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## Measuring Impacts of Legal Services – Bibliography, Network and Methodology

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# **Measuring Impacts of Legal Services:** Bibliography, Network and Methodology

A Final Report for the Measuring the Impact of Legal Service Interventions  
Project Submitted to the Law Foundation of Ontario

Trevor C.W. Farrow, Lisa Moore and Ab Currie      Toronto, Canada June 2020



Canadian Forum on Civil Justice   
Forum canadien sur la justice civile

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The Canadian Forum on Civil Justice (CFCJ) is a national not-for-profit organization dedicated to civil justice reform and access to justice research and advocacy. Established by the Canadian Bar Association and affiliated with Osgoode Hall Law School, the CFCJ envisions an accessible, sustainable and effective justice system for all Canadians.

The Measuring the Impact of Legal Service Interventions (Phase 1) project is funded by the Law Foundation of Ontario. For more details, please visit Canadian Forum on Civil Justice, “Measuring the Impact of Legal Service Interventions”, online: CFCJ <[www.cfcj-fcjc.org/our-projects/measuring-legal-service-interventions/](http://www.cfcj-fcjc.org/our-projects/measuring-legal-service-interventions/)>.



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# Overview

# Summary

<b>Title</b>	Measuring Impacts of Legal Services: Bibliography, Network and Methodology
<b>Researchers</b>	Trevor C.W. Farrow, Professor, Osgoode Hall Law School Lisa Moore, Director, Research & Operations, Canadian Forum on Civil Justice Ab Currie, Senior Research Fellow, Canadian Forum on Civil Justice
<b>Organization</b>	Canadian Forum on Civil Justice
<b>Funder</b>	Law Foundation of Ontario
<b>Program</b>	Measuring Impacts and Progress: Small Grant
<b>Amount</b>	\$25,000
<b>Duration</b>	June 2019 – June 2020
<b>Status</b>	Complete

# Introduction

## GRANT

The Canadian Forum on Civil Justice (CFCJ) was granted a Law Foundation of Ontario (LFO) Measuring Impacts and Progress: Small Grant (\$25,000, 2019-2020). With the grant, the CFCJ – and its lead research team – created the “Measuring the Impact of Legal Service Interventions Project” (“MILSP”).

## FOCUS

The focus of the MILSP is the social and economic impact of legal services. The purpose of the grant was to:

- support a literature review;
- assist with the development of a research network;
- support the exploration of specific research areas and questions;
- assist with the design of a research methodology; and
- help set the stage for an innovative longitudinal access to justice study looking at the impacts of legal services.

## OUTCOME

As measured against the purpose of the LFO’s Measuring Impacts and Progress: Small Grant program (briefly discussed below), and as measured against the MILSP plan (dated 19 November 2018), the MILSP has been a complete success.

## IMPACT OF COVID-19 PANDEMIC

The COVID-19 pandemic, while not directly changing the overall outcome of the MILSP, impacted the project in several ways. Specifically:

- planned meetings of network partners were changed, cancelled, delayed, etc.;
- there was no practical opportunity during the final stage of the project to discuss or workshop the final draft MILSP methodology with clinic clients; and
- the final reporting and publication stage was slightly delayed.

# LFO Measuring Impacts and Progress Grant Program

## PURPOSE

As stated by the LFO,

The Foundation seeks to build knowledge and connections, support innovation, and act as a catalyst in service of improving access to justice.<sup>1</sup>

Further, according to the LFO,

The purpose of the Measuring impacts and progress granting is to support empirical research that will help improve how the justice system serves the people of Ontario. This granting stream highlights the Foundation's strategic objective of expanding knowledge: "We continually deepen our knowledge of access to justice, including the contribution of community organizations. We are committed to share our knowledge of what is happening and what works".<sup>2</sup>

Regarding research methods, the LFO further stated that:

The Foundation is aware that several definitions of empirical research/investigations exist. As a general matter, we are looking for research that is based on observed and measured phenomena and derives knowledge from actual experience rather than from theory or belief. Tied into the idea of "empirical research" is the scientific method of working or testing a hypothesis through observation and experiment.<sup>3</sup>

## SMALL GRANTS

The purpose of the "small grant" aspect of the program (up to \$25,000), according to the LFO, was to:

Enable the development of new research questions, as well as experiment with new research methods. These types of projects should last up to 12 months. Activities may include literature searches (peer-review and/or grey literature), environmental scans, and relevant knowledge-gathering initiatives. The findings of these activities are expected to inform the development of new research questions or set the stage for experimenting with innovative research methods.<sup>4</sup>



# Lead Research Team

**Trevor C.W. Farrow**, AB (Princeton, politics), BA/MA (Oxford, jurisprudence), LLB (Dalhousie), LLM (Harvard), PhD (Alberta, politics), is a Professor and former Associate Dean at Osgoode Hall Law School. He is the Chair of the Canadian Forum on Civil Justice and was the founding Academic Director of the Winkler Institute for Dispute Resolution. Professor Farrow's teaching and research focus on the administration of civil justice, including access to justice, legal process, legal and judicial ethics, advocacy and globalization. His scholarship is published widely in Canada and around the world. He has led and collaborated on numerous major research projects, including a \$1 million SSHRC CURA grant – the “Costs of Justice” – for which he was the Principal Investigator. Professor Farrow was formerly a litigation lawyer at the Torys law firm in Toronto and has received teaching awards from Harvard University and Osgoode Hall Law School.<sup>5</sup>

**Lisa Moore**, Director, Research & Operations, Canadian Forum on Civil Justice, holds degrees in English Literature, Spanish, French and Management from universities in Canada and the U.S. She brings to the CFCJ several years of experience in administration, communications and marketing.<sup>6</sup>

**Ab Currie**, Ph.D., Senior Research Fellow, Canadian Forum on Civil Justice, worked at the federal Department of Justice for more than 30 years as the Principal Researcher responsible for access to justice, including legal aid and public legal education. Dr. Currie conducted a national program of research on unmet need in legal aid, conducted three

national legal problems surveys and was a lead researcher on a fourth national survey with the Canadian Forum on Civil Justice. Recently he has carried out research on innovative approaches to meeting legal need with several Ontario community legal clinics.<sup>7</sup>

**The Canadian Forum on Civil Justice (CFCJ)**, is a national non-profit organization that has been dedicated to advancing access to justice through empirical research since 1998. The CFCJ strives to make the civil justice system more accessible, effective and sustainable by leading and participating in projects that place the citizen at the center of the civil justice system. By way of further background, the CFCJ's mandate is to help meet the challenges of improving the civil and family justice systems in Canada. The CFCJ grew out of the work of the Canadian Bar Association in its “Systems of Civil Justice Task Force” in 1996, and now plays a central role in achieving the shared vision of improved access to justice for all Canadians. The CFCJ works collaboratively with all of the sectors and jurisdictions in the Canadian justice community (with a focus on Ontario based projects) and increasingly internationally as well. Serving as a leader in evidence-based access to justice research, and a coordinator and facilitator to share knowledge between jurisdictions in Canada and internationally, the CFCJ creates new knowledge to address gaps in civil justice research. It also acts as a catalyst to transform knowledge into successful reforms, and encourages the evaluation of reforms in order to promote evidence-based policy making. Committed to making research actionable, the work of

the CFCJ is disseminated through a wide variety of research platforms, including social media, conferences, peer-reviewed research publications, grey literature (in the form of accessible reports designed to be easily used to support the development of access to justice initiatives and government policy) and publicly oriented materials such as infographics and plain language fact sheets. The CFCJ's world-recognized research has helped change the way lawyers, judges, educators, researchers, policy makers and

the public understand the access to justice problem in Canada and internationally as well. The CFCJ is the only national not-for-profit research organization in Canada with a mandate to advance civil justice reform through evidence-based research. Over the past two decades, the CFCJ has produced an extensive body of innovative and impactful empirical work, while creating a network of research collaborations at the provincial, national and international level.<sup>8</sup>

## Project Value<sup>9</sup>

**GRANT (LFO)**

\$25,000

**IN-KIND (CFCJ)**

\$15,000

**TOTAL**

\$40,000

## Contact Information

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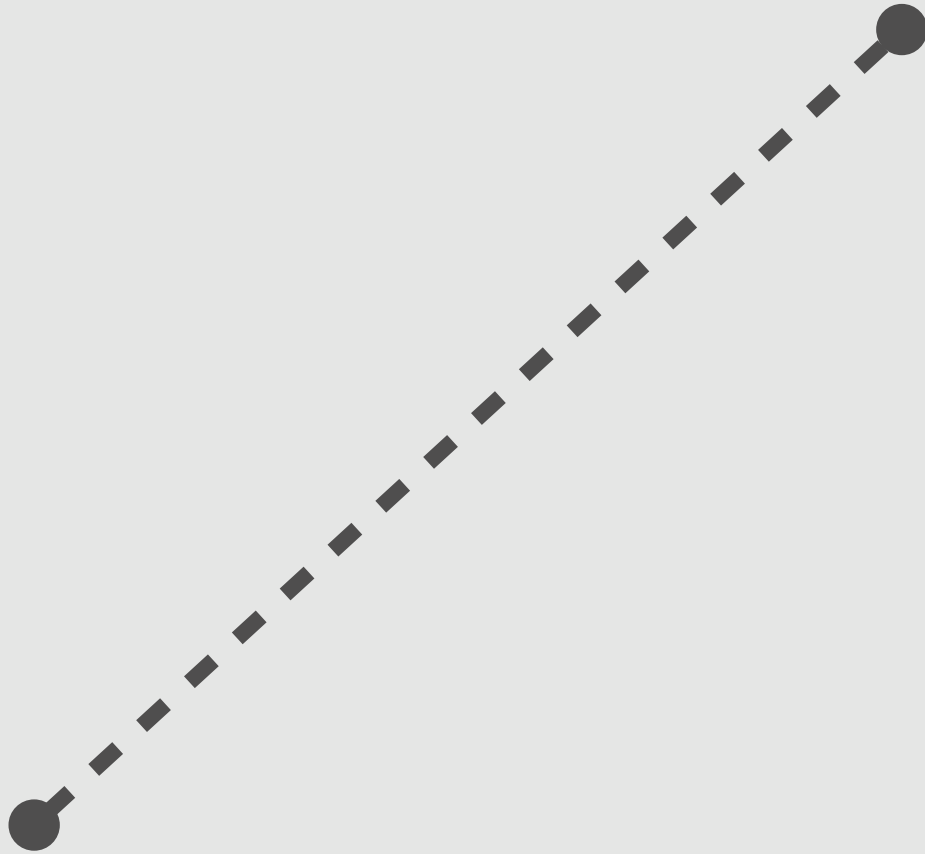
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**B**



