform.

The reports of the working groups were consolidated into a final report published October 2013.<sup>1</sup> A key feature of the final report was the recognition that access to justice must be viewed in broader terms than access to the court system alone. This expansive view of access to justice took as its starting point the public and the broad range of “everyday legal problems” faced by the public. Problems were viewed along a continuum of solutions: at one end, the proactive, front-end solutions which can be achieved by preventing disputes; the middle portion of the continuum representing negotiation and informal dispute resolution services; and at the opposite end of the spectrum, the back-end solutions presented by the formal court and tribunal systems. Such recognition created an opportunity or “call to action” for PLEI organizations to assume a role as key participants in the provision of front-end services to solve everyday legal problems (collectively, the “Early Resolution Services Sector”)<sup>2</sup>.

### *A Fragmented Market*

Coordination and collaboration—among justice system stakeholder sectors and within the PLEI sector itself—features prominently as a recommendation in the Action Committee final report. So too was it a prominent recommendation in the 2009 Report. Coordination and collaboration however have proved challenging to many organizations within the BC PLEI sector.

Although united in the vision of creating a fair and accessible justice system for British Columbians, PLEI producers differ in how they approach this goal. They vary in

- Organization type: government ministries, departments and agencies; not-for-profit societies solely engaged in PLEI; lawyers—pro bono, legal services, mediators; advocates; student organizations; community groups; libraries; educational institutions

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<sup>1</sup> See Action Committee on Access to Justice in Civil and Family Matters “Access to Civil and Family Justice: A Roadmap for Change” (Ottawa: Action Committee on Access to Justice on Civil and Family Matters, October 2013)

<sup>2</sup> See Action Committee on Access to Justice in Civil and Family Matters, Prevention, Triage and Referral Working Group, “Responding Early, Responding Well: Access to Justice through the Early Resolution Services Sector” (Ottawa: Action Committee on Access to Justice on Civil and Family Matters, April 2013) at 11-14.

- Funding base, budgets and internal resources
- Client group(s) served: immigrants; low-income earners; teachers; students; tenants; persons with disabilities; seniors; Aboriginals; rural communities; the “general public”
- Mandate: resource production alone; resources plus services (full legal representation, partial legal representation, counseling, education ,triage, other)
- Organizational culture

In short, the PLEI sector in BC is fragmented: many producers, some with focused market strategies (e.g. TRAC, providing resources and services for renters), others with a broader market strategy (e.g. Justice Education Society, providing resources and services for multiple user types); many products, differentiated by unique topic, type and format.

There are both advantages and disadvantages to this situation. Proliferation in the sector it is argued, reflects the variety of needs, interests and points of view in society. It allows for the “niche” approach of single-purpose organizations that would get lost in larger, more general mandate not-for-profit organizations. Flexibility and responsiveness to their operating environment are seen as advantages of the smaller organizations. Conversely, a fragmented market can pose problems: overlaps and gaps in resource/service offerings; decreased visibility and impact as a sector; inefficiencies in use of capital and operating funds; confusion for PLEI users (e.g. which organization does what? which resource is reliable? Relevant?)

### *The Difficulty of Collaboration*



Since 2009, attempts have been made by PLEI organizations to collaborate on projects and other initiatives, with varying degrees of success. Examples of collaborative initiatives generally acknowledged among BC PLEI organizations to have been successful include:

- “Just a Click Away” technology conference (2011)
- Creation and maintenance of Clicklaw portal
- Immigrant PLEI Consortium educational initiatives (particularly online training for settlement workers) and events (2009-2014)
- Wikibooks: (e.g. “The Settlement Workers Guide to Helping Clients With Legal Information and Legal Referrals”; “ Law Related ESL”)

Each of these initiatives has in common the following hallmarks of successful collaboration:

1. For each initiative, the participant organizations had goals that were closely aligned with one another. They had a clear purpose agreed to by all. For example, each of the agencies contributing resources to the Clicklaw portal had the common goal of maintaining this single entry point to diverse resources. In the case of the creation of an online training resource for settlement workers, 12 organizations (including several PLEI organizations, settlement agencies, Ministry of Justice) worked together to produce one online, interactive self-study educational program on the then-new BC Family Law Act for settlement workers.
2. Each participating member was committed to the purpose—they wanted to be there and brought a specific perspective of skill set to the initiative.
3. Each participating member had decision-making authority to commit his/her organization to the initiative.
4. The rules governing the relationships among the contributors were clear, agreed to by all and observed. These rules included the initiative’s purpose; the end goal, timelines and

milestones along the way; roles and contributions of each member; norms (e.g. participation, communication, conflict, leadership, meetings).

What is more challenging to BC PLEI organizations however are more formal efforts to “rationalize” the sector with a view to reducing the gaps, overlaps and inefficiencies that currently exist. Both the 2009 Report and the subsequent report on PLEI family law resources<sup>3</sup> recommended that BC PLEI network organizations<sup>4</sup>

- Develop a coordinated plan to review the gaps in resources
- Adopt an approach of looking across network [web]sites in order to align current initiatives and future plans in relation to all available BC PLEI
- Each organization identify its unique role and area of expertise and use them to guide decision making. [essentially, an assessment of organizational competence and capability viewed from both human and financial dimensions]

Implementing these recommendations has proved difficult for PLEI organizations due in part to

- Different understandings regarding what it meant by “collaboration” (is it “coordination”? “informing”? something else?)
- Inability to contribute the resources (time and money) required for broad system and organizational change
- Lack of clarity of operating norms, particularly around leadership and decision-making (e.g. articulated statement of mission and purpose, policies re: competition, conflicts of interest, norms relating to participating, meetings, communication, conflict resolution)

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<sup>3</sup> See Gayla Reid and Erin Shaw, *Review of BC Family Public Legal Education and Information Resources* (Law Foundation of BC, 2012) online at [www.legalaid.bc.ca/assets/aboutUs/reports/PLEI/BCFamilyResourcesReviewJune12.pdf](http://www.legalaid.bc.ca/assets/aboutUs/reports/PLEI/BCFamilyResourcesReviewJune12.pdf)

<sup>4</sup>“network organizations” means the 24 organizations identified in Schedule A to the 2009 Report and includes the 7 organizations identified as members of the PLEI Working Group.

Addressing these barriers to collaboration is a first step to rationalizing the BC PLEI sector. Participant organizations however must be prepared to accept the possible consequences of such rationalizing, including change to the PLEI organization's strategy pertaining to certain resources or services, or structural changes to the organization.

### *Technology*

The internet continues to be a key point of access to PLEI resources. A recent survey of low-income individuals in BC<sup>5</sup> indicated that, after “friends and relatives”, BC residents turned to the internet for non-legal (i.e. other than lawyer representation/advice) assistance in solving their problems. PLEI providers have responded to the demand for information and the advances made in technology in a variety of ways:

- by developing PLEI resources that can be accessed over multiple platforms (e.g. PC, tablet, smart phone)
- by creating new “collections” of information (e.g. Wikibooks)
- by using social media to establish regular communications of information on the law and law-related resources (e.g. blogs, Twitter)
- by creating online resources which allow for user interaction (PovNet, Immigrant PLEI Consortium online training courses, with facilitators; chat features).

These are the positive developments enabled by internet technology. However, the internet as a source of PLEI information has some disadvantages, chief among them being “information overload”. The number of PLEI resources on the internet—and on Clicklaw—is staggering. For a user to evaluate what is authoritative and reliable takes time and skill. PLEI

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<sup>5</sup> See Ipsos Reid, *Legal Services Society of BC Problems of Everyday Life (2013)*, (Legal Services Society of BC, 2013)

providers are experimenting in ways to provide online guidance to the user (e.g. avatars); more is needed to help the user navigate the resources.

Although the internet is increasingly relied upon by the public as a source of legal information, it does not eliminate the need for in-person support. One limitation to the effectiveness of a web-based information medium is the capacity of the user. Some users need help with website navigation, understanding legal information and applying it to their situation. Persons with low reading levels or mental disabilities as well as linguistic minorities may find challenges to using websites to access legal information. Another limitation resides with the technology: not everyone owns a computer. Those who do may not have reliable service.

### *Economic Factors*

The current state of the economy is not good, and has not been since 2008. The unemployment rate remains higher than it was before the recession that began that year. The percentage of those living in poverty in Canada has risen since then and now is higher than the OECD average. Real GDP in BC decreased from 2.7 in 2011 to 1.5 in 2013. These circumstances have had an adverse effect on the PLEI sector, which has seen traditional sources of funding (federal, provincial ministries, law foundations) reduced or eliminated. The competition among a number of PLEI organizations for scarce funds has grown more acute over the past five years.

The uncertain economic climate has also had the effect of increasing the demand for PLEI as a growing number of people with legal needs cannot afford to pay for a lawyer and decide to “do it themselves”. Stagnant income/loss of income combined with rising cost of legal services and restrictions on legal aid eligibility have made legal representation out of reach for low and middle-income earners alike. Demand for law-related resources and services has grown; supply of these is constrained by the same economic drivers.

## Section Two: Clicklaw Resources Overview

The 2009 Report provided an excellent description of the criteria for including information on Clicklaw<sup>6</sup> and the approach taken to identifying and gaining insight on different types of Clicklaw users<sup>7</sup>. The latter information was used to organize Clicklaw into four primary sections that reflect what users want to do when accessing the site: solve problems, learn and teach, reform and research and find services (HelpMap). Since 2009, the basic organization of Clicklaw has not changed, although a number of measures have been taken to enhance the “user experience” on the site (e.g. recent improvements to assist new immigrants navigate the site better) and to provide additional features (Clicklaw HelpMap resource; Clicklaw Wikibooks).

### *Limitations to the Data on Resources*

Throughout this report, caution should be exercised when considering Clicklaw statistics on resources:

1. On Clicklaw, a “resource” means an item of information that is identified as a resource by a Clicklaw Contributor organization or by Courthouse Libraries staff. Resources vary significantly one from another in the amount of content they contain. For example, one Clicklaw Contributor may classify one of its websites as a “resource”; another Contributor may divide its website into discrete parcels of information and categorize each of these as a “resource”. Most Contributors do both. For example, LSS’s Family Law website is listed as one resource on Clicklaw; in addition, discrete sections of the Family Law website are listed as separate, additional resources. Another example: each CBA Dial a Law Script is counted as one resource. There are 131 of these scripts, each

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<sup>6</sup> See “What is included”, 2009 Report at p. 19

<sup>7</sup> See “Who will use Clicklaw”, *ibid*, at p. 21

with a length of several pages<sup>8</sup>. By contrast, a Justice Education website containing a greater amount of content than one dial a law script also counts as one resource. The charts and tables contained in this report must be considered in light of the fact that number of resources does not equate to volume of content.

2. Differences exist among Clicklaw Contributors (and sometimes within a Clicklaw Contributor organization itself) in how each applies the Clicklaw taxonomy to its resource. Courthouse Libraries BC recognizes this and recommends work be done to achieve more consistency among Contributors in this regard.
3. The data that could be extracted from Clicklaw to support the 2014 analysis included the **primary** media format for each resource. It did not include any **alternative** media formats for those resources that have more than one media format. The 2009 data included all media formats for each resource. Courthouse Libraries BC advises that data on alternative media formats could be extracted from Clicklaw, but that additional work and time would be required to do that.
4. As with the 2009 Report, the statistics do not provide any insight as to the quality or effectiveness of a resource.
5. The numbers of resources and services listed on Clicklaw are dynamic—they change as resources are added and removed from the site. (see footnote 9, below).
6. There are some inconsistencies in numbers of resources contained in the 2009 Report. Figure 13 of that report contains the number of resources listed on Clicklaw as of May 2009; figure 19 of that report contains the number of resources listed on Clicklaw as of February, 2009, prior to the launch of the site. Between February and May, resources were reviewed by the Clicklaw editorial committee. Some resources that were earmarked in February for inclusion on the Clicklaw site were ultimately not included on

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<sup>8</sup> A further complication: an individual Dial a Law script (one resource) may have multiple components such as different language translations and an audio version. All these count as one resource.

the site at its launch. This accounts for the lower numbers of resources in some categories contained in Figure 13. For purposes of comparing 2014 resource numbers to 2009 numbers, the data contained in Figure 13 (May 2009) will be used in this report.

- 7. Most important to the comparison of 2014 to 2009 statistics on resources:** the criteria for counting resources in 2009 differs from the criteria used in more recent years. In 2009, each component of a resource was counted as a separate resource; in 2014, the resource—not its separate components—is counted as one resource. As a result of this difference in counting, it is difficult to make a meaningful comparison of the increase/decrease in resources in a topic category from 2009 to 2014. What is more relevant however is the relative weighting of resources per topic in each of the two comparison years (e.g. the number of family law resources being far greater than the number of consumer law resources in each of those years).

To summarize, the data for the 2009 Report was drawn from a content inventory that was hand-crafted and used first 1. to inform what resources would go on Clicklaw, and then 2. to inform the analysis of gaps and overlaps. Meanwhile, the data for the 2014 report was extracted from the live Clicklaw database. The fact that these datasets were created in different ways, and for different primary purposes, has resulted in some data inconsistencies between the two sets of data.

#### *What Types of Organizations Contribute to Clicklaw?*

As of April 8<sup>9</sup> 2014, 125 organizations produced resources that were included on Clicklaw. There are no available statistics regarding the number of organizations whose resources were listed on Clicklaw at its 2009 launch; Courthouse Libraries BC staff however

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<sup>9</sup> In this report, the statistical information on Clicklaw organizations and resources derives from database pulls taken between April 8 and April 24, 2014. It should be noted that the Clicklaw database content changes continually as resources are contributed/removed from the site.

estimate that the 24 PLEI Network organizations (see below) represented the majority of organizations whose resources were listed in 2009.

Of the current 125 participant organizations, 27 (22% of total) are categorized as “Clicklaw Contributors”. These are organizations that directly manage their listings on Clicklaw, through a login and data uploading. Other organizations’ resources are identified for inclusion on Clicklaw by Courthouse Libraries BC staff, who curate and upload the content to the site. A complete listing of the 27 Clicklaw Contributors is found on the Clicklaw site at [www.clicklaw.bc.ca/content/partners](http://www.clicklaw.bc.ca/content/partners). The majority of these organizations constitute what was once known as the “PLEI Network”, a collection of 24 PLEI producer organizations consisting of government, educational, non- profit and community groups, referred to in the 2009 Report and identified in Schedule A to that document.

The 2009 Report categorized four types of Clicklaw producer organizations: PLEI Network organizations, BC non-profits, Other BC government, Other provinces and federal government. Since 2009, the PLEI network organizations have found it difficult to identify how to work together as a formal network, and this initiative faded in prominence in the sector. A smaller grouping (“PLEI Working Group”) of the network organizations, however meet regularly to exchange information. This has led in some cases to collaborative initiatives (e.g. Wikibooks on a variety of topics developed by a collaboration between People’s Law School and Courthouse Libraries BC; “Settlement Workers Guide to Helping Clients with Legal Information and Legal Referrals” developed by collaboration among Courthouse Libraries BC, Justice Education Society of BC, People’s Law School, Legal Services Society and Options Community Services.) Closer ongoing collaboration among PLEIWG member organizations however continues to be a challenge.



