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The Winkler Institute at Osgoode recently completed their three-year Justice Innovation and Access to Justice Program, a project supported by York University's Academic Innovation Fund. Read their just-released final report.

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The Justice Innovation and Access to Justice Program: At A Glance

“We need to see the justice system through the prism of those who have the greatest stake in its success: the Public.”

— The Hon. Warren K. Winkler, Former Chief Justice of Ontario and recipient of the Order of Canada.

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Comments on this report can be sent to the Institute through e-mail at
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Additional funding and support has also been provided by Osgoode Hall Law School.



"I...have an urgent request of law professors the world over: to take an interest in the future of legal service...to expose students to the likely future; and to resist being (in the words of the Dean of a Canadian law school) at 'the cutting edge of tradition'."

**— Richard Susskind,
Tomorrow's Lawyers: An Introduction to Your Future (2013)**

1. Introduction

“We thought about what kind of skills students would need to work in a radically different legal marketplace. Beyond technical skills, students needed to have skills that aren’t usually taught as part of legal education, such as collaboration, an understanding of technology and a user-centered perspective.”¹

— Nicole Aylwin, Winkler Institute

As the Canadian population grows and changes, users of future legal services will also change. The legal services we provide will need to effectively serve a public that is global, more diverse, technologically knowledgeable, and expecting more affordable justice.

Currently, existing legal structures and models underserve many Canadians. It is important for the Canadian legal profession to remain relevant, viable, and confident in the face of such change. Recent reports (including the Canadian Bar Association’s [Futures: Transforming the Delivery of Legal Services in Canada](#) and the Action Committee on Access to Justice in Civil and Family Matters’ [Access to Civil and Family Justice: A Roadmap for Change](#)) have underscored the importance of training future lawyers with the critical skills required to meet the future need for legal services.

Key among these critical skills is recognizing the expansive user-centered vision of access to justice: where access to the justice system means a consistent focus on the broad range of legal problems experienced by the public – not just those that are adjudicated by courts. Central to this understanding of the justice system is that it must look at everyday legal problems from the point of view of the people experiencing them. In light of this broader understanding of access to justice, the CBA’s Futures Report and the Action Committee’s Roadmap have identified skills that will be necessary for people in legal training to develop, in order to meet the needs of clients who are seeking more flexibility, versatility, efficiency, and cost-effectiveness in their legal services.

The Winkler Institute for Dispute Resolution and Osgoode’s Justice Innovation and Access to Justice Program tackled these issues and helped students develop these critical skills by introducing three new courses on access to justice and innovation into the law school curriculum. These courses combine experiential education, e-learning, community-based learning and are among the first of their kind at a law school in Canada.

The report provides an overview of these courses and the program as a whole and outlines the progress made so that the work that has been done so far remains in place as a foundation for further success.

¹ Smith, Elaine. (2017, October 19). Law courses look toward future of the profession. *Innovatus*. Retrieved from <http://yfile.news.yorku.ca/2017/10/19/law-courses-look-toward-future-of-the-profession>

2. The Program and Courses

"I was inspired by the course to sign up for an intensive practicum with the ARCH Disability Law Centre this year since access to justice is different if you are a person with a disability. The class changed the way I would like to approach my legal practice, perhaps by offering clients unbundled services so they can just get what they need."²
— Faith Cameletti, Access to Justice & Innovation student

2.1 The Justice Innovation and Access to Justice Program

As the legal profession strives to adapt to a changing global market and respond to calls for more accessibility and diversity in the legal sector, the development of well-designed and executed experiential learning programs which provide students with the theoretical and practical tools required to operate in this shifting landscape are much needed. It is to this end that the Justice Innovation and Access to Justice Program was developed. The Winkler Institute, housed at Osgoode Hall, is a justice innovation hub with a mandate to advance access to justice through teaching, research and practical application of design and innovation methods in the justice sector. Its mandate made it the perfect partner for Osgoode in this endeavor.