**Context:  
Long Term Research Goal**

# Innovative Longitudinal Impact Research

## PROPOSED STUDY

The CFCJ seeks to undertake one of the first empirical, multi-partner, longitudinal access to justice studies in Canada.<sup>10</sup>

## LONGITUDINAL STUDIES

As further developed in our literature review (see Part C), longitudinal studies are a form of observational research,<sup>11</sup> where research subjects are followed and observed over a period of time. What period of time depends on the context, including what period of time is necessary for the research question, as well as what period of time is practically possible in a given context or for a given population group (access to people, attrition rates, etc.).<sup>12</sup> Which group or population, and which follow-up method (telephone, in-person interviews, email, etc.) also depend both on research goals as well as on practical contexts and circumstances.<sup>13</sup> In the context of the MILSP, the purpose of following a group is to study the impact of particular legal services. Various impacts can be considered, including changes in context, costs, benefits, outcomes, perceptions of fairness, happiness, etc.<sup>14</sup> Randomized control groups – to compare the impact on populations who receive a particular intervention as compared to those

who do not – can also be used. However, given ethical and practical challenges, as well as various research needs, control groups are not always necessary, desirable or appropriate.<sup>15</sup> Other challenges (as further discussed below), which can be properly managed, include the gathering of contact information (particularly for those living in precarious housing), informed consent, the confidentiality of client information, and the COVID-19 pandemic's impact on conducting research.

## FOCUS

As discussed further below (Part C), the CFCJ's research goal is to measure the impact of legal and justice interventions.<sup>16</sup> Specifically, the CFCJ is proposing to partner with community legal clinics (and potentially other intermediaries) to undertake a user-centered, longitudinal study, without control groups, that will – in the context of specific legal problems, needs and services – consider:

- outcomes and experiences, including how effectively legal service interventions address specific types of problems (e.g. hearing results, retained housing, durability of solutions, empowerment through legal information, support from intermediaries, perceptions of fairness, etc.);
- impacts from receiving a service or set of services, including for an individual participant (e.g. housing situation, employment situation, health, stress, financial costs/savings, etc.), as well as – where relevant – for the participant's close relationships (e.g. family relationships, the wellbeing of children, children staying in school, domestic safety, etc.); and
- general societal costs/benefits (e.g. costs/savings for health, social and employment services, housing services, other services, etc.).

## COMPARATIVE LACK OF EMPIRICAL JUSTICE RESEARCH

While this type of longitudinal study is common in fields such as education and health,<sup>17</sup> there are very few legal studies that have been carried out in Canada using this methodological approach. The Canadian legal sector has relatively little empirical research that demonstrates the effectiveness, impact and durability of different types of legal services,<sup>18</sup> particularly from the perspective of users as opposed to (or in addition to) service providers.<sup>19</sup> We do not know with any degree of certainty, for example, which legal service is best suited to which problem, when and in what circumstances? What are the long-term impacts of receiving legal services, particularly for low-income clients? When are self-help legal services (including legal information) most effective? For which populations? In what scenarios? Are paralegals providing more access to justice for those with limited financial resources? How do newer legal service delivery innovations such as legal coaching, fixed fees and online “do it yourself” services impact the outcome of legal issues for various populations? In what types of legal situations are these services most useful? These are only a few examples of the kinds of justice questions on which adequate empirical research has not been carried out, all of which leaves a significant gap in our access to justice research.<sup>20</sup>

# First Step: MILSP

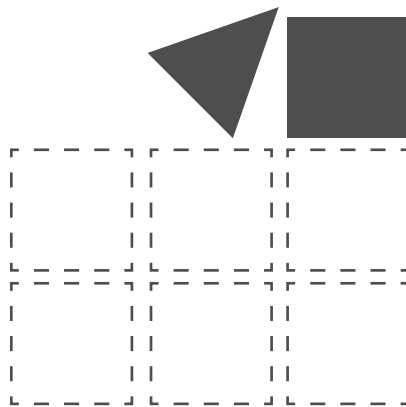


## SET THE STAGE

The MILSP was the first step of this long-term research goal. Specifically, the MILSP developed a plan and set the stage for an innovative, empirical, longitudinal study designed to help fill the access to justice research gap (briefly mentioned above).

## BUILD ON EXPERIENCE

The CFCJ has conducted numerous major access to justice research studies. For example, several recent studies include:

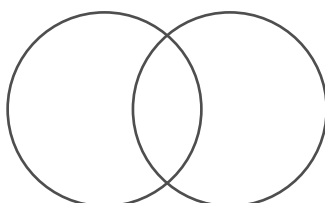


The CFCJ's 7-year \$1 million SSHRC collaborative research project, the "Cost of Justice"<sup>21</sup>

A Justice Development Goals status initiative, a first of its kind Canadian collection of reports that look at the state of access to justice progress in Canada<sup>22</sup>

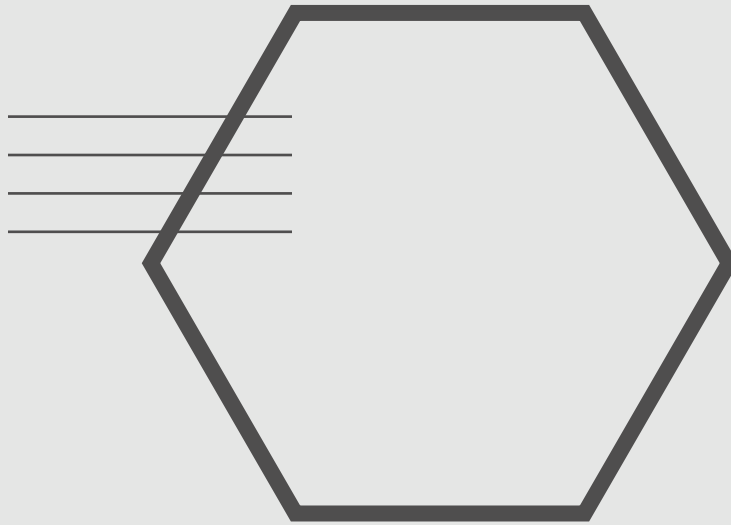
A multi-year Canada-international community justice initiative, the "Community-Based Justice Research Project" ("CBJRP")<sup>23</sup>

A recent internationally-funded return on investment and social return on investment study, "Investing in Justice"<sup>24</sup>



## DOMESTIC AND INTERNATIONAL RESEARCH CONTEXT

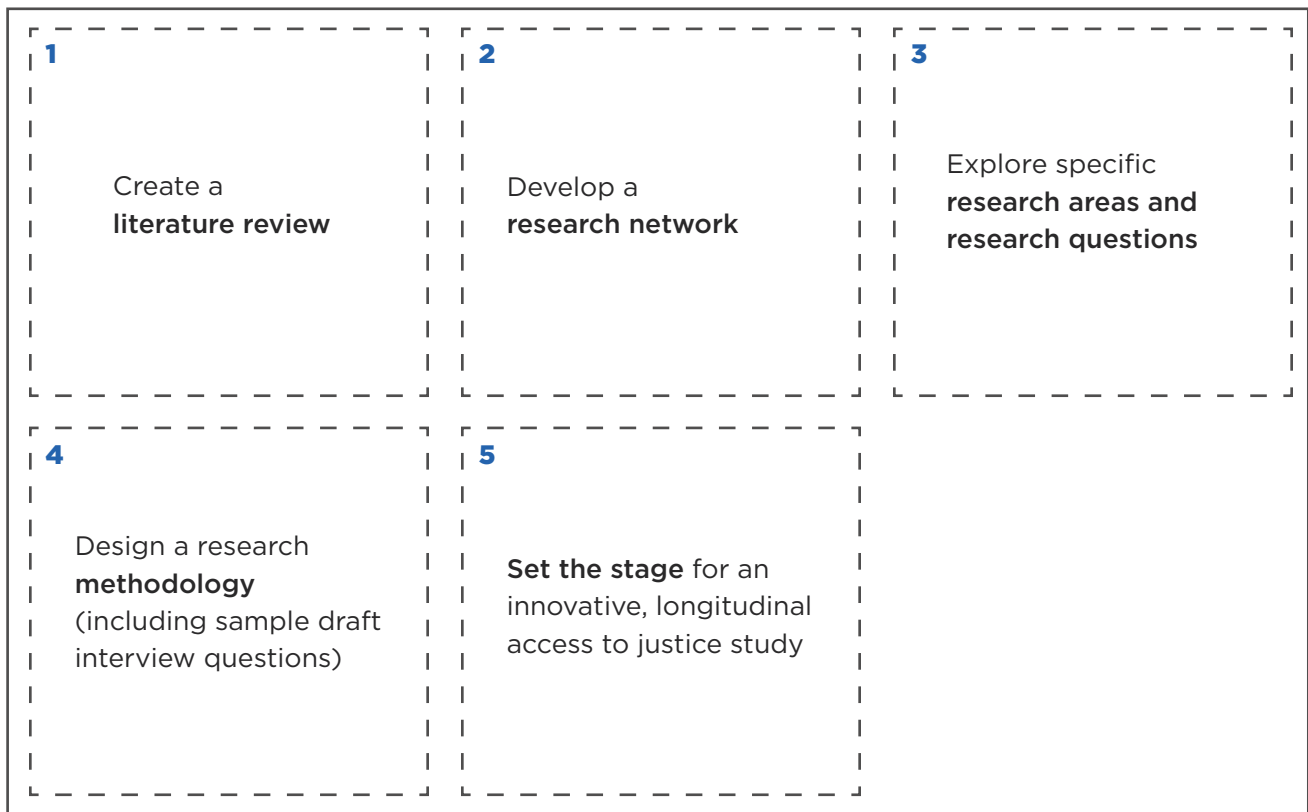
The MILSP, and the research it envisions, fits with the research goals of the LFO, as discussed above. Further, it fits with the kind of user-focused, empirical access to justice research that is increasingly being called for by major national<sup>25</sup> and international<sup>26</sup> organizations and initiatives.



# MILSP: Project Description and Outcomes

# Overview

As mentioned above, the specific purpose of this LFO Measuring impacts and progress: small grant included **five aspects**:





# 1 Literature Review

## INTRODUCTION

Understanding what has already been done in this area of access to justice research and longitudinal studies (and other studies that use similar methodologies) is an important first step in this project. This literature review process, undertaken as part of the MILSP, makes an important contribution to the access to justice literature.