Categorizing producer organizations as members of the “PLEI Network” and non-PLEI Network<sup>10</sup> may not be as relevant today as it was in 2009. A more useful categorization for understanding the nature of the PLEI sector and the PLEI producers who work within it may be by organization type. Figure 1 uses this new categorization and represents types of organizations and the percentage they represent of total Clicklaw producers based on 2014 statistics provided by Clicklaw. Figure 2 describes each organization type, employing this new categorization.

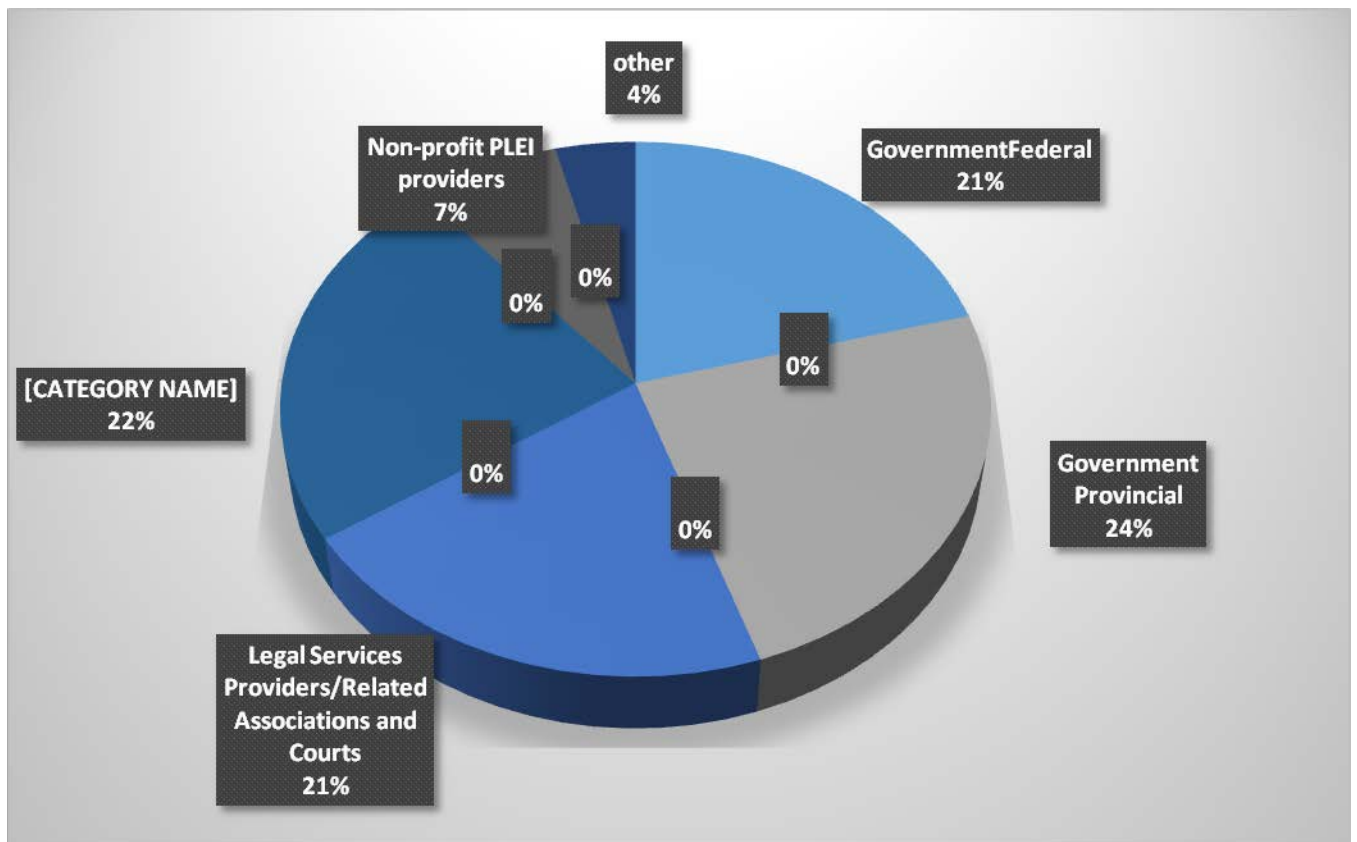


Figure 1: Clicklaw Producer Organizations 2014

<sup>10</sup> 2009 categories of “other BC non-profits”, “other BC government”, “other provinces and federal government”

Government Federal	Includes federal departments, tribunals, boards, agencies, commissions, Crown corporations, RCMP
Government Provincial	Includes provincial ministries (including BC Ministry of Justice), tribunals, boards, agencies, commissions, Crown corporations
Legal Services Providers/Related Associations and Courts	Includes private bar, pro bono organizations, legal aid services, Courts (federal and provincial), Canadian Bar Association, legal research and advocacy organizations (e.g. LEAF), foundations (e.g. Law Foundation of BC), regulators e.g. Law Society of BC, Canadian Judicial Council)
Community groups and Non-Governmental Organizations—BC and Canada	Includes community groups, business and consumer associations, health associations (e.g. Multiple Sclerosis Society of Canada), cultural organizations (e.g. MOSAIC)
Non-Profit PLEI Providers	Includes organizations or divisions (e.g. LSS PLEI department) for which PLEI is the primary mandate.
Other	e.g. Includes Courthouse Libraries BC, SFU Centre for Education, Law and Society

Figure 2: Description of Clicklaw Producers 2014

*Clicklaw Resources: Percentages of Total Clicklaw Resources, by Producer Category*

Since 2009, the number of resources contained on Clicklaw has increased from 1175 to 1444, an increase of 269 resources (a 23% increase. The increase in the number could be greater however if the 2014 data included all formats in which a resource appears. See “Limitations to the Data on Resources”, para #7). The following table identifies the relative percentages of resources produced by PLEI organizations in each of 2009 and 2014, using the 2009 report categories of producers.

<b>Producer Category</b>	<b>Category Description</b>	<b>% of total resources produced-2009 N=1175 resources</b>	<b>% of total resources produced-2014 N=1444 resources</b>
PLEI Network	See Appendix A to 2009 report <sup>11</sup> .	57%	73%
BC non-profits	BC Community groups+ non-government authorities not included in PLEI Network	15%	9%
Other BC government	Ministries not members of PLEI network	13%	8.6%
Other provinces and federal government	Federal government, PLEI providers in other provinces, lawyers in private bar	15%	8%
		100%	98.6%  Note: 1.4% of Clicklaw resources cannot be easily classified using 2009 categories

Figure 3: % Resources Created by Clicklaw Producers 2009, 2014, using 2009 Categories

Based on the foregoing statistics, it can be observed that in 2014, organizations formerly identified as PLEI Network members represented 20% of total Clicklaw producers (i.e. 24 organizations /125 organizations with resources listed on Clicklaw) and generated 73% of total Clicklaw resources.

<sup>11</sup> See 2009 Report, p 22 for full description of this category, including member organizations of PLEI Working Group.

Another way to understand the contribution of producer organizations to Clicklaw resources is by using the new categories identified in Figure 1. Figure 4 represents these categories of organizations and the percentage they represent of total Clicklaw resources based on 2014 statistics.

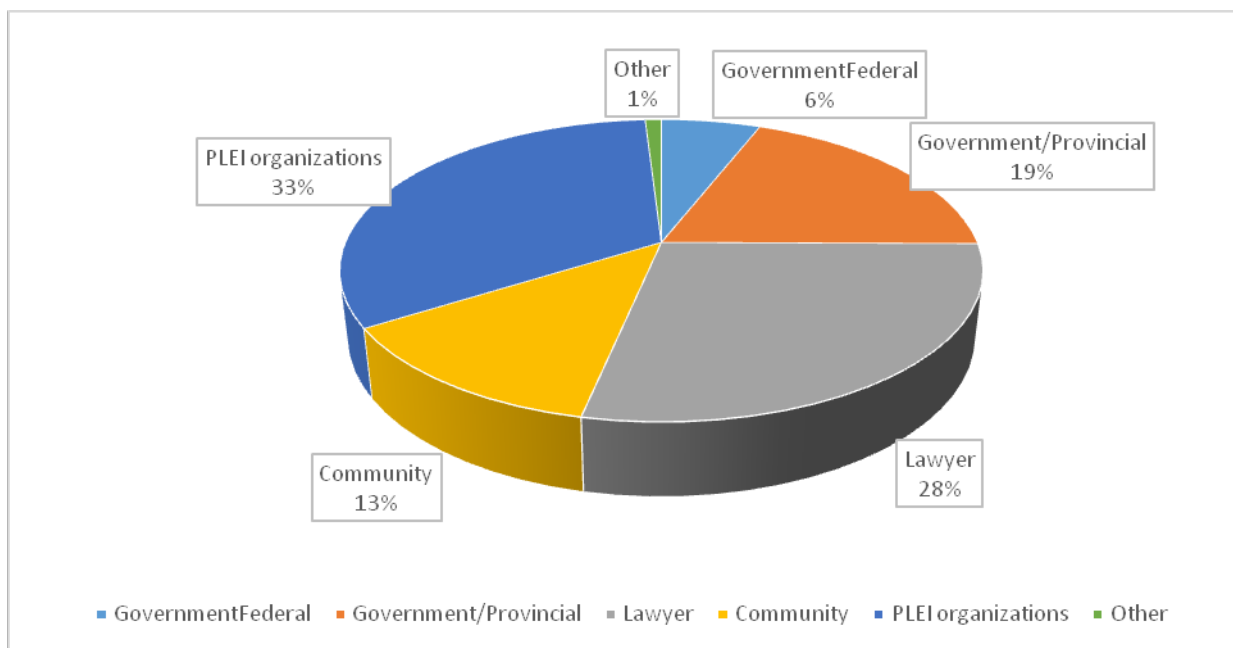


Figure 4: % Resources Created by Clicklaw Producers 2014

#### Four Main Clicklaw Sections: Update

The 2009 Report identified four main sections to the Clicklaw site, each reflecting a different purpose for a user's coming to the site. Figure 5 compares the percentage of Clicklaw content each section represents of total content for 2009 and 2014. (The HelpMap section is not applicable here: it illustrates organizations providing services, not the resources they provide.)

<b>Section</b>	<b>% of total resources-2009</b>	<b>% of total resources-2014</b>
Solve Problems	79%	73%
Learn and Teach	5%	6%
Reform and Research	16%	21%

*Figure 5: % of Resources, by Clicklaw Section*

In the past five years, the percentage of Clicklaw resources for solving problems has decreased by 6% and the percentage of Clicklaw resources for reform and research has increased by 5%. The following organizations were major contributors of resources to reform and research since 2009: BC Civil Liberties Association, Legal Services Society, West Coast LEAF, BC Law Institute and BC Ministry of Justice.

### *Taxonomy*

The basic taxonomy for topics on Clicklaw has changed little since 2009. What changes have occurred relate to topics:

- The category “Victims and Crime” has been divided into “Victims of Crime” and “Crimes and Offences”
- “Cars and Getting Around” has been added under “Your Daily Life”
- “Immigrants” has been replaced by “Immigrants and Refugees”

User surveys of Clicklaw indicate that the taxonomy works well. Courthouse Libraries BC staff suggest that future improvements might be made in the “Resource Type” category of the taxonomy. Currently, this category is broken out into “basics”, “self-help and forms”, “reports and documents”, “manuals and books”, “gateways”, “teaching materials” and “programs and courses”. There appears to be no consistency among these categories: for example “basics” refers to learning levels, while “forms and documents” refers to an information format.

Courthouse Libraries BC staff suggest that a more useful way to categorize resources may be to create a new category for learning level (“basic”, “medium” and “advanced”) and re-categorize the balance of the items currently in the “resource type” category.

### *Topics*

Figure 6 presents the Clicklaw topics as they appear currently on the Clicklaw site, with the current number of resources listed within each topic. Comparison is made to the 2009 statistics for each topic. A resource (e.g. LSS Family Law website) may appear under multiple topic categories (abuse and family violence, family law etc). It is counted as a resource under each topic category. Caution must be used when interpreting these numbers (see previous section, “Limitations to the Data on Resources”).

<b>Your safety</b>	<b>Number of resources listed- 2009</b>	<b>Number of resources listed- 2014</b>
Abuse and family violence	77	105
Victims and crime	146	--
Victims of crime	--	96
Crimes and offences	--	119
<b>Your money</b>	<b>Number of resources listed- 2009</b>	<b>Number of resources listed- 2014</b>
Debt	37	78
Pensions, benefits & welfare	142	110
Taxes and finances	23	39
<b>Your daily life</b>	<b>Number of resources listed- 2009</b>	<b>Number of resources listed- 2014</b>
Accidents and injuries	27	34

Business and non-profits	26	39
Cars and getting around	--	34
Consumer	80	74
Employment	126	79
Environment	31	64
Housing, tenancy & neighbours	115	90
Media & internet	19	13
Privacy & access to information	61	39
Rights & citizenship	92	131
<b>Your communities</b>	<b>Number of resources listed- 2009</b>	<b>Number of resources listed- 2014</b>
Aboriginal	27	84
Disabilities	38	107
Gays, lesbians, trans, bisexuals	16	19
Immigrants	61	--
Immigrants and refugees	--	83
Seniors	24	87
Women	22	80
<b>Your family</b>	<b>Number of resources listed- 2009</b>	<b>Number of resources listed- 2014</b>
Family law	229	315
Health	33	65
Wills, estates & life planning	65	104
Children & teens	56	104
<b>Your legal system</b>	<b>Number of resources listed- 2009</b>	<b>Number of resources listed- 2014</b>
Legal help & lawyers	51	104

Courts & tribunals	219	308
Alternatives to court	45	67
Introduction to the legal system	28	29
Legal needs & innovative solutions	18	79

*Figure 6: Number of Clicklaw resources per topic category*

Figure 7 is a graphic representation of resource topics, organized by topic with most entries to least. The five topics for which there are the most resource listings are

- Family law (22% of resource entries)
- Courts and tribunals (21% of resource entries)
- Rights and citizenship (9% of resource entries)
- Crimes and offences (8.2% of resource entries)
- Pensions and benefits (7.6% of resource entries)



