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Measuring Impacts of Legal Services – A Literature Review on Research Design and Methodology

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Canadian Forum on Civil Justice 
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Measuring Impacts of Legal Services:

A Literature Review On Research Design And Methodology



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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.

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Part 1

■ PART 1

1.1 Overview

This is a literature about measuring justice. In particular, it looks primarily at empirical research focussing on access to justice and the delivery of legal services.

1.2 Purpose

The purpose of this literature review is twofold. First, by exploring Canadian and international literature focussing on the measurement of justice, it is designed to support and promote much needed innovative, empirical, access to justice research.¹ Specifically, it explores the use of longitudinal research methodologies and randomized controlled trials (RCTs) to gather data on outcomes and impacts in legal research and, to some extent, in disciplines outside of law. It is hoped that the bibliography, attached as Appendix I, will be useful for future research on these and related topics. Second, this literature review is drafted with a view towards supporting a research plan, data collection, and research analysis for a multi-phase project that seeks to examine the relationship between legal help and short- and longer-term impacts for people experiencing serious civil justice problems.²

1.3 Introduction

Resolving a civil justice problem³ – within courts or tribunals, or independent of them – can be challenging. The complexities involved in navigating much of the formal justice system to satisfactorily resolve a civil justice dispute assume a level of familiarity or expertise acquired almost exclusively through experience and legal training. Serious civil justice problems that are addressed outside of the courts or tribunals are also often subject to various temporal, financial and personal impediments and adverse impacts.⁴ That is, the path to resolving a serious civil justice problem, from identifying and understanding the legal underpinnings of the problem, to ascertaining possible legal remedies and accessible options for help, to further committing time, money and the emotional and physical fortitude necessary to see the problem through to its conclusion is, by most measures and for most people, onerous at best.

Though legal aid is sometimes available to low-income individuals who meet eligibility thresholds, provincial and territorial legal aid schemes do not offer assistance to address a majority of the sixteen commonly experienced civil justice problem types in Canada.⁵ Conversely, legal aid is available for serious criminal offenses to people who are not financially able to engage the services of a legal professional. Implicit in this allowance for serious criminal matters are the notions that: (1) the seriousness of criminal matters merits help from a legal professional; and, (2) access to a legal professional to resolve a serious legal problem is beneficial. Relative to other problem types, there are additional, implicit assumptions: (3) that non-criminal legal problems might lend themselves more readily to resolution without legal representation; (4) non-criminal matters are not significant enough to warrant legal assistance⁶; and (5) the consequences of unresolved civil justice problems are not as serious.

Research increasingly reveals these notions to be misguided. Canadians experience serious, life-altering consequences as a direct result of civil as well as criminal justice problems. A study conducted by the Canadian Forum on Civil Justice (CFCJ) found that over 100,000 Canadians face homelessness every year as a direct consequence of a serious civil justice problem.⁷ Within a given three-year period, serious civil justice problems result in or contribute to a loss of employment for approximately 930,000 people in Canada.⁸ In addition, people dealing with one

or more serious civil justice problems also report experiencing emotional and physical health problems that are severe enough to compel them to seek help from a medical professional. These represent just a few examples of the life-altering implications of civil justice problems. In the short- and long-terms, these impacts cost the Canadian government more than \$800 million annually in knock-on costs (and likely much more), and cost individuals and families thousands of dollars in out-of-pocket expenses.⁹

As pertains specifically to the second notion – that access to legal help is beneficial – research from the United States, the UK, Australia and other countries offer insights into outcomes and impacts for litigants, their families, communities, and economies related to access to legal help to resolve civil justice disputes. This body of research, much of which examines outcomes for recipients of legal aid and pro bono services, largely confirms more favorable rulings for represented litigants, more positive case outcomes, better justice system experiences and a range of auxiliary benefits for individuals who have access to legal help when resolving serious civil justice problems.¹⁰ In Canada, there is much less legal scholarship that has explored the relationship between access to legal help, outcomes, and impacts for persons involved in civil justice disputes. Fewer still are the number of studies that have applied experimental research methods or longitudinal research methodologies to better understanding these issues.

As a result of this gap in Canadian legal research, there is a range of important access to justice and related civil justice questions for which we simply have no actionable research, evidence or insight beyond learnings from other jurisdictions, some of which have distinct legal, historical, economic and social contexts that do not readily or fully apply within Canada. We do not know, for example, how important access to legal help is for the timely resolution of a civil justice dispute in Canada. How does access to legal help impact spending to resolve a civil justice problem? Are there differences in physical and emotional consequences for people who receive legal help and people who do not? Does access to different types of legal help impact perceptions of fairness of a case or, more broadly, fairness of Canada's justice system?¹¹ Does full representation significantly affect the likelihood of receiving a satisfactory outcome or is the difference with individuals who, for example, have access only to duty counsel negligible? At what points in the legal problem resolution process are self-help resources the most effective?¹² How does the experience of resolving civil justice problems differ for litigants who receive legal assistance and litigants who do not? Are there demographic differences or similarities to be found among outcomes and experiences for populations who receive legal help to resolve their civil justice disputes and those who do not?

Without answers to these and other similar questions, we cannot fully know what works in the administration of justice, to what extent, how and for whom? We cannot attest to where to best direct resources. We will not be able to determine what steps in the path to resolving a civil justice problem might benefit most from innovation or change. We also cannot fully understand how we might improve our civil justice systems to better facilitate access to justice services, reduce the non-legal consequences of civil justice problems and improve access to information and programs that can assist with these adverse consequences when they do arise.

The Measuring the Impact of Legal Service Interventions research initiative (“Measuring Impacts research initiative”) seeks to be one of the first longitudinal studies in Canada to gather data on the connection between access to legal help, outcomes, and impacts for people

experiencing civil justice problems.¹³ To meet this objective, this research project will adopt a user-centred approach to exploring questions surrounding individuals' experiences resolving civil justice disputes, satisfaction with outcomes, understanding of legal problems and the civil justice system, perceptions of fairness and short- and long-term personal impacts.

Research design is an important consideration for this study.¹⁴ In designing any study, the choice of research method influences the type, quantity and quality of data gathered. This literature review examines three specific research methods – randomized controlled trials, longitudinal methodologies and quasi-experimental methods— with a view to understanding how they can be applied to legal, impacts- and outcomes-based research. Research ethics and research participant recruitment are also discussed as part of the broader conversation on important considerations in research design.

This paper is organized around how questions of research methodology, including the challenges, limitations and benefits of different methods, and the application of these methods might be contemplated when designing a civil justice study. To that end, this literature review is concerned with informing a research framework that can effectively ask these questions and examine the extent to which what people do to address a serious civil justice problem and the extent of the legal help that people receive along the way contributes to the resolution process, outcomes, the durability of solutions, and impacts for individuals. While the focus is on civil justice matters, there are several references in this literature review to research in the area of criminal law.

1.4 Outline

To support the objectives of the Measuring Impacts research initiative, this literature review proceeds as follows. Following this introductory section, Part 2 explores the use of experimentation in law, including key aspects of this research approach, benefits, challenges and concerns related to research ethics. Part 3 begins with an overview of longitudinal research design and progresses to a discussion of longitudinal panel studies. Through an examination of studies that apply a longitudinal panel format, this section will offer insights into the benefits of this approach and its limitations. An overview of quasi-experimental research methods follows. Part 5 offers further insights on choosing the right research methodology, with examples from juvenile justice research, a longitudinal study and a RCT. Part 6 presents research insights on the development of measurement frameworks for longitudinal studies, and is followed by Part 7 which offers several observations on research participant recruitment for longitudinal studies and randomized assessments.



Part 2

■ PART 2

2.1: Experimentation in Law

Researchers have long been interested in questions of cause and effect within the legal field.¹⁵ Causality in law, as in other disciplines, can be difficult to establish. It requires isolating variables and, to the extent necessary, engineering particular conditions in order to demonstrate unequivocally the influence of one variable on another. In the legal field, that often translates to an examination of specific processes, services, programs, policies or tools to determine their connection to decision-making, individual experiences, or outcomes within particular legal contexts. For civil justice problems, which often co-occur or cluster with other civil or related issues, this can be especially difficult.¹⁶ In addition, situations that involve denying or selectively offering access to legal interventions that stand to have profound consequences for individuals and families raise significant ethical concerns.

There are various examples of legal studies aimed at establishing causality that have been carried out in laboratory or artificial settings.¹⁷ In recent decades, however, there has been a shift in focus towards field experimentation, carried out in natural settings and under conditions in which people would likely be exposed to legal processes and legal decisions.¹⁸ This type of methodological approach challenges researchers to weigh the investment required to conduct this type of study, including the comparatively higher costs of controlled field experiments and the complicated elements of planning and executing this type of research in natural settings, taking into account ethical concerns, and the difficulty of generating data that clearly establishes causality (and not simply correlation). It is, arguably, for these reasons that these types of studies are generally carried out less frequently in the legal sector and, within the existing body of Canadian legal research, they are rare.

Despite these concerns, studies using an experimental research design have been carried out with some success in law. Data from this collection of studies has proven beneficial for informing collective understandings of the impacts of dispute resolution processes, outcomes of legal proceedings for diverse populations, as well as for gauging the ramifications of access to various legal mechanisms to address legal problems.

2.2 Experimental Research Design in Law

Experimental research seeks to establish causality between two or more variables.¹⁹ This type of research is especially common in the medical field where, for example, the effect of new drugs and procedures are rigorously tested to determine their direct effects and overall safety before being introduced to the public. Within the school of experimental research, RCTs are widely regarded as the gold standard for research that seeks to establish causal inferences.²⁰ In this type of quantitative, experimental research, people are randomly allocated to receive one of several clinical interventions.²¹ The goal is to determine whether the intervention under investigation achieves the effect as hypothesized.

2.3 Randomized Controlled Trials (RCTs)

There are several aspects of this type of research that aid its effectiveness as a tool to assess causality. RCTs typically involve one or more groups that receive the treatment being tested as well as a control group that either does not receive the treatment or receives a placebo.²² Administration of the treatment is randomized and neither group is made aware of the nature of the treatment that they receive – real or placebo. In a study aimed at determining

whether the presence of a lawyer was influential at bail review hearings for non-violent criminal offenders, a pool of suspects was randomly assigned legal representation.²³ This randomization of the comparator groups offered a means to eliminate selection, confounding, and measurement biases, all of which are inherent limitations of observational research. There was no placebo treatment included as part of this study. As the final report explains, the question of the influence of lawyers could have been explored by reviewing and comparing case files in which a lawyer was present and in which there was no lawyer. In so doing, however, it would have been difficult to ascertain whether a particular outcome was the result of lawyer representation or other, coexisting factors. Affluence, social standing and the supportive networks of persons who would have been able to afford legal representation, relative to similar associations for people who would be less likely to be able to afford legal representation were advanced as factors that could potentially contribute to more positive outcomes for the lawyer-represented cohort.²⁴ As the report further notes, “[r]andom assignment of suspects to the lawyer and no-lawyer groups would ensure that any observed differences in outcomes between the two would not be due to selection mechanisms ... pre-existing differences between the groups would be eliminated.”²⁵

Accordingly, randomized assessments eliminate the threat of selection bias.²⁶ That is, through randomization, the potential for a particular outcome is the same for the treated group and the untreated group. Selection bias generally occurs in research when, for example, an individual or group is chosen to receive an intervention or treatment for a particular reason. The result is that shared qualities, experiences or other common factors among “selected” members of a group may skew outcomes to favor particular traits. Avoiding selection bias to ensure a truly random assessment is one of several challenges of RCTs. It adds to the complexity of properly executing this methodological approach and is perhaps among the reasons that fewer legal researchers seek to use this methodological approach over other methods.

2.4 RCTs in Legal Research

In a 2012 study carried out by researchers at Harvard University’s A2J Lab, randomized assessments were used to support an investigation of the limitations of unbundled legal services, relative to full legal representation, for clients facing eviction from their place of residence.²⁷ The study was carried out as part of a broader examination of the extent to which unbundled legal assistance might serve as a viable alternative to full attorney-client relationships, offering a more cost-effective means of recourse with similar outcomes in civil legal contexts. As in the RCT project examining lawyer influence at bail review hearings (discussed above), there were no specific selection criteria introduced in the randomization process to restrict or encourage inclusion of particular individuals in the study. In the phase of the study involving eviction defendants at a Massachusetts District Court, the study’s participants were randomly assigned to one of two groups - a “treated” majority group who received limited legal assistance to complete forms as well as an offer of full representation from an attorney, and a control group who also received limited assistance but did not receive an offer of assistance from an attorney. Most of the defendants in the control group eventually sought to resolve their legal problem through self-representation.²⁸

There was a marked difference in outcomes for the treated group and the control group, supporting the line of reasoning that randomized assessments control for other, concurrent factors beyond the scope of the variables being tested. At the end of the summary eviction

proceedings, a majority of defendants in the treated group— two-thirds— kept control of their housing unit compared to one-third of defendants in the control group. There was also a significant difference in outcomes between the treated and control groups in cases involving rent owed and monetary counterclaims. Defendants in the treated group did not have to pay, on average, 9.4 months of rent compared to 1.9 months of rent for the control group.²⁹

Despite the merits of RCTs as a tool to gather empirical evidence on cause and effect in the legal field, their use in legal research has faced, and continues to face opposition on a number of fronts. Chief among the concerns about using this methodological approach more broadly in law are objections based in the ethics of withholding access to legal help, presumably when an individual or group of people would otherwise receive information or access to the service or procedure being assessed.³⁰ Framing the criticism of this approach as a denial of access to justice in some form for the purposes of experimentation can be misleading, or else wholly inaccurate. In the District Court phase of the Harvard study (above) for example, the legal aid provider through which the study's pool of defendants was selected did not have the resources necessary to offer full legal representation to all clients. Even without the introduction of randomization to determine who would receive an offer of full representation from an attorney, no offer of full legal representation would have been forthcoming for some defendants, albeit through a different process of selection.³¹

2.5 Control Groups

As the examples above illustrate, RCTs and control groups are not completely absent from contemporary legal research. The reluctance to use randomized assessments more broadly in legal research is based in a specific, defining feature of RCTs – control groups. Within experiments in the medical field, control groups have been largely accepted as necessary because of their ability to reduce spurious causality and bias, and to contribute to high quality evidence. In fact, much scientific research relies on the presence of control groups to ensure the validity of the treatment or intervention that is being tested.

In discussions on the divergence of law and medicine as professions grounded in scientific evidence, the increased use of RCTs in medical research features as a noteworthy point at which the medical field began emerging as the discipline more reliant on objective, empirical, scientific research.³²

A prominent medical journal offers the following description of a control group: “a control group is comprised of people similar to the test group in all aspects that affect the outcome except for the treatment/intervention of interest. Controls are selected on the basis of comparability to the target population or the population at risk ... a control group discriminates outcomes caused by the treatment or intervention of interest from those caused by other factors.”³³

The expectation may be that, for rigorous legal research that uses RCTs, the result will always include marked differences between the control group and the treated group. That is, when investigating exposure to an intervention between comparable groups, there will be discernible differences between the treated and untreated groups. This is not always the case. A 2007 report on a randomized control trial that was carried out to examine the impact of debt advice for people experiencing debt problems includes a number of interesting, if not somewhat unexpected findings. Outcomes for the treated group, which received debt advice, and the

control group were compared along a range of parameters during and at the end of the study. At a 5-month check-in with survey participants, there was no evidence of a difference in the rate at which the treated and control group respondents had resolved their debt problems.³⁴ Notwithstanding, the study describes the treated group as “more likely to describe their financial position as ‘better’ than at baseline.”³⁵ Other, interesting but perhaps not jarring findings from the data suggest that the treated group had greater awareness of their financial circumstances, an increased sense of urgency to address debt problems and more hope about the future compared with the control group.³⁶

The study goes further to address these findings in the context of overall difficulties conducting RCTs in a social setting.³⁷ The real-life circumstances under which field experiments take place might restrict the sample size that is permissible for a given study, which in turn might impact the statistical significance of the data that is collected.³⁸ It is harder to exercise full control over a given intervention or the actions of the participants in a study in field experiments that take place in real-life settings.³⁹ The report on the RCT that was used to examine the outcomes of debt advice notes, for example, incidences of participants in the treated group refusing the offer of debt advice; there was also some difficulty reaching study participants for follow-up and a higher than anticipated level of attrition among the study’s participants. The level of attrition in this study undermined the statistical significance of some of the findings. Furthermore, the study found that participants who were part of the control group who were not offered the intervention – in this case an offer of debt advice – independently sought debt advice outside of the study. These and other issues that are documented in the final report⁴⁰ highlight further challenges that RCTs in the legal field can present, even within a carefully-executed research framework.