## REVIEW

The CFCJ, with the support of student research assistance, conducted an extensive review of Canadian and international literature relevant to this access to justice research project. The specific focus of the review was literature looking at longitudinal justice studies, empirical research, outcome-based research, and related studies. As briefly listed below, the literature set out to explore several different relevant areas of inquiry, including:

- a general overview and introduction to longitudinal and other similar research studies;
- a review of grey and peer-reviewed literature of longitudinal studies (and other similar methodologies, such as randomized control trials) undertaken in the field of law, which have been identified as intersecting with issues of access to justice in civil and family matters;

- a discussion of the benefits, challenges and limitations of such research methods for collecting and producing verifiable qualitative and quantitative data in the legal field; and
- a discussion of ethical and social context questions surrounding the use of such methodologies in law.

## PUBLICATION

The final literature review will be published as a stand-alone publication on the CFCJ's website.<sup>27</sup>

## DATA GAP

As confirmed by the literature review, there remains a significant lack of data in Canada when it comes to longitudinal research regarding the social and economic impacts of legal services.<sup>28</sup>

## 2 Research Network

### IMPORTANCE OF NETWORK

An important aspect of this research is its partner-based approach. There are **three main aspects** to the research network for this project. Specifically:

The network provides a source of experience, ideas, advice, etc., all of which has helped (and will continue to help) frame and improve the proposed research project

It is anticipated that members of the research network (specific clinics and potentially others) will act as research sites

Creating a research network helps to promote the ideas that are explored in this project, with a view to promoting future projects and initiatives, as well as momentum around supporting innovative access to justice research.

Experience shows that involving not only the public (those who access legal services),<sup>29</sup> but also community partner experts (e.g. clinics, front line organizations, service providers, intermediaries, and others) is a critical aspect of exploring the impact of legal services.<sup>30</sup> Partner organizations are vital for their

expertise, for the service context in which they work, and also for the relationships that they have with clients (which helps with client identification as well as the limiting of attrition during longitudinal studies).<sup>31</sup>

## POTENTIAL PARTNERS

The MILSP therefore established connections with several legal clinics. We anticipate that several of these clinics (and potentially others) will ultimately act as research sites, where participants will be identified, recruited and followed. Moreover, it has been essential to collaborate with community legal clinics in the research design process as they possess on-the-ground expertise and knowledge regarding typical dispute resolution and service pathways, the demographics of legal aid clients, relationships with intermediaries and other community organizations, and knowledge around the impact of particular types of interventions, all of which has been critically important for developing areas of focus, research questions, and a proposed methodology.

In order to explore the impact of legal services, a specific group of people who received legal services needs to be identified. Finding participants for this particular study, without the assistance of partner organizations, would be difficult. It was decided that legal aid recipients will be the primary group for purposes of a longitudinal study. As such, the organizations that service those clients – legal clinics (and potentially other organizations) – will be the partner organizations, which will provide the research sites. As an important part of the MILSP, contacts and connections were made with several organizations.<sup>32</sup>

### **Community & Legal Aid Services Program (CLASP)**

Given its location at Osgoode Hall Law School, and its student-based program, it was decided that CLASP will likely be an important partner in looking at the impact of a specific kind of legal service or set of services for a designated group of its clients. The Executive Director has been helpful in discussing this project, its scope and its methodology.<sup>33</sup>

### **Parkdale Community Legal Services (PCLS)**

Again because of its connection to Osgoode Hall Law School, its student capacity, its community location and its relevant poverty law focus, PCLS would likely be an important partner in this project. The Academic Director has been helpful in discussing this project, its scope and its methodology.<sup>34</sup>

### **Community Legal Services (CLS), University of Western Law School**

In order to scale up the project, while at the same time focusing on similar legal problems, connections were made with CLS. Specifically, the former Director of the CLS has been very helpful in framing the potential scope and nature of the project, and in discussing the possibility of assisting with this work.<sup>35</sup>

### **Dalhousie Legal Aid Service (DLAS), Schulich School of Law**

Promising early discussions occurred between the MILSP team and the Dean of the Schulich School of Law regarding the potential participation of DLAS in this research initiative. Assuming the project is able to go ahead, being able to compare results with an out-of-province partner would likely provide valuable comparative data. Further, partnering in this way would also provide an important basis for further scaled-up national and potentially international comparative research on these topics.<sup>36</sup>

### **The Upstream Lab**

Based at the Centre for Urban Health Solutions at St. Michael's Unity Health Toronto, the Upstream Lab has expressed an interest in a potential collaboration. Adding a specific expertise on the social factors that impact individual and community health, a partnership with the Upstream Lab would add an important interdisciplinary focus, capacity and expertise to this project.<sup>37</sup>

### **Community Legal Clinic of York Region (CLCYR)**

The Executive Director of CLCYR has expressed an interest in potentially participating, particularly if the project includes issues related to tenant evictions.<sup>38</sup>

### **Justice for Children and Youth (JFCY)**

Depending on the ultimate scope of the project, JFCY may be interested in introducing youth justice as one aspect of the project.<sup>39</sup>

### **Community Advocacy & Legal Centre**

Michele Leering, CALC's Executive Director, has provided very helpful input into this project.<sup>40</sup>

### **Others**

Depending on the scope and focus of the project, other research partners may be involved, including other legal aid clinics, community organizations, researchers and others (e.g. the Advocacy Centre for Tenants Ontario (ACTO),<sup>41</sup> the Legal Clinic of Guelph and Wellington County, including potentially its LFO funded mobile WellCoMs service<sup>42</sup>).

## RESEARCH PRESENTATIONS AND DISCUSSIONS

Trevor Farrow was invited in November 2019 to discuss issues around investing in justice, the importance of data, and the MILSP with members of the Association of Community Legal Clinics of Ontario (ACLCO).<sup>43</sup> The ACLCO, and various member organizations (in addition to those mentioned above), expressed a strong interest in the MILSP. Important feedback was provided on the research areas, questions and methodology. Various organizations also expressed a potential interest in participating. In addition to the ACLCO discussion, the MILSP was discussed at numerous other international<sup>44</sup> and domestic<sup>45</sup> conferences, workshops and pop-up communities of practice. Further, following media and other reports of the MILSP (see further Section D), Trevor Farrow was contacted by other interested researchers and stakeholders. All of these discussions provided opportunities to critique and refine the potential MILSP research areas, questions and methodology.

## ACCESS TO JUSTICE RESEARCH NETWORK (AJRN)

The CFCJ established the AJRN<sup>46</sup> in 2013 as a cross-provincial and cross-professional platform for conversation, collaboration and coordination on topics related to access to justice. Prior to the creation of the AJRN, there was no identifiable, central platform in Canada where a wide range of justice stakeholders could exchange resources and research, raise questions and share ideas and concerns about access to justice issues. In response to this need, the AJRN was developed as a way to stimulate dialogue and

knowledge exchange as well as to build ties among access to justice stakeholders.<sup>47</sup> In addition to the specific network partnerships developed for the MILSP, the AJRN will be an invaluable and ready-made platform for connecting with research partners and other interested stakeholders, and for sharing and exchanging ideas.

## OTHER NETWORK SUPPORTS

In addition to the specific network connections made in support of the MILSP (above), we are directly connected with other research networks that would be of assistance to the MILSP, specifically including, for example:

- **TAG**  
A newly formed community-of-practice “metrics” sub-committee of the Law Society of Ontario’s Action Group on Access to Justice.<sup>48</sup> The work for this group is starting this summer (Trevor Farrow has been invited to chair this sub-committee).
- **Action Committee**  
The Action Committee on Access to Justice in Civil and Family Matters, including its communities-of-practice, sub-committees, provincial/territorial working groups, and other research initiatives and networks.<sup>49</sup>
- **International Networks**  
Various international research initiatives in which members of the MILSP are active participants, including, for example: the CBJRP;<sup>50</sup> the OECD’s access to justice work;<sup>51</sup> Hiil;<sup>52</sup> and the Pathfinders access to justice initiatives.<sup>53</sup>

## 3 Research Areas and Research Questions

### OVERVIEW

As discussed above, the focus of the MILSP project is the impact of legal services on individuals (and potentially on communities). The plan is to focus on legal needs in specific areas of service or set of services (some version of which all or most of the research partners offer), while at the same time not limiting the study so much that it becomes overly narrow (and as such of more limited application and interest).

### RESEARCH AREAS

Based on the literature review, as well as on correspondence and discussions with various clinic directors and researchers, it is anticipated that the areas of focus for this project would primarily include one or more of **the following primary research areas**:



#### Housing

Housing (landlord/tenant), specifically including eviction and prevention programs and services,<sup>54</sup> and potentially including eviction mediation programs as well.<sup>55</sup> Given the importance of housing, a high volume of cases, the number of agencies offering services, the existence of some eviction data in some regions, and the potential for adequate contact information (for follow-up interview questions), this area of would be of particular interest.



#### ODSP

Ontario Disability Support Program (ODSP) claims.<sup>56</sup> Although there has been some concern raised about the ODSP process,<sup>57</sup> given similar practical and research based considerations expressed above with respect to housing issues, this area would be a second area of particular interest.

Depending on funding, partner interest and research capacity, secondary areas of focus, if possible, would include:

#### Family

Family law services, specifically including unbundled services and coaching.<sup>58</sup>

#### Employment

Employment law assistance,<sup>59</sup> particularly given the COVID-19 pandemic and its impact on loss of employment.<sup>60</sup>

### **SERVICES: DISPUTES, HOLISTIC SERVICES, OR BOTH?**

A significant challenge for this kind of study is to identify the core focus of the research.<sup>61</sup> Specifically, will the study be limited to services involving discrete tasks (e.g. representation at a hearing), and/or will the study include more general, holistic services (e.g. ongoing assistance with housing questions, issues around family or employment support, etc.)? Some clinic services focus on individual disputes; others focus on more general, holistic, often ongoing needs. It is anticipated that, for the proposed study, the answer to this question is that the study will endeavour to focus on both (discrete as well as more holistic services). Legal needs (and services provided for those needs) in the particular research areas will be notionally framed on a continuum for the purpose of this study. At one end of the continuum will include discrete services; the other end will include more general, holistic services. Proceeding on this basis will recognize the reality of the complex, overlapping and often ongoing legal needs that some people have, while still focussing on particular research areas and questions. However, as discussed further below (see Part D), proceeding on this basis will also make the study more complex in terms of categorizing and comparing legal needs, services, outcomes, experiences and impacts.