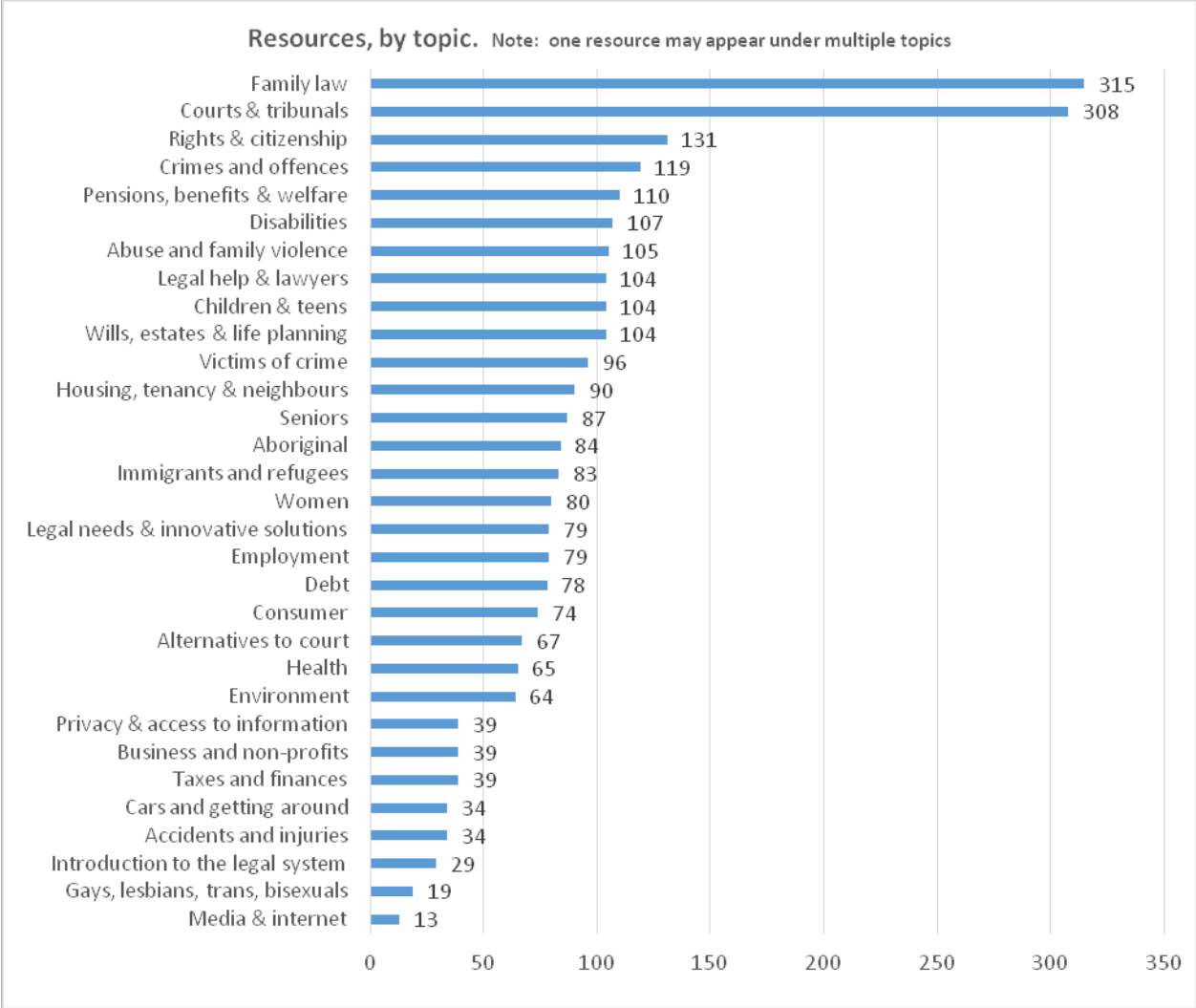


Figure 7: Number of Clicklaw resource entries per topic 2014

As in 2009, “Family law” and “Courts and tribunals” topic categories have the most resource entries. “Rights and citizenship” has moved into third ranking (up from seventh in 2009). Changes in taxonomy since 2009 to create two categories (“Crimes and offences” and “Victims of crime”) from the former “Victims and crime”, have contributed to changes to topic rankings for these. Additionally, of note is a greater current number of resource listings

“Disabilities” (now sixth, up from 16<sup>th</sup> in 2009) and a decrease in entries for “Employment” (now 17<sup>th</sup>, down from fifth in 2009).

### *Resource Types*

The seven resource type categories have not changed since 2009. Figure 8 indicates the percentage of total resources in each category in 2009 and in 2014. Figure 9 presents 2014 percentages in chart format.

<b>Resource type</b>	<b>% of Total Resources--2009</b>	<b>% of Total Resources--2014</b>
Basics	58%	47%
Self-help and forms	15%	17%
Reports & documents	9%	16%
Manuals & books	7%	10%
Gateways	6%	7%
Teaching materials	3%	3%
Programs & courses	2%	2%

*Figure 8: Format of Clicklaw resources, as % of total Clicklaw resources*

The most marked change from 2009 is the decrease in the percentage of total resources represented by “basics” resources (11% decrease, although the total number of “basics” resources increased). “Reports and documents” as a category has seen the greatest increase as a percentage of total (7% increase). Smaller increases occurred in the categories “Self-help and forms” and “Manuals & books”. The remaining categories are largely unchanged.

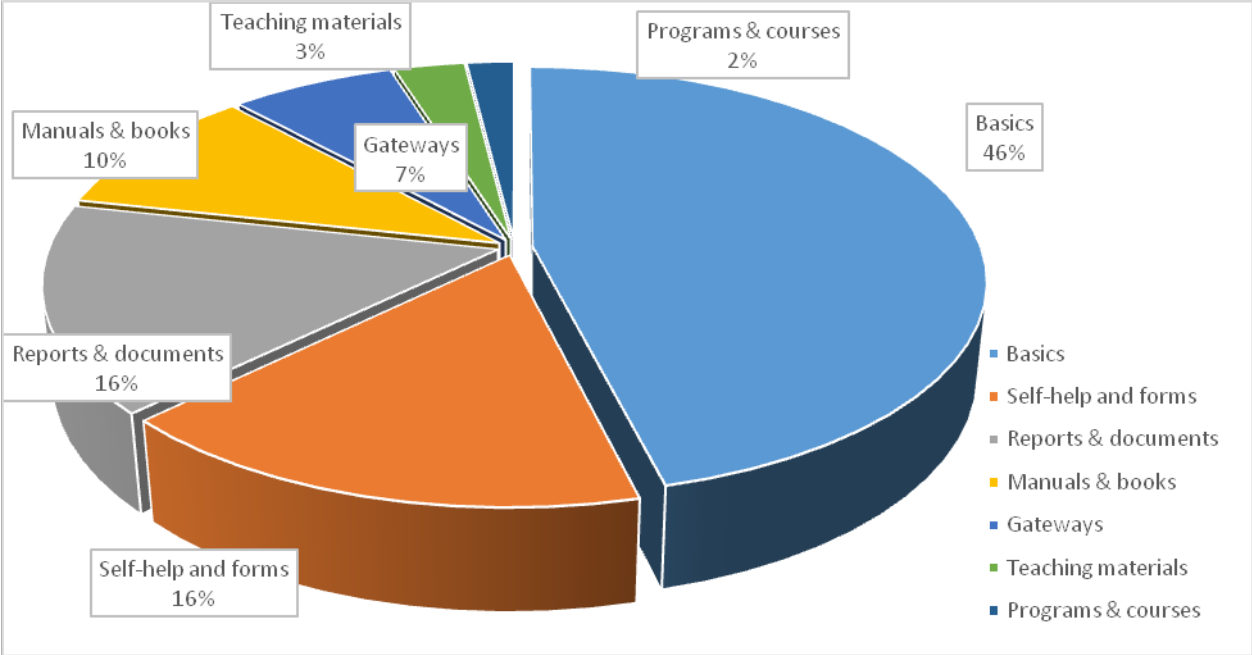


Figure 9: Format %s 2014

**Media Formats**

Comparisons between media formats for Clicklaw resources in 2009 and 2014 cannot be made easily at this point. The current structure of the Clicklaw database allows for simple extraction of only the **primary** media format for a resource. A significant number of resources have several media formats listed on Clicklaw. For example, a Dial-a-Law script on a particular topic typically has four formats listed: (one for “web” (the English web page); one for audio/podcast (the English audio/podcast); and two for PDF (Chinese and Punjabi translations of the content)). The primary media format for a Dial-a-Law script is typically set to “web”. The judgment of which format is the primary one is based on the Contributor’s assessment of which format will be accessed more frequently by a user. Since only the **primary** media format can be easily extracted from the Clicklaw database, the data for media formats at the present

time is incomplete. Because of this, this report does not compare 2009 results on resource media formats to 2014 results.<sup>12</sup>

### *Languages*

Currently, 21% of the content listed on Clicklaw is in languages other than English, a decrease as a percentage of total Clicklaw resources in 2009 (27%), despite the fact that the overall number of resources in languages other than English has increased . 25 languages are represented, an increase from the 17 identified in 2009. There are no longer resources in German or Romanian. New languages added since 2009 are primarily languages spoken in Africa and Central Asia (e.g. Afghanistan). The greatest increase (in actual numbers and as a percentage of total non-English language resources) in non-English language resources listed on Clicklaw are those translated into Dari, a variety of Persian spoken in Afghanistan.

Figures 10 and 11 identify the number of Clicklaw-listed resources in languages other than English. Figure 10 provides the total number of Clicklaw resources in each of 2009 and 2014 in languages other than English; Figure 11 identifies the top 12 languages as a percentage of the total of the non-English languages.

<b>Language</b>	<b># resources 2009</b>	<b># resources 2014</b>
Arabic	6	9
Burmese	0	2
Chinese <sup>13</sup>	332	359
Dari	0	128
Farsi	16	30
French	47	111
Hindi	4	12

<sup>12</sup> Courthouse Libraries BC staff advise that it is possible to obtain current information regarding all formats in which a resource appears, but that it would require time and resources. This is beyond the current scope of this project. It would be appropriate, however to commission a full database examination of resource formats in the context of further focused research on media formats.

<sup>13</sup> Includes Clicklaw references under Mandarin, Chinese (simplified) and Chinese (traditional)

Japanese	6	14
Karen	0	1
Kinyarwanda	0	2
Kirundi	0	2
Korean	10	38
Oromo	0	2
Polish	1	1
Portuguese	3	5
Punjabi	141	190
Russian	5	7
Somali	0	2
Spanish	55	76
Swahili	0	2
Tagalog	17	26
Tamil	1	1
Tigrinya	0	2
Urdu	0	3
Vietnamese	29	51

Figure 10: Number of resources in non-English languages, Clicklaw 2009, 2014

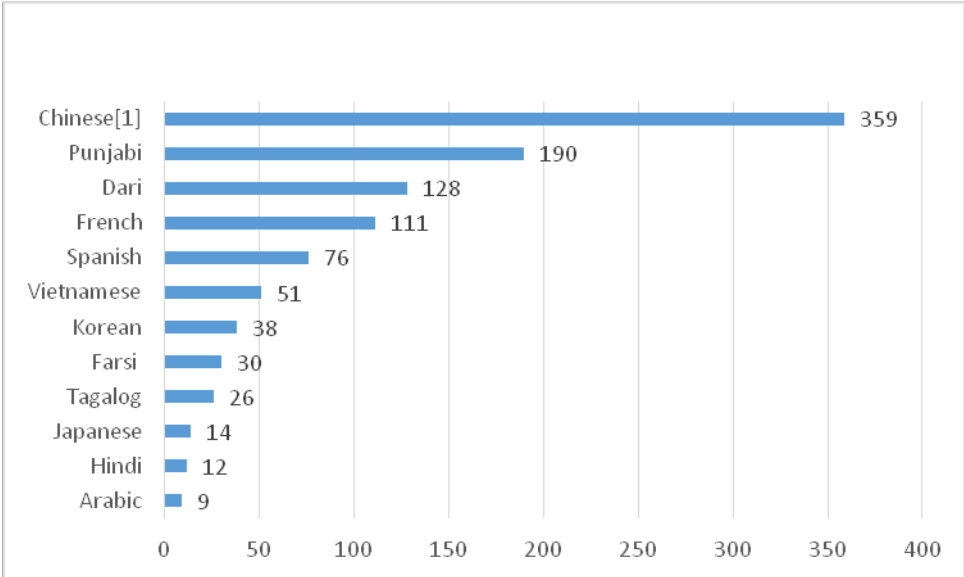


Figure 11: Number of resources in non-English languages on Clicklaw, 2014

## HelpMap

At the date of the 2009 Report's release, the HelpMap was under development. Later that year this feature of Clicklaw was launched. As of April 2014, there were 112 services throughout BC listed on the HelpMap. Figure 12 illustrates the then-current number of services offering legal help under each topic category on the HelpMap. Many of the 112 services offer legal help in multiple topic categories.

<b>Services are provided relating to following topics</b>	<b>Number of services offering legal help on this topic</b>
<b>Your safety</b>	
Abuse and family violence	31
Victims of crime	29
Crimes and offences	27
<b>Your money</b>	
Debt	39
Pensions, benefits & welfare	59
Taxes and finances	15
<b>Your daily life</b>	
Accidents and injuries	15
Business and non-profits	12
Cars and getting around	6
Consumer	26
Employment	46
Environment	4
Housing, tenancy & neighbours	60
Media & internet	7

Privacy & access to information	24
Rights & citizenship	38
<b>Your communities</b>	
Aboriginal	22
Disabilities	19
Gays, lesbians, trans, bisexuals	2
Immigrants and refugees	15
Seniors	8
Women	11
<b>Your family</b>	
Family law	45
Health	22
Wills, estates & life planning	23
Children & teens	18
<b>Your legal system</b>	
Legal help & lawyers	50
Courts & tribunals	39
Alternatives to court	33
Introduction to the legal system	2
Legal needs & innovative solutions	1

Figure 12: number of organizations offering services per topic 2014

Figure 13 is a graphic representation of number of services offering legal help organized by topic.