2.6 Experimentation in Law and Research Ethics

Research approaches like RCTs that involve human participants raise ethics considerations. To proceed, they must consider the overall safety, welfare and dignity of those participating in the research. Further, the recent COVID-19 pandemic adds new challenges and considerations as well. It is standard within the corpus of legal studies involving human participants for researchers to advise on the nature of the study, the type of data that will be collected, whether the data will be anonymized, how the data will be used, as well as an assurance that any information that is collected through the course of the study will be safely stored, and the duration for which the data might be kept. Participants might be asked for their consent to these or other terms of a research agreement.⁴¹

The use of control groups in experimental research in law makes fully addressing some of these ethical conventions challenging. To the extent that full knowledge of the nature and design of a study might influence the behaviour of participants in either the treated or untreated groups, there are limitations to the information that might be shared in some experiments so as to not compromise the integrity of the data that is collected. The medical field has explored the ethical challenges of RCTs extensively and offers a number of useful insights, many of which have been adopted for research involving RCTs in the legal field.⁴²

2.7 RCTs, Research Ethics and Learnings from the Medical Field

Modern use of RCTs in the medical field requires free, informed consent from all research participants. Before the study proceeds, participants are told what they will be asked to do and how the information gathered from their participation in the study will be managed and archived. If a study involves multiple people from the same household, researchers ensure that the information collected from any one member will not be shared with other members of the household. Participants are also informed that their participation in the research is voluntary and they can refuse participation in the study at any time, including during subsequent check-ins.⁴³

In some RCTs and clinical trials in the medical field, control groups are led to believe that the placebo treatment that they receive is the actual treatment. Analogously, involvement in a study that administers a placebo wherein participants do not subsequently seek other interventions that may be effective to address related concerns have raised additional ethics concerns.⁴⁴

There are several diverging, and arguably controversial views that seek to justify setting aside some standard ethical research practices (separate from medical ethics norms) invoked by RCTs. Some argue that the use of experimentation serves an overarching long-term good, that is, while untreated study participants might not gain from their involvement in the research, the value of their contribution to informing the use and safety of new interventions, treatments and policies for others in the future supersedes the lack of immediate, potential gains.⁴⁵ Other researchers contend that within untreated control groups, data has shown responses to a placebo treatment that suggests that the untreated group benefits from their involvement in the experiment. As a further rationalization, the use of a placebo treatment that might deter control group participants from seeking alternative methods are acceptable if the effectiveness of the alternative interventions are also being questioned.⁴⁶ Notwithstanding, RCTs carried out in the medical field, law and other domains generally adhere to tight standards that necessitate approval on a number of fronts before they are able to proceed – from institutional review boards, to approval and consent from research participants and, in the case of legal studies, legal information or service providers and others.⁴⁷

In legal research, RCTs stand to offer a wealth of objective, high-quality empirical data. This is especially pertinent in light of law's existing data gaps. RCTs, however, are not without their challenges.⁴⁸ Judicious planning, institutional ethics reviews and approvals, and careful research execution may not be sufficient to contend with high levels of attrition, unintentional bias, multi-level and complex human problems, the impact of social context, or to predict the extent of human behaviour within real-life settings that might compromise the integrity of the data collected. There is also a range of ethical concerns that continue to question the broader adoption of RCTs within legal research. As one paper articulates, “[t]hose who aspire to bring credible scientific evidence to bear on the formulation and implementation of laws, policies, and programs should appreciate the enormous and sustained research effort that this undertaking requires.”⁴⁹



Part 3

■ PART 3

3.1. Longitudinal Studies

Longitudinal studies share a number of features with RCTs, in addition to some of the challenges that tend to materialize through research design, research execution and data collection for both research formats.⁵⁰

Longitudinal studies facilitate the examination of changes among variables over time, be it weeks, months or years. They are a type of correlational research that can be carried out in several ways, with passage of time being a common, defining aspect of all categories of longitudinal research.⁵¹ While longitudinal research broadly denotes the research design of a type of study, like RCTs, this methodological approach is reliant on research tools such as surveys or telephone interviews to gather quantitative and/or qualitative evidence to support one or more research hypotheses.

3.2 Types of Longitudinal Studies

Retrospective longitudinal studies are based on events that have already taken place, and often involve an examination of existing data while prospective longitudinal studies seek to collect data in real time, usually by following the same group of research participants. Longitudinal studies are further distinguished by unit of analysis. Panel studies involve collecting information from the same cross-section of individuals at multiple intervals. The data collected can be quantitative or qualitative. Typically in panel studies, the attributes of research participants and the number of people recruited for the study are such that they can offer insights that are applicable to the population at large. Cohort studies involve sampling a particular group with a shared experience or common traits, for example people born in the same year or people who live in the same town or region.⁵² Usually follow-ups within longitudinal cohort studies take place at irregular intervals.⁵³ The choice of longitudinal research design to pursue might be guided by practical considerations, such as cost, time or availability and access to existing data or, more generally, by research objectives.

3.3 Comparing RCTs and Longitudinal Research Methodologies

Relative to RCTs, longitudinal studies occupy a less controversial space within the realm of empirical legal research methods. RCTs, with the support of evidence gathered from control groups, allow researchers to establish causality whereas longitudinal studies typically offer insights into the relationship between variables, including whether causality could exist. For example, there would be differences in responses to the question, “Does legal representation matter?” explored through an RCT versus a longitudinal study. RCTs would likely provide data looking at differences in the prevalence of favourable outcomes between lawyer-represented groups and no-lawyer represented groups.⁵⁴ Longitudinal research data could bring to light differences in satisfaction levels among justice system users, variations in levels of spending, stress, and relationship breakdowns over time among people who receive lawyer assistance and people who do not, or even an evolution in opinions of the fairness of the justice system from the time that people first seek help for a problem to several weeks after the problem has been resolved, depending on whether or not they received professional legal help.

A 2016 literature review that examines legal studies carried out with a view to addressing the question, “Do lawyers matter?” offers several observations on why methodology matters, and also considers several caveats about the gathering of data.⁵⁵ The overall point made in the review is perhaps best expressed through the summation that, “choice of research methods

might ... produce variation in results”.⁵⁶ Notably, many of the studies that have been carried out to evaluate the relationship between legal representation and outcomes have applied purely observational research methods or focus on a review of existing case files data.⁵⁷ The review further observes that this methodological design –retrospective research that mostly focuses on reviewing case files and assessing the outcomes— presents significant challenges to determining the impact that variables outside the scope of those of interest for the study – in this case, lawyer representation and no-lawyer representation – might have on outcomes. For example, as relates to research on lawyer representation, a review of case files could not likely offer any insight into the probability that some cases were more likely to be accepted by lawyers because of their perceived chances of being successful. The impact of lawyer representation on favourable outcomes would therefore be, at least in part, a consequence of the particular cases chosen by lawyers and their likelihood of success rather than a more objective, unbiased involvement and resolution of cases, irrespective of their likelihood of success.⁵⁸

It is worth noting that, while the literature review speaks to the possible use of randomized studies to address issues of endogeneity, it further acknowledges that the studies that have been carried out to assess impacts of lawyer representation almost entirely base their research conclusions on case outcomes and do not contemplate the importance of the dispute resolution process, as a prospective longitudinal panel study would be likely to. In support of this claim, the review suggests that, without an examination or understanding of the value of process, client perspectives will be missing from these research assessments.⁵⁹ To that end, the existing body of civil justice research on the impact of lawyer representation, in many respects, does not seek to address questions surrounding client views on the legal system and the fairness of legal processes in situations where there is access to lawyers. As the review further explains, people who believe that they are treated fairly will be more likely to follow the law in the long term.⁶⁰ By design, a prospective longitudinal impact study would be well-suited to explore user-centred perspectives on fairness of the civil justice system, outcomes and impacts related to access to lawyer representation, duty counsel and help through other sources and other types of legal interventions.

The 2016 review of existing civil justice research on the effect of lawyer representation on case outcomes does not represent an isolated call for more user-centered research or longitudinal studies in the legal sector. The Canadian Bar Association’s (CBA’s) “Reaching Equal Justice Report: An Invitation to Envision and Act” report, for example, discusses the paucity of evidence-based access to justice research in Canada, adding that this problem is exacerbated by the poor state of justice data collection. As a means of addressing this problem, the report specifically calls for more research to be carried out on both a “longitudinal and latitudinal basis.”⁶¹

3.4 A Closer Look at Panel Studies

Longitudinal research designs are particularly useful for measuring change and progress over extended periods, and for exposing the order in which events occur. By following the same group of people over time, these findings can prove to be especially illuminating. Longitudinal studies that take place in real time often eliminate the risk of recall bias by research participants who would otherwise be wholly reliant on recollections of past events for details that may or may not be fully accurate.

Acknowledging the unique benefits and value of longitudinal studies, it was decided in 2010 that the English and Welsh Civil and Social Justice Panel Survey (CSJPS) would replace its longstanding predecessor, the Civil and Social Justice Survey (CSJS), with the primary difference being the adoption of a longitudinal panel format. This change was made to facilitate a more extensive examination of the steps taken by justice system users, potential justice system users, and other members of the public to address serious civil justice problems. This was a significant development. The English and Welsh Civil Justice Survey is a “key method by which [the UK] government is able to inform itself about the overall need for, provision and quality of individual-oriented legal services.”⁶² It is also the most comprehensive study of its kind globally.

A longitudinal panel study design offers a strong framework to explore issues with impacts that may not be immediately evident or that may develop further over time. In applying this research model, researchers typically engage study participants at one or multiple intervals to collect information and draw out inferences that will be instructive for the research hypotheses. For the CSJPS, and similar research efforts, there is value in following up with research participants for whom legal problems may be ongoing at the initial time of data collection. The panel study methodological approach also allows for insights to be drawn on several factors including, for example, “the development of problem resolution behaviour over time, more accurate ordering of life events, and the accumulation of more extensive demographic data...[and] the panel survey introduces the possibility of conditioning effects and involves a smaller sample size.”⁶³ For the CSJPS, the longitudinal panel format also furthers the examination of progress on issues of legal empowerment.⁶⁴

Interestingly, in perusing the body of legal research that has sought to assess impacts of policies, justice system programs, access to legal services and other supports, a significant number of these studies internationally appear to have been carried out using a longitudinal panel study format.

3.5 Other Benefits of Longitudinal Panel Design

As another example, a two-year study in Iowa on the impacts of civil legal services for women experiencing intimate partner violence (IPV) opted for a panel study design to gather insights on the influence of access to civil legal aid on revictimization, economic self-sufficiency and emotional well-being for women who are victims of IPV. The report’s authors acknowledge that, “with civil legal services addressing not only immediate safety, but outcomes related to housing, employment, and economic self-sufficiency, the effects of these services may not be realized immediately, requiring longitudinal studies to sufficiently examine their effects.”⁶⁵ The report further asserts that the critical nature of this category of legal problems and the case selection criteria in place for legal aid clinics, including taking on the most urgent cases first, could not be served by a randomized control trial in which some of the most serious cases might not receive immediate access to the assistance required.

Where experimentation is not a feasible research approach, panel studies are a useful substitute to gather insights on the relationship between different aspects of a legal process or steps within a given intervention and the impacts for recipients. The multiple investigatory points within a longitudinal panel study allow for an identification of specific points in a process where change occurs.⁶⁶ As a result, longitudinal panel studies are also well-suited for research on full-coverage programs or holistic and integrated legal service delivery approaches.⁶⁷

The Iowa study set out to use a panel study format to evaluate the impact of access to civil legal aid on outcomes for women who experience IPV, the role that legal empowerment may play in IPV cases that receive civil legal aid and how the quality of the attorney-client relationships may affect outcomes. These research questions were explored by comparing findings from access to civil legal aid for IPV victims in metro, rural and urban areas in Iowa. Of particular significance to this literature review, this methodological approach appeared to be effective at testing the research questions as stated, and at gathering empirical evidence necessary to conclude that, generally, access to civil legal aid was correlated with improvements in psychological well-being in some cases, improvements in economic self-sufficiency and lower levels of revictimization. The study also found that legal empowerment increased as the study progressed; legal empowerment was also found to correspond with the quality of the attorney-client relationship. Higher levels of legal empowerment were also found to correlate with improved psychological well-being. Geographic location did not appear to have any bearing on the research findings. There were no statistically significant differences found in the research results for IPV victims residing in metro, rural and urban areas in Iowa.



Part 4

■ PART 4

4.1 Quasi-Experimental Research Design

Quasi-experimental studies maintain some aspects of the experimental research design approach while eliminating others, which may make them more agreeable to ethics approval boards and less likely to generate opposition or criticism from the legal community. Using this methodological approach, researchers may choose, for example, to abandon the control group in a study that is otherwise experimental by design. Experimental studies may be adapted in other ways to a quasi-experimental format, including the elimination of random assignments as part of the selection process for research participants who receive a given treatment and those who receive a placebo or no treatment.⁶⁸

Quasi-experimental research methods have not been applied as extensively to legal research concerned with policies, processes, outcomes and impacts as RCTs or longitudinal studies. It may be that, generally the trade-offs in eliminating control groups or randomization, which contribute to the unique and sophisticated data insights produced from RCTs, are not sufficient to justify using this approach and the risks that it still carries.

In explaining why researchers opted for a longitudinal panel design in lieu of a quasi-experimental research approach, the report on the Iowa IPV study indicates that the IPV cases taken on by Iowa Legal Aid are chosen based on the urgency of a client's needs, the legal merits of the case and the potential for Iowa Legal Aid's involvement in the case to benefit the client and potentially improve their circumstances.⁶⁹ Randomization or control groups could not be introduced into this research process without simultaneously denying legal assistance that would otherwise be offered in serious cases. The report further notes that longitudinal studies are a worthwhile substitute to experimental research and quasi-experimental research, in part because, "using additional data collection points ... allow[s] the researcher to specify the processes by which an intervention impacts recipients."⁷⁰



Part 5

■ PART 5

5.1 Choosing the Right Research Methodology

As part of any research effort that seeks to examine the impacts or outcomes of policies, justice programs or legal service interventions, it is important to consider the interplay between the legal problem category that is the subject of the study, the methodological approach being used, and the precise research questions that are the basis of the study. That is, does the research design sufficiently support the exploration of the research hypothesis within the particular context? To that end, it is not uncommon for the methodological approach that is being used or for one or more research steps to be modified to accommodate testing within the context of a particular problem type. Moreover, different methodological approaches might prove to be effective at examining only some aspects of a legal problem or else different approaches might yield different findings.⁷¹

Experiences of civil justice problems differ. In addition, the ways that civil legal aid, legal representation by a private attorney or other legal support services might contribute to mitigating impacts or outcomes for justice seekers are also generally presumed to differ. In the case of the Iowa IPV study, a longitudinal panel study design was chosen to test a hypothesis that was primarily concerned with the unquantifiable benefits of an attorney-client relationship. It would be difficult to assess improvements to emotional health,⁷² legal empowerment and economic self-sufficiency through research that focuses solely on a review of case files. For ethical reasons, the particular legal problem category would also not support a randomized assessment research approach.

5.1.1 An Example from Juvenile Justice Research

Consider as another example a review of U.S. based studies on juvenile cases carried out between 1967 and 2010 that sought to evaluate outcomes in juvenile cases with lawyer representation. The vast majority of findings from this body of research suggest that lawyer representation has a negative impact in juvenile cases. At best, the impact of legal representation in some studies can be interpreted as being unhelpful; in some studies, the use of legal representation has been associated with an increased likelihood of *worse* outcomes.⁷³ Such findings, at least from this review, runs counter to commonly held perceptions that access to legal representation is generally beneficial.