### **DEVELOPING RESEARCH QUESTIONS**

Legal needs and legal services are typically complex. Unlike some other services, in which a single “thing” is needed and a single “thing” is provided (e.g. an insurance policy, a mortgage, a cell phone plan, etc.), legal needs often include complex, multiple issues (health, violence, social context, legal exclusion, racism, poverty, gender and sexual violence, displacement, etc.), and multiple forms of services (tribunal hearings, ongoing advice, connections with other services and intermediaries, etc.). To be as user-centered and relevant as possible, studying the impact of legal services should, as far as possible, allow for this complexity. The complexity of legal needs and services requires a degree of flexibility in the research questions. Put differently, the research questions - and the resulting methodology - must allow for the complex reality of everyday legal needs.

## SPECIFIC RESEARCH QUESTIONS

The proposed research questions for this study will include:

—  
What were the legal problems or needs experienced by the participant?

—  
What services were received?

—  
What were the outcomes and experiences?<sup>62</sup>

(e.g. hearing results, retained housing, durability of outcome, empowerment through legal information, support from intermediaries, perceptions of fairness, etc.)

—  
What were the resulting impacts of receiving a service or set of services on the participant's life, including the individual participant (housing situation, employment situation, impact on health, stress, financial costs/savings, etc.), as well as – where relevant – the participant's close relationships (e.g. family relationships, the wellbeing of children, children staying in school, domestic safety, etc.)?

—  
Were there any resulting societal costs/benefits (e.g. costs/savings for health, social and employment services, housing services, other services, etc.)?<sup>63</sup>

## PARTICIPANT EXPERIENCE

It is important to note that participants' experience(s) with a given problem, service and outcome (their "path to justice"<sup>64</sup>), and perceptions of fairness, will be canvassed. However, the goal of this area of inquiry is not meant to address client satisfaction with a specific clinic, lawyer, or service provider.

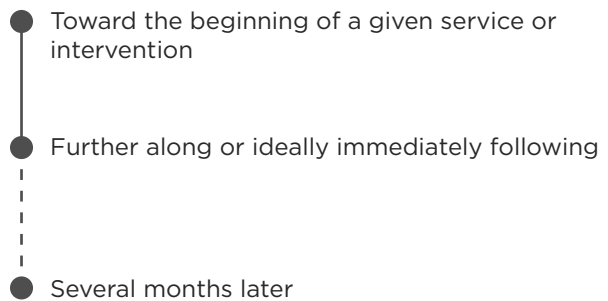


## 4 Methodology

### THREE-PART STUDY

This longitudinal study would include at least three points of contact with participants. The first interview would occur toward the beginning of a given service or intervention; the second further along or ideally immediately following the provision of a given service or the completion of a matter (as framed on the notional continuum of various services being studied, mentioned above); and the third several months later.

#### Interview touchpoints with participant



### LENGTH OF LONGITUDINAL STUDY

The ideal length of time – between the time a client contacts a clinic, a service has been provided or a matter is completed, and a further follow-up interview takes place – will depend on the type of problem and service.<sup>65</sup> As a general matter, longer studies can provide more accurate information about the longer-term impacts of legal services.

Further, the realities of legal services in the research areas need to be considered. For example, it may be a number of months between the time a client with a housing problem contacts a clinic and the time some kind of formal or informal resolution to their matter occurs. It is also important to realize that all clients will not be immediately available at the front end of a study, and their matters will not necessarily be neatly resolved in a uniform period of time toward the end of the study. Rather, cycles of cases, clients and outcomes need to be accommodated in order to increase the number of potential participants.

Having said that, given the nature, context and focus of the services and participants, and the experience of service providers as well as other studies, using longer observational periods can be problematic in terms of maintaining contact with participants (attrition rates, high levels of participant mobility and changing contact information, diminished participant willingness to participate, etc.).

Ultimately a balance must be struck. It is therefore anticipated that a relatively shorter period of overall time will be used for this study. Specifically, for a given client, it is anticipated that the first interview would occur, as mentioned above, toward the outset of a matter (0-2 months into a retainer). The second interview would take place much further along, or at the completion of a matter (at approximately 6-10 months). The third interview would then ideally take place several months after that, when participants will be in a position to speak further to impacts, costs and benefits (at approximately 8-12 months).

To the extent that community intermediaries and other ongoing supports are involved, it is anticipated that participation may be stronger. If participation is quite strong and sustained,

a fourth – follow-up – interview could potentially be added (subject to capacity, ethics approval, support and time).

## INTERVIEWS

The interviews at the three points of contact – designed to address the research questions (mentioned above) – would be different.

<p>● <b>First Interview</b></p>	<p>Toward the beginning of a given service or intervention</p>	<p>During the first interview, respondents would be asked about basic demographic data, the legal issue they are experiencing,<sup>66</sup> the service(s) they have been offered, what they hope to achieve, and initial experiences and perceptions.</p>
<p>● <b>Second Interview</b></p>	<p>Further along or ideally immediately following</p>	<p>During the second interview, respondents would be asked about the services they received (are receiving), the result(s)/outcome(s) achieved (or not achieved), experiences, and resulting social and economic impacts – how has this aspect of their life been impacted, their children (if applicable), what costs/benefits/savings they have experienced, impacts on relationships, perceptions of fairness, etc., all as determined by the specific research questions (set out above).</p>
<p>● <b>Third Interview</b></p>	<p>Several months later</p>	<p>The third interview, following-up from the second interview, will focus primarily on longer-term impacts, experiences, costs and benefits.</p>

## INTERVIEW QUESTIONS AND PILOT PHASE

Interview questions addressing the study’s research areas and questions (outlined above) will be carefully developed with input from service providers that will, ideally, work with the research team as partners in this project. The final interview questions will be

drafted once the project is underway and specific partners and client groups have been identified. It would be expected that the interview questions would be tested through a brief pilot phase. At this stage, by way of example, sample draft interview questions have been included in the Appendix to this report.

## DATA COLLECTION

Data collection for this project will not be easy. Given the focus audience – clients of legal aid clinics and related organizations – collecting data will be particularly challenging. Many of the people accessing services from these organizations live in precarious circumstances, making initial and follow-up contact challenging. A significant aspect of the MILSP has been to discuss with clinic directors and other researchers methodological approaches for contacting clients. The research included in the literature review also provided valuable insights and “lessons learned” from other studies.<sup>67</sup> Based on the results of the MISLP inquiries, it is clear that a mixed-method approach to data collection will likely be important. Specifically:

### In-Person Meetings

The first interview would ideally happen through in-person meetings with respondents. This approach would likely be the most effective and most practical opportunity to ask interview questions. Depending on the service area, these opportunities will most likely occur immediately following intake meetings or early ongoing client meetings. Having the interviews follow the legal services meetings would be important to ensure against unintended client pressure or participation bias (to avoid participants thinking that they need to participate or answer in a particular way in order to receive a given service, as discussed further below in Part D). It is anticipated that, where possible, the second interview would occur in a similar in-person format. As for the third interview, there is some concern that conducting in-person interviews will be less realistic. Where possible, in-person interviews would be used. Otherwise, telephone or possibly email follow-up interviews would be used.<sup>68</sup>

### Telephone

Experience from service providers indicates that telephone is likely the most effective and realistic way of communicating with participants after a matter has been completed and services are finished.

### Email/Zoom

Given the challenges that some clients have with accessing computers and the Internet, follow-up email or Zoom interviews, although possible, may be of limited use. However, depending on the circumstances, they will likely be used at least for some participants.

### **Length of Interviews**

Given practical realities of interview-based studies, particularly in this context, it is anticipated that, at all points of contact, the interviews would last for approximately 15 minutes, unless a participant wished to lengthen an interview, in which case interviews could be extended to allow respondents to elaborate on their answers (which may be particularly important in circumstances in which clients are receiving ongoing, holistic, or multiple service interventions). Longer interviews (e.g. 30 minutes) would provide opportunities for more nuanced questions and answers. However, as a practical matter, respondents are less likely to participate in studies involving longer interviews.<sup>69</sup>

### **Researchers**

Under the supervision of a lead researcher and project coordinator, it is anticipated that law students – with proper training and supervision – will be engaged to collect data, partly as a practical matter and partly as a learning experience. Some clinics – specifically including members of the Student Legal Aid Service Society (SLASS) – have indicated an interest in combining this research with the training and work of their regular clinic students.<sup>70</sup> In the context of other clinics, with less capacity for extra work, other law students employed as research assistants could participate in data collection.<sup>71</sup> Further, Osgoode Hall Law School's Osgoode Public Interest Requirement (OPIR) program could also be a useful source of research assistance, if necessary.<sup>72</sup>

### **COVID-19 Pandemic**

There is no doubt that the current COVID-19 pandemic is impacting many if not all aspects of the justice system, including legal needs and the delivery of legal services.<sup>73</sup> The data collection methods contemplated above, particularly in-person interviews, may need to be modified depending on how the current COVID-19 pandemic plays out. If it turns out that in-person meetings are not possible, alternative – virtual – options will be contemplated, in consultation with clinics and other partners.<sup>74</sup>

### **Incentives**

Although participation incentives are used in some studies to address the problem of attrition,<sup>75</sup> it is not anticipated at this time that incentives would be used in this study.

## **RESEARCH ETHICS APPROVAL**

Research ethics approval, with specific attention to consent and confidentiality considerations, will be required for this project.<sup>76</sup> Further, the safety of all interviewers and participants in this study, specifically in light of the COVID-19 pandemic, will also be addressed.

### **Consent**

Consent will be a necessary aspect of this study. Experience indicates that, particularly for vulnerable clients, particular care and attention will be needed to ensure that consent is properly informed. Further, it would need to be clear that the provision of services would not be dependent on participating in the research project.

### **Confidentiality**

Confidentiality will also need to be protected. Given the clinic context, it is anticipated that proper protocols can be put into place, particularly in combination with informed consent.