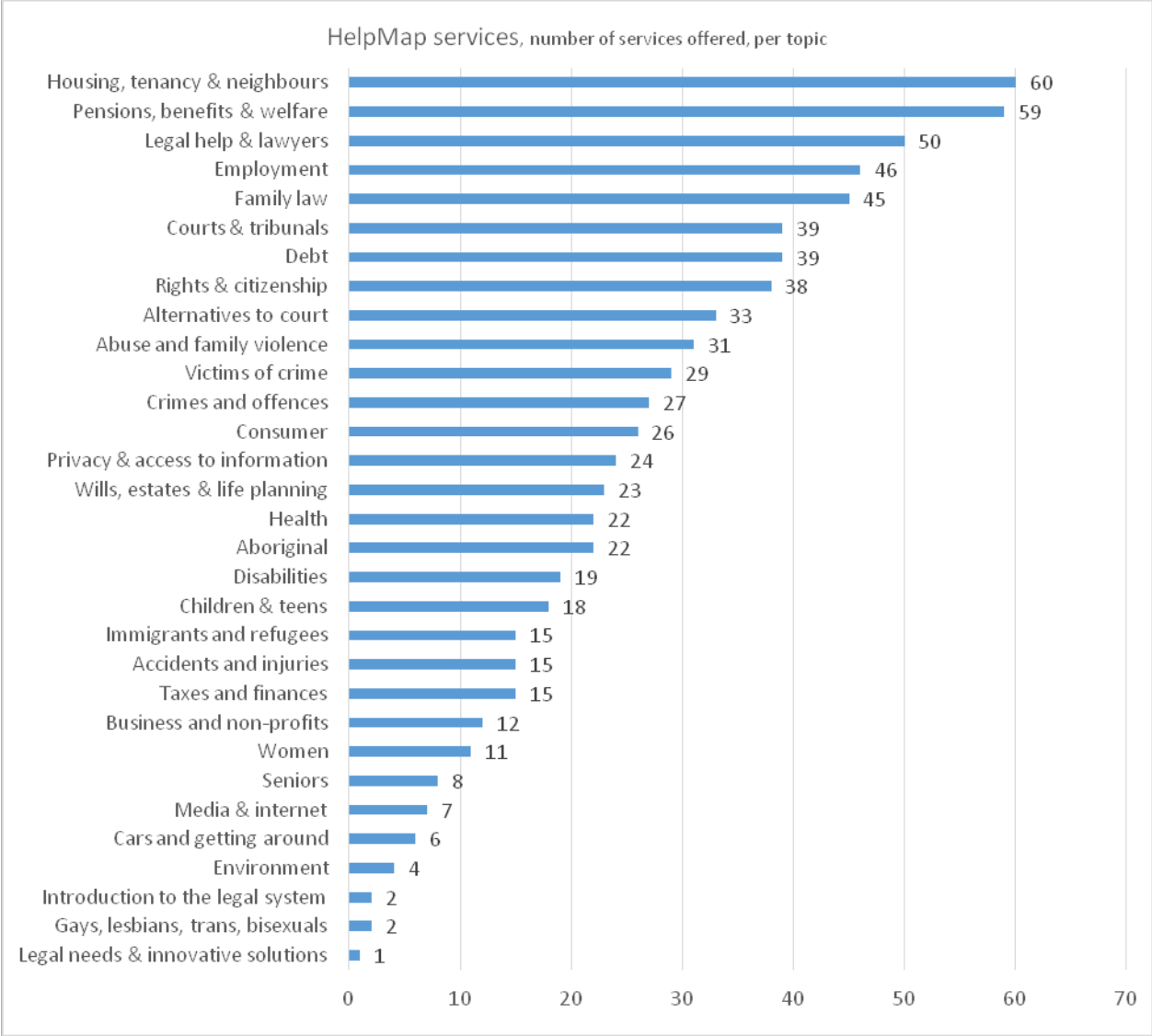


Figure 13: number of services offering legal help per topic, 2014

**Summary**

From this overview of Clicklaw producers and content, some general observations can be made:

- BC PLEI organizations continue to be the primary producers of resources listed on Clicklaw, with lawyers/law associations (e.g. CBABC) and Provincial Government ministries/agencies closely following.



- Although it appears that the number of resource listings on Clicklaw has increased by 23% since 2009, caution must be exercised when considering this statistic, given the inconsistencies in data collection in 2009 compared to 2014. See paragraph #7 under “Limitations to the Data on Resources”.
- The number of resources listed in languages other than English has increased, as has the number of languages represented; non-English language resources have declined as a percentage of total Clicklaw listed resources.
- “Family law” resource listings are the most numerous of all topics, followed closely by “courts and tribunals”, a result unchanged since 2009. The number of resources on “Disabilities” has increased significantly since 2009 (now 107 resources compared to previously-recorded 38 resources).
- Since 2009, Wikibooks have emerged as a new content delivery format. Currently there are 12 Wikibook titles appearing on Clicklaw.

## Section Three: What are the Current Legal Needs?

How people experience legal problems and what they need to resolve them continues to be an important area of study in justice communities within Canada and elsewhere. The legal needs surveys conducted by Dr. A. Currie and the Department of Justice Canada in 2004, 2006 and 2008<sup>14</sup> remain relevant in their characterization of the types of legal problems encountered by people (12 categories) and the effect these problems have on people, as measured by incidence of the problem, its level of disruption and its importance to resolve. Subsequent surveys and reports in BC and elsewhere have referenced and/or employed this framework for assessing the problem of legal needs.<sup>15</sup> The survey, “Problems of Everyday Life (2013)” completed by Ipsos Reid for the Legal Services Society of BC in May 2013 supports the analytical framework used by Currie; this more recent survey is particularly relevant to assessing legal needs for British Columbians.

Figure 15 is taken from the 2009 Report, complete with its adaptations of the Currie survey topics to Clicklaw topics for purposes of comparison.<sup>16</sup> Figure 16 illustrates the 2013 Ipsos Reid findings for the same problem categories along the dimensions of incidence, level of disruption and importance to resolve.

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<sup>14</sup> See Ab Currie, *The Incidence of Justiciable Problems in Civil Matters in Canada: Three national surveys in 2004, 2006, 2008*. (Department of Justice Canada, 2008) and *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians* (Ottawa: Department of Justice Canada, 2007)

<sup>15</sup> See Ipsos Reid, *Legal Services Society of BC Problems of Everyday Life (2013)* *supra* note 2; Carol McEown, *Civil Legal Needs Research Report*, 2<sup>nd</sup> edition (Law Foundation of BC, 2009); Michael Trebilcock et al, *Middle Income Access to Civil Justice Initiative* (University of Toronto Faculty of Law, 2011); Dr. Julie Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants Final Report* (Law Foundation of Ontario, Law Foundation of Alberta, Law Foundation of British Columbia/Legal Services Society of British Columbia, May 2013).

<sup>16</sup> See 2009 Report, p. 36.

A note of caution in comparing the results of both surveys. The Department of Justice surveys were conducted by telephone in 2004 (4201 persons surveyed), 2006 (6665 persons surveyed) and 2008 (7002 persons surveyed) on a random sample of adults across Canada in all income levels (except for 2004 where low income population only was surveyed). During those years an average 47.3% of the survey population reported experiencing at least one legal problem within the time period. This number increased to 54% when a new category (neighbourhood problems) was added in 2008.<sup>17</sup>

The Legal Services Society survey was conducted online between April 17 and April 23, 2013. The survey population consisted of 1208 adults from low income<sup>18</sup> households in BC. During that period, 79% of the population (down from 83% in 2008) surveyed reported having experienced at least one of 13<sup>19</sup> legal problems over the previous three years.

Differences in survey wording, methodology and population surveyed can account for the differences reported in the percentages of population who experienced at least one legal problem. Currie reports that internet surveys obtain a higher incidence rate than telephone surveys. This may in part account for the higher incidence figures reported in the Legal Services Society survey. As well, the difference in income levels in the populations surveyed (general income for the Department of Justice 2006 and 2008 surveys; low-income for the Legal Services Society 2013 survey) may contribute to this difference in incidence levels. The research indicates that people with low income levels are more likely to experience more justiciable problems than the general population. What is similar to both surveys, however is the ranking of problem types.

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<sup>17</sup> In "Civil Needs Research Report" 2<sup>nd</sup> ed. at p. 7 McEown cites Currie's 2008 research as demonstrating a BC-specific general incidence rate of 63%.

<sup>18</sup> Defined as either a single person household with an annual household income of less than \$40,000 per year or two or more person household with an annual household income of less than \$55,000 per year. See Tan, "Legal Services Society of BC Problems of Everyday Life (2013)", supra note 16.

<sup>19</sup> The Legal Services Society survey contains one more category ("legal action problems") than the Department of Justice surveys.

Department of Justice Legal Needs Survey, with data adapted for the purposes of comparison with Clicklaw					
Problem Category	Incidence of problem types by percentage of population experiencing problem	Problem Category	Level of disruption by percentage of population experiencing problem	Problem Category	Importance to resolve by percentage of population experiencing problem
Consumer	22	Disability pensions	60.4	Immigration	92.8
Debt	20.3	Hospital treatment or release	55.4	Family breakdown and other family problems	88.4
Employment	17.8	Personal injury	53.1	Hospital treatment or release	86
Wills & powers of attorney	5.2	Family-breakdown and other family problems	44.48	Personal injury	86.5
Family—breakdown and other family problems	5.0	Social assistance	37.5	Disability pensions	83.3
Discrimination and police action	4.0	Immigration	35.3	Wills & powers of attorney	81.9
Personal Injury	2.9	Employment	33.8	Housing	65.8
Housing* 2006 survey results as interpreted by 2009 Report	1.7	Discrimination and police action	32.94	Employment	63.9

Hospital treatment or release	1.6	Housing	31.2	Debt	55.4
Social assistance	1.2	Wills & powers of attorney	28	Social assistance	62.5
Disability pensions	1.0	Debt	18.7	Consumer	47.5
Immigration	.6	Consumer	12.6	Discrimination and police action	43.57

Figure 15: select problem types by incidence, disruption and importance to resolve: ranked in descending order by percentage, 2009 Report

2013 LSS Legal Needs Survey					
Problem Category	Incidence of problem types by percentage of population experiencing problem	Problem Category	Level of disruption by percentage of population experiencing problem	Problem Category	Importance to resolve by percentage of population experiencing problem
Consumer	42	Debt	85	Debt	91
Debt	35	Employment	75	Social assistance	87
Employment	35	Legal Action problems	75	Wills & powers of attorney	85
Housing	27	Family-breakdown and other family problems	74	Legal Action	85
Personal Injury	25	Social assistance	74	Personal injury	83
Family—breakdown and other family problems	22	Personal injury	70	Family breakdown and other family problems	82
Discrimination	19	Housing	70	Employment	82
Social assistance (includes disability pensions)	17	Hospital treatment or release	67	Hospital treatment or release	81
Hospital treatment or release	14	Immigration	64	Housing	81
Wills & powers of attorney	14	Discrimination	58	Immigration	77
Police Incidents	13	Police incidents	56	Police incidents	75
Legal Action problems	7	Wills & powers of attorney	44	Discrimination	69
Immigration	6	Consumer	37	Consumer	68

Figure 16: select problem types by incidence, disruption and importance to resolve: ranked in descending order by percentage,

Ipsos Reid 2013

### *Points of Comparison: Department of Justice Survey and 2013 Legal Services Society Survey*

The surveys can be broadly compared along the dimensions of incidence frequency, disruption and importance to resolve.

#### **Incidence**

- For each survey, the top three legal problems in terms of the prevalence with which they occur in the population are consumer<sup>20</sup>, debt and employment. Housing, wills and estates, personal injury and family relations problems also figure prominently in both surveys. These findings are consistent with information drawn from other jurisdictions across Canada and abroad.<sup>21</sup>
- By contrast, legal problems related to immigration and hospital release have a low incidence rate among populations of both surveys.
- In the 2008 Department of Justice survey, “housing” was added as a justiciable topic category<sup>22</sup>; it ranked third (at 19.5%) in order of frequency. In the 2013 LSS survey, “housing” ranked in fourth place (at 27%, down from its third placement of 36% on the LSS 2008 survey).

#### **Level of Disruption**

- Family law problems figure prominently in both surveys as causing disruption to daily lives. The largest proportion of the LSS survey population cited money/debt problems and employment problems as being disruptive. In contrast, the Department of Justice survey results indicated disability and hospital release problems as being the categories most often cited as being disruptive to daily life.

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<sup>20</sup> The incidence of consumer problems remained the most prevalent type of problem encountered by the BC survey population in 2013 (42%); it declined from 2008 (51%).

<sup>21</sup> See McEown, *supra* note 15 at p. 4.

<sup>22</sup> The Figure 15 reference to “housing” is Reid’s interpretation of the Department of Justice 2006 survey results, modified for purposes of comparing them to Clicklaw inventory. For explanation, see 2009 Report at pp 36 and 37.

- For both surveys, consumer problems caused the least disruption to daily life.
- With the exception of consumer and wills and powers of attorney categories, in the LSS survey, the majority (56%-85%) of those who experienced legal problems say they have disrupted their daily lives.

### **Importance to Resolve**

- In the LSS survey, the large majority of BC residents who indicated that they have experienced at least one legal problem (68% to 91%) say it is extremely important to get the issues resolved.
- Debt, social assistance and wills and powers of attorney rank in the top three categories of problems extremely important to resolve in the BC survey. This is a change from 2008, when employment and family relationship problems ranked first and third respectively as important to resolve.
- Immigration, family problems and hospital treatment or release rank in the top three categories of problems extremely important to resolve in the Department of Justice survey.

### *How Do People Deal with Their Problems?*

The 2013 Ipsos Reid report for the Legal Services Society of BC identifies six key findings<sup>23</sup>:

- A sizable proportion (60%) of BC residents who faced justiciable problem(s) chose to resolve them on their own.

As would be expected, the action taken depended on the nature of the problem.

A greater percentage of people who experienced the following problems chose to “do it

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<sup>23</sup> See supra note 5 at pp.12, 13

on their own”: money/debt problems, consumer problems, housing/land problems, welfare/social assistance problems, employment problems, discrimination problems. For all other problems, BC residents were more or equally likely to seek legal or non-legal help than solve it on their own.

For more technical problems (family, wills, legal action), BC residents were more likely to seek legal help, however a sizable proportion of BC residents with such problems try to resolve them on their own .

- BC residents are not always aware of their rights when dealing with particular problems and are not fully familiar with the services available to assist them or how to access these services.
- Those who are most marginalized (e.g. those who experience welfare/social assistance problems) need help the most. 39% who experienced welfare/social assistance problems reported that they resolved the issue on their own. 29% took no action at all. 47% thought the resolution would have improved if they had more assistance.
- The majority of respondents who have experienced legal problems and sought assistance are likely to be satisfied with the assistance, whether it is legal or non-legal type of assistance.
- BC residents perceive legal assistance as too expensive and therefore may choose not to seek legal assistance even in cases when it might be needed.
- BC residents identified non-legal support as the type of assistance they believe would have helped them achieve a better resolution. Examples of their preferred types of support were “additional or better information” followed in preference by “someone to explain the legal aspects and/or help fill out the forms” and “someone to intervene with the opposing party”.



