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Research in Action: Understanding Civil Justice in the Everyday World: Developing Networks for Evidence Based Socio-legal Research Workshops

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Research in Action

Report on the

Understanding Civil Justice in the Everyday World Developing Networks for Evidence Based Socio-legal Research Workshops

Funded by the "Supporting Civil Justice Reform Through Research" grant
from the Law Foundation of British Columbia

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PROJECT PURPOSE

The overall objective of the *Supporting Civil Justice Reform Through Research* grant was to increase the focus and capacity for research on the civil justice systems. The *Research in Action - Developing Networks for Evidence Based Socio-legal Research* workshop series was an integral component in meeting that objective.

The aims of the workshop series were to:

- build awareness in the justice community about the nature of socio-legal research and the importance of evidence-based research to inform justice policy and programming;
- develop awareness among social science researchers about the possibilities of ground breaking research related to justice systems and social context issues;
- increase the capacity to conduct evidence-based socio-legal research by bringing together academic, private, community and government researchers and organizations who have relevant interests, knowledge and technical skills;
- plant the seeds for local networks between the justice community and capable social researchers;
- establish a database of social science researchers with skills and interest in conducting law-related research of all kinds and to also post research opportunities that become available.

PROJECT ACTIVITIES

It was determined that four “Research in Action - Developing Networks for Evidence Based Socio-legal Research” workshops would be held in British Columbia during August 2007. Raising awareness about the need for evidence-based socio-legal research among law and social science academics required considerable preparatory work. Project activities therefore occurred in a number of stages:

- **Identification of British Columbian social science researchers of interest**

Web-based searches were conducted of directories of social science faculties in all universities and university colleges in British Columbia. University research institutes were also identified. Google searches were conducted to identify community-based research institutes and private researchers. Justice community stakeholders known to conduct, commission or collaborate in socio-legal research were also listed. Files containing background information on researchers of interest were created and a master list of all persons of interest was kept.

- **Key contact visits**

Between January 29 and February 2, 2007, Research Director Mary Stratton met with some key members of the justice community and legal and social science academics and researchers in both Victoria and Vancouver:

- ▶ University of Victoria - meetings with members of the Faculty of Law and Social Sciences.
- ▶ University of British Columbia - meetings with members of the Faculties of Law and Sociology.
- ▶ An independent researcher working in the justice field
- ▶ representatives from the Ministry of the Attorney General, Legal Services Society and the Law Foundation of British Columbia.

Initial contact was also made with key individuals at Simon Fraser University, however it was not possible to arrange meetings during this first visit.

- **Contact and follow up with all researchers of interest**

Systematic searches of academic institutions and community-based organizations and research institutes identified 293 academics, 24 community-based organizations and four private researchers as having relevant skills and/or potential interest in socio-legal research.

Each person and organization of interest was sent an introductory e-mail describing the proposed workshop. These initiating messages included attachments with a more detailed project description and a document outlining "Research Priorities and Potentials". Participants who did not respond directly to this initial invitation received a follow-up telephone call. Where only a voice mail message was left, a second call was made. Academic researchers identified as of high interest received a third and sometimes a fourth telephone call.

- **Organization and conduct of the workshops**

Four full day workshops were organized during August 2007. Contacts in each location assisted in identifying suitable space for the workshops, and in Vancouver, Prince George and Kelowna the hosting organizations supported the project by providing rooms at no charge.

The program for the workshop began with introductions and a presentation about the importance of social research to systems of justice and related issues. The morning session concluded with an opportunity for participants to share research interests. After a catered lunch the afternoon session proposed small group discussions followed by a full-group feedback and action planning session. The program indicated that participants would be invited to direct the issues to be discussed. Allowing this

participatory element resulted in workshops that evolved to reflect participant characteristics and local issues.

- ▶ Vancouver August 21st at the Law Foundation of British Columbia
Attendance: 22

Academics were present from the University of British Columbia (Vancouver and Okanagan); Simon Fraser University; University of Northern British Columbia; and Kwantlen College. The disciplines of law, sociology, geography, social work, anthropology, education and criminology were represented. Independent researchers and research institutes were also represented. Justice community stakeholders included The Law Foundation, Law Courts Education Society of BC, Legal Services Society and a number of community organizations with interests in legal issues including SPARC, Povnet, Pivot and the Centre for Native Policy and Research.