There are several possible explanations for these findings that may, at least in part, be rationalized through the methodological approach used. Most of the studies were conducted using observational research methods, focussing mostly on reviewing case files. Using this method, either as part of a longitudinal retrospective study or other research design, makes it difficult to ascertain if legal representation, or some other unobserved factor is contributing to a large number of cases with unfavourable outcomes. Also, serious juvenile cases are generally more likely to involve legal representation. To that end, as the review's authors infer, "even if lawyers benefit their clients, represented juveniles are apt to do worse in the aggregate than unrepresented juveniles."⁷⁴

The review of youth justice studies included findings from 16 studies of different sample sizes, varying durations, and all carried out expressly to evaluate the effect of legal representation in juvenile cases. Notably, only one study within this collection applied a randomized assessment approach; the rest used observational or regression analyses. The randomized study was one of four studies in which legal representation was found to have no effect on outcomes.

These issues are not limited to youth justice studies. For example, as relates to civil justice problem experiences of domestic violence survivors,⁷⁵ the 2017 U.S. Legal Services Corporation's Justice Gap report notes that among survivors of domestic violence there is a high probability of experiencing additional civil justice problems. Further, within households of domestic violence survivors, people generally experience more problems within a given year than people from households without incidences of domestic violence. The statistics are jarring. Ninety-seven percent of domestic violence survivors experience at least one additional legal problem.⁷⁶ Compared to other problem types that, for some individuals, may represent an isolated justiciable experience, a purely observational research format, or a focus solely on reviewing case files, may not prove effective at distinguishing between impacts where there are concurrent legal problems, as may be the case for survivors of domestic violence.

As a further note on study limitations, in the case of the youth justice collection of studies⁷⁷ and the Iowa IPV study,⁷⁸ the legal problem category being investigated and the research method used may offer results that are not broadly applicable. For the Iowa IPV study, a majority of the study's participants identified as non-Hispanic white; all identified as female, all had children, and a large percentage were never married to their abuser. While the research findings from this and similar studies may still have policy or program implications or learnings for future research, this is noted as a caveat that, opting for a longitudinal research format or a large sample size does not guarantee that the research findings will be representative of the population as a whole who experience a given civil justice problem type.

5.2 Attrition in Longitudinal Research

Despite the unique benefits of longitudinal studies, like RCTs, longitudinal research presents a number of obstacles. For example, longitudinal studies can be time-consuming to plan and to implement, comparatively more costly to implement, and these studies are also prone to attrition.⁷⁹

In the Iowa panel study on the influence of civil legal services for IPV victims, the progression from waves 1 to 5 of the study saw 150 women interviewed in the initial wave, a 25 per cent decline to 112 women in wave 2, a further drop to 85 interviewees in wave 3, 62 women in wave 4, and finally 32 women in wave 5.⁸⁰ Interviews took place at 6-month intervals. This level of attrition, while not uncommon for this type of research, can have an impact on the quality of the data that is collected.

Before the start of a longitudinal study (or other similar types of research) there is a process of selection to ensure that the study's participants meet the criteria deemed necessary to explore the research questions. Some level of attrition may also occur at this stage, before the study is fully underway. In the Iowa IPV study, the Iowa Legal Aid recruitment team received approval from 383 women for their contact information to be given to the study's research team for initial contact about the study. Of these, 127 women could not be reached at the phone number provided. Of the remaining 256 women who could be reached by phone, an additional 13 women could not be included in the study because there was no interviewer available in their area, and one woman could not be included because the interview would need to be conducted in her native Spanish tongue. Thirty-five women opted out of the study and a further 57 women were not selected to be interviewed for the first phase.⁸¹

In Wave 1 of the Iowa IPV study, the 150 women who were interviewed had recently or were currently experiencing intimate partner violence. All of the study's participants were women who had contacted Iowa Legal Aid for assistance with child custody and support matters, a civil protection order and/or issues related to the dissolution of a marriage.

Even in instances where attrition is contemplated as part of the design of the study, it is difficult to anticipate the extent to which attrition will take place. In the UK study on the benefits of access to debt advice, it was estimated that in order to maintain a sample size of approximately 300 study participants for follow ups planned for the 5th and 12th months of the study, the initial research participant pool should be approximately 400 people. This would allow for an attrition rate of 12.5 percent at each check-in stage. The attrition rate after both the 5th and 12th months ended up being much higher than anticipated, with 234 (of an expected 308 participants) remaining at the end of the study.⁸²

5.3 Incentives in RCTs and Longitudinal Studies

Incentives are commonly used to discourage attrition. In the UK debt advice study, participants were offered £10 for every interview completed.⁸³ In the Iowa IPV study, participants were given a U.S. \$75 gift card for the first interview completed and a U.S. \$65 gift card for each subsequent interview.⁸⁴ It is difficult to determine, however, if some types of incentives are more effective than others, and if so, if this applies to all groups, the extent to which incentives prevent higher levels of attrition in some studies or, if other factors such as the length of time between follow-up communications, for example, play a greater role in predicting high levels of attrition.

By comparison, a longitudinal study carried out in British Columbia for a longer period of time and offering more modest compensation saw lower levels of attrition. The study in question was a 3½ year longitudinal panel study (from 2004 - 2008) that was carried out through the Family Justice Centre in British Columbia.⁸⁵ The objective of this study was to assess the relationship between involvement in dispute resolution for a family law matter and improvements to client and family functioning, adherence to agreements related to family law matters and overall client satisfaction. The study took place over three phases, beginning with an initial research participant pool in Phase 1 of 235 people. Phase 2 included 205 participants, and in Phase 3 175 participants of the initial 235 participants were interviewed (by telephone). Phase 1 took place 8 - 10 months after contact was initiated between the client and the Family Justice Centre; Phase 2 interviews were carried out 20 - 24 months after the initial contact, and Phase 3 interviews took place 32 - 38 months after the initial contact. Participants received CAD \$25 for the questionnaire completed at each phase (administered by telephone).⁸⁶

Many longitudinal studies attribute at least some of their attrition levels to incorrect contact information which makes it impossible for researchers to follow up with study participants. As noted in the Iowa IPV study, it is advised to maintain a comprehensive list with multiple ways to reach study participants for follow up, including work, home and cell phone numbers and email and physical addresses.⁸⁷ For each avenue of communication provided, it is also best to ask study participants to indicate the best hours to be contacted, and whether potentially sensitive information can be sent via mail, text message or email.



Part 6

■ PART 6

6.1 Research Measurement Frameworks

Beyond methodological approach, there are other considerations for legal studies that aim to examine the relationship between process or policy, outcomes and impacts. Across the body of legal research that has explored outcomes and impacts related to legal interventions, the research process has often started with a definition of what is being evaluated. This has often meant an unpacking of the terms “impact” or “outcome” that clearly outlines what is being measured for the study, as well as how these measurements align with what is considered to be favourable for clients, families, communities, a legal process, program or even economically.

In developing a framework that could serve to measure the impact of online legal resources, and potentially inform ways to address the “justice gap” in the U.S., researchers opted for a people-centred approach that first sought to identify the target audience for the resources.⁸⁸ The framework further developed as questions around how online services were being used, how people connected to different services, and what further actions were taken when people connected with certain resources were added as important considerations for an evaluative framework. “Achieved outcome” was defined along several parameters.⁸⁹ Positive outcomes were subject to various interpretations, including as contributing information that directs users to other resources that are helpful without themselves offering the assistance that users seek.

For the online legal resources framework, it was generally agreed that an “achieved outcome” should reflect the ability for a user to address their problem using a given online resource. In consultation with legal experts, however, there was dissension as to what this might mean in practice. Some of the issues raised included, for example, whether a legal resource should be deemed to have achieved its outcome if it offered help that, while justified, was not based in any sort of legal remedy or else encouraged problem resolution outside of the justice system.⁹⁰ User perception of fairness was also a debated issue.⁹¹ Users may assert that a process or outcome is fair even if it does not result in significant gains for the user, or equate to a favourable legal result if the adjudicative process or the path to dispute resolution is viewed positively.⁹² There were also questions related to the point in the research process at which outcomes should be measured,⁹³ with the understanding that this might also influence which outcomes were counted and the amount of data that is captured.⁹⁴ Ultimately, questions of what should be considered as part of a measurement framework to assess online legal resources were organized into the following seven categories: perceptions of fairness, education and empowerment, solutions without official process, legal outcomes, just outcomes, life outcomes, and process efficiency.⁹⁵

This framework benefited from an initial scoping activity that aimed to understand what could reasonably be measured and how. Notably, the resulting draft framework deliberately does not include any rubrics on usefulness of online resources to the user. This was done for several reasons. While usefulness was recognized as important, both through conversations with users and through a review of relevant academic literature, it is not easy to quantify. It is also decidedly subjective. In addition, it was determined that taking certain actions owing to a given resource signified that the resource was, at least in some respect, “useful”.⁹⁶

As one of the final steps, the framework was tested against various scenarios to assess its adaptability both to users and the context, and to reveal any shortcomings in the framework. This process of developing a measurement framework and of stimulating a conversation about what can and should be measured is instructive. Although many of the legal studies discussed in this review do not offer as detailed an account of the decision process around measuring value in terms of specific case developments, procedural outcomes or other changes in behaviour, views or legal knowledge, they do generally consider impacts and outcomes in terms of one of the seven categories outlined in the measurement framework report.⁹⁷

6.2 Legal Research and Evaluating Impacts and Outcomes

As an example, the UK study that was carried out to assess the impacts of the offer of debt advice for people with debt problems who had not previously received formal advice⁹⁸ opted to measure impacts in terms of the rate at which study participants who received debt advice resolved their financial problems. The study found no difference in how quickly the treated and control groups resolved their debt problems. The study also assessed people's perceptions of their financial position. On this measure, people who received an offer of financial advice were more likely than people in the control group to describe their financial position as having improved. Among the treated group, the offer of debt advice was also associated with additional positive impacts (discussed in Part 2.5 above).⁹⁹

In applying a longitudinal panel format, the English and Wales CSJPS measured changes in legal empowerment for problems that were ongoing from waves 1 to 2 of the survey. Interestingly, some respondents indicated that their knowledge of their legal rights had declined from waves 1 to 2.¹⁰⁰ Qualitative responses suggest that while some respondents might have become better at articulating their legal problem, there was no improved understanding of their general legal circumstances or how the law applied to their situation.¹⁰¹

Monetary judgements have been used in some studies as a variable to indicate a successful outcome for clients. While monetary judgements might offer insight into whether an outcome is generally positive, their use as an indicator of a positive outcome can be complicated. As Greiner and Pattanayak explain, for example, money judgements can denote different things, depending on context; in housing cases, payments related to post-foreclosure or non-payment of rent might signify different things.¹⁰²

The question of what to measure in legal research has long generated reflections and commentary and inspired reports from legal scholars. There is a range of views on measurement frameworks in legal research that may serve to offer insights beyond those already discussed. For example, some researchers advocate the use of more performance based measurement frameworks that seek to clearly connect spending and investment in the justice sector to outcomes that exemplify impacts and improvements in relation to these investments. The focus is less on research that solely enumerates the frequency of an outcome and more on the quality of what is achieved and how often this standard of service or outcome is replicated.¹⁰³

In discussing the rise, fall and proposed restarting of the series of longitudinal studies of trial courts in the U.S., popular from the 1970s to early 1990s, a paper published in the Justice System Journal offers an overview of the methodological questions that ultimately resulted in the series of studies being discontinued. In addition to leaving an empirical research void,

the paper suggests that this series of studies could be reimagined to conform to a more practical research approach that allows for the comparison of courts over time.¹⁰⁴ One proposal in restarting this series suggests exploring this research through legal-problem specific aggregates.¹⁰⁵ This is in keeping with other perspectives that suggest that narrowing the variables being examined would offer a better, more substantive basis for comparing data among courts. The focus in this instance shifts from courts and court activities to problem type and investigating differences and similarities in the adversarial process based in legal problem categories.¹⁰⁶ This shift is consistent with user-centred legal needs research more generally.¹⁰⁷



Part 7

■ PART 7

7.1 Research Participant Recruitment

Longitudinal studies and RCTs have often tended towards the recruitment of research participants through the legal mechanism which is being used for the study. For legal studies in the UK, the U.S., Canada, and elsewhere that have sought to explore the relationship between impacts, outcomes and access to legal interventions, Legal Aid services and courts have frequently served as viable and willing spaces to examine these issues.¹⁰⁸

7.1.1 Research Participant Recruitment – Learnings from a Longitudinal Panel Study

Participants in the Iowa IPV study, as discussed above, were individuals who had contacted one of the various Iowa Legal Aid offices across the state to seek legal assistance with a family law matter or civil protection order and had recently or were currently experiencing IPV problems.¹⁰⁹ As is common, other criteria were applied to this general pool of justice seekers before offers were extended for participation in the study. For this particular study, research participation was limited to people who identified as female, were 18 years or older at the time of the study, had young children living with them, had their case accepted by Iowa Legal Aid, and whose participation in the study would not put their safety in jeopardy.¹¹⁰ The final report on this study indicates that, because this study would apply a longitudinal panel research design, it was important that research participants had cases that were recently accepted and would be receiving help through an Iowa Legal Aid office. As such, cases would be ongoing or recently resolved at the planned 6-month interview intervals. This would further allow for the study's hypotheses to be adequately tested. With their consent, contact information for the almost 400 women who expressed interest in the study when first told about it by an ILA recruiter was then securely shared with the project's researchers for follow up. The women were subsequently contacted by a research assistant who provided additional details on the study and explained what their involvement would entail. An invitation to participate in the study was extended to interested individuals. The women who agreed to take part in the study were assigned to a researcher in their vicinity who would follow up with them for an initial interview and additional interviews at months 6, 12, 18 and 24.¹¹¹

7.1.2 Research Participant Recruitment – Learnings from a Mixed Method Approach

An Ontario-based study that sought to evaluate the impacts of an expanded duty counsel (EDC) model for family law cases in three sites - in Hamilton, London and Oshawa - used four methods for data collection.¹¹² Information was gathered through document reviews, data analysis from the management information system, interviews, and through client surveys. For the interviews, participants were recruited with the help of EDC staff. EDC staff members identified, “staff, per diem duty counsel, support staff, court staff, members of the private bar, [judges], legal aid area directors, representatives from mediation services and others” who were believed to be well-positioned to offer insightful information and a diversity of perspectives on the effectiveness of the model that was being tested (compared with the traditional model).¹¹³ Two rounds of interviews were carried out. Initial interviews were mostly conducted in person in Hamilton, London and Oshawa during site visits; the second round of interviews was carried out by phone.

7.1.3 Research Participant Recruitment – Learnings from a Randomized Controlled Trial

For the randomized controlled trial that was carried out to examine the limits of unbundled legal assistance, discussed above,¹¹⁴ research participants with cases at the Quincy District

Court in Massachusetts were recruited in two ways. The majority (70 percent) of the study's participants were identified through an attorney, paralegal or volunteer who was affiliated with the how-to legal services clinics that were helping to facilitate the RCT. The attorney, volunteer or paralegal identified potential study participants through reviews of recently initiated District Court files with summary eviction actions. Using the available contact information, letters were mailed to persons who were thought to be eligible for participation in the study and they were invited to instructional, how-to sessions in the district or Greater Boston area. These sessions offered an opportunity for attorneys to further review individual cases to determine whether they met the selection criteria decided on for the study. The remaining 30 percent of research participants were recruited during interviews that were carried out either at the time that individuals approached staff attorneys of their own accord about their legal matter or else were referred by a judge to the attorney. Once a case was chosen and participation was agreed on, an information sheet with relevant details, including signed consent to participate in the study, was forwarded to the research team.¹¹⁵



Part 8

■ PART 8

8.1 Conclusion

There is a range of important details to consider in order to craft a well-executed investigation of the outcomes or impacts of policies, legal service interventions or programs. The design of the study, the duration of the study, available research resources (for interviews, surveys, etc.), the site of the study, the number of study participants (and possible rates of attrition), methods of research participant recruitment, research ethics and cost are some of these important considerations. There is no single approach that presents an ideal model to perfectly balance these issues. The methodologies discussed in this literature review present different challenges and limitations and also offer unique benefits. By extension, the collection of studies explored in this review that seek to assess what might be lost, gained or otherwise changed through access to justice mechanisms or advice when resolving a civil justice problem offer a bedrock of best practices and insights to inform a study capable of exploring similar questions and contributing to an area of legal research where far too little is still known, particularly in Canada.¹¹⁶

In a paper on “The Impact of Counsel”, Professor Rebecca Sandefur notes that, “arguments for a right to counsel in civil matters have often centered on precisely this issue: that many members of the lay public who appear in civil hearings and trials do so without the representation of a lawyer ... [i]mplied in this rationale is a belief that the presence of lawyers changes something important.”¹¹⁷ The issue of access to professional legal help is one that has aroused, and continues to arouse the interest of researchers in part for this reason. Existing legal research is yet unable to adequately respond to the question, to what extent does what you do to resolve a civil justice problem, the assistance that you receive along the way, and when you take action matter?¹¹⁸ Further, what is the relationship of these issues to outcomes and impacts for different populations who experience these problems? Are these impacts influenced by the type of civil justice problem? Are they mitigated by partial legal assistance? That civil justice problems are experienced by a majority of adults in Canada¹¹⁹ and, increasingly, both low- and middle-income earners find it difficult to access avenues for support or advice to address these problems makes responding to these issues of paramount importance. This is one of the defining aspects of our current crisis in access to civil justice.