Funded by the York Academic Innovation Fund, the Justice Innovation and Access to Justice Program supported the development of three cutting edge experiential courses that offered JD Candidates the opportunity to learn the both the theory and tools that are needed to promote innovation in the legal field, apply these tools hypothetically in case studies and simulations, build partnerships with community organizations and apply theory to real-world access to justice issues.

2.2 The Courses

The Justice Innovation and Access to Justice Program was comprised of three interrelated offerings that combine course and community-based experiential opportunities. Design thinking, technology-application design and collaborative solution building are an evolution of traditional legal education. Embedded throughout the program was structured and continuous reflection – creating the ideal environment for student learning. Implementing this cutting-edge program ensured Osgoode is leading the way in educating more dynamic, agile and creative legal minds.

While consistent themes ran throughout the three courses, the theoretical content and practical skills covered were unique to each course. To encourage JD Candidates to engage with the Justice Innovation and Access to Justice Program, students could choose to take any one course or all three depending on their interests, broader study plan and future career goals. By design, the Justice Innovation and Access to Justice Program was flexible, diverse

² *Ibid.*

and meant to be accessible to as many JD Candidates as possible. A brief overview of each of the three course offerings follows.

Legal Values: Access to Justice & Innovation

"I realized that there is an access to justice crisis in family law. The class opened my eyes to all the barriers there are to accessing justice: finances, mental health and racism, for example."³

— Lily MacLeod, Access to Justice & Innovation student

The purpose of this first-year perspective option course is to introduce students to access to justice challenges facing the Canadian civil and family justice system and to provide them with an experiential education experience that allows them to explore how innovation is currently being discussed, implemented and applied to access to justice issues. Students are encouraged to bring a critical eye to discourses of innovation in order to address such questions as:

- What goals are we trying to achieve through innovation?
- What are the prerequisites or conditions for innovation in the justice system?
- Do current conversations on innovation in the justice system offer real opportunities for addressing access to justice?

Throughout the course students are provided with opportunities to answer these questions, not only through engagement with current academic and grey literature but also through direct interaction with users of the justice system and leaders in innovation both inside and outside the legal field. This course encompasses elements of both course-based and community-based experiential education. It is intentionally offered as a first-year perspective option course so as to introduce students to the concepts of innovation and access to justice early in their legal education, while providing the opportunity to develop interest in and understanding of the importance of the skills taught in the two upper-year courses.

Legal Information Technology

The goal of this upper-year course is to introduce students to the legal marketplace of the future and to empower them to participate in or lead the transformation of legal service delivery. The course emphasizes the value of information technology from a design (rather than from a technical) standpoint. A major component involves instruction on how to build and deliver new forms of legal practice that provide better results for clients, improve accessibility, enhance productivity and democratize the practice of law.

The course culminates in a final project and presentation: a chance for students to utilize basic application design and project management methods through the design of their own law or justice applications. The application design is a group project that requires students to work with other classmates. Each group creates a novel legal application. Throughout the course, students are required to participate in hands-on learning workshops that provide

³ Ibid.

them with actual experience with many of the legal technology solutions currently being used in the industry. This course involves rigorous and intensive course based experiential education.

Designing the Future: Introduction to Legal Design

“We need to be able to adapt to a changing environment and design theory is a tool in my toolbox that will be applicable in the future.”⁴

— *Sylvia Basso, Designing the Future: Introduction to Legal Design student*

In order to answer the call for innovation in the legal field, there is a significant need for lawyers that have both the ability to recognize opportunities for innovation and the skills to design services that directly address the needs of justice users. This six-credit upper-year intensive course allows students to develop these skills by focusing on the theory and methodologies of human-centered design and how it can be applied to facilitate innovation in the justice system.