In planning the workshops it was anticipated that participants from the social sciences would not have prior knowledge of the Forum, civil justice issues, or the relevance of evidence-based research to the justice community. The program was therefore designed to provide a significant amount of explanation about these matters. While this premise was generally correct in terms of social scientists, the large and very mixed Vancouver group posed some challenges for this format. Justice and service community members and a minority of academics attending had considerable prior knowledge, whereas other academics and community based researchers had none at all. Not surprisingly, feedback about the workshop format was mixed, with some academics and community researchers conveying extremely high interest and benefit, while a minority of participants indicated that the presentation segment of the workshop was too long.

Group discussions also revealed very different orientations and opinions among the participants concerning approaches to research, especially between academic researchers and the community service providers. This dialogue was a constructive exchange among the participants as a whole, but resulted in some difficulty in deciding small group topics (details of issues and themes emerging from the workshops are provided below).

In response to the feedback in Vancouver, the approach to the subsequent workshops was adjusted. The presentation component was shortened, streamlined and made more interactive. Each group was invited at the outset to indicate preferences for discussion formats. These adjustments resulted in three excellent workshops.

- ▶ Prince George, August 23rd at the University of Northern British Columbia (UNBC)
Attendance: 9

Academics attending in Prince George represented the disciplines of social work, economics, anthropology and political science at UNBC. Representatives of the

Law Courts Education Society of BC, the Prince George Urban Aboriginal Justice Society and Native Courtworker and Counseling Association of British Columbia were also present.

Prince George participants were all involved in community-based research initiatives, most of which involved justice-related issues. Several other faculty members stopped by at lunch time and at the conclusion of the workshop to express their regrets at not being able to attend. UNBC has a strong applied research orientation and interest in collaborative socio-legal research is high. Participants would like to develop stronger links with academics elsewhere and with the local justice community (see “Workshop participants’ requests for action” below).

- ▶ Victoria, August 27th, at the University of Victoria
Attendance: 11

Academics from the University of Victoria represented the disciplines of law, sociology, education, social work and applied policy and practice (and included one graduate student). Four representatives from various policy areas within the Ministry of the Attorney General also attended.

The presence of government representatives at this workshop facilitated very positive and mutually educational discussions about academic and government research partnerships. Participants were keen to see on-going collaborative research activities and to increase opportunities to involve law and social science students in research (see “Workshop participants’ requests for action” below).

- ▶ Kelowna, August 29th at the University of British Columbia Okanagan (UBCO)
Attendance: 6 (full workshop); 15 (Social Work Faculty Meeting lunch)

After the Kelowna workshop had been scheduled, an all day Social Work Faculty meeting was called for the same date. Several academics interested in the workshop thus had a scheduling conflict. We negotiated with the Chair of the Social Work Department and arranged to provide lunch and a presentation and discussion to the entire Social Work Faculty.

One faculty member from Social Work did attend the full workshop. Other disciplines represented were nursing, psychology, philosophy (UBCO) and sociology (from Okanagan College). A representative from the Legal Services Society also participated.

There is a strong applied research focus within the Social Work Faculty and considerable potential for collaboration around justice issues if these initial contacts are followed up (see “Workshop participants’ requests for action” below).

- **Follow-up activities**

Since the workshops took place follow-up activities have included:

- ▶ The creation of an Access database containing contact information for all workshop participants and other contacts who indicated they would like to be kept informed about the Research in Action program. A total of 90 contacts have indicated interest in continuing to receive updates.
- ▶ The analysis of workshop notes and participant feedback.
- ▶ The entry of data, testing and launch of the Directory of Socio-Legal Researchers.
- ▶ Four e-mail messages to all contacts reporting on the workshops and encouraging continued interest and involvement, the last of which included this report, which will also be posted to the Forum website.
- ▶ The “Changing the Research Landscape” conference was held in London, England December 18, 2007. Research Director Mary Stratton was invited to attend this conference and was able to do so at very minimal cost as she had already planned to visit England at this time. The event was sponsored by the Empirical Legal Research Support Network and the newly formed Ministry of Justice. The purpose of this conference was to consider future research priorities and the development of stronger relationships between the policy and research communities, including the better integration of the research of academics with the work of private and government researchers. The UK *Empirical Inquiry in Law* project investigated the lack of capacity to conduct empirical research about legal issues in England and other countries. Forum involvement in responding to this inquiry inspired our “Research in Action” program. The interests of this conference had parallels with our socio-legal network development activities and provided an opportunity to strengthen international connections and learning from parallels between the UK and Canada.
- ▶ A successful proposal to hold a follow-up research workshop as part of the Community-University Exposition, in Victoria May 4-7, 2008. The program for this event is available from a link to the Forum website at <http://cfcj-fcjc.org/research/socio-en.php> . This workshop will provide an opportunity to bring the *Research in Action* program to the attention of a national audience at the same time as involving some of the BC participants in presenting identified issues and hopes for a national socio-legal network. This opportunity provides a strong link between this project and the on-going project *Creating, Sharing and Transforming Knowledge into Action* project, which is also funded by the Law Foundation of British Columbia.

PROJECT OUTCOMES

- **Issues and themes emerging from the workshops**

The workshop programs (which were circulated prior to the workshop dates) included the following four potential issues for workshop discussions:

1. Organizations have different cultures, traditions and processes. These differences can present very real tensions for successful collaborations. When it comes to conducting research, there are two especially important ways in which academic, government and non-profit cultures and priorities differ:

Time line expectations. Academic time lines ebb and flow with the school year whereas government and community non-profit time lines tend to be driven by the fiscal year. How can these worlds learn from each other and develop mutually workable "action step" plans for rewarding research alliances?

Product and outcome expectations. Academic culture continues to place high (almost exclusive) value on 'scholarly' publications reviewed by a limited group of 'peers'. The practice-based world values plain-language reports with concrete recommendations and publicly accessible materials. Funders for both groups now tend to insist on collaborative initiatives, but academics often feel that university processes penalize rather than reward these alliances. How can research collaborations also work to provide needed impetus for change in how a variety of dissemination activities and products are valued?

2. The prolonged climate of cut-backs to academic funding and faculty development has encouraged a focus on small-scale and micro-theoretical issue-based work in most areas of social research and discouraged the undertaking of original field research and related training for students - even at the doctoral level. With increasing retirement among social researchers who do have applied/field research experience, this lack of field ability can be considered a crisis for 21st century social science. Can strong research networks, alliances and partnerships be employed to reverse this trend and increase the capacity to conduct theoretical and applied field research?
3. Both evidence-based research and more new sociological theory about systems of justice (most especially in non-criminal areas) are needed to increase understanding about the processes of law, legal systems and the social impact, outcomes and costs of these processes. There is, however, little previous academic work specific to these areas and consequently no ready-made group of academic experts on which to draw. There is even less in-house capacity within

the justice community to design and implement the kinds of research required. How can academic interest in new areas of research and theory best be encouraged?

4. Research alliances between the justice community and social researchers have potential to assist in meeting both sets of institutional needs by sharing financial and knowledge resources. Independent social researchers also have a significant role to play in such alliances as they often have valuable experience in bridging culture differences between government, non-profit and academic worlds. What is needed to turn this potential into research in action?

The first two issues outlined above are often raised within academic literature that discusses collaborative alliances and academic climate. It was therefore not surprising that workshop participants generally agreed that these were challenges to be overcome. The third and fourth issues were at the heart of the workshop purpose and as such ran through workshop discussions.

Analysis of researcher notes and participant feedback identified the following additional themes and issues:¹

Increased academic understanding of how social and legal issues are related. The research interests of academic participants were extremely varied. There were, however, many potential intersections with legal issues to which academic researchers could apply their technical skills. In most cases, social science researchers require ongoing encouragement to recognize the mutual benefits that can accrue from engaging in socio-legal research partnerships.