## 5 Set Stage for Long Term Study

### NEXT STEPS

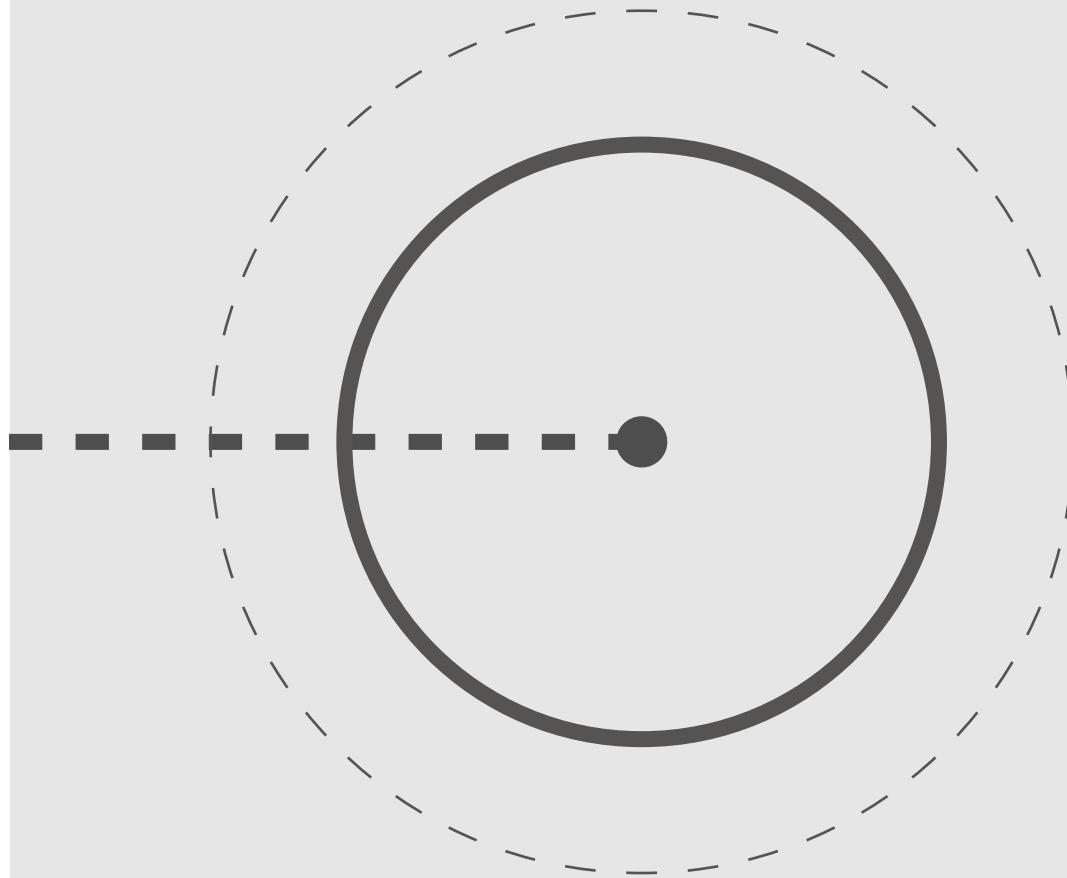
In addition to the other aspects of the MILSP (discussed above), the ultimate purpose has been to create an actionable research plan. Specifically:

**First**, this initial (completed) phase has provided an important review of recent and on-going research, created a meaningful research network, and developed an exciting, innovative and viable research plan.

**Second**, with the completion of the first stage, the CFCJ intends to apply for further funding (e.g. through the LFO) to undertake the longitudinal research study developed in this report.

**Third**, building on the anticipated successes and lessons learned from this longitudinal study and other studies,<sup>77</sup> the CFCJ intends to develop further research to expand this study (e.g. across a larger, perhaps national set of service providers) ideally over a longer period of time.

Given the interest from the research network, and given the outcome of the MILSP research plan, the CFCJ is very optimistic about this study. Put simply, the CFCJ is very excited to proceed to the next steps of this research.



## **Conclusion: Deliverables, Benefits, Risks, and Overall Success**

# Deliverables

Based on the five specific aspects of the project, described above (see Part C), the MILSP has successfully produced a number of important project deliverables, including:

- a literature review;<sup>78</sup>
- blogs;<sup>79</sup>
- discussions of the MILSP at international<sup>80</sup> and domestic<sup>81</sup> lectures and presentations;
- media<sup>82</sup> and other community coverage<sup>83</sup> of the MILSP;
- new research networks, with multiple organizations, clinic directors and researchers;<sup>84</sup>
- support for law student research assistants;
- the development of innovative research questions;<sup>85</sup>
- the development of an innovative access to justice research methodology;<sup>86</sup> and
- participation in a national and international access to justice culture shift toward a greater awareness of empirical and longitudinal studies in law and legal services.<sup>87</sup>



# Benefits

## **PUBLIC**

The evidence to understand, assess and scale access to justice initiatives and to make the business case for investing in justice is sparse, especially compared to other essential services like education and health.<sup>88</sup> When people have no ability to access fair justice systems, they are left without the means to resolve grievances, protect their legal rights, livelihoods, assets or their physical security. Without adequate access to justice, people lack the necessary protection of law in their day-to-day lives, resulting in inequity, alienation and abuse. Having a better and more accurate understanding of how different types of legal interventions impact the outcome of a dispute or a given legal issue provides the public with the knowledge needed to make informed decisions about how to deal with legal problem(s) and potentially improve overall social wellbeing.

## **GOVERNMENT, POLICY-MAKERS AND FUNDERS**

The lack of data around the effectiveness of legal services makes it difficult for governments, policy-makers, and funders to understand which justice pathways and tools show the most promise in particular scenarios. The use of empirical research methodologies – such as the longitudinal study contemplated by the MILSP – will produce research that bridges the “justice gap” between current access to justice realities and much needed reform outcomes, as well as potential choices that need to be made in terms of policy directions, innovations and funding. Through sound research design and execution, reliable, verifiable data will be made available to inform legislative, policy, and potentially funding decisions.

## **SERVICE PROVIDERS**

For front-line legal service providers, decisions around how to allocate sparse budget funds are difficult. Supporting one program or type of service may mean that another is scaled back or cut altogether. Having data that demonstrates the impact and effectiveness of different types of legal service interventions will potentially allow service providers to make research-based decisions about which services to fund, expand, or scale-back.

## RESEARCHERS

Regardless of future funding applications, the creation of a literature review, research network, and an innovative longitudinal research plan will be of benefit to academics and organizationally-based researchers. The CFCJ is aware, through the MILSP and other collaborations, that various researchers and front-line service providers are contemplating how studies such as this one could benefit their organizations.

## OVERALL

There are many aspects to the current access to justice problem, including an incredibly complex and expensive system, a relative lack of funding, systemic delays, inadequate political attention, insufficient research and education, relatively modest innovation, and generally an uninformed and disengaged public. There is much to be done, particularly in terms of research and analysis. One critical aspect of the current crisis is an inadequate understanding – beyond a limited number of anecdotes, assumptions and basic background statistics – of the access to justice problem. Specifically, there is a major lack of research, focussing on the cause and scope of the problem, the resulting individual and collective social and economic costs of the problem, and the relative cost and value of potential solutions. As the CBA acknowledged several years ago, “we are far from ... a sound knowledge base for justice system decision making.”<sup>89</sup> That statement is still true today. This proposed longitudinal study by the CFCJ would provide some of the first Canadian research measuring the actual effectiveness and impacts of justice services. This research would begin to provide data that could be used to more effectively understand legal problems, experiences, impacts and solutions. It would provide new insights into what is currently working, what is not working, and why, all of which could contribute to the development of new and innovative legal service delivery models.

# Potential Risks

## COMPARING AND EVALUATING A CONTINUUM OF NEEDS, SERVICES AND OUTCOMES

Given the complex nature of the legal needs and services focussed on in this study, there is a risk that comparing the impact of legal service interventions, including those provided by different service providers, could prove challenging (comparing “apples and oranges”). While it is anticipated that comparing services and outcomes will be possible (and fruitful), particular attention will need to be paid in order to maximize the comparative value of given participant experiences, particularly where more than one service provider is involved. It is also important to acknowledge that evaluations of “outcomes” can be challenging, particularly given the complex nature of legal needs and the potential mixed and ongoing nature of potential solutions, services and results.

## SELF-REPORTING

Observational studies of this kind, as with legal needs studies (discussed above),<sup>90</sup> rely on participant self-reporting. While there are always risks associated with self-reporting (e.g. lack of question comprehension, over- or under-reporting, etc.), self-reporting is an appropriate method of study in this context. Further, it is the only practical way to approach this kind of impact-based longitudinal study in this context. With proper interviewer training, consent and specific interview questions, it is anticipated that any risks associated with self-reporting can be minimized.

## UNDERSTANDING LEVEL OF IMPACT

It has already been acknowledged that a longer study (1-3 years) would allow more time to examine more fully the impacts of legal services on participants’ lives, thereby potentially producing more robust impact-based data. Having said that, for the reasons discussed above, a shorter study is being proposed here. It is anticipated that this shorter period of time will still produce relevant and important data on short- and longer-term impacts and outcomes.

## ATTRITION

There is a risk, particularly with a comparatively precarious and mobile participant population, that a significant level of participant attrition may occur. To address this risk, a relatively shorter study period has been chosen. Contacts at clinics and other intermediary support organizations will be relied on where possible to minimize attrition. Further, best efforts will be made – during the first interview – to promote the willingness of respondents to participate in the second and third interview stages. Finally, any experience with attrition in this project will be documented and studied in order to assist further longitudinal researchers with this challenging issue.

## **CONSENT**

It will be important to ensure full and informed participant consent. Further, as mentioned earlier (see Part C), it will be important for participants to understand that the receipt of legal services is not dependant in any way on participation in the study. Clear consent instructions will be provided, which will have – in any event – been reviewed during the research ethics approval process.

## **CONFIDENTIALITY**

Client confidentiality will need to be addressed and protected. The consent provisions will also address this issue. Confidentiality will be addressed and protected during all stages of the study, including the final reporting stages. It is anticipated that confidentiality considerations will be addressed during the research ethics approval process.

## **COVID-19**

As mentioned above, it is possible that the physical distancing necessitated by the current COVID-19 pandemic will need to continue for some time. In that event, remote interviews may be required, as discussed above (see Part C).

# **Overall Success**

As introduced at the outset of this report, it is the view of the CFCJ that the MILSP has been a complete success, based on the plan set out in the project application, and as compared to the goals of the LFO's Measuring Impacts and Progress: Small Grant program (see further Part A). As such, the CFCJ is very grateful to have received LFO support for the MILSP, and it looks forward to the next stages of this exciting and innovative research project.



# Appendix

# Selection of Sample Draft Interview Questions

**Note:** this set of selected sample draft interview questions is **not complete or final**. Rather, these sample draft interview questions, which will be organized around the study's general research areas and questions (see Part C), will be further developed, refined, tested and completed once partner organizations, research sites and participant groups have been finally identified.