A survey of the literature on how people in a variety of jurisdictions respond to legal problems reveals subtle differences among them, possibly culture-based.<sup>24</sup> Canadian and English studies indicate that survey respondents are likely to seek out a variety of resolution strategies, including seeking social services. By contrast, in the American studies, seeking legal help features more prominently among problem resolution strategies. Despite this, a number of similarities exist among jurisdictions:

- People are more likely to seek legal help for family law problems than for other civil and administrative law problems. This is consistent with the 2013 Ipsos Reid findings.
- A large percentage of people across jurisdictions do not deal with their legal problems (in BC, 23%--LSS survey; in Canada, 22%--Department of Justice 2006 survey)
- Reasons for not dealing with a problem: thinking nothing can be done was the main reason cited in the Ipsos Reid survey for not taking action, followed by not knowing what to do and high stress.
- Demographics influence the individual's experience with dealing with justiciable problems. Educated, middle aged, middle income persons are better able to resolve their problems; they are more equipped to engage with complex legal institutions.
- The poor and the vulnerable (single parents, the unemployed, Aboriginals, immigrants, members of visible minority groups, people on welfare/social/disability assistance, the unemployed) are more likely than the general population to report at least one legal problem.
- One type of legal problem (e.g. domestic violence) often leads to another (e.g. relationship breakdown) as well as to problems of other types e.g. (health, financial).<sup>25</sup>  
All of these have social and economic cost.

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<sup>24</sup> See McEown *supra* note 16 at pp 11 and 12

<sup>25</sup> See Currie, *The Legal Problems of Everyday Life*, *supra* note 14, at pp42-48

Over the past decade, the number of self-represented litigants in family and civil court has increased dramatically.<sup>26</sup> This is primarily the result of their inability to afford to retain, or continue to retain legal counsel. Financial eligibility levels for legal aid funding are low<sup>27</sup>, and available for only a limited numbers of areas of legal services.<sup>28</sup> Cost of legal services and length of legal proceedings continue to increase. Unaffordability of legal services is not only the experience of low-income earners but also middle-income earners, the latter who earn too much to qualify for legal aid, but not enough to retain a lawyer for a matter of any complexity or length.<sup>29</sup>

In her study of self-represented litigants<sup>30</sup> (“SRLs’), Dr. Macfarlane identifies four aspects of how SRLs engage with the justice system. These are relevant to a discussion of the legal needs of this cohort of the BC population.

- SRLs and court forms

SRLs experience difficulty with completing court forms, whether in online or paper formats. Most common complaints are: which form applies?; the forms are too complex; language on the forms is not understandable; inconsistent information received from court staff/judges; court guides to forms not helpful—too complex, confusing, not understandable. Online court forms are not user-friendly (e.g. inconsistencies within form re: formats of fields, technical difficulties with completing fields).

- Online resources for SRLs

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<sup>26</sup> See Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self Represented Litigants*, *supra* note 15 at p 15. Dr. Macfarlane notes at p.25 that in BC at the time of her report 60% of her survey population were in family court, either provincial or divorce court. The figures for non-family civil court were 18 % civil, 13% small claims, 9% tribunals (survey population in BC, Alberta and Ontario).

<sup>27</sup>E.g. To be eligible in BC, net monthly income for a household of 1 must be \$1480 or less; for a household of 2, \$2070 or less.

<sup>28</sup> For services covered in BC, see [http://www.lss.bc.ca/legal\\_aid/legalRepresentation.php](http://www.lss.bc.ca/legal_aid/legalRepresentation.php).

<sup>29</sup> Rt. Honourable Beverley McLachlin, P.C., from “Forward” in Trebilcock, Duggan and Sossin, eds., “Middle Income Access to Justice”, *supra* note 15 at ix.

<sup>30</sup> See *supra* note 15.

Much of the information provided by courts and other organizations consists of online forms, informational websites and related technologies. The assumption of the information providers is that the internet can enhance access to justice. Dr. Macfarlane provides a note of caution to this:

*While many of [the new initiatives in programming and support for SRLs] are in relatively early stages of development, this study suggests there are significant limitations and deficiencies to this material. On-line resources often require some level of understanding and knowledge in order to be able to make best use of them.*<sup>31</sup>

Common weaknesses to online resources identified by SRLs in Dr. Macfarlane's survey include: an emphasis on substantive legal information and a lack of practical, procedural information; advice on negotiation and speaking to the other side needed; information on presentation techniques missing; broken links; legal jargon in guides; multiplicity of websites, online resources with inconsistencies in information among them; no means of identifying which of the online resources are reliable or most "legitimate".

She concludes

*The study data also shows that no matter how complete, comprehensive and user-friendly.....on-line resources are insufficient to meet SRL needs for face-to-face orientation, education and other support. Enhanced on-line technologies can be an important component of SRL programming.....but cannot provide a complete service.*<sup>32</sup>

It should be noted that the 62% of the BC-resident portion of the survey population in Dr. Macfarlane's study reported having a university degree (this explained in part by the voluntary opt-in nature of her study). There was no evidence that the persons who participated in the study had mental health issues in percentages different from those found in the general population.

- Legal Information for SRLs

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<sup>31</sup> See Macfarlane, *supra* note 15 at p.10

<sup>32</sup> *Ibid*, at p. 10

Dr. Macfarlane's study notes that SRLs want more and better legal information. Court staff (registry staff and BC Justice Access Centre (JAC) staff) are identified as the most common source for legal information for SRLs. There are however, difficulties with SRLs accessing information from them: Information services such as the JAC or mediation services are not clearly "signposted" in courthouses or on court websites; JAC and registry staff also work within time constraints (number of persons seeking information increasing) and have the limitation of providing legal information only—not legal advice.

- Other Support and Resources for SRLs

SRLs identified a number of additional needs to support them in representing themselves in court: general orientation and education workshops regarding what to expect in self-representing; practical tools (advocacy, completing forms); one-on-one coaching (e.g. document review, answering questions); office support—printing, photocopying, computers.

### *Summary*

Despite the limitations of legal needs surveys<sup>33</sup>, some general observations can be made:

- Law-related problems are prevalent throughout society, being reported in different surveys between 19% to 87% of the population, depending on the survey.
- The socially excluded tend to experience multiple problems, although a high percentage of the general population experiences at least one problem.
- Middle-income, middle aged people are better able to resolve their problems with fewer consequences than other segments of society.

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<sup>33</sup> See Trebilcock et al, supra note 15 at 22-24. Among limitations cited are 1) limited ability to assess severity of legal problems (subjective judgments of respondents) 2) limited time period surveyed does not lend itself to proper assessment of long-term impact of legal problems 3) Legal needs surveys are limited in their abilities to predict future needs. Future needs may be influenced by demographic trends (e.g. aging population) not within the scope of typical legal needs surveys.

- Debt and employment legal problems figure prominently among British Columbians in the 2013 Ipsos Reid survey along all of the dimensions of frequency, disruption to everyday life and importance to resolve.
- Family breakdown problems, while not as frequent as some other legal problems, follow closely behind in frequency. However, in terms of disruption and importance to resolve, they rank high.
- What action, if any, people take in response to their legal problem depends upon the nature of the problem. Types of legal problems that people tend to handle themselves include debt, consumer, housing problems. For more complex/high consequence matters (e.g. family, legal action), they are more likely to seek help.
- A large percentage of BC residents (60%) who face legal problems choose to handle them on their own. This is due primarily to the high cost of legal services.
- A large percentage (23%) of BC residents with legal problems do nothing to resolve them. Primary reasons for this response: thinking nothing could be done and not knowing what to do.
- The prevalence of justiciable problems throughout the general population may suggest the need for more non-court resolution options.
- The number of self-represented litigants in recent years has grown dramatically. This segment of the population has high information and resource needs. Information on both procedural and substantive matters is important, along with advice on what to expect in the litigation process (length of time, risks, possible outcomes), forms completion and strategy.
- The availability of resources on the internet does not replace the need, especially for self-represented litigants, for in-person help.

## Section Four: Comparison of Clicklaw Content to Needs Surveys

Figure 17 uses the same categories used in the Currie legal needs study and ranks them by the numbers of resources listed on Clicklaw (most to fewest resources).

	Clicklaw topics matching Department of Justice study and LSS survey <sup>34</sup>	Number-April, 2014	Percentage of total resources in 12 categories
1	Family law	315	24.8
2	Rights & citizenship (includes police action, discrimination)	131	10.3
3	Pensions, benefits & welfare	110	8.7
4	Disabilities <sup>35</sup>	107	8.4
5	Wills, estates and life planning	104	8.2
6	Housing, tenancy & neighbours	90	7.1
7	Employment	79	6.2
8	Immigrants & refugees	83	6.5
9	Debt	78	6.1
10	Consumer	74	5.8
11	Health	65	5.1
12	Accidents & injuries	34	2.7
		1270	100

Figure 17: Clicklaw Inventory 2014: selected topics ranked by prevalence.

It should be noted that for a number of the topic categories in Figure 17 (e.g. “Rights and citizenship”), the majority of resources are of the “reform and research” type and of limited use to persons with a legal problem seeking to exercise their rights.

Figure 18 compares the topics in the Clicklaw inventory with the rankings of incidence, disruption and importance to resolve contained in the 2013 Ipsos Reid survey for the Legal Services Society. Each was ranked on a scale of 1-12, with 12 being, most frequent, most disruptive, most important to resolve. Figure 18 differs somewhat from Figure 20 in the 2009 Report: the 2009 Report compared 2009 Clicklaw resource inventory to the 2006 Department

<sup>34</sup> Ipsos Reid 2013 survey has separate categories for “discrimination problems” and “police incidents”. Corresponding Clicklaw resources are contained under one topic “Rights and Citizenship”. The Ipsos Reid survey also contains the category, “legal action problems”. Since there is no comparable Clicklaw topic, this category has been omitted from this analysis.

<sup>35</sup> No comparable category for “disabilities” in Ipsos Reid survey

of Justice survey results on legal needs; Figure 18 in this report compares the 2014 Clicklaw resource inventory to the 2013 Ipsos Reid survey results on legal needs. Also, as previously stated, the Department of Justice 2006 and 2008 surveys were conducted on a general population (all income levels) throughout Canada by telephone, while the Ipsos Reid survey was conducted on low income<sup>36</sup> British Columbians by internet. Wording of questions and a few categories of legal need (e.g. “disabilities”) identified in each survey differed. These factors in part will contribute to differences in survey results.

Figure 18 may provide some insight into legal needs and the availability of Clicklaw resources on legal needs topics. The bars represent the percentage each topic represents of the total number of resources in the 12 topic categories. The circle, square and diamond shapes represent rankings of incidence, disruptiveness and importance, respectively. Some general observations based on Figure 18 include:

- Debt issues rank highest along all three dimensions combined, but low in the Clicklaw inventory scale.
- Family law issues rank moderate along all three dimensions combined, and high on the Clicklaw inventory scale.
- Pensions, benefits, welfare and employment rank moderate to high along all three dimensions combined and low to medium on the Clicklaw inventory scale.
- Disabilities ranks moderate on the Clicklaw list of inventory, however they were not identified as a separate topic category on the Ipsos Reid survey. Nevertheless I have included this category because of its increased ranking in the 2014 inventory when compared to the 2009 inventory.

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<sup>36</sup> Up to \$40,000pa, single person household; up to \$55,000pa, 2+ person household.

- The differences among the amounts of resources per topic category in the 2014 inventory of 12 resources are greater than the differences were in 2009. For example, in 2014, family law resources make up close to 25% of the resources in the 12 topic categories. In 2009, it represented 19% of total resources in these topic categories. Also in 2014, the next most numerous category, rights and citizenship represents 10.5% of Clicklaw inventory for 12 topics, down from 12% in 2009. Similarly in 2014, each of employment, housing and neighbours and pensions categories represent a smaller percentage of the total than they did in 2009. The percentage increase in family law resources relative to other categories is due in part to the introduction of new family legislation in BC in 2011.



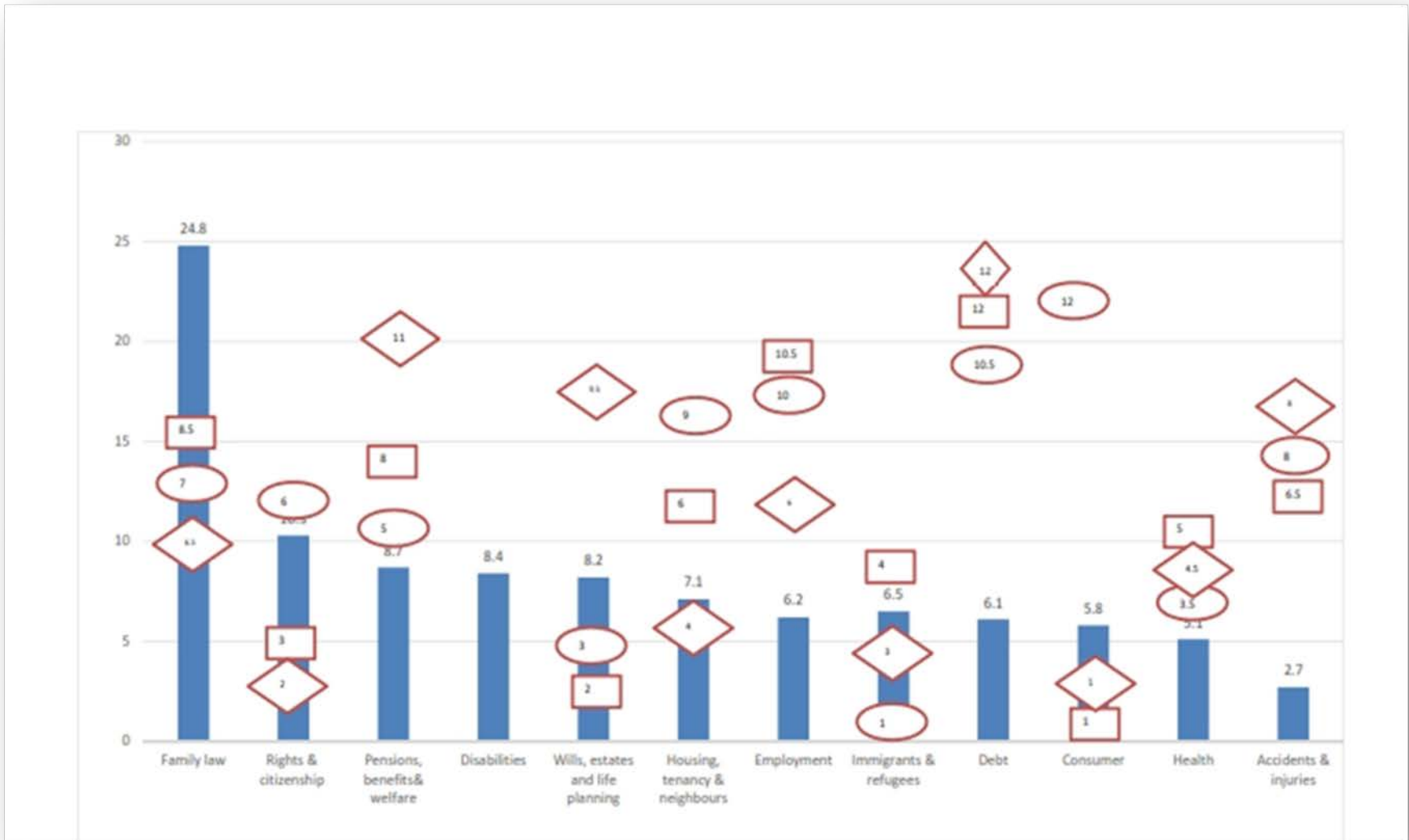


Figure 18: Comparison of 12 topics in Clicklaw Inventory with 3 Dimensions of Legal Needs, 2014

<b>Legend</b>
frequency
disruptiveness
importance to resolve
% Clicklaw resources/ topic, total of 12 topics



### *Gaps*

When we talk about gap analysis in the PLEI sector, we typically mean how well current resources allocated to a legal need meet the targeted legal need. The distance between actual performance of the resources in satisfying the need and optimal performance of the resources constitutes the “gap”. The gap represents the area for improvement and provides a foundation for measuring the investment of time, money and human resources to achieve a particular outcome.

