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Access to Justice and the Legal Profession: Three Questions

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Access to justice and the legal profession: Three questions

Professor Trevor C.W. Farrow

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There is an increasing recognition – from all sectors of the legal system, including the former Chief Justice of Canada – that justice is in crisis.¹ Even though we have some of the best judges, lawyers,² and law schools in the world, delays in the civil, criminal, and family justice systems are massive and increasing. Costs of legal help are going up. An increasing number of people are trying to represent themselves. Legal aid is available only for the least well-off and only for a limited range of services. Many communities feel alienated and do not see themselves represented by the justice system. Public trust and confidence in the legal system is being challenged. According to the president of The Advocates' Society, "we're approaching a breaking point."³ Something must change.

So, what to do? How do we avoid failure and do better? Author Leo Tolstoy wrote a short story called "Three Questions."⁴ In it, a king considered that, to avoid failure, he needed to answer three questions: When is the right time to act? Who are the right people to listen to? What is the most important thing to do? Borrowing from Tolstoy, this article considers a variation of his three questions in the context of the legal profession's role in the current access to justice crisis.

Three questions

When is the right time to act?

One way to think about this first question is to ask a preliminary question: As we look around at the state of the world, are things good, okay, or at least reasonably tolerable for most people? If the answer were yes, then perhaps the status quo is fine. Unfortunately, for many people, things are not fine. As the world recorded its hottest week on record this past year,⁵ wildfires burned out of control in many parts of the world and floods washed out others. The global climate is clearly changing, and not for the better. Although climate change poses a global existential crisis for everyone, many individuals and communities are disproportionately facing other justice challenges and barriers, including precarious labour conditions; homelessness and a lack of affordable housing; racism and systemic discrimination; ongoing patterns of gender-based violence; inaccessibility based on physical and mental

challenges; barriers to decolonization, reconciliation, and recovery from intergenerational trauma; entrenched and crushing poverty and an increasing gap between rich and poor; and an overall lack of adequate human rights protections.

In terms of the justice system in particular, challenges are everywhere. Indigenous and racialized communities are way over-represented, and many individuals and communities do not feel represented or served by justice.⁶ Legal aid is available for only limited services and the very least well-off. Delays throughout the system are extensive and getting longer. In some jurisdictions in Ontario, for example, civil and family justice matters are reportedly taking four to five years to reach a trial.⁷

All these challenges, in different ways, are matters of justice. Taken together, they amount to a massive access to justice crisis. Globally, it is estimated that approximately two-thirds of the world's population – 5.1 billion people – lack meaningful access to justice.⁸ In the United States, according to the Legal Services Corporation, a majority (74 percent) of low-income households had at least one civil legal problem within the previous year, and 92 percent of civil legal needs among low-income populations receive inadequate or no legal help.⁹ In Canada, research from the Canadian Forum on Civil Justice reports that almost 50 percent of adult Canadians will experience at least one everyday legal problem that they consider to be serious and difficult to resolve within a three-year period.¹⁰ According to the Canadian Bar Association, almost every adult Canadian will experience a serious civil justice problem in their lifetime.¹¹ These legal problems also result in significant costs to individuals in terms of financial, health, and other social and personal costs and impacts. They also result in major knock-on costs to the state.¹²

As a global community generally, when it comes to this massive global access to justice crisis, clearly the time is now in terms of when we should act. However, what about the legal profession in particular? Should lawyers be similarly engaged and motivated to act now? Of the many ways to think about this question in the specific context of the legal profession, I'll mention four here.

First, lawyers should act now in a much more significant way to address the local and global access to justice crisis because it is the right thing to do. We rely on scientists, engineers, and doctors to develop ground-breaking innovations to solve the world's most challenging technology- and health-



related problems. We need lawyers – who have the background, training, perspective, and power – to see themselves as a major part of the solution to the world's economic, social, and other justice-related problems and crises. Students don't typically come to law school simply because they want to provide legal services; rather, they typically do so because – through the law – they want to be part of positive change in the world (in whatever ways that might be for different people).¹³ For those reasons alone, now is the right time to act.