## LEGAL PROBLEM QUESTIONS

Legal needs research has long understood that service recipients do not typically experience legal problems in “legal” terms.<sup>91</sup> Rather, people experience everyday issues (discrimination at work, lost housing, disputes with landlords or neighbors, spousal abuse, relationship breakdown, etc.). Questions about legal problems need to be framed in everyday terms.<sup>92</sup> The legal problem interview questions for this study would be framed by the research areas (housing, ODSP, family, and employment) (see further Part C). These questions would be asked generally in the first interview.

### Housing

- What kind of housing do you currently have (e.g. shelter, apartment, house, etc.)?
- Have you had trouble of any kind with your housing?
- Did you have trouble finding housing?
- Were you refused housing you thought was available?
- Has the landlord demanded to inspect your home at difficult times?
- Has the landlord failed to make repairs?
- What, specifically?
- How many people live in your apartment/house?
- Do you think it is overcrowded?
- Have there been problems with other tenants (e.g. bullying, excessive noise, etc.)?
- Has the landlord dealt with these problems properly?
- Is the problem specific to your landlord? Other tenants, etc.?
- [Other questions designed to understand the legal problems.]

### ODSP, Family, Employment

- [Similar questions would be developed for these research areas, where relevant.]

## SERVICE QUESTIONS

In order to understand and characterize service(s) received, respondents would be asked – in addition to basic questions about services and expectations – questions about their interactions at intake meetings or in the first interview with a lawyer, community legal worker, or other service provider. For example, some questions in this area could include:

### First Interview

- When you first talked to the clinic intake worker, did you have the chance to explain your problem – the way things are really happening to you?
- Did the person you talked to try to find out about other problems in your life?
- Did they go straight to the big problem that is worrying you most right now?
- What did the person do about your most important problem?
- Did you understand clearly what was being done and why?
- Did the legal worker ask you about other problems you were experiencing?
- Did the legal worker ask if the problem you first came in with was really connected with other things in your life (past or present)?
- Did the legal worker refer you to any other organization(s) to help address the problem?
- How did you first contact the legal clinic?
- How did you find out about the legal clinic?
- Do you have any community supports?
- Did the lawyer offer to connect you with ongoing community supports?
- [Other questions designed to understand legal services at issue.]

### Second Interview

- [Some follow up service questions would likely be asked during the second interview.]
- Did you receive the services we discussed in the first interview [recap]?
- Did you receive any other services?
- Do you have any further/different community supports now?
- Did the lawyer connect you with further/different ongoing community supports?
- [Add more detail in follow up questions in order to fully understand the services.]

## OUTCOME/IMPACT/EXPERIENCE QUESTIONS

Some sample questions, most of which would be primarily asked during the second and third interviews, could include:

### General Outcomes

- How long has it been since you received the service(s)?
- For what problem(s)?
- What happened with your problem(s)?
- [Follow up questions will be asked about full, mixed or no-outcome or success, etc.]

### Immediate Impacts

- [Some of these questions may be asked during the first and second interview.]
- Had you tried to resolve the problem by other means before contacting the clinic?
- How long was it after you first visited the clinic that any first steps to resolve the problem were taken?
- What was that, exactly?
- Did the clinic keep you informed about what was being done?
- Up to this point would you say the problem you first came to the clinic with has been resolved?
- How much of what you expected did you actually achieve?
- Did you receive help with anything else?
- If no, did the person at the clinic who assisted you seem interested in other problems?
- So far what difference has the help you received from the clinic made in your life or for people who depend on you (e.g. children, partner, spouse)?
- So far what difference has the help you received from any other organization made in your life or for people who depend on you (e.g. children, partner, spouse)?
- If things are not going well, or if circumstances change in some way, do you feel as if you can go back to the clinic?
- [Further follow up questions will be added depending on answers, including questions related to health, stress, costs, time, other opportunity costs, etc.]



### Medium to Longer Term Impacts/Experiences

- [Some of these questions may be asked during the second and third interview.]
- Up to this point would you say the problem you first came to the clinic with has been resolved?
- How much of what you expected did you actually achieve?
- Did you receive help with anything else?
- If no, did the person at the clinic who assisted you seem interested in other problems?
- At this point what difference has the help you received from the clinic made in your life or for people who depend on you (e.g. children, partner, spouse)?
- At this point what difference has the help you received from any other organization made in your life or for people who depend on you (e.g. children, partner, spouse)?
- If things are not going well, or if circumstances change in some way, do you feel as if you can go back to the clinic?
- Compared with when you first contacted the clinic, do you have more or less confidence in their ability to help you?
- Would you contact the clinic in the future if you think a problem may be developing that could be tackled early?
- Has the service you received made your life easier? How?
- Has the service you received impacted the amount of time you were spending on your legal problem?
- Did the legal problem cost you money? To manage, resolve, or as a consequence of it?
- Has the service you received impacted the amount of money you were spending on your legal problem? What about other costs (e.g. time off work, time away from family, child or elder care, transit, other costs)?
- Did you experience any stress as a result of your legal problem?
- Has the service you received increased or decreased that stress?
- [Further follow up questions would be added depending on answers, including further questions related to health, costs, time, other opportunity costs, etc.]
- [Additionally, further questions would be asked regarding specific research areas – e.g. related to lost or retained housing, ODSP payments, impacts on family relationships, children, domestic violence, and employment issues, as relevant/ appropriate.]

## **SOCIETAL COSTS/BENEFITS**

The analysis for these research issues will likely be primarily based on information provided from the outcome/impact/experience questions (above). Further, depending on the particular problem and outcome, some specific questions may be added at this stage, including, for example:

### **General Outcomes**

- Did the help you received improve your child's performance in school?
- Is your job more secure?
- Is there less stress or conflict in your family?
- [Other potential questions may be asked to further understand costs and benefits.]

## **BASIC DEMOGRAPHIC QUESTIONS**

It is anticipated that basic demographic data would be asked in order to determine any connections between the experience of problems, issues relating to accessing services and outcomes to age, gender, family size and composition, immigration status, disability status, and other significant socio-demographic markers.

# Endnotes

1 LFO, “Measuring impacts and progress: application and instructions form” (application deadline: 30 November 2018).

2 *Ibid.*

3 *Ibid.*

4 *Ibid.*

5 See online: Osgoode Hall Law School <<https://www.osgoode.yorku.ca/faculty-and-staff/farrow-trevor-c-w/>>; CFCJ <<https://cfcj-fcjc.org/about-us/staff/>>.

6 See online: CFCJ <<https://cfcj-fcjc.org/about-us/staff/>>.

7 See online: CFCJ <<https://cfcj-fcjc.org/about-us/staff/>>.

8 For further information, research and materials, see online: CFCJ <<https://cfcj-fcjc.org/about-us/>>.

9 See further the CFCJ’s Grant Application, dated 19 November 2018, for budget details, timelines, etc.

10 For a review of the background research and literature that will animate the CFCJ’s further research, see the literature review prepared for this project, *infra* at note 27.

11 For a brief, recent discussion of the pros and cons of longitudinal research, see e.g. Kendra Cherry, “The Pros and Cons of Longitudinal Research” verywellmind (updated 2 May 2020), online: <<https://www.verywellmind.com/what-is-longitudinal-research-2795335>>.

12 For several different studies, see e.g. Lesley A. Jacobs and Carolyn Carter, “Court-Ordered Family Information Sessions in Ontario” in Trevor C.W. Farrow and Lesley A. Jacobs, eds., *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020) (forthcoming); Nigel Balmer, *Summary Findings of Wave 2 of the English and Welsh Civil and Social Justice Panel Survey* (London: Legal Services Commission, 2013), online: <[https://discovery.ucl.ac.uk/id/eprint/1575457/1/Balmer\\_Civil\\_Justice\\_England\\_Wales\\_Wave2.pdf](https://discovery.ucl.ac.uk/id/eprint/1575457/1/Balmer_Civil_Justice_England_Wales_Wave2.pdf)>; Rebecca L. Sandefur, “The Impact of Counsel: An Analysis of Empirical Evidence” (2010) 9:1 Seattle J. Soc. Justice 51; D. James Greiner, Cassandra Wolos Pattanayak and Jonathan Hennessy, “The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future” (2013) 126:4 Harvard L. Rev 901; Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* (Washington, D.C.: LSC, June 2017), online: LSC <<https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>>; Patrick Peel, “Renewing the Longitudinal Study of Trial Courts” (2017) 38:3 Just. Syst. J. 290, online: <<https://www.tandfonline.com/doi/pdf/10.1080/0098261X.2017.1306816?needAccess=true&>>; Carolyn Copps Hartley and Lynette M. Renner, “The Longer-Term Influence of Civil Legal Services on Battered Women”, Final Technical Report submitted to the National Institute of Justice, U.S. Department of Justice (31 March 2016), online: <<http://iowalegalaidfoundation.org/wp-content/uploads/2015/02/Hartley-Renner-2010-WG-BX-0009-Final-Report-DV-Research-Study.pdf>>; Pascoe Pleasence and Nigel J. Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales” (2007) 4:3 J. Emp. L. Stud. 651, online: <<https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1740-1461.2007.00102.x>>; Donald P. Green and Dane R. Thorley, “Field Experimentation and the Study of Law and Policy” (2014) 10:53 Annu. Rev. L. Soc. Sci. 72, online: <[https://www.annualreviews.org/doi/pdf/10.1146/annurev-lawsocsci-110413-030936?casa\\_token=IQVV2K2DJoYAAAAA%3AEDzdU1ibVi5f2C7FgUtiGgDF1Nea6HTGDP5xmwZb2sP1xhk89L9DOTpRYeO7TFFeEsZquT--mkSMQ](https://www.annualreviews.org/doi/pdf/10.1146/annurev-lawsocsci-110413-030936?casa_token=IQVV2K2DJoYAAAAA%3AEDzdU1ibVi5f2C7FgUtiGgDF1Nea6HTGDP5xmwZb2sP1xhk89L9DOTpRYeO7TFFeEsZquT--mkSMQ)>. See also generally Heather Laurie, “Panel Studies” *Oxford Bibliographies* (26 January 2018), online: <<https://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384-0108.xml>>.

13 For a discussion of research populations and follow up methods, see e.g. Pleasence and Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales”, *supra* note 12; Balmer, *English and Welsh Civil and Social Justice Panel Survey*, *supra* note 12; Hartley and Renner, “The Longer-Term Influence of Civil Legal Services on Battered Women”, *supra* note 12.