Early signs suggest that the impacts of the COVID-19 pandemic will significantly contribute to a worsening of the access to justice crisis in Canada (and elsewhere), in particular for civil justice problems related to employment, debt, family law, and housing matters.¹²⁰ The value of studies such as those canvassed in this literature review and the Measuring the Impact of Legal Service Interventions Project proposed by the Canadian Forum on Civil Justice¹²¹ is that they offer much needed empirical data on the effectiveness of different avenues for legal problem resolution,¹²² as well as insights into social, personal, economic, physical and mental health problems that result from limited access, a lack of access or of even receiving access to legal help once the problem has escalated in seriousness.¹²³ This body of research is necessary to help fill in the gaps to achieve better access to justice. By providing valuable, actionable evidence of what works, how, when and for whom, particularly in the area of civil justice, and regarding low- and middle-income earners and vulnerable groups, this type of research stands to improve our collective understanding about the resolution of civil justice problems, the durability of outcomes, costs, impacts and benefits in justice, as well as the ability to avoid or mitigate serious short- or long-term consequences.

Endnotes

1 Law lacks an evidence-based approach to civil legal problems. For a discussion of the need for more empirical research in law, and in particular civil law, see Laura K. Abel, “Evidence-Based Access To Justice” (2010) 13:3 U. Pa. J.L. & Soc. 295.

2 See further Canadian Forum on Civil Justice, “Measuring the Impact of Legal Service Interventions” (2019), online: CFCJ <<https://cfcj-fcjc.org/our-projects/measuring-legal-service-interventions>>.

3 In this literature review, “civil justice problems” is of inclusive of family justice problems.

4 According to the CFCJ’s Cost of Justice Survey, many people report experiencing stress, physical health problems, family/relationship breakdowns and/or personal problems that worsened, as a result of one or more serious civil justice problems. See Trevor C.W. Farrow, Ab Currie, Nicole Aylwin, Les Jacobs, David Northrup and Lisa Moore, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: CFCJ, 2016) at 16-19, online: CFCJ <<https://www.cfcj-fcjc.org/sites/default/files//Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>> [CFCJ Overview Report].

5 The sixteen problem types referenced here include: consumer, debt, employment, problems with neighbours, discrimination, family (relationship breakdown), wills & incapacity, medical treatment, housing, personal injury, treatment by police, disability assistance, threat of legal action, social assistance, immigration and family (child -related matters). These civil justice problem categories reflect those included in the most recent national legal problems survey in Canada. A seventeenth problem type was also included in the survey - criminal charges. *Ibid* at 8.

6 According to a literature review on the impacts and outcomes of legal representation for civil disputes, “representation is so common in serious criminal matters and complex civil litigation

that a researcher could not reasonably assess whether being represented benefits clients.” See Karl Monsma & Richard Lempert, *The Value of Counsel: 20 Years of Representation Before a Public Housing Eviction Board*, 26 *Law & Soc’y Rev.* 627, 628 (1992) as quoted in 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 at 886 [Do Lawyers Matter].

7 CFCJ Overview Report, *supra* note 4 at 19.

8 Lisa Moore, Ab Currie, Nicole Aylwin and Trevor C.W. Farrow, *The Cost of Experiencing Everyday Legal Problems Related to Loss of Employment and Loss of Housing* (Toronto: CFCJ 2017) at 6, online: CFCJ <<https://www.cfcj-fcjc.org/sites/default/files//docs/The%20Cost%20of%20Experiencing%20Everyday%20Legal%20Problems%20Related%20to%20Loss%20of%20Employment%20and%20Loss%20of%20Housing.pdf>> [CFCJ Loss of Housing].

9 CFCJ Overview Report, *supra* note 4 at 16.

10 For a recent discussion, see 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: CFCJ <<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>>.

11 Studies show that people who perceive the justice systems as fair or to have been treated fairly by the justice system are more likely to obey the law in the future. See e.g. Do Lawyers Matter, *supra* note 6 at 889.

12 See 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) [Jacobs and Carter, Court-Ordered Family Sessions].

13 Dr. Les Jacobs of York University in partnership with Community Legal Education Ontario (CLEO) carried out a longitudinal study that examines the benefits of access to public legal education and information for legal problem resolution. This is one of a few examples of this type of research in the legal field that the author is aware of in Canada. See Jacobs and Carter, Court-Ordered Family Session, *ibid*.

14 Pleasence et al discuss some of the impacts that subtle changes in an experiment and framing of research questions can have. See “Apples and Oranges: An International Comparison of the Public’s Experience of Justiciable Problems and the Methodological Issues Affecting Comparative Study” (2016) 13:1 J Empirical Leg Stud 50 at 83.

15 See e.g. U. Moore and CC Callahan, “Law and Learning Theory: A Study in Legal Control” (1943) 53:1 Yale Law J. 136 cited in Donald P. Green and Dane R. Thorley, “Field Experimentation and the Study of Law and Policy”(2014) 10 Annu. Rev. L. Soc. Sci. 52 at54 [Field Experimentation].

16 See e.g. Ab Currie, Nudging the Paradigm Shift (Toronto: Canadian Forum on Civil Justice, 2016) at 9, online: CFCJ < <http://cfcj-fcjc.org/sites/default/files//publications/reports/Nudging%20the%20Paradigm%20Shift%2C%20Everyday%20Legal%20Problems%20in%20Canada%20-%20Ab%20Currie.pdf>>.

17 Field Experimentation, *supra* note 15 at 54.

18 *Ibid*.

19 One explanation suggests that “[t]he term ‘experimental research design’ is centrally concerned with constructing research that is high in causal (or internal) validity. Causal validity concerns the accuracy of statements regarding cause and effect relationships.” See Ojmarrh Mitchell, “Experimental Research Design” in Wesley G. Jennings, eds. *The Encyclopaedia of Crime & Punishment* (John Wiley & Sons, Inc., 2016).

20 Greiner and Matthews discuss the divergence of law and medicine along scientifically, evidence-based domains. In so doing, they highlight the extensive use of randomized control trials as a gold standard for empirical research within the medical field. See D. James Greiner and Andrea Matthews, “Randomized Control Trials in the United States Legal Profession” (2016) 12:1 Annu. Rev. L. Soc. Sci. 295 at 296 [Greiner and Matthews, RCTs Legal Profession].

21 Though less common, some randomized assessments opt for variables other than people for randomization. As an example, a longitudinal study that evaluated an intervention for children with anxiety randomized the schools that participated in the study, rather than the students. The schools were randomly assigned to an intervention or a control condition. See Sally Lock and Paula M. Barrett, “A Longitudinal Study of Developmental Differences in Universal Preventive Intervention for Child Anxiety” (2003) 20:4 Behaviour Change183 at 186.

22 A placebo, simply put, is some intervention or thing that the recipient assumes is real (will have a real effect) but in fact is not (has no effect).

23 Douglas L Colbert, Ray Paternoster & Shawn Bushway, “Do Attorneys Really Matter – The Empirical and Legal Case for the Right of Counsel at Bail” (2002) 23:5 Cardozo L Rev 1719.

24 *Ibid* at 1745.

25 *Ibid* at 1749.

26 “When treatments are assigned at random, they are by definition independent of subjects’ potential outcomes.” See Field Experimentation, *supra* note 15 at 58.

27 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 [Limits of Unbundled Assistance].

28 *Ibid.*

29 *Ibid.*

30 Greiner and Matthews, RCTs Legal Profession, *supra* note 20 at 306. See further, D James Greiner, Cassandra Wolos Pattanayak, “Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?” (2011-2012) 121 Yale L. J. 2118 at 2124 [Randomized Legal Assistance].

31 See Limits of Unbundled Assistance, *supra* note 27.

32 Greiner and Matthews, RCTs Legal Profession, *supra* note 20 at 296.

33 Sunitha Malay and Kevin C. Chung, “The Choice of Controls for Providing Validity and Evidence in Clinical Research” (2012) 130:4 *Plast Reconstr Surg.* 959 at 960.

34 For an example of a RCT from the medical field in which there was no significant difference between the treated and control group, see Eivind Meland, Even Lærum & Rune J Ulvik, “Effectiveness of Two Preventive Interventions for Coronary Heart Disease in Primary Care” (1997) 15:1 *Scand J Prim Health Care* 57 at 60-62.

35 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 at 651 [Changing Fortunes].

36 *Ibid.*

37 *Ibid.*

38 Field Experimentation, *supra* note 15 at 68.

39 Changing Fortunes, *supra* note 35 at 659.

40 *Ibid.*

41 For an example of general university-based research ethics guidelines, see York University, “Research Ethics Review Process”, online: York University < <https://research.info.yorku.ca/ore/>

process/>.

42 See e.g. Cecilia Nardini, “The Ethics of Clinical Trials” (2014) 8 *Ecancermedicallscience* 387.

43 *Ibid.*

44 *Ibid.*

45 *Ibid.*

46 For more on research ethics related to research in the medical field, see generally *ibid.*

47 Do Lawyers Matter, *supra* note 6 at 937.

48 For a general discussion on the limitations of randomized controlled trials, see Catherine R Albiston and Rebecca L Sandefur, “Expanding the Empirical Study of Access to Justice” (2013) 2013:1 *Wis L Rev* 101 at 106-109.

49 Field Experimentation, *supra* note 15 at 68.

50 Policy research makes a distinction between longitudinal research and longitudinal impact research that does not appear as clearly in other disciplines. In policy research, impact assessments seek, to some extent, to evaluate the effects of a particular intervention and, further, to determine the suitability, effectiveness, other benefits and drawbacks of a given intervention related specifically to policies. See generally OECD, “What is Impact Assessment?”, online: OECD <<https://www.oecd.org/sti/inno/What-is-impact-assessment-OECDImpact.pdf>>.

51 A correlational research design measures a relationship between two variables without the researcher controlling either of them. See generally Del Siegle, “Educational Research Basics – Introduction to Correlation Research”, online: UConn <<https://researchbasics.education.uconn.edu/correlation/#>>.

52 See e.g. Marta Jackowska and Lydia Poole, “Sleep Problems, Short Sleep and a Combination of Both Increase the Risk of Depressive Symptoms in Older People: A 6-Year Follow-up Investigation from the English Longitudinal Study of Ageing”

(2017) 37 Sleep Med. J 60.

53 Kendra Cherry, “The Pros and Cons of Longitudinal Research”, Very Well Mind (2 May 2020) online: <<https://www.verywellmind.com/what-is-longitudinal-research-2795335>>.

54 See further Randomized Legal Assistance, *supra* note 30 at 2196-2198.

55 Do Lawyers Matter, *supra* note 6.

56 *Ibid* at 888.

57 Observational research is a non-experimental research method in which the researcher, acting as a participant in the study or purely as an observer, gathers information based on occurrences in a natural setting.

58 “Endogeneity in research refers to the relationship between a variable of interest (in this case, whether a client is represented by an attorney) and an unobserved source of variation in the primary outcome variable (in this case, success for a client)”. See Do Lawyers Matter, *supra* note 6 at 888.

59 *Ibid*.

60 *Ibid* at 889.

61 See Canadian Bar Association, *Reaching Equal Justice: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, November 2013) at 148, online: CBA <https://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf>.

62 Nigel Balmer, *Summary Findings of Wave 2 of the English and Welsh Civil and Social Justice Panel Survey* (London: Legal Services Commission, 2013) at 2, online: <https://discovery.ucl.ac.uk/id/eprint/1575457/1/Balmer_Civil_Justice_England_Wales_Wave2.pdf> [Balmer CSJPS].

63 *Ibid*.

64 Specifically, the report notes that the panel

study model facilitates the “examination of changes in perceived knowledge of rights for problems, ‘fed forward’ from wave 1 to wave 2”. Interestingly, the report surmises, based on a decline in some areas that, “[e]vidently respondents can lose as well as gain (perceived) knowledge of rights.” *Ibid* at 38.

65 Carolyn Copps Hartley and Lynette M. Renner, *The Longer-Term Influence of Civil Legal Services on Battered Women* (Iowa: 31 March 2016) at 1, online: <<https://www.ncjrs.gov/pdffiles1/nij/grants/249879.pdf>> [Civil Services Battered Women].

66 Citing Rossi and Freeman (1997), *ibid* at 30.

67 *Ibid*.

68 For an example of a quasi-experimental study involving control groups, see Sara E Rimm-Kaufman, Xitao Fan, Yu-Jen Chiu, and Wenyi You, “The Contribution of the Responsive Classroom Approach on Children’s Academic Achievement Results from a Three-Year Longitudinal Study” (2007) 45:4 J. Sch. Psychol. 401.

69 Civil Services Battered Women, *supra* note 65 at 30.

70 Citing Rossi, P.H., & Freeman, H.E.(1993). *Evaluation: A Systematic Approach*. Newbury Park, CA: Sage Publications, Inc. in Civil Services Battered Women, *supra* note 65 at 30.

71 See further discussion in Do Lawyers Matter, *supra* note 6 at 888.

72 For a discussion of how emotional health/anxiety was measured in a RCT, see Pascoe Pleasence, “Trials and Tribulations: Conducting Randomized Experiments in a Socio-Legal Setting” (2008) 35 J. Law Soc.8 at 19.

73 Do Lawyers Matter, *supra* note 6 at 889 – 890.

74 Do Lawyers Matter, *supra* note 6 at 890.

75 The terms “intimate partner violence” and “domestic violence” differ in their origins but can nonetheless be used interchangeably.

76 Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* (Washington D.C.: LSC, June 2017) at 27, online: <<https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>>.

77 Do Lawyers Matter, *supra* note 6.

78 Civil Services Battered Women, *supra* note 65.

79 Selective attrition refers to the likelihood that some individuals will drop out of a study before the study is completed. Depending on the number of people who drop out of a study, this can impact the validity of the data that is collected for the study.

80 Civil Services Battered Women, *supra* note 65 at 37.

81 *Ibid.*

82 *Ibid.*

83 Changing Fortunes, *supra* note 35 at 657.

84 Civil Services Battered Women, *supra* note 65 at 33-34.

85 Focus Consultants, *Dispute Resolution Longitudinal Study, Phase 3 Final Report* (BC: Government of BC, March 2008) online: <<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/justice-services-branch/fjsd/longitudinal-final-report.pdf>>.

86 Seven types of methodologies were included as part of this longitudinal study. For more on the research methodologies used, see *ibid* at 14.

87 Civil Services Battered Women, *supra* note 65 at 34.

88 Laura Quinn, 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>> [Drake Equation].

89 *Ibid* at 15.

90 *Ibid* at 17.

91 *Ibid* at 15.

92 A similar observation has been made in the literature on self-representation and the adversarial process. In general, self-represented litigants are often more likely to perceive the legal process or an outcome as fair if they are treated reasonably by a judge, even if they do not achieve their desired outcome. See e.g. Jennifer Leitch, *Coming off the Bench: Self-Represented Litigants, Judges and the Adversarial Process* (Toronto: CFCJ, 2017) at 13, online: CFCJ <<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>>

93 Research on the benefits of self-help resources has also explored this issue. For a general discussion, see Jacobs and Carter, *Court-Ordered Family Sessions*, *supra* note 12.