Students gain hands-on experience in designing human-centered legal services by working directly with community partners to develop engaging new solutions to a real-life legal service delivery and access problem. Over the course of the AIF project, students have designed solutions for The Federation of Metro Tenants' Associations, the Canadian Forum on Civil Justice, Pro Bono Students Canada, Community & Legal Aid Services Program, the Osgoode Mediation Clinic and the Duke Heights Business Association.

Throughout the course, students:

- Are introduced to the theory of human-centered design – which puts human needs, capabilities and behaviour at the centre of the design process.
- Learn how to identify opportunities for innovation.
- Become comfortable planning and leading design sessions, and applying design tools to unlock solutions to complex legal service delivery and access problems.
- Work collaboratively with non-legal partners to creatively solve complex problems.

The theoretical portion of the course provides a critical examination of innovation discourse within the legal field, including claims that the profession is resistant to innovation and that improving access to justice depends on innovation in the design of legal services and the administration of justice. By the end of the course, students are poised to become leaders in a human-centered approach to legal innovation. This course engages in community-based experiential education.

⁴ *Ibid.*

3. Year-by-Year: Charting Progress

3.1 Year One (2015 – 2016)

In the program's first year, we conducted extensive research and put together a [report](#) on enhancing access to justice through innovation in the JD curriculum at Osgoode. The report included the following:

- An environmental scan of North American Law Schools identifying access to justice and innovation courses with experiential components.
- Backgrounder on access to justice and innovation through a software design paradigm
- Innovation, Design, and Access to Justice annotated bibliography
- A critical review of the currently running Legal Information Technology Course. The review contains an analysis of interviews we conducted with former students in Legal Information Technology Course to assess what experiential courses they would like to see developed in the areas of innovation and access to justice.
- Syllabi for the first three courses to be offered as part of the Justice Innovation and Access to Justice Program:
 - Access to Justice & Innovation
 - Legal Information Technology
 - Designing the Future: Introduction to Legal Design
- An overarching strategy for the implementation of the Innovation and Access to Justice Program at Osgoode.

3.2 Year Two (2016 – 2017)

The focus of the second year of the program was on delivering pilots of the three courses making up the and building multidisciplinary partnerships.

Built Community Partnerships and Delivered Pilot of *Designing the Future: Introduction to Legal Design*

The pilot of this course was delivered in the fall 2016 semester. Seven students completed the course. For the pilot of the *Designing the Future: Introduction to Legal Design* course, we needed to formalize three partnerships with community organizations. The three organizations we forged partnerships with are diverse and face varied access to justice challenges. The partners were the Canadian Forum on Civil Justice, the Federation of Metro Toronto Tenants Association and the Osgoode Mediation Clinic. The diversity of these organizations and the challenges they are facing served as an excellent measure to assess what characteristics organizations may need to successfully collaborate as a partner with the course.

By collecting feedback from the course director, students, and community partners, important modifications were made to the course to enhance it for the next year.

Delivered Pilot of *Access to Justice & Innovation*

During the 2017 winter session, we delivered the pilot of *Access to Justice & Innovation* as a first-year perspective option course. We had a full class of 15 first-year students who worked directly with either a small group of Self-represented litigants on a panel that highlighted the voices and experiences of of SRLs in the justice system or with the LAWS program and high-school students to consider how innovation could improve youth access to justice. Offering this course as a first-year perspective option has the benefit of cultivating the collaborative and reflective skills of students early in their legal education, while also increasing interest in the upper-year Access to Justice and Innovation courses

Delivered the Enhanced *Legal Information Technology* Course

After extensive consultations with students enrolled in the inaugural year of the course (2014), modifications and improvements were made to the *Legal Information Technology* course. 9 students participated in the 2016-2017 iteration of the course.

Some of the enhancements that were implemented included increased participation by legal technology firms/organizations, an enhanced focus on legal tech entrepreneurship, and the introduction of additional hands-on experiential learning opportunities that allowed students to not just learn about technology but to become comfortable using cutting-edge technology tools.