Second, beyond social justice or morality-based reasons, a different answer to the question is that lawyers don't have a choice. Lawyers have a regulatory obligation to act now. In Ontario, for example, the *Law Society Act* provides that the Law Society of Ontario has a "duty" to "maintain and advance the cause of justice and the rule of law," "facilitate access to justice," and "protect the public interest."¹⁴ From this regulatory perspective, lawyers have a collective obligation to do these things now.

What about lawyers individually, as compared to law societies generally? Is the mandate limited to the collective? Clearly not. Each lawyer who plans to practise law in Canada typically must swear an oath. In Ontario, for example, the oath provides, among other things, that lawyers "shall seek to ensure access to justice and access to legal services."¹⁵ The fact that, at least in Ontario, the lawyer's oath includes a promise about both "access to justice" and "access to legal services" means – based on basic principles of interpretation – that "access to justice" must mean something different from "access to legal services."

Put another way, the provision of legal services in itself does not amount to ensuring access to justice. The provision of legal services might be a necessary precondition for lawyers to ensure access to justice – one might facilitate the other, but they are not the same thing. Based on a plain reading of the oath, these promises amount to separate professional responsibilities and, in turn, make for separate opportunities. Apart from the professional (often procedural) exercise of providing legal services, ensuring access to justice engages a further conversation about the underlying substantive, outcomes-based justice issues that people care about: addressing poverty, homelessness, and systemic racism; helping to make homes and communities safer; and promoting social fairness and economic wellbeing. Put simply, people want and need help in securing some aspect of the good life.¹⁶ How they get there is a challenging question and one that lawyers have a regulatory obligation to help their clients answer.

From this perspective, now is the right time for the legal profession to act because lawyers – in return for the benefits and opportunities that flow from the privilege of self-regulation – have both a collective regulatory duty and an individual sworn professional responsibility to ensure both access to legal services and access to justice. As the only sanctioned game in town, that's the deal.

A third way to consider this question, in addition to looking at moral or regulatory considerations, is from an economic perspective. Taken together, the volume of everyday legal problems experienced by adult Canadians amounts to almost

36 million separate legal problems over a three-year period.¹⁷ (Whether the legal profession could ever service all those legal problems is a very open question but one that I don't directly take up in this article.¹⁸) And the legal problems and costs result in significant needs for legal help for the public. These legal problems also happen to create a large unmet legal market for lawyers, and, as such, clear opportunities to provide much-needed legal services. At the moment, less than 20 percent of people experiencing legal problems obtain legal advice (mainly from lawyers), and less than 7 percent appear before a court or tribunal to deal with their legal problems.¹⁹ Put differently, the vast majority of everyday legal problems are currently dealt with outside the formal justice system. Although servicing those legal problems comes with significant challenges in terms of providing accessible, scalable, and cost-effective legal help, particularly for smaller matters, for people with limited means or in remote communities, there is no doubt that people need legal services. Reports suggest that people often do better and are more satisfied when they get legal help.²⁰ In the context of addressing the access to justice crisis, the reality is that there are significant economic opportunities for lawyers now, particularly those who are open to providing services in responsive, innovative, and cost-effective ways.

Fourth, if the legal profession doesn't act now, it might lose the privilege of self-regulation. Concerns that self-regulated legal professions may be part of the access to justice problem are not new.²¹ As the access to justice crisis gets worse, and as the gap continues to widen between what people need and the legal services they can afford, pressures and expectations on the legal profession to address this crisis will increase. If things don't get better, calls for lawyers to "get out of the room"²² will get louder. Because nature does not like a vacuum, if the legal profession does not act now, governments and society will at some point grow tired of the crisis and find ways to go elsewhere. For this reason, to the extent the legal profession continues to care about self-regulation, it should act now to find creative and innovative people-centred solutions, as opposed to being left further behind by other forms of service providers or private solutions (which is already starting to happen).²³

As research²⁴ and reports²⁵ indicate, there is still much work to be done. Now is the time to act. Doing so is the right thing to do, it's a core element of the legal profession's statutory mandate, and it's in the best interests of everyone in society, including members of the public and the legal profession.

Who are the right people to listen to?