94 Interestingly, in debating the question of when in the research process to assess outcomes, the report suggests that, notwithstanding cost and temporal obstacles, a longitudinal approach that allows for multiple follow ups might be successful at addressing this concern. See Drake Equation, *supra* note 88 at 15.

95 *Ibid* at 16-17.

96 *Ibid* at 8.

97 *Ibid.*

98 Changing Fortunes, *supra* note 35.

- 99 *Ibid* at 651.
- 100 Balmer CSJPS, *supra* note 62 at 38.
- 101 *Ibid* at 40.
- 102 Limits of Unbundled Assistance, *supra* note 27 at page 928.
- 103 See e.g. Gordon Bazemore, *Measuring What Really Matters in Juvenile Justice* (Virginia: American Prosecutors Research Institute, July 2006) at vi, online: OJJDP <<https://ojjdp.ojp.gov/library/publications/measuring-what-really-matters-juvenile-justice>>.
- 104 Patrick Peel, “Renewing the Longitudinal Study of Trial Courts, Justice System” (2017) 28:3 Justice Syst. J. 290 at 291.
- 105 *Ibid* at 297.
- 106 *Ibid*.
- 107 See e.g. Hazel Genn et al., *Paths to Justice: What People do and Think About Going to Law* (Oxford, UK: Hart, 1999); CFCJ Overview Report, *supra* note 4.
- 108 This is not to say that other methods of recruitment are not used. For example, in a RCT that sought to evaluate the outcome of a legal assistance program for low-income tenants in New York City’s Housing Court, some participants were recruited from a group of tenants responding to non-payment of rent petitions. See Carroll Seron, Martin Frankel & Gregg Van Ryzin, “The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment” (2001) 35:2 Law & Soc’y Rev 419 at 423. In the medical field, it is not uncommon for research participants to be recruited through methods such as self-referral. See e.g. F. Wolfe, B.T. Walitt, R.S. Katz, et al., “Longitudinal Patterns of Analgesic and Central Acting Drug Use and Associated Effectiveness in Fibromyalgia” (2013) 17 Eur J Pain 581 at 582. As another example from the medical field, research participants have also been recruited by local radio, television and print ads. See Joy M. Schmitz, Angela L. Stotts, Marc E. Mooney, Katherine A. DeLaune and F. Gerard Moeller, “Bupropion and Cognitive-Behavioral Therapy for Smoking Cessation in Women”(2007) 9:6 Nicotine Tob Res 699 at 700.
- 109 Civil Services Battered Women, *supra* note 65 at 32.
- 110 *Ibid* at 33.
- 111 *Ibid* at 33-34.
- 112 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>>.
- 113 *Ibid* at 2.
- 114 Limits of Unbundled Assistance, *supra* note 27.
- 115 *Ibid* at 917-918.
- 116 For a further collection of relevant access to justice research, see Trevor C.W. Farrow and Lesley A. Jacobs, eds., *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020) (forthcoming).
- 117 Rebecca L. Sandefur, “The Impact of Counsel: An Analysis of Empirical Evidence” (2010) 9:1 Seattle J. Soc. Justice 51 at 61.
- 118 See e.g. Randomized Legal Assistance, *supra* note 30 at 2185. See further Russell Engler, “Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed” (2010) 37:1 Fordham Urb. L.J. 37.
- 119 CFCJ Overview Report, *supra* note 4 at 2.
- 120 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/>>.

121 See Trevor C.W. Farrow, Lisa Moore and Ab Currie, *Measuring the 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* (Toronto: CFCJ, 2020) (forthcoming).

122 For a general discussion on how to understand “effectiveness” of legal services see Erol Digiusto, *Effectiveness of Public Legal Assistance Services* (NSW: Law and Justice Foundation of New South Wales, October 2012) online: <[http://www.lawfoundation.net.au/ljf/site/articleIDs/18C587ECBD959D50CA257D9D00021AAF/\\$file/JI_16_Effectiveness_paper_FINAL.pdf](http://www.lawfoundation.net.au/ljf/site/articleIDs/18C587ECBD959D50CA257D9D00021AAF/$file/JI_16_Effectiveness_paper_FINAL.pdf)>.

123 *Supra* note 120 at 85.

APPENDIX I

Measuring The Impacts Of Legal Service Interventions – Selected Annotated Research Bibliography

Prepared by Megan Phyper and Lisa Moore

OVERVIEW

This research bibliography includes reports, papers and articles that present findings from a range of studies in Law, Medicine, Education and the Social Sciences. These studies have been carried out in various locations, including Canada, the U.S., Australia, the UK, and across Asia. The publications that are included in this bibliography apply longitudinal research methodologies, randomized controlled trials and quasi-experimental methods to understanding outcomes and impacts of one or more interventions. Several articles, reports and papers have also been included for the nuanced perspectives and discussions that they offer on research design and methodology. This bibliography is organized by discipline.

LAW

TITLE: Evolving Legal Services Research Project

RESEARCHERS: Les Jacobs, Julie Matthews, (with CLEO)

YEAR: 2015-2017 (18 months)

TYPE OF STUDY: Longitudinal

This paper discusses a longitudinal research project, which is funded by the Law Foundation of Ontario, that examines the effectiveness of public legal education and information (PLEI) in helping low- and modest-income people address their legal problems. There is little available empirical data on the usefulness of PLEI for different clients, different types of legal problems, and circumstances. This project explores the use of PLEI for family law problems, housing law, and human rights and discrimination. Research was conducted at five sites – four in Ontario and one in BC. At recruitment, people are asked questions about the nature and complexity of their problem, the extent to which they have accessed PLEI, and demographic questions. Participants are tracked for 18 months, asked questions about the outcome of their legal problems, their sense of the fairness of the process and outcome, and the role played by PLEI in assisting them or supporting them. This study considers the client's own views on processes and outcomes and also includes lawyer perspectives based on the review of client files. The literature review provides guidance on the use of a longitudinal methodology for this study.

TITLE: Dispute Resolution Longitudinal Study: Phase 3

AUTHORS: Focus Consultants

YEAR: 2008 (32-38 months)

TYPE OF STUDY: Longitudinal

This report presents the findings of a three-and-a-half-year longitudinal study examining dispute resolution of family justice issues in British Columbia. The study seeks to assess whether involvement in dispute resolution can be associated with changes or improvements for clients and to family functioning. Screening occurred from May to October 2004. Client interviews, contact and referrals, data collection, data analysis and reporting occur in Phases 1, 2, and 3. Phase 1 interviews take place 8-10 months after the first service contact, Phase 2 interviews are 20-24 months after the first service contact, and Phase 3 interviews are 32-38 months after first service contact. Multiple data collection methods are used.

TITLE: Improving the Lives of Individuals in Financial Distress Using a Randomized Control

TRIAL: A Research and Clinical Approach

AUTHORS: Dalié Jiménez, D. James Greiner, Lois R. Lupica, Rebecca L. Sandefur (By the Harvard Access to Justice Lab)

YEAR: 2013 (3 years - ongoing)

TYPE OF STUDY: Randomized control trial, longitudinal

This paper describes a proposed randomized control trial on consumer debt collection. The focus is on what works for improving people's financial health and dealing with debt. People who are interested in participating in the study will be invited to call a hotline created for the study. They receive some advice and assistance, then they are asked if they would like to participate in the study. Individuals participating in the study are divided into four groups:

- Group 1: The control group is offered self-help information and are told they can call the hotline anytime for more help.

- Group 2: This group gets financial counselling. They are also told they can call the hotline anytime for advice.

- Group 3: This group has representation from an attorney.

- Group 4: This group has financial counselling (same as group 2) and an offer of full representation (same as group 3).

The research seeks to compare the circumstances of each group of participants at intake. Further comparisons are made one, two, and three years after enrollment. The participants' financial circumstances are evaluated based on the metrics that credit, rental and other markets use to assess potential customers or business partners.

TITLE: Polk County, Iowa PSA Study- Analysis Plan

AUTHOR: Christopher L. Griffin, Jr. (By the Harvard Access to Justice Lab)

YEAR: 2018 (2 years)

TYPE OF STUDY: Randomized control trial

This paper discusses a study that aims to evaluate the impact of the Public Safety Assessment (PSA), a pre-trial risk assessment instrument introduced state-wide in Iowa. The researchers want to test if cases in which a judge receives the PSA will have a measurably different outcome compared to cases where the judge does not receive it. The methodological approach for this study is a randomized, controlled, non-blinded trial with two parallel groups to evaluate the use of the PSA. Researchers will compare the outcomes of the treatment and control groups. In the treatment group, the PSA printout is made available to the judge. In the control group, the PSA printout is not produced. The planned start of the RCT is 2018 and randomization is slated to end approximately 2 years later, with outcome data collected up to 2 years after the last initial appearance during the randomization period. The outcome information for the study is available online through the Polk County Jail's database and the state-wide Justice Data Warehouse hub.

TITLE: Problem of Default Study, Part II: Analysis Plan
AUTHOR: Erika J. Richard, Prof. D. James Greiner
(By the Harvard Access to Justice Lab)
YEAR: 2018 (3-6 months)
TYPE OF STUDY: Randomized control trial

This paper discusses research that seeks to apply a randomized control trial to evaluate an intervention designed to induce debt collection defendants to open, read, and act on written materials that they are sent. The study seeks to recruit and randomize participants beginning in May and June 2017. Follow up will occur 3-6 months after the end of the randomization period. Cases will be included that involve the civil docket or the small claims court. For the civil cases, there are six participant groups, and each receives a package with a different letter format:

- Group A1 receives a letter and answer form with cartoons, two pages, and no translation.
- Group A2 receives a letter virtually identical to Group A1 but with no cartoons and it is only one page.
- Group A3 receives the same letters as Group A2 but with translations in three non-English languages.
- Group B1, B2, and B3 receives the same letters as Groups A1, A2, and A3 respectively and they also receive a second letter urging them to attend court.

For the small claims cases, there are six participant groups with slightly different letter formats:

- Group A1 receives a cartooned letter only in English, two pages, with the letter sent immediately after case filing.
- Group A2 receives a letter without cartoons only in English, one page, with the letter sent immediately after case filing.
- Group A3 receives a letter without cartoons, translated into three non-English languages. The letter is sent immediately after case filing.
- Group B1, B2, and B3 receives a letter identical to the A1, A2, and A3 groups but it is mailed 2-3 weeks before the trial date.

TITLE: Trapped in Marriage
AUTHORS: Ellen Degnan, Thomas Ferriss, D. James Greiner, Roseanna Sommers (By the Harvard Access to Justice Lab)
YEAR: 2018 (36 months)
TYPE OF STUDY: Randomized control trial

This paper discusses a randomized control study to evaluate the effectiveness of a pro bono initiative's divorce practice in Philadelphia County. Participants are randomized into one of two groups:

- Treated group: effort by service provider to find a pro bono attorney
- Control group: referral to existing self-help resources

Study intake is from January 2011 to July 2013. Eighteen months after randomization, researchers ask the court staff for divorce case files involving study participants. The staff redacts confidential information and gives the researchers a copy. Researchers request follow-up documents from the court for up to 36 months after randomization. People who have legal representation in the treated group were 87% more likely to achieve a divorce than people without legal representation.

TITLE: Guardianship Service of Process Study: Analysis Plan
AUTHORS: Erika J. Rickard, Prof. D. James Greiner
(By the Harvard Access to Justice Lab)
YEAR: 2018 (3-6 months)
TYPE OF STUDY: Randomized control trial

The Guardianship Service of Process Study examines the effectiveness of written and electronic self-help tools as a supplement to in-person legal assistance in guardianship matters. This paper discusses a study that uses a multi-site, randomized, controlled, non-blinded trial with two parallel groups. The primary endpoint is the initial hearing before a Probate and Family court judge within three months of randomization. Petitioners for guardianship of an adult or a minor are randomly allocated to two groups. In the control

group the petitioners receive assistance filling out court forms, legal information or advice, and verbal instructions about serving court documents on interested parties. In the treatment group petitioners receive the same assistance as the control group but are also given self-help materials. Recruitment and randomization will happen over two years beginning in September 2017, until there are 1,000 study participants. Follow up for outcome data collection will occur 3-6 months after the end of the randomization period.

TITLE: Empirical Assessment of Legal Services Center Program on Health, Disability, and Planning
TYPE OF STUDY: Randomized control trial

This paper describes a potential randomized control trial study of the effect of WilmerHale Legal Services Center (LSC) representation on cases in which an adult appeals an adverse decision on eligibility of disability benefits. People who visit LSC will be asked to complete an Initial Screening Information Sheet and return it to LSC. This process will screen for eligibility to participate in the study. Following the initial screening, there is an intake interview to gather more information. People who are found to be eligible to take part in the study after the interview will receive representation. Simple random sampling or independent Bernoulli sampling will be used to choose which cases the program will provide legal assistance for. There is no information on when follow up will occur.

TITLE: Nevada Inmate Early Mediation Program
AUTHOR: James Greiner
YEAR: 2016
TYPE OF STUDY: Randomized control trial

This paper discusses a study that uses a randomized control trial to examine the efficacy of mediation. Inmate civil rights cases are assigned randomly to an order requiring parties to participate in mediation or strongly encouraging the parties to engage in direct settlement negotiations. The study seeks to measure outcomes that directly contribute to the justifications for the use of alternative dispute resolution (ADR). Researchers review the following data as part of the research analysis: completed federal court case records available online, the number of attorney hours expended in each case, settlements with state officials, surveys on inmates' opinions, and inmate complaint and filing information.

TITLE: Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?
AUTHORS: D James Greiner, Cassandra Wolos Pattanayak
YEAR: 2012
TYPE OF STUDY: Randomized control trial

This paper reports the results of the first of a series of randomized evaluations of legal assistance programs. The researchers aim to measure the effect of offers of, and actual use of representation. Intake began in the summer of 2009 and closed in the spring of 2010. When a claimant called the Harvard Legal Aid Bureau (HLAB), a screening interview was arranged. They were informed of the study. The cases were randomized and the researchers informed HLAB whether or not to offer representation. The randomized evaluation found that an offer of HLAB representation had no statistically significant effect on the probability that a claimant would prevail. The offer did delay the adjudicatory process.

TITLE: How Effective Are Limited Legal Assistance Programs? A Randomized Experiment in a Massachusetts Housing Court

AUTHORS: D James Greiner, Cassandra Wolos Pattanayak, Jonathan Hennessy

YEAR: 2012

TYPE OF STUDY: Randomized control trial

This paper reports the findings of a randomized control trial comparing the effectiveness of two alternative programs of legal representation for occupants of housing units in parts of Massachusetts North Shore. The study on Massachusetts District Court is published in a separate paper.

This research is labeled the “Housing Court Study”. Study participants were either occupants who made contact with the service provider when an evictor issued a “notice to quit” or occupants who made contact with the service provider when the evictor filed a summary eviction lawsuit. Study participants in the treated group receive an offer of legal assistance from a Service Provider staff attorney. Study participants in the control group receive an offer of unbundled legal assistance from the Provider when the occupant faces eviction litigation. No statistically significant evidence was found that the service provider’s offer of a traditional attorney-client relationship had a significant (or any) effect on the likelihood that the occupant would retain possession. There was also no effect on the financial consequences of the dispute, judicial involvement in or attention to litigation cases, or on any other outcome.

TITLE: The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future

AUTHORS: D James Greiner, Cassandra Wolos Pattanayak, Jonathan Hennessy

YEAR: 2013

TYPE OF STUDY: Randomized control trial

This paper reports the results of a randomized trial, labeled the “District Court Study”. To recruit 70% of the participants Greater Boston Legal Service (GBLS) staff went to Quincy District Court, examined files for recently initiated summary eviction actions and mailed letters to occupants likely to be study eligible. For the remaining 30% of participants, on-the-spot interviews were conducted when the judge referred litigants to the staff attorney or when individuals independently approached attorneys for assistance.

Researchers randomly assign treated and control groups of summary eviction defendants. Most of the participants receive limited legal assistance from how-to clinics run by a GLBS attorney. The treated group also receive an offer of a traditional attorney-client relationship from a GBLS staff attorney. The control group receives no such offer. About two-third of people in the treated group retained possession of their housing unit at the end of summary eviction proceedings compared with about one-third of control group defendants.