Improved lines of communication between academia and the justice community. Participating academic researchers often recognized that improved communication and interaction were needed between academia and the 'real world' community. They commented:

We need better communication between justice system providers and academic researchers. The two groups do not know each other or each other's issues. We have a critical mass of people in each community...but no points of good contact. [Prince George]

Research is still developed in the backroom by a researcher who doesn't know how to connect with the community. [Kelowna]

In academia we often don't know about the quiet [policy and program] successes the

¹ Both the Research Assistant and the Facilitator (Research Director) took notes on the discussions. At the Vancouver workshop an attempt was made to record the proceedings. However, despite initial agreement to this, it became apparent that some participants were not comfortable with this and the recorders were switched off. Subsequently it was decided that it was preferable to rely on notes.

government has had. A lot of people in research fields are unaware of these.... We would benefit as researchers by knowing some of the clever things being pulled off and learning what is working and what didn't. [Victoria]

Similarly, members of the justice community said that they did not know how to get in touch with relevant academic researchers:

There is no way for an organization to call a faculty and talk to the Dean and say, "this is what I would like". You get caught up in the bureaucracy of the university and the time tables. There's a practical breakdown. If we could set up a cluster of academics who could be ready and willing to do research...that would be useful. [Vancouver]

A need for improved access to data. Whether associated with universities, government or community-based organizations, participants generally pointed to a need for improved access to existing data. Access to data involves many sub-issues such as understanding what kinds of information can provide useful data, knowing where to go to find out if data exists, being able to share access to data and knowing how to use data that is available. In Vancouver, an in depth discussion occurred among the participants:

When we worked for government we would ask people what research they were doing, they wouldn't know. But when we talked to them more, we discovered a lot of informal research was being done that was valuable and was not being used; an amazing wealth of knowledge.

Government had a ton of research, but the academic world had no idea what was going on!

LSS has an enormous amount of data, but we weren't doing anything with it. Now we are starting to look at it to see if it can help us understand how to serve our clients, but we have a huge amount and its going to take a long time, we need to figure out what data we are keeping and get it into our system.

From the academic side, a roadblock is that people are very reluctant to give us access to this data. Or if they do, access is time consuming, so we can't get our research to fit in time lines of funders. ... Excessive wait limits for data and ethics. Therefore a lot of the information academics would like to access is only available in the form of contract work, which some academics are reluctant to do.

There is an incredible amount of information there, but also questions about how it is possible to access that knowledge and connect it to what's going on in academia. What is needed is some person with the knowledge and the funding to put the pieces together.

Get somebody to consolidate the research projects by the Law Foundation of Canada by subject area. So get a 'one stop shop'.

A negative climate of competition. Regardless of the work sector, participants

complained of a negative climate of competition and jealousy. Without identifying locations, these are some of the comments participants made:

Faculty behave in a mean spirited way - they focus right in on each other, competitive for tenure.

There is a feeling that people don't want to share data because they fear someone else will steal their work. If you want to bid on something, having data to yourself helps.

We got a program going...[someone] got mad and said he was the one being contracted to do [that]. Competition exists in community support organizations.

All the money is in the Vancouver offices. Funding sets us up for failure.

Service gaps are created by the fact that funding is competitive. Agencies don't want to help each other. Others will bid on contracts for funding.

There was a time when funding didn't dictate what we did and we need to keep that so that it doesn't become competitive and money dictates what is needed rather than us, and our gifts being implemented.

How do we turn our research into action? As could be anticipated from the pre-identified issues, tensions related to organizational culture and the general academic climate were raised by participants who had many concerns and questions about finding ways to do needed research and turning completed research into action for change:

A lot of times...services were mandated, so we needed to create and provide them...but there was no policy and no research, so no feedback on whether these new initiatives are working. [Justice Community, Victoria]

We need research that evaluates what organizations are doing. Not just quantity tracking but quality - what are the long-term impacts? [Justice Community, Vancouver]

You get recognition if you bring in money rather than if you bring about change. I would like to have more experience getting research done on applied issues - resolving problems. [Academic, Kelowna]

Unless it's published it's not worth much [for tenure]. Community work is not worth much; invisible work in supervising graduate students - not much! Who are the peers? Academics! [Academic, Prince George]