14 For several different studies, see e.g. Pleasence and Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales”, *supra* note 12; American Prosecutors Research Institute, *Measuring What Really Matters in Juvenile Justice* (Alexandria: American Prosecutors Research Institute, 2006); Laura Quinn and Joyce Raby, *Measuring Online Legal Resources: A Framework Inspired by the Drake Equation* (Florida: February 2018), online: <<https://www.srln.org/system/files/attachments/Drake-Equation-for-Online-Legal-v7.pdf>>; Jennifer Leitch, *Coming off the Bench: Self-Represented Litigants, Judges and the Adversarial Process* (Toronto: CFCJ, 2017), online: <<https://www.cfcj-fcjc.org/sites/default/files/docs/Coming%20Off%20the%20Bench%20-%20Self-Represented%20Litigants%20Judges%20and%20the%20Adversarial%20Process%20-%20Jennifer%20Leitch.pdf>>; LSC, *Measuring the Unmet Civil Legal Needs of Low-income Americans*, *supra* note 12. See further Ken Smith, “Evaluation of Law Help Ontario As a Model for Assisting Self-Represented Litigants in the Ontario Superior Court of Justice at 393 University Avenue in Toronto” (Pro Bono Law Ontario, 2009); Lisa Moore and Trevor C.W. Farrow, *Investing in Justice: A Literature Review in Support of the Case for Improved Access* (Toronto: Canadian Forum on Civil Justice, August 2019), online: <<https://cfcj-fcjc.org/wp-content/uploads/Investing-in-Justice-A-Literature-Review-in-Support-of-the-Case-for-Improved-Access-by-Lisa-Moore-and-Trevor-C-W-Farrow.pdf>>; Emily S. Taylor Poppe and Jeffrey J. Rachlinski, “Do Lawyers Matter? The Effect of Legal Representation in Civil Disputes” (2016) 43 Pepp. L. Rev 881.

15 For various discussions, see e.g. Greiner et al., *supra* note 12; Hartley and Renner, “The Longer-Term Influence of Civil Legal Services on Battered Women”, *supra* note 12; Pleasence and Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales”, *supra* note 12.

16 Rebecca L. Sandefur, “Access to What?” (Winter 2019) 148:1 *Dædalus* 49.

17 For commentary, see e.g. D. James Greiner and Andrea Matthews, “Randomized Control Trials in the United States Legal Profession” (2016) 12:1 *Annu. Rev. L. Soc. Sci.* 295.

18 See e.g. Lisa Moore, “Fixing a Problem That We Don’t Fully Understand” *Slaw* (15 August 2019), online: *Slaw* <<http://www.slaw.ca/2019/08/15/fixing-a-problem-that-we-dont-fully-understand/>>.

19 For research from the perspective of service providers, see e.g. Joanne J. Paetsch, Lorne D. Bertrand and John-Paul E. Boyd, *An Evaluation of the Cost of Family Law Disputes: Measuring the Cost Implication of Various Dispute Resolution Methods* (Toronto: CFCJ, 2017), online: CFCJ <<https://www.cfcj-fcjc.org/sites/default/files/docs/Cost-Implication-of-Family-Law-Disputes.pdf>>. See further Sandefur, “The Impact of Counsel”, *supra* note 12; Greiner et al., *supra* notes 12 and 17.

20 For a forthcoming collection of new access to justice research, see Farrow and Jacobs, eds., *The Justice Crisis: The Cost and Value of Accessing Law*, *supra* note 12.

21 See CFCJ, “Cost of Justice”, online: CFCJ <<https://cfcj-fcjc.org/cost-of-justice/>>.

22 See e.g. several CFCJ initiatives – modelled on the UN’s Millennium and Sustainable Development Goals approach and building on the Action Committee’s *Roadmap for Change* report, *infra* note 25 – online, CFCJ <<https://cfcj-fcjc.org/action-committee/publications/>>. See recently the Action Committee on Access to Justice in Civil and Family Matters, “Canada’s Justice Development Goals”, online: JDGs <<http://www.justicedevelopmentgoals.ca/>>.

23 See CFCJ, “Community-Based Justice Research”, online: CFCJ <<https://cfcj-fcjc.org/our-projects/community-based-justice-research-cbjr/>>.

24 Moore and Farrow, *Investing in Justice: A Literature Review in Support of the Case for Improved Access*, *supra* note 14.

25 See e.g. Canadian Bar Association, *Reaching Equal Justice: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, November 2013), online: CBA <[https://www.cba.org/CBAMediaLibrary/cba\\_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf](https://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf)>; Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice, A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, October 2013), online: CFCJ <[https://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC\\_Report\\_English\\_Final.pdf](https://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf)>.

26 See e.g. Task Force on Justice, *Justice for All - Final Report* (New York: Center on International Cooperation, 2019), online: <[https://bf889554-6857-4cfe-8d55-8770007b8841.filesusr.com/ugd/90b3d6\\_746fc8e4f9404abeb994928d3fe85c9e.pdf](https://bf889554-6857-4cfe-8d55-8770007b8841.filesusr.com/ugd/90b3d6_746fc8e4f9404abeb994928d3fe85c9e.pdf)>.

27 Forthcoming at CFCJ <<https://cfcj-fcjc.org/>>.

28 See generally CBA, *Reaching Equal Justice*, *supra* note 25; Lesley A. Jacobs and Carolyn Carter, “Court-Ordered Family Information Sessions in Ontario” in Farrow and Jacobs, eds., *The Justice Crisis: The Cost and Value of Accessing Law*, *supra* note 12.

29 See Hazel Genn *et al.*, *Paths to Justice: What People do and Think About Going to Law* (Oxford, UK: Hart, 1999); Action Committee, *Roadmap for Change*, *supra* note 25; CBA, *Reaching Equal Justice*, *supra* note 25. See earlier CFCJ, “Civil Justice System and the Public”, online: CFCJ <<https://cfcj-fcjc.org/our-projects/>>. See also Ab Currie and Lisa Moore, “Social and Economic Adversity Experienced by Canadians and Everyday Legal Problems” (Toronto: CFCJ, December 2018), online: CFCJ <<https://cfcj-fcjc.org/wp-content/uploads/Social-and-Economic-Adversity-Experienced-by-Canadians-and-Everyday-Legal-Problems-Ab-Currie-Lisa-Moore.pdf>>; Trevor C.W. Farrow, “What is Access to Justice?” (2014) 51:3 Osgoode Hall L.J. 957, online: Osgoode Digital Commons <<https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2761&context=ohlj>>; Trevor C.W. Farrow *et al.*, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: CFCJ, 2016), online: CFCJ <<https://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>>; Ab Currie, “A National Survey of the Civil Justice Problems of Low- and Moderate Income Canadians: Incidence and Patterns” (2006) 13:3 Int’l J. Legal Prof. 217; Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians* (Ottawa: Department of Justice Canada, 2007).

30 See e.g. CFCJ, Community-Based Justice Research Project, *supra* note 23. See earlier CFCJ, “Developing Networks for Evidence Based Socio-Legal Research”, online: <<https://cfcj-fcjc.org/our-projects/>>. See also Ab Currie, “Ten Ideas for Community-Based Justice” (Toronto: CFCJ, December 2018), online: CFCJ <<https://cfcj-fcjc.org/wp-content/uploads/Ten-Ideas-for-Community-Based-Justice-Ab-Currie.pdf>>; Ab Currie, *Building Community Connections: Second Interim Report of the WellCoMs Mobile Van Project* (Toronto: CFCJ, September 2019), online: CFCJ <<https://cfcj-fcjc.org/wp-content/uploads/Building-Community-Connections-Second-Interim-Report-of-the-WellCoMs-Mobile-Van-Project-by-Ab-Currie.pdf>>.

31 For experiences from other studies, see e.g. Pleasence and Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales”, *supra* note 12; Hartley and Renner, “The Longer-Term Influence of Civil Legal Services on Battered Women”, *supra* note 12.

32 It should be noted that, while all of these organizations demonstrated an interest in pursuing this research, no formal agreements or commitments were made.

33 See CLASP, online: <<https://www.osgoode.yorku.ca/community-clinics/welcome-community-legal-aid-services-program-clasp/>>.

34 See PCLS, online: <<https://www.parkdalelegal.org/>>.

35 See CLS, online: <[https://law.uwo.ca/legal\\_clinics/community\\_legal\\_services/index.html](https://law.uwo.ca/legal_clinics/community_legal_services/index.html)>.

36 See DLAS, online: <<https://www.dal.ca/faculty/law/dlas.html>>.

37 See the Upstream Lab, online: <<https://upstreamlab.org/>>.

38 See CLCYR, online: <<https://clcyr.on.ca/>>.

39 See JFCY, online: <<https://jfcy.org/en/>>.

40 See generally CALC, online: <<https://communitylegalcentre.ca/>>.

41 See online: ACTO <<https://www.acto.ca/>>.

42 For brief discussions, see Ab Currie, “Going Out to Where People Live or Spend Time to Address Unmet Legal Need” *CFCJ Blog* (25 October 2019), online: CFCJ: <<https://cfcj-fcjc.org/a2jblog/going-out-to-where-people-live-or-spend-time-to-address-unmet-legal-need/>>; Ab Currie, “Building Paths to Justice in Rural Wellington County: Learning from the WellCoMs Mobile Van Pilot Project” *Slaw* (11 February 2020), online: Slaw <<http://www.slaw.ca/2020/02/11/building-paths-to-justice-in-rural-wellington-county-learning-from-the-wellcoms-mobile-van-pilot-project/>>.

43 Trevor C.W. Farrow, “Investing in Legal Aid” (presentation and research discussion at Association of Community Legal Clinics of Ontario, Toronto, Ontario, 26 November 2019). See generally ACLCO, online: <<https://aclco.org/>>.

44 See e.g. Trevor C.W. Farrow, “Court Administration and Reform” (keynote lecture at Encuentro Nacional de Oficinas Judiciales de Argentina, Neuquén, Argentina, 6 November 2019); Trevor C.W. Farrow, “Next Steps in Measuring the Costs of Lack of Access to Justice” (invited presentation at Organisation for Economic Co-Operation and Development “Building the Case for Access to Justice” panel, Lisbon, Portugal, 28 March 2019).