TITLE: Randomized Control Trials in the United States Legal Profession

AUTHORS: D James Greiner, Andrea Matthews

YEAR: 2016

TYPE OF STUDY: Randomized control trial

This paper provides an overview of randomized control trials (RCTs) discussed in United States legal literature. The legal profession has resisted this type of trial, while it has prospered in medicine. The authors note that they found more RCTs than anticipated – about 50 were identified overall. The studies were hard to find because they appeared in so many locations, including economic journals, National Institute of Justice

reports, psychiatry journals, etc. The authors also question laws resistance to RCTs and ask why US medicine has transformed into a science, while law did not.

TITLE: Apples and Oranges: An International Comparison of the Public's Experience of Justiciable Problems and the Methodological Issues Affecting Comparative Study

AUTHORS: P Pleasence, N J Balmer, and R L Sandefur

YEAR: 2016

TYPE OF STUDY: Randomized control trial, survey

Over the last couple of decades there have been at least 28 large-scale national surveys of the public's experience of justiciable problems in at least 15 jurisdictions). This paper compares and contrasts the survey methodologies. The authors also discuss methodological concerns with existing studies and the impact of survey design. Assessments are made by grouping studies into five categories, based on similarities in the research design/testing methods. Findings from the five categories reveal that relatively small changes to survey methods can have a significant impact on research results,

TITLE: Trials and Tribulations: Conducting Randomized Experiments in a Socio-legal Setting

AUTHOR: Pascoe Pleasence

YEAR: 2008 (20 weeks)

TYPE OF STUDY: Randomized control trial

This paper describes a randomized control trial (RCT) conducted in England and Wales. It also explains the rationale for employing RCTs in a socio-legal context. The Impact of Debt Advice Research Project was conducted to provide clearer evidence and quantification of the benefits of debt advice.

Screening for recruitment into the study was done at job centres. The National Debtline offered to provide the intervention advice. Researchers identified the intervention as an "offer of advice", not the "provision of advice". This is to recognize the fact that not all people offered advice will go on to take up the offer and receive advice, while some people not offered advice will seek it out from other sources. The researchers also sought to evaluate the health impact of debt advice and satisfaction with services offered. Findings suggest the debt advice intervention increased the likelihood that people would regard their situation as improved. Study participants who acted on the offer of debt advice became more knowledgeable about their financial circumstances, more focused on dealing with debt, and more optimistic about future prospects.

TITLE: Changing Fortunes: Results from a Randomized Trial of the Offer of Debt Advice in England and Wales

AUTHORS: Pascoe Pleasence and Nigel J Balmer

YEAR: 2007 (20 weeks)

TYPE OF STUDY: Randomized control trial

This paper discusses a randomized control trial in which advice is offered to people experiencing debt problems. The goal of the study is to evaluate the extent to which the offer of debt advice improves people's circumstances, coping strategies, and outlook. Participants were chosen from 16 job centres. These particular sites were chosen because of the increased likelihood of being able to identify people experiencing debt problems through these sites. Study participants in the intervention group were offered telephone advice from the National Debtline. Participants were asked about their financial circumstances at baseline and at 20-week follow-up interviews. The offer of debt advice was found to have a positive impact. The authors note that a 50-week follow up would have likely found more significant differences between the groups.

TITLE: Expanding the Empirical Study of Access to Justice

AUTHORS: Catherine R Albiston, Rebecca L Sandefur

YEAR: 2013

TYPE OF STUDY: General discussion of randomized control trial

This paper discusses the contribution of randomized control trials to our understanding of access to justice. It lists a number of limitations to randomized control trials, such as their limited ability to explore why an impact occurs. The authors also provide guidance for further research on access to justice.

TITLE: The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment

AUTHORS: Carroll Seron, Martin Frankel, Gregg Van Ryzin

YEAR: 2001

TYPE OF STUDY: Randomized control trial

This paper presents the results of the first randomized evaluation of a legal assistance program for low-income tenants in New York City's Housing Court. Study participants were in one of two groups: a treatment group of legal aid eligible tenants targeted to receive legal counsel and a control group that was not targeted for representation. Participants were recruited from tenants responding to non-payment of rent petitions and waiting in line at the clerk's office of the Manhattan Housing Court. The outcomes measured in the study include whether or not the tenant defaulted or failed to appear; whether a judgement was made in favour or against the tenant; whether or not a warrant for eviction was ordered; whether or not a stipulation requiring repairs was entered; whether or not a stipulation requiring rent abatement was entered; number of court appearances required; number of days to dispose of the case; number of motions filed; and number of post-judgement motions filed. The

experiment found that low-income tenants with legal counsel receive better procedural outcomes than low-income tenants who self-represent.

TITLE: The Impact of Counsel: An Analysis of Empirical Evidence

AUTHOR: Rebecca L Sandefur

YEAR: 2010

TYPE OF STUDY: Meta-analysis of quantitative studies

This paper examines the impact of legal representation, using a meta-analysis of existing literature to assess whether representation by a lawyer might affect who wins or loses in adjudication. The studies that are reviewed for this assessment have the following qualities:

- quantitative summaries of the outcomes of civil contests that were formally adjudicated;
- on at least one side of the cases were parties who could potentially appear unrepresented;
- a representative sample of cases;
- available data allowed for the assessment of the number of cases won and lost based on the type of representation.

Twelve studies were found that met the criteria for inclusion in the meta-analysis. The data shows that people represented by a lawyer are more likely to prevail than people who are unrepresented. In more complex fields of law, the difference in outcomes between people who have lawyer representation and those who do not is quite large.

The paper further discusses the implications of these findings on access to justice. Knowledge of the level of procedural complexity required of different legal issues can be used to target attorney-representation. The author urges an empirical approach to innovation in the justice system. Empirical evidence can offer guidance on when different solutions might be best utilized.

TITLE: Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study

AUTHOR: Rebecca L Sandefur

YEAR: 2014

TYPE OF STUDY: Survey, Randomized assessment

This paper describes the findings from a survey of the public's experience with civil justice problems. The Community Needs and Services Study randomly selected adults through a stratified random sample of residential addresses in a specific city. The study reveals that many people do not turn to the legal system to resolve civil justice problems.

TITLE: Passion, Caution, and Evolution: The Legal Aid Movement and Empirical Studies of Legal Assistance

AUTHOR: Steven Eppler-Epstein

YEAR: 2012

TYPE OF STUDY: General discussion of randomized control trials and legal aid

This paper discusses how randomized control trials that produce empirical evidence can help legal aid services to determine how to allocate scarce resources for maximum impact. Investing in similar studies will help better target scarce resources and improve services while also building public support.

TITLE: Service Delivery, Resource Allocation, and Access to Justice: Greiner and Pattanayak and the Research Imperative

AUTHORS: Jeffrey Selbin, Jeanne Charn, Anthony Alfieri & Stephen Wizner

YEAR: 2012

TYPE OF STUDY: General discussion of randomized control trials and legal aid

This paper discusses objections to the "Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?" study led by Professors Greiner and Pattanayak. There is little available empirical evidence of the importance of legal aid services. The paper argues that (experimental) research can generate more reliable and actionable knowledge that can be used to improve service delivery to clients. Empirical evidence can further help to inform resource-allocation decisions. It can also help to provide evidence of when self-help is best used. Lawyers should be available where they make a difference; similarly other forms of representation may be effective in different situations. Research can identify situations in which lawyers might have the most impact.

TITLE: Do Attorneys Really Matter? The Empirical and Legal Case for the Right of Counsel at Bail

AUTHORS: Douglas L Colbert, Ray Paternoster, and Shawn Bushway

YEAR: 2002

TYPE OF STUDY: Randomized control trial

This paper discusses a study in which legal representation is randomly assigned in a pool that includes almost 300 nonviolent cases from a city's criminal court. The experimental group had a lawyer, the control group did not. Research staff attended each bail review hearing to record information on the case. After the hearing, staff interviewed study participants to get their views on whether they believed that they were treated fairly, the procedures were fair, as well as how willing they were to accept the decision. Thirty-

four percent of study participants with access to lawyers were released after the bail review hearing compared to thirteen percent of those without lawyers who were released.

TITLE: Field Experimentation and the Study of Law and Policy

AUTHORS: Donald P Green, Dane R Thorley

YEAR: 2014

TYPE OF STUDY: General discussion of experimentation in law

The paper charts the growth of experimentation in law and legal studies. The paper also discusses assumptions that underlie experimental designs. There is also an overview of field experiments done in law and social science.

TITLE: How Much Difference Does the Lawyer Make? The Effect of Defense Counsel on Murder Case Outcomes

AUTHORS: James M Anderson, Paul Heaton

YEAR: 2012

TYPE OF STUDY: Randomized control trial, naturalistic/ observational

This study measures how defense counsel affects murder case outcomes. In Philadelphia, public defenders represent one out of five murder defendants. Four out of five defendants are represented by private counsel appointed by a judge and paid by the county. The researchers took advantage of this randomized approach to use the public defenders as the treatment group and appointed private counsel as the control group. Researchers assessed case outcomes in terms of whether the defendant was guilty of any charge; the number of guilty charges; whether they were found guilty of murder; average sentence length; the minimum and maximum conditional sentence; the life sentence; death sentences; and expected time served. They also evaluated whether there was a waiver of trial or if the accused plead guilty. The study

found significant differences in the outcomes of defendants represented by public defenders compared with private attorneys. Public defenders reduce their clients' murder conviction rate by 19%. They further reduce the probability that their clients receive a life sentence and reduce overall expected time served in prison.

TITLE: Civil Right to Counsel Social Science Study Design Report: Final Report

AUTHOR: NPC Research

YEAR: 2009 (24 months)

TYPE OF STUDY: Randomized control trial, measures long-term outcomes

This paper discusses a study on the costs, outcomes, and benefits associated with legal representation for civil housing eviction cases. Researchers sought to evaluate whether representation leads to any difference in short-term or longer-term outcomes. The sample size for this study is 2,000 people. Tenants are randomly assigned to the control group, or to the treatment group that receives attorney representation. The court docket is used for the random assignment of cases to the study groups by the project staff. The study proposed to gather data for 24 months in order to identify both the short- and longer-term impacts. Interviews with litigants and a review of administrative databases were also proposed for inclusion in the methodology to gather information on outcomes. Outcomes measured for this study are: court efficiency outcomes (such as mode of resolution, number of court appearances); and legal case outcomes (such as orders of eviction, dismissals). The study also measures longer-term outcomes for housing, employment, family, health, and criminal justice.

TITLE: Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel Is Most Needed

AUTHOR: Russell Engler

YEAR: 2010

TYPE OF STUDY: Literature review

This paper looks at research that examines when legal assistance is helpful. Knowing when access to legal counsel is most needed can help to facilitate better access to justice. The paper explores the existing data with a view to identifying cases where having counsel is most likely to impact the outcome of the case. Ultimately, where counsel is needed depends on the interests at stake and the likelihood of counsel affecting the case outcome.

TITLE: Evaluation of the Early Representation by Defense Counsel Field Test

AUTHOR: National Institute of Justice, United States

YEAR: 1984

TYPE OF STUDY: Randomized control trial

This paper discusses a study that used a randomized control trial to assess the impact of early representation for defendants. Three public defender offices were chosen to implement a new set of policies and procedures. This group ensured that clients in the treatment group received the services of a public defender within 24 hours of arrest and prior to their first appearance before a magistrate. Individuals in this group would further receive assistance from the public defender continuously throughout the adjudication process. Each office provided its traditional representation services to at least 600 randomly selected clients to make up the control group. Multiple data collection methods were used, including: a case intake and monitoring procedure; a case tracking procedure, a public defender attorney interview; a public defender investigator interview; a public defender support staff interview; a key criminal justice actor interview with special items for judges,

prosecutors, jail staff, and pre-trial services staff; a client follow up interview; and formal and participant observations of key events.

TITLE: The Hotline Outcomes Assessment Study: Final Report- Phase III: Full-Scale Telephone Survey

AUTHORS: Jessica Pearson, Lanae Davis

YEAR: 2002 (3-6 months)

TYPE OF STUDY: Interviews

This paper discusses a study that aims to assess the impacts of telephone hotlines used to provide brief legal advice and referrals to low-income people. From July to November 2001, staff at five legal hotlines recruited potential respondents. This research did not include people for whom the hotline served an intake function for a full-service legal services program or where the hotline arranged for the person to be represented by a pro bono attorney. The sample included cases where the hotline provided advice and referred the caller to another source of assistance that provided less than full legal representation.

At 4 of 5 project sites, staff asked people who called the hotline if they would give consent for telephone researchers to contact them again in a few months to see what had happened since their call. At one of the hotlines, all callers were sent a letter informing them that they would be contacted for research unless they requested to be removed from the study. Interviews were done by telephone researchers from November 2001 to February 2002. Follow up took place about 3-6 months after the calls to the hotline. Overall, 2,034 callers were interviewed. The study found that where outcomes could be determined from the interviews, the cases were split almost evenly between successful and unsuccessful outcomes. This paper also discusses findings about the types of hotline services that are more likely to result in favourable outcomes and the people who call the service.

TITLE: In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services

AUTHORS: Jessica K Steinberg

YEAR: 2011

TYPE OF STUDY: Randomized control trial

This paper charts the rise of the unbundled legal services movement, the services provided, and discusses ethical debates around unbundling. The paper reports on a study of unbundled legal aid in San Mateo County. The study seeks to assess the impact of ghost writing and one-time negotiation assistance on the case outcomes of 96 low-income tenants facing eviction in a California trial court in San Mateo County. The outcomes are compared with 305 tenants who received no legal assistance and 20 tenants who received full representation. All 474 evictions filed in San Mateo County from May 19 - August 7, 2009 were reviewed. Case outcomes for tenants receiving unbundled assistance and those who received no legal aid were identified through extensive review of the court files. The outcomes for the 20 tenants with full representation were found by reviewing the law clinic's case files. Recipients of unbundled aid fared no better than people who received no assistance.

TITLE: Evidence-Based Access to Justice

AUTHOR: Laura K Abel

YEAR: 2010

TYPE OF STUDY: Discusses empirical research in law/ access to justice

While there is an evidence-based approach to research in the medical field, law lacks an equivalent approach, particularly in the area of civil legal problems. This paper discusses outcome-based analyses of access to justice interventions. These types of assessments are valuable for the insights that they provide on whether a particular intervention leads to a particular result. The paper further discusses the need for process-based analysis. Studies need to be conducted to learn how various interventions affect the processes which create a particular outcome.

TITLE: Does the Lawyer Matter? Influencing Outcomes on the Supreme Court of Canada

AUTHORS: John Szmer, Susan W. Johnson, Tammy A. Sarver

YEAR: 2007

TYPE OF STUDY: Quantitative empirical study

This paper discusses a Canadian study that examines the impact of lawyer capability on decision-making at the Supreme Court of Canada (SCC). Researchers reviewed all appeals heard by the SCC from 1988-2000. The dependent variable was the Court's decision for or against the appellant. The main independent variables were litigation experience, Queen's Counsel, and litigation team size. Litigation experience and litigation team size were found to have a positive correlation to decision-making.

TITLE: Reflections on a Civil Right to Counsel and Drawing Lines: When Does Access to Justice Mean Full Representation by Counsel, and When Might Less Assistance Suffice?

AUTHORS: Russell Engler

YEAR: 2010

TYPE OF STUDY: General discussion of how to evaluate when civil representation should be prioritized vs. when other forms legal assistance will help

This paper discusses representation for litigants in civil cases. Lines must be drawn around expanding the right of access to counsel. The civil right to counsel can be understood as one component of a broader access to justice strategy. The paper sets out a framework for decision making around a civil right to counsel. To find out where representation is necessary for civil justice matters, the right data is of critical importance. Experimentation can inform line drawing exercises.

TITLE: 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

AUTHORS: Ken Smith (The Resource for Great Programs)

YEAR: 2009

TYPE OF STUDY: Survey, interview, quantitative analysis

The Law Help Ontario (LHO) project was launched in 2007 by Pro Bono Law Ontario. One of the terms of the LHO's funding was that the project be rigorously evaluated after the 1st year of operation. The evaluation team did face-to-face interviews and telephone interviews with major LHO stakeholders. Online web surveys were used to collect data from a broader group of stakeholders. Additionally, intake data and other statistics were analyzed, and a telephone survey of clients served by LHO in 2008-2009 was conducted. The evaluation demonstrates that the project is successful. It helps clients, filling a crucial gap in the justice system, and providing a model and service that should be expanded.