The research into policy discussion was very interesting. As researchers we want to not only sit in our offices, but also be a positive force for action. So, how do we get our research into action? We need more opportunities to get our research into action. [Academic, Vancouver]

Getting the knowledge out there. Interestingly, academics felt that community-

based organizations were more efficient and successful at disseminating information to the public and media. Some felt that academia actively discouraged effective dissemination and community research partnerships, which could be beneficial to the university as well as the community:

A lot of academic research never gets out there, and the community groups are good at getting things out there. Community groups can help get academic research out there!
[Vancouver]

It's also about democratizing the research processes. Isn't it odd that a social work researcher isn't being told to go out into the community to do their work? There's a real pressure on us to get the big grants and meet what the grant wants. [Kelowna]

Despite the obstacles that were identified by participants, great interest and motivation for collaborative research was expressed from all sides:

Advocates need to be included in the discussion about what are desirable outcomes of academic research on their organization, and what is wanted out of the community group being researched.

Wise academics reach into the community to build networks for research. These partnerships are producing exciting information.

- **Workshop participants' requests for action**

Discussions at the workshops resulted in a number of specific requests for follow up action. Some requests or suggestions had general applicability while others were particular to a workshop location.

General Action

- ▶ Coordination and facilitation of networking between and among academic researchers, community-based researchers, governments, justice community organizations and community advocates.
- ▶ Continued information about opportunities to collaborate on and fund evidence-based (applied) socio-legal research.
- ▶ Increased shared understanding of the various organizational structures and processes. More knowledge of organization successes and better understanding of the varying requirements and restrictions of universities, governments and other organizations (including reporting, finances, confidentiality/privacy and ethics requirements).
- ▶ The development and sharing of contract models that can accommodate cross-organizational collaborations.

- ▶ More opportunities for meeting together.

Prince George

- ▶ That the Forum, in partnership with community-based advocates, hold a subsequent workshop to bring together academic researchers, community advocates and a wide range of justice community stakeholders in Prince George. Participants felt that as well as developing socio-legal networks, the network among justice community stakeholders could be strengthened. Some participants promised help in organizing such an undertaking, such as the provision of space within the central community.

Victoria

- ▶ Periodic focussed symposia where academics, government, students and NGOs can be involved in finding out what resources and interests there are around a specific issue of mutual interest (eg., family law issues, Aboriginal issues, evaluation, policy development). The goal would be to create future opportunities for collaboration.
- ▶ Resources to organize, host and facilitate these symposia.²
- ▶ Increased funding to involve graduate students and support graduate field research in socio-legal areas.

- **Student involvement and research training**

The *Research in Action: Developing Networks for Evidence-Based Socio-Legal Research* has provided several opportunities for student involvement and research training:

- ▶ Jane Conly, a law student completing her final year at McGill, was employed by the Forum to assist in organizing and conducting the four workshops. Jane had previously designed a summary of the “Areas of Law” for lay persons, which had been utilized in the training of other student researchers employed on the *Alberta Self-Represented Litigants Mapping Project*. She adapted this for the workshops and further researched and designed a parallel overview of the social sciences for non-academics. Both summaries

² In Victoria, it was again suggested that the Forum might assume the coordinating role. This was particularly advocated by government participants. An administrative academic also stated that it would be possible for the university to take on a coordinating role if funding were available to employ graduate students in that role. See also our subsequent discussion under “A foundation for a national ‘Knowledge Cluster’” (at p.13).

proved popular with all participants regardless of their background and will be made available on the Forum website. Jane took notes at all four workshops and played an active part in refining the workshop approach and presentation component.

- ▶ Stephanie Martens, a PhD candidate in Political Science at the University of Alberta, was employed to continue follow-up work on the project. As well as establishing a permanent record of contacts and sending follow-up communications, Stephanie conducted analysis of the workshop notes and feedback that has informed this report.
- ▶ Two graduate students were participants in the workshops. One student, who has a Masters degree in Policy and Practice from the University of Victoria is now the Assistant Research Coordinator for the *Alberta Legal Services Mapping Project* which is being undertaken by the Forum in association with a broad partnership of justice community representatives. The second graduate student, is currently designing socio-legal research and has sought the input of the Forum Research Director in developing her proposal.