The “optimal performance” of resources in the PLEI sector could be defined as resources that succeed in developing “legal capability” in the user of the resources. Legal capability generally means possessing the knowledge, skills and confidence needed to successfully resolve everyday problems.<sup>37</sup>

There are challenges to determining whether PLEI resources are successful in developing legal capability for the users of those resources. Put simply, gap identification is “tricky”:

- Resources in any one legal category are varied: multiple media formats, languages, learning levels, types (forms, reports etc).
- Resource users are varied: education levels, language, culture, physical abilities, geography, gender, reasons for wanting legal information

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<sup>37</sup>The Law For Life Foundation for Public Legal Education, a UK charity, has developed a body of research on legal capability. See <http://www.lawforlife.org.uk>.

- Evaluation is difficult. Does each resource satisfy the requirements of being legally accurate, understandable (to whom—basic, intermediate, advanced learner), user friendly? Was the resource effective in developing legal capabilities (knowledge of legal issues, skills in applying, attitudes (e.g. confidence) to enable the user to deal with the legal problem? Assessing one resource—let alone multiple resources within one topic category—along these dimensions requires an investment of human resources trained in evaluation, time (especially for longitudinal evaluation) and money.
- Extrinsic events can affect need and create a gap that may not have existed previously. Examples: demographic changes (aging population, increased number of refugees from specific geographic area), changes to law (e.g. new family, wills legislation).

The methodology used to identify gaps in the 2009 Report and this report gives prominence to the **number** of resources in a legal category as a measure of the adequacy of resources to meet a need in that legal category. Of course, it is not: for example, although there are relatively few Clicklaw resources in the area of consumer law, this in itself does not mean that these few resources do not satisfy perfectly well the needs of people seeking information to help them with their consumer law problems.<sup>38</sup> Similarly, the volume of resources in any one legal category is not determinative of the quality (accuracy, usability, effectiveness) of the resources. Number of resources therefore is at best an imprecise tool to measure sufficiency to meet a need. Number of resources in a category must be accompanied by an assessment of other factors (resource types, formats; demographic, economic information) to gain a more accurate picture as to whether current resources are meeting a need—in short whether or not there is a

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<sup>38</sup> Also, as stated earlier, individual resources in a legal category can be more lengthy and comprehensive and offer a greater amount of information than topics with many more individual resources.

“gap”. A more rigorous analysis of resources involving assessment through user testing or expert review would also be required; this however is beyond the scope of this report.<sup>39</sup>

Figure 19 is a matrix of gaps. As in the 2009 Report, the matrix is organized by legal topics as the user would approach them. Assessment of size of gap is based primarily on **number** of resources per topic together with the author’s evaluation of research findings on user need based on culture, demographics, and the Department of Justice and Ipsos Reid needs surveys findings.

Information on the currency of the resources is not available at this time. The Clicklaw database reflects the year a resource was produced, but does not always reflect when the resource was updated. Prior to the introduction of new legislation on family law and wills and estates law, Courthouse Libraries BC staff encouraged Clicklaw Contributors to include new or update material on the site and to remove outdated material. Staff advise that most Contributors are good at removing outdated resources, but that sometimes Contributors “need a nudge” to do so. In limited instances where the material was obviously outdated, Courthouse Libraries BC staff themselves removed the resource and informed the Contributor of this.

Courthouse Libraries BC staff have identified promoting resource currency and resource dating as a high priority for its coming year. Recently they enhanced Clicklaw contributor and administrator tools to enable them to support Contributors in the latter’s “housekeeping” of their listed resources. It is Courthouse Libraries’ goal to encourage all Contributors<sup>40</sup> to keep their materials up to date and to identify a legal review date on their materials (an annual review of materials would be optimal). This would assist the user in judging the currency of a resource.

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<sup>39</sup> The 2009 Report identified its approach to gaps as :“this paper takes a content approach, which provides broad-brush information” It acknowledged the limitations to the content (i.e. legal topics) approach and considered additional contextual factors in reaching its assessment of whether a gap was “small” , “medium” or “large”. It cautioned using the quantitative approach to gap analysis “Neither the matrix not the paper as a whole examines topic areas with an eye to passing editorial judgment (e.g. “this topic area has x pieces of clear, user-focused information and y pieces of information that could be improved”). This would, however, be an appropriate task for network members as they plan collaboratively for the future.” See 2009 Report, pp 52 and 53.

<sup>40</sup> Currently, Legal Services Society and The People’s Law School include a legal review date on their materials.

Topic (alphabetical order)	Clicklaw Resources Profile—April 2014	Comments	Gap
Aboriginal	<p>The category “Aboriginal” has two meanings:</p> <p>a) “aboriginal law” as a body of law that includes such matters as the <i>Constitution Act</i> (sections), the <i>Indian Act</i>, <i>Indian Health Transfer Policy</i>, treaties, land claims, fishing rights, band rights, residential schools settlement, case law (e.g. Gladue, Delgamuukw) dealing with aboriginal peoples and</p> <p>b) aboriginal people as a particular “cohort” of PLEI users, with special needs. Under this definition, “aboriginal” PLEI resources would be those that cover “mainstream” areas of law (e.g. family, courts and tribunals), however do so in culturally sensitive ways. Examples of these resources are the Justice Education Society’s Northern Native PLEI Education program, with its resources on the justice system tailored for aboriginal youth; its Aboriginal Parenting After Separation Program; the Legal Service Society’s Aboriginal Law website with its variety of resources on child protection, wills and estates, housing, social assistance etc.</p> <p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 2% to 6%). 57 more resources listed compared to 2009.</p> <p>Extensive LSS website section on Aboriginal legal issues.</p> <p>Help map: 20% of listed services for legal help on aboriginal topics.</p>	<p>Given high proportion of Aboriginals in justice system and prevalence of low-income levels among this population, need is high.</p> <p>Oral tradition of this cohort suggests further investigation as to the effectiveness of the existing resources:</p> <p>*Is text format effective? Is multimedia (audio, video, guided enquiry) more effective?</p> <p>*Who uses resources: intermediaries? People with problems? Which is the most effective media format for each type of user?</p>	large
Abuse & family violence	<p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 6.5% to 7.3%). 28 more resources listed compared to 2009.</p> <p>Extensive LSS family law website with multimedia features and resources in multiple languages.</p> <p>Help map: 28% of listed of listed services for legal help on on abuse and family violence topics.</p>	<p>Statistics on the incidence of family violence in Canada indicate that self-reported spousal violence has remained stable since 2009 (Statistics Canada General Social Survey)</p> <p>2009 report commented: “Current networks [of front line service providers with PLEI providers] are well situated to determine the need for new information, and community-driven content has been developed by BC PLEI”.</p>	small
Alternatives to court	<p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 4% to 4.6%). 22 new resources created since 2009.</p> <p>A variety of websites: LSS (family, aboriginal), JES (administrative law) and BC Ministry of Justice (various)</p> <p>Help map: 30% of listed services for legal help on alternatives to court.</p>	<p>Segment well served.</p> <p>Keep watching brief on BC government initiatives on dispute resolution tribunals. May indicate future demand for resources.</p>	small
Accidents and injuries	<p>Incidence, importance is med-high; disruptiveness medium.</p>	<p>Resources needed. See 2009 Report comment on “middle-ground”</p>	large

	<p>Fewest number of listed resources among 12 “everyday legal problem” topics. Since 2009, resource listings in this category have decreased as a % of total Clicklaw resource listings (from 3% to 2.4%). 7 more resources listed than in 2009.</p> <p>Large percentage of resources are CBA Dial-a-law scripts, BC Law Institute research papers and material related to WCB claims.</p> <p>Help map: 13% of listed services for legal help on accidents and injuries.</p>	information needed.	
Business and non-profits	<p>Since 2009, resource listings in this category have slightly increased as a % of total Clicklaw resource listings (from 2% to 2.7%). 13 more resources listed than in 2009.</p> <p>High percentage of BCLI research papers (advanced level) and material for non-profits and charities.</p> <p>New website “PLEI for Non Profits” does not appear on Clicklaw currently, but has been identified for listing.</p> <p>Help map: 11% of listed services for legal help on business and non-profits topics.</p>	<p>Information sparse and not much at middle-ground level.</p> <p>No material addressing issues businesses encounter between start up and wind-up, except for some material on D&amp;O obligations.</p> <p>Given demographics (increasing number of self-employed), would make sense to have material for this cohort.</p>	large
Cars and getting around	<p>34 resources listed</p> <p>Majority of resources on driving offences. 1 Dial-a-law script on buying a car.</p>	<p>New category.</p> <p>Could benefit from additional resources re: buying and selling a vehicle and on licensing requirements for vehicles in addition to cars.</p>	small
Children and teens	<p>Like the categories “Aboriginal” and “Seniors” youth”, “Children and youth” has a dual meaning: a) as a body of law that applies specifically to children and to youth (e.g. <i>Youth Criminal Justice Act</i>, children’s rights to express their views on whether to get medical or psychiatric treatment)) and b) children and youth as a particular “cohort” of PLEI users, with special needs. Under this definition, “children and youth” PLEI resources would be those that cover “mainstream” areas of law (e.g. criminal law, health care treatment and consent, family )however do so with a focus on the needs of child and youth users. Examples of PLEI resources designed specifically to address needs of children and youth as users include Justice Education Society’s “Law Lessons: Youth and Criminal Law” and “Families Change: Guide to Separatio and Divorce” and West Coast Leaf’s “Youth in the Workplace” program.</p> <p>Since 2009, resource listings in this category have slightly increased as a % of total Clicklaw resource listings (from 5% to 7%). 48 more resources listed than in 2009.</p> <p>In 2012, new websites “Legal Rights for Youth” and “Law Lessons”, both by JES.</p> <p>Help map: 16% of listed services for legal help on children and teens topics.</p>	<p>This category is general, with diverse collection of resources for diverse audiences (children, teens, their parents, teachers).</p> <p>Resources need curating—one resource seemingly repeated 5 times (“Changeville” and variations thereof. A number of others may be outdated.</p>	small

Consumer	<p>Incidence high, importance and disruptiveness low.</p> <p>Third lowest number of listed resources among 12 “everyday legal problem” topics. Since 2009, resource listings in this category have decreased as a % of total Clicklaw resource listings (from 7% to 5%). 6 fewer resources listed than in 2009.</p> <p>New Consumer Law Wikibook by PLS.</p> <p>Help map: 23% of listed services for legal help on consumer topics.</p>	<p>High incidence in needs surveys + comparatively low number of resources argues for consideration of creating new resources, particularly those at mid level. Large percentage of existing resources are basic or advanced.</p>	large
Courts & tribunals	<p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 19% to 21%). 89 more resources listed than in 2009. Ranked second in number of listed resources.</p> <p>Lots of variety in formats offered (e.g. website: Small Claims BC, JES).</p> <p>Help map: 35% of listed services for legal help on courts and tribunals topics.</p>	<p>Needs survey reveals steady increase in: # of self-represented litigants; continuing difficulties of SRLs in navigating court processes and in completing forms. Despite volume of resources in this category, need acute. (2009 Report: “users need all the assistance they can get”).</p> <p>Increased prominence of civil tribunals may occasion need for additional resources in this category.</p> <p>Recommend: further study, evaluation of users (e.g.SRLs) experience with selected resources in this category. More resources may not be necessary (exception: see comment re: tribunals, above). Focus should be on seeing whether existing resources work, and improving them/their delivery/their marketing to users.</p>	large
Crimes and offences	<p>119 resources</p> <p>Variety of resource topics, PLEI providers, learning levels,</p> <p>New JusticeBC website</p> <p>Help map: 24% of listed services for legal help on this topic.</p>	<p>New category. Formerly “victims and crime”, with 146 listed resources in 2009. Two new categories “Crimes and offences” and “Victims of crime” total 215 resources.</p>	small
Debt	<p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 3% to 5%). 41 more resources listed than in 2009. Despite this continues to rank low in number of listed resources when compared to other topic categories..</p> <p>Resources are primarily basic (e.g. animated series on credit cards, PLS) and advanced, designed primarily for intermediaries (e.g. LSLAP, LSS, Law Centre resources).</p> <p>Help map: 35% of listed services for legal help on debt-related topics.</p>	<p>Needs survey shows acute need along all three dimensions. Acute need+ low number of resources suggests large gap.</p> <p>Research indicates persons with debt problems typically do not seek legal assistance, but handle problems themselves. This suggests more resources for SRLs.</p> <p>Recommend focus on needs of individuals dealing with debt problems themselves (i.e. as opposed to intermediaries) and the resources suitable for them. Conduct <b>needs analysis</b> of this group plus <b>user testing</b> with them of selected existing resources to see what works and what doesn't. Consider website of Credit</p>	large