This course also inspired the creation of a new non-credit Osgoode *Learning and Leading Series* module called *Tech Transformation: Lawyering in the 21st Century*. This module examines the changing legal landscape (both from an industry and educational perspective) and teaches students how to best utilize technology to confront these issues and provide legal services in the 21st century. Although outside the formal curriculum, this module provides students with an introduction to hands on everyday legal tech skills and acts as a feeder into the *Legal Information Technology* course, helping to garner student enthusiasm for the topic, and increasing enrollment in our for-credit course. Both the course and the module were profiled in a [piece on technological competence](#) in *Canadian Lawyer* magazine.

Explored Multidisciplinary Partnerships: HackJustice

As part of building relationships and exploring synergies within the university and outside of it, we partnered with the Cyberjustice Laboratory at the Université de Montréal to host the first ever Access to Justice Legal Technology Hackathon in February 2017, which raised awareness of the *Legal Information Technology* course and the AIF project more generally. As part of this, we partnered with a first-year Engineering course out of Lassonde to allow their students course credit for attending the event and working with law students and other participants.

This Hackathon garnered significant media attention, with CP24 covering the event and the Winkler Institute's Nicole Aylwin being interviewed in advance of the gathering on [CTV News](#).

3.3 Year Three (2017 – 2018)

Growth in the Courses

Our three courses have seen continuous improvement in regard to enrollment numbers since the beginning of this program. The *Legal Information Technology* course for example, has grown from 9 students (the average enrollment for the past two semesters) to 19 in this course in the winter 2018 semester. The other two courses operated almost at capacity. This all speaks to a growing and deepening awareness among students of the value and necessity of experiential learning opportunities in this area.

Expanding and Solidifying Partnerships

Building community partnerships was an objective of our AIF Project. This kind of hands-on practical learning was key to the success for the experiential component of our courses, and the community partnerships allowed this to occur through real-life projects for the students. Moreover, they were true partnerships in the sense that the organizations involved got real value for their participation.

We were pleased that we were able to forge three partnerships as a part of our fall 2017 course *Designing the Future: Introduction to Legal Design*. That year, students collaborated with the Duke Heights BIA, Pro Bono Students Canada (PBSC) and Community & Legal Aid Services Program (CLASP) with great success.

This past winter, the students in the *Legal Information Technology* course created relationships with 5 diverse organizations. One is Social Justice Tribunals Ontario (SJTO), one is the business law firm Osler, Hoskin & Harcourt LLP, and three are private legal technology firms working in areas of legal research (Loom Analytics, Codify, Compass/V-Lex Canada).

The Capstone: Our Innovation and Access to Justice Colloquium

As was evidenced by the quick and eager response to our March 2018 Colloquium, Osgoode is being recognized as on the frontlines of the field, with the workshop garnering enthusiastic participants from all over North America and its academic institutions (e.g. Georgetown Law, Michigan State, Stanford, among others).

The colloquium, a workshop-style conference on legal innovation and technology, gathered a set of wide-ranging participants from across Ontario, Canada and the United States at the Thomson Reuters offices in downtown Toronto.

It was attended by a diverse group of stakeholders, including leaders in the field of legal innovation and education, students, faculty and technology companies working in education spaces (e.g. Thomson Reuters, LexisNexis etc.). Osgoode had opportunity to showcase the AIF courses and learn from others operating in this space. Finally, we created a document of

'best practices' collected from the day's various sessions and lightning talks.

Most importantly, there was common consensus among all participants to remain engaged with each other and each other's work. There was an understanding that this was simply the beginning...there remains much more to be done.

4. Conclusion

The steps required to adequately address the changing legal landscape can be overwhelming, but we must not be deterred. It is through projects like the Justice Innovation and Access to Justice Program (and the AIF more broadly) that we are able to directly start to tackle the avalanche of issues at-play and, ultimately, equip students to take the reins and affect personal and systemic change themselves.

We would like to thank York University for giving us the resources, through the Academic Innovation Fund, to accomplish this worthwhile project. Your support has been invaluable.





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