- **Design and launch of the Directory of Socio-Legal Researchers**

All contacts were informed about the project goal of beginning a database of socio-legal researchers. At the time of the workshops, participants were asked to consider making an entry into this database. Participants and other contacts who did not attend but indicated on-going interest, were sent a follow up e-mail again inviting entries to the database. Useful search categories have been developed by city, province, institution, research interest, methodological approach and language. These can be adjusted and expanded if required.

The pilot database resulting from this project has now been made available on the Forum website at <http://cfcj-fcjc.org/directory/> , and is advertized on the “Civil Justice News” page. Currently it has 15 entries, mostly from British Columbia, and this number is expected to increase as further targeted follow-up takes place. The launch of this database is also expected to promote national interest.

- **Teaching and learning tools**

The overviews of “Areas of Law” and “ The Social Sciences” provide teaching and learning tools that will continue to be useful to our *Research in Action* program and other information activities of the Forum. One workshop participant, a professor teaching a philosophy of law course, requested and was granted permission to use the “Areas of Law” summary in his classes.

CONTINUING ACTIVITIES

In April 2008, the Forum welcomed Sarah Auger to our core staff team as a full-time Senior Researcher. Sarah is originally from Mikisew Cree First Nations in Fort Chipewyan, Alberta, and has a wealth of personal and professional experience to draw on in doing research with Aboriginal communities. She holds a Bachelor of Arts degree in Native Studies from the University of Alberta, and is currently working on a MSc in Human Ecology (Family Studies). She has worked extensively with government, academic and social justice organizations in a number of different capacities, but her focus since obtaining her BA has been in applied research. One of her primary tasks will be to work on extending the emerging socio-legal network beginning by follow-up to the workshops held last year.

- **Interest in other jurisdictions**

The *Supporting Civil Justice Reform Through Research* grant from the Law Foundation of British Columbia has provided a pilot project that will assist in the developing of our national *Research in Action* program. Although the Forum has not yet acquired the resources to duplicate the approach taken in British Columbia, justice community partners and academic contacts in Alberta and Ontario have expressed interest in the approach taken in British Columbia. In Alberta, the Forum Research Director has established contact with several social researchers and research institutes who are interested in establishing stronger knowledge and networks concerning socio-legal research possibilities. The opportunity to hold a workshop at the CUExpo will assist in engaging national participation.

- **A foundation for a national “Knowledge Cluster”**

This project has demonstrated interest in socio-legal research in British Columbia and the workshop feedback strongly suggests a need for continued information and networking activities. The immediate national interest in the BC pilot project indicates that there would be quite wide-spread interest in expanding these “research in action” activities. The Social Sciences and Humanities Council of Canada (SSHRC) has previously made available “Knowledge Cluster” grants specifically intended to support establishing and maintaining national and international networks of academic and community knowledge producers (primarily researchers). The Forum intends to work with academic and justice community partners to submit an application to the next available competition for the Knowledge Cluster funding. Some academics attending the BC workshops have already expressed support for this venture as has the Associate Dean (Research), Faculty of Arts at the University of Alberta, and other members of the Faculties of Law and Sociology. International partners in the UK and Australia are also supportive. That we have already piloted a methodology, documented feedback, and begun a database will greatly enhance our chances of obtaining this grant. This grant would help to address some of the need expressed by workshop participants for both

national and local coordination and facilitation of socio-legal network activities. We are currently working to develop a strong application.

LIST OF PROJECT DISSEMINATION MATERIALS (Examples attached)

- “Research in Action: Understanding Justice in the Everyday World” (Original project abstract)
- “Research in Action: Research Priorities and Potentials” (description of Forum research approach and identified socio-legal research issues)
- “Research in Action: Developing Networks for Evidence-Based Socio-Legal Research - Workshop Program and Registration” (Programs were the same for each location, Vancouver example attached)
- “Areas of Law” (Workshop handout)
- “The Social Sciences: Studying the Human Aspects of the World” (Workshop handout)
- “Research in Action: Developing Networks for Evidence-Based Socio-Legal Research” (post-workshop project description)