		Counseling Society ( <a href="http://www.nomoredebts.org">www.nomoredebts.org</a> ) and consulting with them for ideas for types of topics, resources and methods of educating this cohort.	
Disabilities	<p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 3% to 7%). 69 more resources listed than in 2009. Ranked high in number of listed resources when compared to other legal topics.</p> <p>Numerous fact sheets from BC Coalition of People With Disabilities; Povnet and various government ministries prominent information providers in this topic category.</p> <p>Help map: 17% of listed services for legal help on disabilities.</p>	<p>Need high: high incidence of legal problems among the disabled (e.g. social assistance problems).</p> <p>Demographic shift: with aging population, percentage of persons with disabilities (physical, mental) will increase, therefore creating greater demand for PLEI resources.</p> <p>Consider: Despite large increase in number of resources since 2009, are they effective? Consider working with BC Centre of People with Disabilities and/or comparable user groups for analysis and PLEI resource testing with this cohort.</p>	medium
Employment	<p>Clicklaw statistics show decrease* in number of resources in this category since 2009 ( from 126 to 79)</p> <p>Help map: 41% of listed services for legal help on employment problems</p> <p>* reason for decrease in this category and subsequent categories in this matrix unknown. See earlier section in this report, "Limitations to the Data on Resources"</p>	<p>Needs survey: high incidence, disruptiveness; moderate importance to resolve.</p> <p>Users tend not to seek legal assistance; those seeking help often use intermediaries (government agencies, advocates), therefore creating demand for resources by intermediaries. Also demand by SLRs.</p>	medium
Environmental	<p>Number of resources doubled in past five years, from 31(3% of then-total) to 64 (4% of total).</p> <p>West Coast environmental Law primary provider.</p> <p>Help map: 4% of listed services for legal help on environmental law issues</p>	No data on legal needs.	small
Family law	<p>Largest resource representation. Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 20% to 22%). 86 more resources listed than in 2009.</p> <p>New <i>Family Law Act</i> in 2011 resulted in new and amended resources.</p> <p>Help map: 40% of listed services for legal help on family law issues</p>	<p>Needs survey shows moderate needs along three dimensions.</p> <p>PLEI resources meet need; evaluation of resources by users and intermediaries recommended.</p>	small
GLTB	<p>Since 2009, resource listings in this category have stayed constant as a % of total Clicklaw resource listings (at 1%). 3 more resources listed than in 2009.</p> <p>Help map: 17% of listed services for legal help on</p>	More research on legal needs of this user cohort recommended.	medium



	disabilities.		
Health	<p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 3% to 4.5%). 32 more resources listed than in 2009.</p> <p>Most viewed on Clicklaw resources are Dial a law scripts. Predominance of fact sheets, brochures and short information pieces.</p> <p>Help map: 20% of listed services for legal help on health issues.</p>	<p>Needs survey shows moderate need along all three dimensions. Access to justice reform literature emphasizes addressing health issues at early stages of resolution continuum.</p> <p>Demographics: aging population over time will increase demand for resources on this topic.</p> <p>Consider: need for “middle ground” information for problem-solver (e.g. not intermediary, not basic overview information)</p>	Medium to large.
Housing, tenancy & neighbours	<p>Clicklaw statistics show decrease in number of resources in this category since 2009 ( from 115 to 90)*</p> <p>Largest percentage of resources are for tenancy; second largest real property matters (e.g. conveyancing, strata). Negligible number of “neighbours” resources.</p> <p>Good representation of resources offered in languages other than English.</p> <p>Help map: 54% of listed services for legal help on housing issues</p> <p>*but see caveat re: data collection methods under “Limitations to the Data” in this report.</p>	<p>Needs survey (category: “housing/land”): high frequency, moderate disruptiveness, moderate to low importance to resolve.</p> <p>High frequency of issues suggests consideration of resource creation, particularly for “neighbours” topic (e.g. property disputes re: tree-cutting, property line, nuisance problems)</p>	Small: tenancy Medium: housing Large: neighbours
Immigrants & refugees	<p>Since 2009, resource listings in this category have increased slightly as a % of total Clicklaw resource listings (from 5% to 5.7%). 22 more resources listed than in 2009.</p> <p>Immigrant PLEI Consortium project (2009-2014) created resources for immigrants and in its later years online training for intermediaries.</p> <p>Help map: 14% of listed services for legal help on issues relating to immigrants.</p>	<p>Needs survey: low incidence, importance to resolve; low to moderate disruptiveness.</p> <p>Research suggests this cohort relies on intermediaries for help with legal needs. Research also suggests immigrants face higher barriers to accessing justice than general population.</p> <p>Federal CIC funding changes effective April 2014 may result in fewer law-related resources produced by settlement agencies thereafter.</p>	medium
Introduction to the legal system	<p>Since 2009, resource listings in this category have decreased as a percentage of total Clicklaw resource listings (2.3% to 1.7%) 1 more resource listed than in 2009.*</p> <p>Category primarily for teachers and students. Information also available for immigrants under “immigrants and refugees”.</p>	<p>BC school curriculum on law-related topics unchanged since 2009, however revisions pending.<sup>41</sup></p> <p>Challenge will be for PLEI organizations to update existing educational materials for teachers with new lesson activities, case</p>	small

<sup>41</sup> However, April 29, 2014 announcement by BC government of changes in curriculum for kindergarten to post-secondary levels may have the effect of directing a greater proportion of resources away from liberal arts subjects to labour-market-based trades training. It is unlikely that law and citizenship curriculum will figure prominently in the planned changes. Incorporating law and citizenship topics in new curriculum may be a challenge.

	<p>A number of websites for teachers with resources on the legal system (JES); websites re: specific courts in BC (JES) and "Learning About the Law" wikibook (PLS).</p> <p>*but see caveat re: data collection methods under "Limitations to the Data" in this report.</p>	<p>studies.</p> <p>Evaluation of resources should be undertaken (teacher and student evaluations for usability and effectiveness) before commissioning additional resources (exception: updates referred to above).</p>	
Legal help and lawyers	<p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 4.3% to 7.2%). 53 more resources listed than in 2009.</p> <p>Help map: 45% of listed services for legal help on issues relating to this category.</p>	<p>Since 2009, number of Clicklaw-listed resources in this topic category has doubled .</p> <p>No large need to increase <b>number</b> of resources, but need exists to raise <b>awareness</b> of their existence among intermediaries (e.g. doctors, credit counselors, service agencies) and the general public.</p> <p>Consideration should be given to initiatives that <b>raise visibility of PLEI</b> throughout general population, so that they are aware that resources to solve everyday problems exist.</p>	Medium-large
Legal needs & innovative solutions	<p>Since 2009, resource listings in this category have increased dramatically as a % of total Clicklaw resource listings (from 1.5% to 5.5%). 18 resources were listed in 2009; 79 listed in 2014</p>	<p>Need exists to build capacity in more PLEI providers to engage in <b>analysis of target resource users</b> and <b>resource evaluation as integral to their planning and operations.</b></p>	medium
Media & internet	<p>Clicklaw statistics show decrease in number of resources in this category since 2009 from 19 to 13 resources).*</p> <p>Help map: 6% of listed services for legal help relating to this category.</p> <p>*but see caveat re: data collection methods under "Limitations to the Data" in this report.</p>	<p>Data needed on legal needs for this category.</p> <p>Social trends: prominence of media and internet in society suggests that additional PLEI resources would be useful (e.g. cyberbullying, torts: libel and defamation; ownership issues including copyright and trademark; interface of social media and privacy, employment practices.</p>	Small-medium
Pensions, benefits & welfare	<p>Third in ranking of most numerous of listed resources.</p> <p>However, Clicklaw statistics show decrease in number of resources in this category since 2009 (from 142 to 110 resources; 12% of total then-listed resources to 7.6% of current listed resources).*</p> <p>Help map: 53% of listed services for legal help relating to this category.</p> <p>*but see caveat re: data collection methods under "Limitations to the Data" in this report.</p>	<p>Needs survey: high importance to resolve; medium-high disruptiveness; medium incidence.</p> <p>Literature suggests that the poor are particularly prone to legal problems and have fewer personal resources to address them.</p> <p>Demographics: aging population suggests growing demand for information in this category.</p> <p>Medium-high gap ranking due to aging population and high ranking for "important to resolve" need category.</p>	Medium-large
Privacy & access to information	<p>Clicklaw statistics show decrease in number of resources in this category since 2009 (from 69 to 22 resources; 5.8% of total then-listed resources to 2.7% of current listed resources).*</p> <p>BCCLA, CBA and government agencies primary providers of resources.</p>	<p>Despite decline in total numbers of resources, resources including website of Office of Freedom of Information and Privacy Commissioner appear sufficient to serve cohort of users.</p>	small

	<p>Resources at all levels of learning (basic, medium and advanced).</p> <p>Help map: 21% of listed services for legal help relating to this category.</p> <p>*but see caveat re: data collection methods under "Limitations to the Data" in this report.</p>		
Rights & citizenship	<p>Second largest number of resources listed on Clicklaw.</p> <p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 7.8% to 9%).</p> <p>Variety of resource providers (e.g. BCCLA, BCHRC, PovNet), with BCCLA predominant. Includes websites of Ombudsman, BCHR tribunal.</p> <p>Help map: 34% of listed services for legal help relating to this category.</p>	<p>Needs survey: moderate incidence, low disruptiveness and importance to resolve.</p> <p>Resources appear sufficient to serve cohort of users.</p>	small
Seniors	<p>Like the categories "Aboriginal" and "Children and youth", "Seniors" has a dual meaning:</p> <p>a) as a body of law that applies specifically to seniors (e.g. <i>Protecting Canada's Seniors Act</i> (amendment to Criminal Code), laws on adult guardianship) and</p> <p>b) seniors as a particular "cohort" of PLEI users, with special needs. Under this definition, "seniors" PLEI resources would be those that cover "mainstream" areas of law (e.g. wills and estates, health care treatment and consent, assault, fraud), however do so with a focus on the needs of older users. Examples of PLEI resources designed specifically to address needs of seniors include Peoples' Law School publication "When I'm 64" and BC Centre for Elder Advocacy and Support's E-book "Understanding and Responding to Elder Abuse".</p> <p>Since 2009, resource listings in this category have increased as a % of total Clicklaw resource listings (from 2% to 6%; from 24 to 87 resources).</p> <p>Variety of resource providers: (e.g. BCCEA, PLS NIDUS, PovNet, CanadaBenefits.gc.ca). Resources available on broader range of topics since 2009, however emphasis still on abuse and benefits.</p> <p>Help map: 7% of listed services for legal help relating to this category.</p>	<p>Demographics: aging population over time will increase demand for resources for this cohort. Despite increase in number of resources since 2009, need still large.</p> <p>See 2009 Report recommendations re: additional resources for "housing" issues including residential care, assisted living.</p> <p>HelpMap listings seem low for a growing demographic group.</p>	large
Taxes and finances	<p>Since 2009, resource listings in this category have increased slightly as a % of total Clicklaw resource listings (from 2% to 2.7%; from 23 to 39 resources).</p> <p>Resources weighted toward financial information for seniors, separating parents and Canada Revenue Agency site and publications.</p> <p>Help map: 13% of listed services for legal help relating to this category</p>	<p>Few resource listings for "everyday" problems relating to real property transfer, income tax (e.g. for the self-employed; dealing with the CRA;), HST, common commercial legal documents (loan agreements, mortgages, guarantees)</p>	large
Victims of crime	<p>Like the categories "Aboriginal", "Children and youth" and "Seniors", "Victims of crime" has a dual meaning:</p> <p>a) as a body of law that applies specifically to</p>	<p>New category. Formerly "victims and crime", with 146 listed resources in 2009. Two new categories "Crimes and offences" and "Victims of crime"</p>	small

	<p>victims of crime (e.g. <i>Criminal Code</i> provisions regarding victims, <i>Correctional and Conditional Release Act</i> provisions regarding victims) and b) victims of crime as a particular “cohort” of PLEI users, with special needs. Under this definition, examples of “victims of crime” PLEI resources would be BC Freedom of Information and Privacy Association’s “PIPEDA and Identity Theft: Solutions for Protecting Canadians” and CBA’s Dial a Law Script on “talking, Criminal Harassment and Cyberbullying”</p> <p>96 resources</p> <p>Variety of resource topics, PLEI providers, learning levels,</p> <p>New JusticeBC website; VicrimInfoBC website (JES)</p> <p>Help map: 26% of listed services for legal help on this topic.</p>	total 215 resources.	
Wills & estates, life planning	<p>Since 2009, resource listings in this category have increased slightly as a % of total Clicklaw resource listings (from 5.5% to 7.2%; from 65 to 104 resources).</p> <p>Resources weighted toward financial information for seniors, separating parents and Canada Revenue Agency site and publications.</p> <p>Help map: 20.5% of listed services for legal help relating to wills and estates.</p>	<p>Ranks high in importance to resolve and low in terms of frequency and disruptiveness. Aging population suggests greater demand for these resources.</p> <p>Number of resources adequate.</p> <p>Majority of resources are in text appearing in PDF, wiki and web format.</p>	medium

Figure 19: Matrix of Gaps, 2014

Figures 18 and 19, considered together suggest

*Overlaps, Duplication*

The 2009 Report observes:

- Some overlap in information is good—people access PLEI information in a variety of ways.
- Information on topics is presented from different points of view (e.g. government point of view, user point of view). This is desirable and does not constitute overlap.
- Small overlap exists in resources that provide “overviews” (various family law resources given as examples.)

It could be argued as well that differences in the media format used to communicate the same information would not constitute overlap. For example, a resource consisting of video vignette

dramatizing a mediation would be different from another resource consisting of a fact sheet that containing information and tips on mediation. Same topic, two approaches, no overlap.

Little has changed since 2009 to alter the 2009 Report findings on overlap. Family law continues to be an area where there is some overlap<sup>42</sup>, especially among the additional resources created to respond to the 2011 introduction of the *Family Law Act* in BC. Duplication of resources (same resource repeated four times) is evident in the “Introduction to the legal system” category<sup>43</sup>.

Given the large quantity of resources on Clicklaw, some of which appear to overlap or duplicate, it is not always clear to the user which ones to read or use. Which resource is accurate and up to date? Is the resource complete? If not, are there complementary resources? Clicklaw attempts to help the information-seeker: clicking on a resource listed under a Clicklaw topic produces a profile of the resource (overview, publisher, date of publication, media formats, translations etc.), a helpful feature to assist the user to find the “right” resource(s). More must be done however to help the user navigate the Clicklaw resources. This will require efforts among PLEI producers, working in concert with Courthouse Libraries BC staff, to ensure

- greater coordination among PLEI producers to avoid duplication of resources (duplication of their own resources as well as others’ resources) and to link and refer users to one another’s resources.
- PLEI organizations’ commitment to continually review existing resources for currency, and to update them where necessary

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<sup>42</sup> Overlap exists among the general/overview information contained on the JusticeBC website, LSS website, LSS booklets and JP Boyd wikibook site. This overlap however can be justified: once the decision is made to create a website, the landing page of the site must provide context/overview. JusticeBC does so and provides links to LSS for more information for the user. (more use of links among websites of PLEI providers is recommended, as it was in the 2009 Report). Also, the audience for the JP Boyd wikibook is arguably the more “sophisticated” user (lawyer, intermediary) rather than the general public.

<sup>43</sup> The same series of videos is contained under 4 separate resource listings: “Guide to the BC Court System, “Courts of BC”, “Courts of BC, “Your Guide to the BC Court System: Handout for Students” and Your Guide to the BC Court System: Teacher’s Guide”. And a fifth resource, “BC’s Court System” consists of a page of explanatory text, a video and a link to the aforementioned site “Courts of BC”. See also comment in Figure 19 Gap matrix category for “Children and teens”.