45 See e.g. various research discussions and presentations by Trevor C.W. Farrow, including: “A2J Pop-Up Community of Practice 2020: Data, Parts 1-2” (Action Committee on Access to Justice in Civil and Family Matters, online, 8-9 April 2020); “Strategies for Next Steps in Justice Research and Investment” (presentation at Law Society of Ontario, Access to Justice week plenary session, Toronto, Ontario, 1 November 2019); “Investing in Justice” (keynote presentation at Law Society of Ontario Access to Justice Week, Toronto, Ontario, 28 October 2019); “Justice Research: Next Steps” (panel presentation, Canadian Association of Legal Ethics Annual Conference, Windsor, Ontario, 25 October 2019); “The Importance of Justice Metrics” (presenter and facilitator at Action Committee on Access to Justice in Civil and Family Matters annual meeting, Ottawa, Ontario, 11 April 2019).

46 See online: AJRN <[www.ajrn.org](http://www.ajrn.org)>.

47 The AJRN engages users in different ways across four platforms: a website, listserv, blog and conference calls. It currently connects over 300 researchers across Canada (and internationally).

48 See generally TAG, online: LSO <<https://lso.ca/about-lso/initiatives/tag-the-action-group-on-access-to-justice>>.

49 See generally Action Committee on Access to Justice in Civil and Family Matters, online: CFCJ <<https://cfcj-fcjc.org/action-committee/>>; Action Committee, Justice Development Goals, online: <<http://www.justicedevelopmentgoals.ca/>>.

50 See CBJRP, *supra* note 23.

51 See generally Organisation for Economic Co-operation and Development, “Access to Justice”, online: OECD <<https://www.oecd.org/gov/access-to-justice.htm>>.

52 See e.g. *Charging for Justice*, *infra* note 88, for which Trevor Farrow was credited as an “expert contributor”.

53 See e.g. Pathfinders, online: <<https://www.justice.sdg16.plus/>>. See also Moore and Farrow, *Investing in Justice*, *supra* note 14, which was prepared for the Pathfinder’s Task Force on Justice.

54 See e.g. CLCYR’s eviction prevention services; tenant services offered by CLASP, PCLS, ACTO, and others.

55 See e.g. CLCYR’s tenant mediation services.

56 See e.g. the services offered by Parkdale, CLASP, and others.

57 See e.g. Office of the Auditor General of Ontario, 2019 *Annual Report*, vol. 1, c. 3, sec. 3.09 (“Ontario Disability Support Program”), online: <[https://www.auditor.on.ca/en/content/annualreports/arreports/en19/v1\\_309en19.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en19/v1_309en19.pdf)>.

58 See e.g. the family law services and coaching offered by CLASP.

59 See e.g. the employment law services offered by CLASP.

60 See e.g. Matt Lundy, “Two million Canadian jobs lost in April as unemployment rate reaches 13 percent” *The Globe and Mail* (8 May 2020), online: <<https://www.theglobeandmail.com/business/article-two-million-canadian-jobs-lost-in-april-as-unemployment-rate-reaches/>>.

61 See e.g. Gordon Bazemore, *Measuring What Really Matters in Juvenile Justice* (Virginia: American Prosecutors Research Institute, July 2006), online: OJJDP <<https://ojjdp.ojp.gov/library/publications/measuring-what-really-matters-juvenile-justice>>.

62 For the experience of other studies on this point, see e.g. Quinn and Raby, *A Framework Inspired by the Drake Equation*, *supra* note 14.

63 See e.g. Farrow et al., *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, *supra* note 29, in which state-based cost/benefit impact estimates were provided.

64 See generally Genn *et al.*, *Paths to Justice*, *supra* note 29.

65 For experiences from other studies, see e.g. Pleasence and Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales”, *supra* note 12; Hartley and Renner, “The Longer-Term Influence of Civil Legal Services on Battered Women”, *supra* note 12.

66 The CFCJ’s experience with everyday legal problem studies will be of particular value with respect to this aspect of the research.

67 See e.g. Pleasence and Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales”, *supra* note 12; Prairie Research Associates, *Evaluation of the Family Law Expanded Duty Counsel Pilot Projects: Final Report* (Ontario: Legal Aid Ontario, 3 October 2002) online: <<https://collections.ola.org/mon/10000/250962.pdf>>.

68 Lessons learned from other studies help to frame these interviews. See e.g. Ab Currie for the Canadian Forum on Civil Justice, “The Unintended Consequences of Innovation” *Slaw* (9 June 2020), online: *Slaw* <<http://www.slaw.ca/2020/06/09/the-unintended-consequences-of-innovation/>>; Ab Currie, “Engaging the Power of Community to Expand Legal Services for Low-Income Ontarians” (April 2017), online: CFCJ <<https://cfcj-fcjc.org/sites/default/files/Engaging%20the%20Power%20of%20Community%20to%20Expand%20Legal%20Services.pdf>>.

69 See *ibid.*

70 See e.g. CLASP and PCLS.

71 For an earlier project that employed law students to do interview work, see e.g. Farrow, “What is Access to Justice?”, *supra* note 29.

72 See OPIR, online: Osgoode <<https://www.osgoode.yorku.ca/programs/juris-doctor/jd-program/osgoode-public-interest-requirement/>>.

73 See e.g. Pathfinders for Peaceful, Just and Inclusive Societies, *Justice in a Pandemic – Briefing One: Justice for All and the Public Health Emergency* (New York: Center on International Cooperation, 2020), online: <<https://www.justice.sdg16.plus/>>.

74 The CFCJ’s experience with the CBJRP (*supra* note 23) – in which similar COVID-19 related data collection challenges and questions are being addressed – will be of assistance in this context as well.

75 See e.g. Focus Consultants - Dispute Resolution Longitudinal Study, Phase 3 Final Report (March 2008); Pleasence and Balmer, “Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales”, *supra* note 12; Hartley and Renner, “The Longer-Term Influence of Civil Legal Services on Battered Women”, *supra* note 12.

76 See e.g. York University, Office of Research Ethics, online: York <<https://research.info.yorku.ca/research-ethics/>>.

77 See e.g. CBJRP, *supra* note 23.

78 See *supra* note 27.

79 See e.g. Lisa Moore, “Fixing a Problem That We Don’t Fully Understand” *Slaw* (15 August 2019), online: *Slaw* <<http://www.slaw.ca/2019/08/15/fixing-a-problem-that-we-dont-fully-understand/>>.

80 See e.g. Trevor C.W. Farrow, “Court Administration and Reform” (keynote lecture at Encuentro Nacional de Oficinas Judiciales de Argentina, Neuquén, Argentina, 6 November 2019); Trevor C.W. Farrow, “Next Steps in Measuring the Costs of Lack of Access to Justice” (invited presentation at Organisation for Economic Co-Operation and Development “Building the Case for Access to Justice” panel, Lisbon, Portugal, 28 March 2019), mentioned further *supra* note 44.

81 See e.g. various domestic presentations by Trevor C.W. Farrow (mentioned above, *supra* notes 43-45), including: “A2J Pop-Up Community of Practice 2020: Data, Parts 1-2” (Action Committee on Access to Justice in Civil and Family Matters, online, 8-9 April 2020); “Investing in Legal Aid” (presentation and research discussion at Association of Community Legal Clinics of Ontario, Toronto, Ontario, 26 November 2019); “Strategies for Next Steps in Justice Research and Investment” (presentation at Law Society of Ontario, Access to Justice week plenary session, Toronto, Ontario, 1 November 2019); “Investing in Justice” (keynote presentation at Law Society of Ontario Access to Justice Week, Toronto, Ontario, 28 October 2019); “Justice Research: Next Steps” (panel presentation, Canadian Association of Legal Ethics Annual Conference, Windsor, Ontario, 25 October 2019); “The Importance of Justice Metrics” (presenter and facilitator at Action Committee on Access to Justice in Civil and Family Matters annual meeting, Ottawa, Ontario, 11 April 2019).

82 See Terry Davidson, “Researchers to follow legal aid clients for year-long access to justice research project” *The Lawyer’s Daily* (10 July 2019), online: <<https://www.thelawyersdaily.ca/business/articles/13591/-researchers-to-follow-legal-aid-clients-for-year-long-access-to-justice-research-project>>; Anita Balakrishnan, “Legal research tries to catch up to medicine, education” *Law Times* (4 July 2019), online: <<https://www.lawtimesnews.com/resources/legal-education/legal-research-tries-to-catch-up-to-medicine-education/276263>>; Yfile, “Research institution at Osgoode Hall Law School to study long-term impacts of access to legal help” *Yfile* (4 July 2019), online: York <<https://yfile.news.yorku.ca/2019/07/03/research-institution-at-osgoode-hall-law-school-to-study-long-term-impacts-of-access-to-legal-help/>>.

83 See Calibrate, *Tracking Our Progress: Canada’s Justice Development Goals in 2019*, a report prepared for the Action Committee on Access to Justice in Civil and Family Matters (forthcoming May 2020) [*Tracking Our Progress*].

84 See *supra* Part C.

85 See *ibid.*

86 See *ibid.*

87 See e.g. Calibrate, *Tracking Our Progress*, *supra* note 83.

88 For discussions on the business case for investing in justice, see e.g. Organisation for Economic Co-Operation and Development, “Access to Justice”; online: OECD <<https://www.oecd.org/gov/access-to-justice.htm>>; Moore and Farrow, *Investing in Justice: A Literature Review in Support of the Case for Improved Access*, *supra* note 14; Maurits Barendrecht, *Charging for Justice. SDG 16.3 Trend Report 2020* (The Hague: The Hague Institute for Innovation of Law, 2020), online: Hiil <<https://www.hiil.org/projects/charging-for-justice/>>.

89 See CBA, *Reaching Equal Justice*, *supra* note 25 at 145.

90 See e.g. Farrow *et al.*, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, *supra* note 29.

91 See e.g. Genn *et al.*, *Paths to Justice*, *supra* note 29.

92 See e.g. Farrow *et al.*, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, *supra* note 29; David Northrup, Ab Currie, Trevor C.W. Farrow, Les Jacobs and Nicole Aylwin, *Design and Conduct of the Cost of Justice Survey* (Toronto: CFCJ, 2016), online: CFCJ <<https://www.cfcj-fcjc.org/sites/default/files//Design%20and%20Conduct%20of%20the%20Cost%20of%20Justice%20Survey.pdf>>; CFCJ, *Everyday Legal Problems and the Cost of Justice in Canada: Survey* (Toronto: CFCJ, 2016), online: CFCJ <<https://www.cfcj-fcjc.org/sites/default/files//Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Survey.pdf>>.