TITLE: Evaluation of the Family Law Expanded Duty Counsel Pilot Project: Final Report for Legal Aid Ontario

AUTHORS: Prairie Research Associates Inc.

YEAR: 2002 (information collected over 1 year period)

TYPE OF STUDY: Interviews, surveys, quantitative analysis

Legal Aid Ontario engaged Prairie Research Associates to carry out an evaluation of the Family Law Expanded Duty Counsel Pilot Projects. These projects in Hamilton, London, and Oshawa expanded the duty counsel model. This expanded model emphasizes advancing cases toward resolution, rather than just helping clients move to the next stage of their legal process. Data was collected in four ways: key documents were reviewed, statistical information from the

management information system was analyzed, interviews were conducted with key informants, and client feedback surveys were used. The report found a high level of support for the expanded duty counsel model among clients and stakeholders.

TITLE: Is Justice Delayed, Justice Denied? Changing the Administration of the Winnipeg Family Violence Court

AUTHOR: Jane Ursel

YEAR: 2014 (5 years)

TYPE OF STUDY: Longitudinal and surveys

A new administrative process was created for handling cases in the Winnipeg Family Violence Court (FVC). The Front End Project (FEP) is a program that was introduced to streamline cases in the FVC. This paper discusses a study that uses a mixed method to examine the impact of the FEP. Analysis of court cases processed before, during, and after the introduction of the FEP was conducted to see if there were any significant changes in processing time, conviction rates and/or sentencing patterns. The FEP was introduced in 2003-2004. The outcome data includes 5 years of data overall, 2 years before the FEP was introduced, the year it was introduced, and 2 years after. Additionally, this research included interviews that were carried out with key individuals in the justice system about the impact of the FEP. Researchers further explored the effect of the FEP on processing time, conviction rates, sentencing patterns, and practitioners experience of the work that they did. The study found that trial times were not reduced by the FEP and the reduction in time for a case to proceed in FVC was greatly dependent on how the case was resolved. There was more efficient use of courtrooms and human resources with the new process.

TITLE: Listening to Ontarians: Report of the Ontario Civil Legal Needs Project

AUTHORS: The Ontario Civil Legal Needs Project Steering Committee

YEAR: 2010

TYPE OF STUDY: Telephone interviews, focus groups in-person and by phone, mapping project

This paper discusses a study that examines the legal needs of low-income and middle-income Ontarians, how their needs are being met, what gaps exist, and suggests strategies for addressing those gaps. Environics Research Group was commissioned to undertake some aspects of the study. Two thousand telephone interviews were carried out with low-income and middle-income Ontarians. Study participants were asked a series of questions to determine whether they had experienced a problem that had a legal dimension, what they did to resolve the problem, and how the issue affected them. Focus groups were also held with front-line legal and social service providers in person and on the phone. The frontline staff interviewed included lawyers, paralegals, and representatives of social assistance services and legal aid clinics. An additional focus group was held with unrepresented litigants identified with assistance from Pro Bono Law Ontario's court-based self-help project. These two aspects of the project aimed to evaluate the legal needs of low and middle-income Ontarians. The project also involved an Ontario wide mapping exercise that sought to identify the number, type, range, and location of access to justice programs and initiatives that are for low- and middle-income Ontarians. This was done to identify areas that are underserved or at risk.

TITLE: Family Law Information Hub Project Evaluation: Final Report

AUTHORS: Atlantic Evaluation Group

YEAR: 2011 (10 months)

TYPE OF STUDY: Surveys, interviews, focus groups

In 2009, the Public Legal Education and Information Service of New Brunswick created the Family Law Information Hub Project to serve as an on-line family law information resource to assist people representing themselves in the province's family law system. This paper evaluates the Family Law NB website initiative using a mixed-methods approach. Firstly, the website's utilization data for a year was reviewed. Secondly, researchers conducted surveys to collect data from a variety of stakeholders including family court staff, solicitors, and judges. The baseline survey was done in June 2010 and the follow up survey was administered in March 2011. The surveys were conducted using an electronic survey questionnaire that could be used by Anglophones and Francophones. The third method used by the researchers was interviews and focus groups with stakeholders, court staff, solicitors, and some self-represented litigants. The interviews and focus groups explored participants' views and perceptions of the impacts and outcomes of the website. Overall, there was positive feedback on the Family Law NB website.

TITLE: Effectiveness of Public Legal Assistance Services

AUTHOR: Erol Digiusto

YEAR: 2012

TYPE OF STUDY: General discussion of "effectiveness" in research on outcomes

This paper discusses how to evaluate the effectiveness of legal assistance services. Effectiveness in this paper refers to a causal link between an activity/ intervention and a desired outcome. The paper further discusses how the evaluation of effectiveness can inform and change practice. Guidance is provided on how to measure

effectiveness in different types of research. In research on effectiveness there should be a clearly defined, measurable objective. Further, there should be a sufficient and representative sample. The research design should also allow for isolating and measuring the factors of interest.

MEDICINE

TITLE: Sustained Enjoyment of Life and Mortality at Older Ages: Analysis of the English Longitudinal Study of Ageing

AUTHORS: Paola Zaninotto, Jane Wardle, Andrew Steptoe

YEAR: 2016 (4 year)

TYPE OF STUDY: Longitudinal observational population study

This paper in the British Medical Journal discusses a longitudinal observational population study of older men and women in England. The study examines whether the number of reports of enjoyment of life over a four-year period is quantitatively associated with all-cause mortality, and death from cardiovascular disease and from other causes. The study began in 2002 with 11,391 individuals. Participants were tracked until March 2013, for an average of 6.5 years. Enjoyment of life was measured multiple times, as part of wave 1 (2002), 2 (2004), and 3 (2006) of the English Longitudinal Study of Aging. Baseline health was also measured. Participants self-rated their health and asked if they had been given a doctor's diagnosis of an illness or disease. Mortality data was also collected from the National Health Service central data registry. Results demonstrate that 24% of participants reported no high levels of enjoyment of life on any occasion.

TITLE: The Relationship Between Self-Reported Sensory Impairments and Psychosocial Health in Older Adults: a 4-year Follow-Up Study Using the English Longitudinal Study of Ageing

AUTHORS: A Yu, AEM Liljas

YEAR: 2019 (4 year)

TYPE OF STUDY: Cross-sectional and longitudinal study using self-report

This paper discusses a study that explores associations between impairments in hearing and vision and self-rated health, quality of life and depressive symptoms. The researchers used cross-sectional and longitudinal analyses with 4-year

follow ups. Data from the English Longitudinal Study of Ageing was used for this research. The researchers used data collected in 2004 as part of the survey as the baseline data, then used data from 2008 as the follow-up data. Data was collected on self-reported hearing, self-rated health, quality of life, and depressive symptoms. Overall, 3,391 people participated in the research. The researchers found that people who reported poor hearing were more likely to be older, male, and less wealthy, leading a sedentary lifestyle, have a chronic illness, poorer cognitive function, and mobility limitations. A similar pattern emerged for people with poor self-reported vision, with one exception - they tended to be female, not male.

TITLE: A Randomized Controlled Comparison of Integrative Cognitive-Affective Therapy and Cognitive-Behavioral Therapy-Enhanced for Bulimia Nervosa

AUTHORS: Stephen A Wonderlich, et al.

YEAR: 2014 (19 weeks of treatment + 4-month follow-up)

TYPE OF STUDY: Randomized control trial

Eighty adults with symptoms of bulimia nervosa were randomized into two different treatment groups. One group received Integrative Cognitive-Affective Therapy (ICAT), the other received Enhanced Cognitive Behaviour therapy (CBT-E therapy). This paper discusses the research findings. Twenty-one therapy sessions were held over 19 weeks. Participants' symptoms were assessed at baseline, at the end of the 19 weeks (after therapy ended) and at a 4-month follow-up. Measurements included frequency of binge eating episodes and compensatory behaviour, as measured by the Eating Disorder Examination. Results indicate that both therapies were associated with considerable improvements in bulimia nervosa symptoms, and other outcomes.

TITLE: Nonsteroidal Anti-inflammatory Drugs and Risk of Prostate Cancer in the Baltimore Longitudinal Study of Aging

AUTHORS: Elizabeth A Platz et al.

YEAR: 2005 (median follow-up was 9 years)

TYPE OF STUDY: Longitudinal study (using medical records and questionnaires)

This paper discusses a study that examines the association of aspirin and non-aspirin, nonsteroidal anti-inflammatory drugs (NSAIDs) with subsequent prostate cancer. Questionnaires were used to gather data on use of prescription and over-the-counter drugs through the Baltimore Longitudinal Study of Aging. Cases of prostate cancer were identified by reviewing medical records and mailed questionnaires. The period of study was 1980-2004. The study found that men who had never used aspirin or non-aspirin NSAIDs had a modest, non-statistically significantly lower risk of prostate cancer.

TITLE: Acute Migraine Medications and Evolution from Episodic to Chronic Migraine: A Longitudinal Population-Based Study

AUTHORS: Marcelo E. Bigal et al.

YEAR: 2008 (5 years)

TYPE OF STUDY: Longitudinal study (using questionnaires)

The American Migraine Prevalence and Prevention (AMPP) study is a multi-year longitudinal population-based study where a cohort of headache sufferers are followed over 5 waves of assessment. This research paper discusses a study that uses the AMPP study data to explore the relationship between excessive symptomatic medication use and transformed migraines. The AMPP study has two phases. First, a validated self-administered screening questionnaire is used to identify severe headache sufferers. To do so, questionnaires were mailed to a stratified random sample of 120,000 US households. In the second phase, a random sample of 24,000 headache sufferers was selected from among

people who responded to the questionnaire. This group was asked about their headache diagnosis and risk factors for headache progression. The study examined the relationship between use of analgesics, as reported in 2005, and headache outcomes in 2006. The findings demonstrate that people with episodic migraines develop transformed migraines (TM) at the rate of 2.5% per year. Specific medications were found to be associated with incident TM.

TITLE: Longitudinal Patterns of Analgesic and Central Acting Drug Use and Associated Effectiveness in Fibromyalgia

AUTHORS: F. Wolfe, B.T. Walitt, R.S. Katz, Y.C. Lee, K.D. Michaud, W. Häuser

YEAR: 2012 (11 years)

TYPE OF STUDY: Longitudinal study (used questionnaires, self-reporting)

This paper examines current therapies for fibromyalgia treatment. A study was carried out to measure the effectiveness of centrally acting drug therapies on fibromyalgia. The study involved 3,123 adult patients living with the disorder that participated in the National Data Bank for Rheumatic Diseases longitudinal study of fibromyalgia outcomes. Participants became involved with the study through recruitment from US rheumatology practices or by self-referral. An open cohort design was used, in which patients are enrolled continuously. Study participants completed questionnaires about their health by mail or Internet, at 6-month intervals between 2000 and 2010. When study participants were contacted, researchers collected demographic data, self-report data on all prescription and non-prescription pharmacology treatments, and severity measurements. Overall, the pain, fatigue, and disability index scores were unchanged over the 11 years.

TITLE: Bupropion and Cognitive-Behavioural Therapy for Smoking Cessation in Women

AUTHORS: Joey M Schmitz, et al.

YEAR: 2007 (7 weeks of treatment + 12-month follow-up)

TYPE OF STUDY: Longitudinal, randomized control study

For people looking to stop smoking, pharmacotherapy with counselling or behavioural therapy is the recommended treatment. There is evidence supporting the safety and efficacy of bupropion for smoking cessation. This study aimed to better assess the efficacy of bupropion for women specifically. This paper discusses a study that was done at the outpatient Treatment Research Clinic at the University of Texas Medical Center. Women were recruited by local radio, television and print ads. At the first participant visit, the researchers explained the study, obtained informed consent, and completed a baseline assessment. After intake, participants were randomly assigned to one of the four treatment groups:

- One group took a placebo medication and received cognitive behavioural therapy
- The second group took a placebo medication and received supportive therapy
- The third group took the drug bupropion and received cognitive behavioural therapy
- The fourth group took the drug bupropion and received supportive therapy

The intake session involved a medical history, physical examination, psychiatric screening, and a brief interview to collect information about demographics and smoking behaviour. During the study, the participants kept daily smoking diaries to record their behaviour. These were collected at each treatment visit.

TITLE: Regular Use of Acetaminophen or Acetaminophen-Codeine Combinations and Prescription of Rescue Therapy with non-Steroidal Anti-Inflammatory Drugs: A Population-Based Study in Primary Care

AUTHORS: Alfredo Vannacci, et al.

YEAR: 2017 (1 year)

TYPE OF STUDY: Longitudinal population-based study

This paper discusses a study that examines the effectiveness of acetaminophen or acetaminophen-codeine combinations for osteoarthritis (OA) related pain. The study used the Health Search IMS Health Longitudinal Patient Database that contains the electronic patient records from general practitioners (GPs). Participants were selected from active patients registered with the GPs. Researchers formed a cohort of patients aged 18, and above and newly treated with acetaminophen or acetaminophen-codeine between January 1, 2001 and December 31, 2013. They identified all prescriptions of acetaminophen or acetaminophen-codeine combinations being prescribed for osteoarthritis pain from the index date till the end of the 1st year follow-up. Patients were followed until the occurrence of the following events: the use of nonsteroidal anti-inflammatory drugs (NSAIDs) for OA, end of registration with their GP, death, 365th day of follow-up, or up to 31 December 2013. OA patients who regularly use acetaminophen or acetaminophen-codeine combinations are less likely to use NSAIDs for OA-related pain.

TITLE: Acetaminophen Poisoning and Risk of Acute Pancreatitis

AUTHORS: Sy-Jou Chen, Chin-Sheng Lin, Chia-Hung Kao

YEAR: 2015 (average follow-up time was 6.34 years)

TYPE OF STUDY: Longitudinal, population-based cohort study

This paper discusses a study that assesses whether patients with acetaminophen poisoning exhibited a higher risk of acute pancreatitis. Taiwan's National Health Insurance (NHI) program was used to gather the data. The cohort was made up of patients aged 20 years and over who were hospitalized during 2000 and 2011 for acetaminophen poisoning. The comparison cohort was randomly selected patients with no history of acetaminophen poisoning. The main outcome was acute pancreatitis during the follow-up period. The cohorts were followed from the index date, until diagnoses of acute pancreatitis, withdrawal from the NHI program, or December 31, 2011. The study found that acute acetaminophen poisoning is associated with a higher risk of developing acute pancreatitis.

TITLE: Social Isolation, Loneliness, and Health Behaviours at Older Ages: Longitudinal Cohort Study

AUTHORS: Lindsay C Kobayashi, Andrew Steptoe

YEAR: 2018 (10 years)

TYPE OF STUDY: Longitudinal cohort study

This paper aims to investigate the longitudinal and independent relationships between social isolation, loneliness, and health behaviours. Data was gathered from the English Longitudinal Study of Ageing. The first cohort was followed beginning in 2002/2003 and was identified using a random stratified sample of households in England who participated in the Health Survey for England. Data was gathered through interviews, questionnaires every 2 years, and physical assessments every 4 years. Participants completed data collection from 2004/2005 to 2014/15. Cohorts were assessed based on their social isolation, loneliness, and

health behaviours such as physical exercise, fruit and vegetable intake, and frequency of alcohol consumption. Over the 10-year period, social isolation was negatively associated with physical activity, fruit and vegetable consumption, and obesity. Social isolation was positively associated with smoking.