- A commitment to remove resources that are consolidated into other resources or that are no longer relevant
- The development of best practices and protocols for describing and loading information on Clicklaw (e.g. inclusion of date when resource was last legally reviewed, not uploading same resource multiple times, with minimal variations)
- Investigation of ways to actively guide the user through the Clicklaw site to the most relevant resources (e.g. interactivity features on Clicklaw and on online resources)
- The development of a plan to raise awareness among the public of the PLEI resources available to them
- The development of, and agreement by PLEI providers to be guided by best practices for PLEI design and delivery. Over time, a resource's adherence to these practices could be identified as a feature in its Clicklaw profile, and offer the user some "quality assurance" to guide them in their selection of resources.<sup>44</sup>

None of this is revolutionary. PLEI organizations in BC have long understood the importance of exchanging information among their colleague organizations. This is not enough. What is required of PEI organizations<sup>45</sup> is a new way of thinking and doing: a shift from information-exchange among them to collaboration. From a focus on **volume** of resources to **quality** of resources. From an "if we build it they will come" approach to marketing, to an active, public campaign to raise awareness of PLEI and existing resources. Such changes will be difficult, however without them, resources will be spent, the PLEI inventory will increase and accessibility will continue to elude the public.

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<sup>44</sup> Although this suggestion might raise the "spectre" of bureaucracy in the form of mechanisms to create, sustain, apply and enforce PLEI practices and standards, it is the author's contention that emphasis on quality assurance will benefit the user in the long run, even if it results in the shifting of priorities for some PLEI organizations.

<sup>45</sup> A generalization. A number of PLEI organizations in BC have in place processes for assessing resource need, currency and quality. What the author is suggesting is greater emphasis on these by more organisations in the PLEI community.

## **Section Five: Recommendations**

Scarcity of resources to support the PLEI sector and the growing need of the public for help with legal problems underscore the importance of adopting a strategic approach to allocating financial resources. Existing resources, both financial and non-financial could be used more efficiently. Funds could be linked more directly to information on the civil legal needs of the population and the performance (cost and quality) of the PLEI providers in responding to these needs. Reducing fragmentation in the allocation of funds could reduce administrative costs in the PLEI sector and enable creation of a coherent incentive environment aimed at steering PLEI providers towards greater efficiency. This approach would require PLEI organizations to adopt more collaborative approaches to resource development and delivery. Institutional PLEI stakeholders (e.g. government, foundations) could be important contributors to a more effective PLEI sector by reducing the fragmented way their funds are delivered and by actively participating in ongoing consultations with PLEI organizations to define and rationalize the sector.

The following recommendations are made within this context.

### **1. Address five priority areas of need**

The mandate of this report is to identify five subject areas contained in the Clicklaw topic classification (total number of subject areas =29) as priorities to address over the coming year. The methodology for doing is the same as that employed in the 2009 Report—compare the number of resources per topic area to the magnitude of the need (frequency, disruptiveness, importance to resolve scores based on Ipsos Reid poll for LSS) for that topic. Figures 18 and 19 of this report represent the results of this comparison; Figure 19 identifies eight topic areas with “large gaps” in resources (aboriginal, accidents and injuries,

business and non-profits, consumer, court and tribunals, debt, seniors, taxes and finances).

Using this methodology, the following represent priority areas

**a. Debt**

This area scored highest in terms of need, with highest cluster of values for frequency, disruptiveness and importance to resolve. The current number of resources is at the low end of the scale. See Figure 18.

Research indicates that persons in low income group with debt problems typically do not seek legal assistance, but handle problems themselves. This suggests a need for resources, particularly practical, problem-solving resources as well as procedural-focused resources for self-represented litigants.

Recommend: focus on need of individuals dealing with debt problems (i.e. as opposed to intermediaries who assist them) and the resources suitable for them.

Conduct needs analysis of this group along with user testing of selected existing resources to see what works and what doesn't. Consider website of Credit Counseling Society ([www.nomoredebts.org](http://www.nomoredebts.org)) and working with them to identify potential topics, resources and methods for serving the needs of this cohort of users. See Figure 19 matrix and "debt" entry.

**b. Family—Resources for Self-represented Litigants**

Figure 19 indicates a "small" gap for resources—family law resources are numerous. Need, as evidence by the Ipsos Reid survey is moderate. However, the "family" law category should be considered together with the "courts and tribunals" category which shows a "large" gap. Taken together, they suggest that perhaps what is needed is not additional information on rights and responsibilities under family legislation, but rather practical, procedurally-oriented information for self-represented litigants in family law disputes. (e.g. resources on how to complete forms, examples



of completed forms). In addition, usability testing should be undertaken on selected existing resources. Are they effective in helping the user solve the problem? Fill out the form and progress to the next stage? Were they easy to use? Usability testing would indicate whether improvement of the resource in question is required; it could also reveal need for a different type of resource.

### **c. Consumer**

Civil legal needs surveys indicate that the most numerous justiciable events are consumer-related. Despite this, there are comparatively few Clicklaw listings on consumer law—a situation that has not changed since the 2009 Report. Although consumer issues rank low on the needs scale in terms of disruptiveness and importance to resolve, there are good arguments (in addition to consumer problems being the most numerous legal problems encountered by individuals) for including consumer law as a priority area: consumer problems are more likely to be handled by the individual, rather than an intermediary. This person needs practical, procedurally-oriented information on how to approach solving a consumer problem. The recommendations contained in the 2009 Report should be implemented: produce “middle ground” information, consult with community-based consumer groups (e.g. Better Business Bureau) to identify list of specific consumer law needs from user point of view and the best resources formats and resources distribution channels for satisfying these needs.

### **d. Accidents and Injuries**

Figure 18 shows high rankings of this category along the dimensions of frequency, disruptiveness and importance to resolve. It also shows the fewest number of resources relative to the other categories considered in the legal needs surveys. This situation has not changed since the 2009 Report, which recommended it as a priority area for PLEI users.

“Accidents and injuries” is a comprehensive category that includes injuries incurred:

- As a result of a transportation accident (car, motorcycle, train, boat)
- As a result of medical treatment
- At work or during the course of employment
- Using a defective product
- As a result of professional negligence
- Injury in a public or private place
- As a victim of crime

Existing Clicklaw listed resources are predominantly Dial a law scripts and law student manuals. Recommended: practical information for the user on how to avoid problems (e.g. a private property owner’s obligations under occupier liability), types of claims, how to proceed with a claim under workers compensation etc.

#### **e. Seniors**

This is a comprehensive category that includes both the body of law that applies specifically to seniors (e.g. Protecting Canada’s Seniors Act (amendment to Criminal Code), laws on adult guardianship) as well as legal issues for seniors as a particular “cohort” of PLEI users as well as those related to or caring for them. Examples of topics included in the latter sense of the word are probate, powers of attorney, assisted living arrangements, scams and fraud, medical directives.

Demographics (aging population) suggest that demand for resources for and about seniors will increase. Although number and variety of resources have increased since 2009, there is still an emphasis on elder abuse and benefits. Recommendation: that additional topics for and of importance to seniors be considered for development.

Topics could include finances, housing, health care. This should be done in consultation with seniors organizations including BC Centre for Elder Advocacy and Support.

The choice of these five priority topic areas does not diminish the ongoing need for resources in the additional areas identified in the matrix as having large “gaps”. A second tier of priority areas could consist of the following:

**a. Aboriginal**

The Legal Services Society continues to address the PLEI needs of the aboriginal community through its dedicated aboriginal website and research undertaken to address this community’s legal needs<sup>46</sup>. Given the ongoing acute legal needs of aboriginals, this topic area will continue to be of concern to PLEI providers. Effort should be made to determine the effectiveness of existing resources for the Aboriginal community through usability testing.

**b. Taxes and finances**

Comparatively few resources on this topic are contained on the Clicklaw site, a situation which has not changed since 2009. The resources that exist are weighted toward financial information for seniors and separating parents as well as CRA sites and publications. Additional resources on “everyday” legal problems from a user (ie non-CRA) perspective would be useful: e.g. income tax, property tax, commercial legal documents (loan agreements, guarantees, mortgages).

**c. Pensions, Benefits and Welfare**

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<sup>46</sup> See Legal Services Society, *Public Legal Education and Information Resources Accessibility Initiative* (Vancouver: 2012)

This topic scores high along the dimension of importance to resolve and moderate on the dimensions of disruptiveness and frequency in the Ipsos Reid survey. Although the number of Clicklaw-listed resources in this category is substantial, priority should continue to be placed on evaluating existing resources for their effectiveness (are they easy to use by their intended audience? Do they achieve the purpose for which they are designed? : e.g. helping an individual proceed with a claim or appeal?). Demographics reinforce the recommendation that this topic continue to be a priority: literature suggests that the poor are particularly prone to legal problems and have fewer personal resources to address them; aging population suggests that demand for user-focused information on pensions and benefits will increase.

#### **d. Employment**

Legal needs surveys suggest high incidence and disruptiveness values associated with employment-related problems; they rank moderate along the dimension of importance to resolve. People tend not to seek legal counsel for these problems, preferring to use intermediaries or handle the problems themselves. Consider procedurally-focused resources for self-represented individual.

#### **e. Health**

Needs survey shows moderate need along all three dimensions. Aging population over time will increase demand for resources on this topic. “Middle ground” (i.e. not basic) information for self-represented individuals is recommended. This subject area argues for “early intervention” measures taken by the individual: access to justice literature emphasizes handling health (mental and physical) issues at early stages of the

resolution continuum. Topic areas that could be addressed are consent to care, access to medical records, hospitalization, with practical, procedural user-focused resources.

## **2. Ensure existing resources on all topic areas are current and accessible**

As mentioned earlier with reference to ideas for new/additional resources, regularly-scheduled reviews of existing resources for relevancy and legal accuracy should be undertaken. Also, Clicklaw Contributors, as part of their annual planning process, should commit to environmental scans to identify upcoming changes to legislation and other relevant demographic/societal factors. In addition, each Clicklaw Contributor organization should review its own listings on the Clicklaw site to ensure there are no duplications or redundancies.

In summary, to ensure that Clicklaw-listed PLEI resources are current and easily accessed on the site, the following should be undertaken:

- PLEI organizations should commit to continually review their Clicklaw-listed resources for currency, and to update them where necessary
- They should commit to remove resources that are consolidated into other resources or that are no longer relevant
- The development of best practices and protocols for describing and loading information on Clicklaw (e.g. inclusion of date when resource was last legally reviewed, not uploading same resource multiple times, with minimal variations)
- Investigation of ways to actively guide the user through the Clicklaw site to the most relevant resources (e.g. interactivity features on Clicklaw and on online resources)
- The development of, and agreement by PLEI providers to be guided by best practices for PLEI design and delivery. Over time, a resource's adherence to these practices could

be identified as a feature in its Clicklaw profile, and offer the user some “quality assurance” to guide them in their selection of resources.<sup>47</sup>

In times of constraint, allocating sufficient resources to evaluation and updating will involve a trade-off between creating new products and ensuring they and existing resources are effective, sustained and accessible.

### **3. Invest in enhanced Clicklaw data collection, management and reporting systems**

Assessment of gaps and overlaps is a tool to assist PLEI providers with their collaborative initiatives to define, measure and deliver value within their sector. This tool is only as effective as the data collected on PLEI resources and services. As stated earlier in this paper, there are some inconsistencies in the quality of data available regarding Clicklaw-listed resources, due in part to data collection protocols and in part to lack of consistency among Clicklaw Contributors in classifying their resources for uploading onto the Clicklaw site. Courthouse Libraries BC staff is aware of these challenges and plans to introduce measures to improve Contributor consistency, subject to the availability of funds and the cooperation of Contributors.

In addition to this, the author recommends a comprehensive assessment of the PLEI sector’s data collection needs and priorities. Included in this assessment should be a consideration of the need for accurate data and reports on Clicklaw-listed resources, as well as need for tools to measure and report on the impact of the PLEI resources. The current Clicklaw data collection system and PLEI organizations’ respective needs analysis and resource evaluation systems should be considered in light of these sector needs. Strong leadership and stewardship of this process will be essential. The goal should be greater integration and alignment of data collection systems across PLEI organizations in order to

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<sup>47</sup> Although this suggestion might raise the “spectre” of bureaucracy in the form of mechanisms to create, sustain, apply and enforce PLEI practices and standards, it is the author’s contention that emphasis on quality assurance will benefit the user in the long run, even if it results in the shifting of priorities for some PLEI organizations.

- assure efficiencies, quality, utility and timeliness
- address high priority resources gaps
- minimize unintended redundancy

#### **4. Suggestions for improved information flow to the Law Foundation and among PLEI organizations**

Reference was made earlier in this report to the challenges encountered by PLEI sector members in developing ongoing collaborative activities. Although recommendations for resolving “the problem of collaboration” are beyond the scope of this report, a number of PLEI stakeholder organizations consulted during the research have suggested the following as ways to improve information exchange:

- Hold an annual meeting of PLEI organizations hosted by the Law Foundation, preferably at the beginning of the PLEI planning year. The purpose would be to exchange information on the BC-based PLEI initiatives each organization will undertake that year.
- Consider the requirement to submit (monthly or quarterly) to the Law Foundation updates indicating material changes in funding or in operations affecting the resource or service funded by the Foundation under its existing grant. The updates would be brief (possibly in a prescribed form) and would include information regarding grant applications made to additional funders as well as grants received or lost.

The challenges facing the PLEI sector in BC are large, but so are the opportunities to play a meaningful role in the access to justice initiatives underway in this province and across Canada.

## Appendix A

Samples of responses to the following survey question:

“The [2009] Report recommendations emphasized greater coordination and collaboration efforts among PLEI organizations in BC. What do you think can be done to enhance such efforts?”

Survey participants answered:

*“Three priorities that could help develop greater coordination and collaboration among PLEI organizations: \* A recognition that for separate organizations to effectively collaborate, a directive to do so is not enough – it has to be accompanied by properly resourced leadership. \* Led by the properly resourced lead, developing and using a shared framework for identifying and analyzing audience needs. \* Led by the properly resourced lead, developing and using a shared framework for evaluating success.”*

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*“...in order to avoid duplication, need to identify who is producing what material so we don't have Agency A producing Powerpoints or handouts about legal matters when Agency B has already done this. Provide links between Websites so Agency A's site can link info on Agency B's site instead of writing same info over again. Have single posting of PLE workshops from around the province, so we can see who is offering workshop or train-the-trainer about what, where, and when. Have central list of print materials so all agencies can easily find what is available, in which languages, so we don't duplicate.”*

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*“1. More transparency from funders on what they want and need and/or if they don't know what they want/need to ask questions, have conversations, build relations with those they fund (where funders talk partnership they also need to act in good faith when it comes to building relationships/partnerships). 2. Eliminate or reduce the competitive climate created by talking about all the "change that is coming"*



*(facilitating fear and promoting competition) and enter into long term planning / resourcing. 3. Adequately cover administration costs so that those administering can put time and attention to greater coordination and collaboration 4. enforce and/or support good governance principles and practice so non-profit are healthy and sustainable organizations 5. Put leaders into leadership roles..... 6. Other. “*

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*“This recommendation is would be difficult implement on any large scale because of the diversity of need.”*