TITLE: Sleep Problems, Short Sleep and a Combination of Both Increase the Risk of Depressive Symptoms in Older People: A 6-Year Follow-up Investigation from the English Longitudinal Study of Ageing

AUTHORS: Marta Jackowska, Lydia Poole

YEAR: 2017 (6 years)

TYPE OF STUDY: Longitudinal prospective cohort study

This paper discusses a study that examines whether sleep problems, sleep duration, and a combination of short or long sleep with sleep problems were predictive of depressive symptoms 6 years later. The study uses data from the English Longitudinal Study of Ageing (ELSA), a prospective cohort study of men and women aged 50 and older. This research began in 2002, with participants seen twice a year after that. Overall, 4,545 participants were identified for participation in the study. The baseline data of this study was from wave 4 of the ELSA (2008-9). Participants were analyzed for 6 years, till wave 7 of the ELSA (2014-15). The measures included in the research were sociodemographic variables, sleep problems, sleep duration, depressive symptoms and health. The study found that sleep problems predicted elevated depressive symptoms at a 6-year follow-up.

TITLE: Symptoms and Anxiety Predict Declining Health-Related Quality of Life in Multiple Myeloma: A Prospective, Multi-Centre Longitudinal Study

AUTHORS: Christina Ramsenthaler, Wei Gao, Richard J Siegert, Polly M Edmonds, Stephen A Schey, and Irene J Higginson

YEAR: 2019 (8 months)

TYPE OF STUDY: Longitudinal prospective study

This paper discusses a study that aimed to identify which patients might benefit from early integration into palliative care. To do this, researchers identified trajectories of health-related quality of life over 8 months in patients with multiple myeloma (an incurable cancer). This was a multi-center, longitudinal prospective study. Patients with multiple myeloma were recruited from inpatient and stem cell transplantation units and outpatient hematology clinics or chemotherapy care centers in the UK. Patients were screened for eligibility at all the participating sites. Study questionnaires were completed during the clinic visit or at home with patients being supplied a prepaid envelope for returning the questionnaire. Participants were followed from baseline for 8 months. Participants completed surveys every 2 months, totaling 5 assessments. Their quality of life and palliative care problems were measured through self-report questionnaires. Comorbidity and performance status was assessed directly from the patient in a clinical interview at their first visit to the clinic. The study identified four classes of trajectories.

TITLE: Longitudinal Postoperative Course of Pain and Dysfunction Following Total Knee Arthroplasty

AUTHORS: Katherine Hadlandsmyth et al.

YEAR: 2018 (6 weeks- 6 months)

TYPE OF STUDY: Longitudinal design

This paper discusses a study that examines the course of pain and functioning after total knee arthroplasty (TKA). This research applies a longitudinal design and assesses changes in pain and function between 6 weeks and 6 months post-TKA. Study participants were recruited prior to TKA for a randomized control trial of another medical procedure. Participants provided data before the operation, then at 6 weeks and 6 months after the operation. Researchers assessed medication use, pain intensity, function, anxiety, depression, pain catastrophizing, and pain sensitivity. Overall, 223 participants took part in the study. The findings demonstrate that the majority of patients' pain remained relatively stable from 6 weeks post-TKA to 6 months post-TKA. However, there is a significant subset of patients whose pain continued to improve after the 6 weeks.

TITLE: Post-Traumatic Stress Disorder and Asthma Risk: A Nationwide Longitudinal Study

AUTHORS: YH Hung, et al.

YEAR: 2019 (2-10 years)

TYPE OF STUDY: Longitudinal

Studies suggest that there is a potential immune imbalance in patients with post-traumatic stress disorder (PTSD). This paper discusses a study that examines the association between PTSD and asthma using a longitudinal study. Researchers hypothesized that people with PTSD would be at higher risk of developing asthma later in their life. Data was collected from Taiwan's insurance claims database, the National Health Insurance Research Database. There were two cohorts - people with PTSD and people without. Participants in the PTSD cohort were people diagnosed with

PTSD by psychiatrists between January 1, 2001 and December 31, 2009, and with no history of asthma. Patients in the non-PTSD cohort had not been diagnosed with PTSD and hadn't been diagnosed with asthma. The non-PTSD cohort was randomly selected to construct an age, sex, and date of enrolment matched control cohort. Overall, 5,518 patients with PTSD and 22,072 people in the control group were included in the study. People were enrolled from 2001-2009 and followed until the end of 2011 or the date of death. The study found that patients diagnosed with PTSD had an increased risk of developing asthma compared with patients without PTSD. Also, for people with PTSD the period between enrolment and the asthma diagnosis was shorter. This suggests that PTSD symptoms may affect the development of asthma.

TITLE: Randomized Clinical Trial of a Community Navigation Intervention to Improve Well-Being in Persons Living with HIV and Other Co-Morbidities

AUTHORS: A Webel et al

YEAR: 2019 (9 months)

TYPE OF STUDY: Randomized control trial, longitudinal

This paper discusses a study that involved a two-pronged randomized clinical trial of a navigator program intervention. Researchers compared standard treatment to early palliative services for people with HIV. The hypothesis was that at the end of the program, the intervention group would have improved quality of life, better symptom management, increased coping ability and HIV self-management, decreased social isolation, and higher completion rates of advanced care planning. Participants were recruited from 3 urban clinical sites specializing in the care of HIV patients. A total of 179 participants enrolled in the study. Participants were randomized using a computerized minimization procedure with a 1:1 ratio to ensure equal representation of gender, race, age, and level of need and to minimize variability within groups. The intervention was a

program of early palliative care services delivered over 36 months. There was baseline and periodic assessment of physical, medical, social, and psychological needs, volunteer support, advance care planning, care coordination, and assistance with transitions among clinical levels of care. The outcome data was collected at baseline and at 9-month time points between June 2013 and August 2016. The outcome variables were quality of life, symptom burden, coping ability, social isolation, ability to self-manage one's health and documentation of advance directives. The study does not show an overall benefit in outcomes with early palliative care services.

TITLE: Longitudinal Studies in Medicine

AUTHORS: Edward Joseph Caruana, Marius Roman, Jules Hernández-Sánchez, and Piergiorgio Solli

YEAR: 2015

TYPE OF STUDY: General overview of longitudinal studies in medicine

This paper describes the different forms that longitudinal study designs take in the medical field. It also lists the advantages and disadvantages of this type of research design. The paper discusses aspects of longitudinal studies to consider before beginning research and various statistical analysis techniques that can be used.

A brief discussion of the Framingham heart study is included. The Framingham heart study is a well-known longitudinal study on cardiovascular disease. 5,209 subjects from Framingham, Massachusetts were recruited and followed for 20 years. Before the research began, hypotheses were generated and presupposed risk factors for cardiovascular disease were identified, such as increased age and weight. These factors were found to closely correlate with the development of the disease.

TITLE: Cognitive Behavioural Therapy, Singly and Combined with Medication, for Persistent Insomnia: A Randomized Controlled Trial

AUTHORS: Charles M Morin et al.

YEAR: 2009 (6 months)

TYPE OF STUDY: Prospective, randomized control trial

The paper discusses a study that evaluates the short and long-term effects of cognitive behaviour therapy (CBT), alone and combined with medication, for persistent insomnia. Participants were recruited from January 2002 to April 2005 through newspaper advertisements and referrals from health care practitioners in the Quebec City area. To participate in this study, individuals needed to be 30 years or older at the start of the study and diagnosed with chronic insomnia. The participants were randomized to CBT alone or combined therapy of CBT plus 10 mg of zolpidem nightly. After completing the 6-week initial treatment, study participants were randomized to an extended treatment for the next 6 months. The patients who had received CBT alone for 6 weeks were randomized to either extended CBT for 6 months or no additional treatment. For those treated with CBT plus zolpidem for 6 weeks, they were randomized to extended CBT alone with no additional zolpidem for 6 months or extended CBT plus zolpidem to be used on an as-needed basis. The assessments were conducted at baseline, at the end of the initial 6-week phase, at the end of the 6-month extended treatment phase, and at a 6-month follow-up. To measure participants' sleep, participants kept sleep diaries during a 2-week baseline period, a 6-week acute treatment phase, for 1 week prior to each monthly therapy session during the extended 6-month treatment, and for an additional 2 weeks during the 6-month follow-up phase. Participants also had 7 nights of sleep laboratory evaluation. The findings suggest that CBT, used alone or in combination with zolpidem, is effective for treating persistent insomnia. The medication had some added benefits to outcomes during the acute 6-week treatment phase, but they were modest.

TITLE: Comparison of Adaptive Pacing Therapy, Cognitive Behaviour Therapy, Graded Exercise Therapy, and Specialist Medical Care for Chronic Fatigue Syndrome (PACE): A Randomised Trial

AUTHORS: PD White, KA Goldsmith, AL Johnson, L Potts, R Walwyn

YEAR: 2011 (52 weeks)

TYPE OF STUDY: Randomized control trial

This paper discusses a randomized evaluation trial to compare the use of adaptive pacing therapy (APT), cognitive behaviour therapy (CBT), and graded exercise therapy (GET) for chronic fatigue syndrome, when added to specialist medical care (SMC). Researchers used a parallel, four group, multi center, randomized trial. Outcomes were assessed for up to 52 weeks after randomization. 641 participants were recruited from new patients attending six specialist chronic fatigue syndrome clinics in the UK between March 2005 and January 2010. Assessments were done at baseline, 12 weeks (mid-therapy), 24 weeks (post-therapy), and 52 weeks after randomization. Most measures were self-rated by the participants. The two primary outcome measures were a questionnaire and a subscale on fatigue. Findings suggest that individually delivered CBT and GET, when added to SMC, are more effective and as safe as APT with SMC or SMC alone.

PCSD care, or the conventional care. Each of the GPs was asked to invite 20 male patients, aged 30-59 years to a screening of coronary heart disease risk factors. Overall, 468 patients were screened. Patients were assessed for high risk and some were excluded. For the study, 127 patients were allocated to the intervention or the conventional care group. As part of the study, all the participants attended the practices for lifestyle counselling every 3rd month, where they received conventional care or the PCSD. At the visits to the health centers every 3 months, the patients' blood pressure, weight, and resting pulse were measured. They also had a blood sample drawn to measure the total serum cholesterol and the number of cigarettes they smoke a day was recorded. After the first visit and the 12-month visit, participants filled out a questionnaire about physical activity. With dropouts, 110 patients remained in the study and completed the intervention. No significant differences were found between the groups for any of the risk factors.

TITLE: Effectiveness of Two Preventive Interventions for Coronary Heart Disease in Primary Care

AUTHORS: Eivind Meland, Even Laerum, & Rune J Ulvik

YEAR: 1997 (1 year)

TYPE OF STUDY: Longitudinal, randomized control trial

This paper discusses a study that compares a new intervention with conventional care for coronary heart disease. The new approach was a patient-centered, self-directive (PCSD) intervention. Twenty-eight general practitioners from 22 practices were involved in the study. The practices were randomized to either the intervention, with

EDUCATION

TITLE: The Longitudinal Impact of a Comprehensive Literacy Intervention

AUTHORS: Nancy Ferguson, Laura-Ann Currie, Marianne Paul, Keith Topping

YEAR: 2011 (4 years)

TYPE OF STUDY: Longitudinal study, cross-sectional design (using questionnaires, standardized tests)

This paper discusses a study that examines the impact of an educational intervention in Scotland. Sixteen mainstream primary schools participated in the research. There were three intervention groups. The study used a cross-sectional design over a period of four years. A random sample of children from each intervention class in the 16 schools was assessed every year. To measure the effectiveness of the intervention, questionnaires were distributed to teachers at the end of the 5th year. Also, the PAT –a standardized measure of children’s phonological skills– was used, along with the BAS Word Reading Test, the BAS Spelling Test, and the Group Reading Test II. The intervention appeared to work. Children’s word reading, spelling and reading comprehension appeared improved as a result of the intervention.

TITLE: Longitudinal Study of an After-school Inquiry-Based Science Intervention on Low-Achieving Children’s Affective Perceptions of Learning Science

AUTHORS: Hsiang-Ting Chen et al.

YEAR: 2014 (3 school semesters)

TYPE OF STUDY: Longitudinal (using questionnaires, interviews)

This paper discusses a study that explores the effects of an after-school, inquiry-based science intervention on improving low-achieving elementary school children’s affective perceptions of learning science and positive thinking. The experimental group was 39 fourth graders in southern Taiwan, who were low-achieving students in learning science. Eighty-seven fourth graders

from two elementary schools were randomly selected to be the control group. The children completed questionnaires four times: in the beginning, and then at the end of the first, second, and third semesters. The intervention for the experimental group was a three-semester after-school, inquiry-based science intervention that happened once a week on Wednesday afternoons. Weekly classroom observations and individual interviews were also conducted with 8 target students from the experimental group. Parents and science teachers were also interviewed as part of the research, for 25-30 minutes at the end of each semester. Data was collected through a student questionnaire to assess students’ affective perceptions of learning science (APLS) and their positive thinking. Findings suggest that the intervention had significant impacts for low-achieving children’s APLS and positive thinking.

TITLE: Do Intervention Programs Assist Students to Succeed in College? A Multilevel Longitudinal Study

AUTHORS: Wei Pan, Shuqin Guo, Caroline Alikonis, and Haiyan Bai

YEAR: 2008 (3 years)

TYPE OF STUDY: Observational longitudinal study

This paper discusses research that examines the effect of intervention programs on the retention of first-time full-time students’ and their college cumulative GPA. This study included 1,305 first-time, full-time students. Study participants had voluntarily participated in one of 20 intervention programs at the beginning of the fall university semester. Multiple intervention programs were included in the study: advising programs, academic help programs, first year experience program, social integration programs, and general orientation programs. The study examined two outcome measures: the retention rates for the three fall quarters of the academic years of 2001-2002, 2002-2003, and 2003-2004; and the college cumulative GPA for those three academic years. The findings suggest that early intervention programs help to retain first year

students in college. Academic-help programs help participants return.

TITLE: The Contribution of the Responsive Classroom Approach on Children's Academic Achievement Results from a Three-Year Longitudinal Study

AUTHORS: Sara E Rimm-Kaufman, Xitao Fan, Yu-Jen Chiu, and Wenyi You

YEAR: 2007 (3 years)

TYPE OF STUDY: Observational longitudinal, quasi-experimental

This paper discusses a study that uses a quasi-experimental research design to examine the relationship between use of the responsive classroom approach and children's academic performance. Three cohorts of children participated from six schools. Three schools received the intervention and three were the control groups. The data that was collected contributed to a larger research project – the Social and Academic Learning Study, which is a three-year longitudinal, quasi-experimental study of the efficacy of the responsive classroom approach (RC) conducted by outside evaluators. Researchers gathered academic achievement data from the school district over the three-year period of the study. Researchers began collecting data in the spring of the year before RC implementation and ended the spring of the third year of RC implementation. At the midpoint of the study, questionnaires were distributed to all kindergarten to fourth grade teachers at the six schools. Data was gathered from three sources: achievement data from school records, teacher questionnaires to assess the use of RC practices, and observations to quantify use of RC practices in selected classrooms. The findings demonstrate that children at RC schools showed greater increase in reading and math performance. The contribution of the RC approach was greater over a three-year period than over a one or two-year period.

TITLE: A Longitudinal Study of Developmental Differences in Universal Preventive Intervention for Child Anxiety

AUTHORS: Sally Lock and Paula M. Barrett

YEAR: 2003 (1 year)

TYPE OF STUDY: Longitudinal, randomized control trial

This paper discusses a longitudinal study that evaluates an intervention for children with anxiety. Nine hundred and seventy-seven children aged 9-16 years were included in the study. Parents of students in the schools participating in the intervention were sent a letter with a consent form to participate in a group program. The schools, instead of the participants, were selected as the unit of random assignment. The schools were randomly assigned to an intervention or a control condition. Participants completed questionnaires at pre-intervention, post-intervention, and 12-month follow up intervals. Children who had high levels of anxiety on the questionnaires were given diagnostic interviews and assessed for anxiety. The study found a preventative effect of the universal school-based preventive intervention for child anxiety.

SOCIAL SCIENCES

TITLE: Guide to Australian Longitudinal Studies

AUTHORS: Commonwealth of Australia

YEAR: 2013

TYPE OF STUDY: General information on longitudinal studies

This paper discusses why longitudinal data is helpful for policy making. This type of data allows policy makers to go beyond describing the extent of the policy problem, by actually understanding how and why the problems occur and what is likely to help. Further, this type of data can show how different people respond to different events, and how their responses and outcomes change in the short and long-term. The paper describes some of the unique benefits of longitudinal studies. It also describes different types of longitudinal studies and various longitudinal studies completed in Australia.