Solutions to the current access to justice crisis are going to come from various sectors, communities, and individuals. Put simply, it will take a village. Over the last number of years, particularly coming out of the recent pandemic, there seems to be a growing distrust of bureaucrats and experts, largely coinciding with the rise of populist politics. However, in an increasingly complex and divided world, experts – including professionals, administrators, and bureaucrats – continue to be important for finding solutions to complex social problems. As such, I think lawyers, law societies, and the entire legal profession have critically important roles to play in addressing the access to justice crisis.

However, although lawyers and the legal profession will be important, they cannot act alone. In fact, when it comes to

justice, it is not primarily about lawyers and the legal profession. Rather, it is the public – in the form of people-centred justice²⁶ – that needs to be the focus in terms of understanding current justice problems with a view to finding appropriate, innovative, efficient, accessible, and just solutions.

Various reports, from different perspectives, have explored the justice problems, needs, and voices of the public.²⁷ In a study involving people in Toronto,²⁸ when we asked whether "justice is of fundamental importance to Canadians," a significant majority of respondents – more than 76 percent – said yes.²⁹ When asked, "Should citizens have a right to justice?" 98 percent said yes.³⁰ However, when asked for views and experiences about justice in Canada, there was a strong sense of alienation and exclusion from many individuals and communities.³¹ When asked about justice, access to justice, and barriers to justice, various themes emerged, including:

- justice is about fairness, equality, morality, and active societal participation;
- procedural justice and substantive justice are both important;
- not everyone has equal access to justice;
- people often feel alienated by the justice system;
- people should have a right to justice;
- justice is a fundamental issue;
- more government support should be provided;
- justice should be made simpler, cheaper, and faster;
- education, prevention, and understanding are important aspects of justice; and
- the cost of not making justice accessible needs to be further considered.³²

In terms of specific opinions, members of the public made comments such as:

- "I guess justice to me has to do with fairness, and it's more than a legal issue – it's a moral issue and it has to do with equality and inequality ..."
- "I'd define [justice] as access to society."
- "I think there are a lot of people who don't ... understand what the justice system is or how to use it – struggling to earn a living, dealing with addictions ... Unless we address the living conditions that they're dealing with, there really is a fundamental issue with access."
- "People with money have access to more justice than people without."
- "It depends on what lawyer you can afford."
- "If I don't have a good suit, the judge isn't going to hear my case."
- "I think it comes down to class. The higher class have more access to justice."
- "Like big business ... the bigger they are, the more respect they have. It's easier for them to get justice."
- "I don't have much faith in the lawyers and the system."
- "Access to justice looks really different depending on who you are and where you come from ... because so much of justice and so much of anything related to justice ... intersects [with] ... class, gender, race ..."
- "We're not even talking access to justice ... we're talking access to food, to shelter, to security, to opportunities for ourselves and our kids. And until we deal with that, the other stuff doesn't make sense."³³

While I do not suggest that these comments are representative of all of society's views about justice, they provide a

window into the opinions about justice and access to justice of a sampling of the public. Given what we know about the state of access to justice in Canada³⁴ and around the world,³⁵ I do think these and other voices are the right ones to be listening to when it comes to understanding everyday legal problems and the social context in which people, particularly the most vulnerable and those with the least access to justice, experience those problems.³⁶ Doing so will be critically important when trying to understand and address those problems through accessible, just, and innovative justice services and solutions for everyone.³⁷

What is the most important thing to do?

As for this third question, I don't pretend to have the full answer. However, I do think we who work in the justice community, listening to and working with those we serve, need collectively to come up with an answer. A range of solutions, involving a range of people and providers, will be needed to help solve the current access to justice crisis.

For starters, building on earlier efforts,³⁸ a clear framing or focal point for this work might be helpful. To me, that focal point needs to be the gap – the justice gap – between the public's everyday problems and barriers and a life without those problems and barriers. At the moment, we are starting to have a better understanding of people's problems and barriers and the overall justice gap.³⁹ Less clear is the range of achievable services and solutions that will help to bridge that gap. Relying on "more of the same" does not seem to be working.

One of the major barriers to better collective access to justice for all is a lack of awareness and understanding on the part of the public and our governments of the critical importance of everyday justice. People understand and engage with issues around health and education. By comparison, there is a relative lack of engagement with our individual and collective justice wellbeing. The current lack of robust public attention and spending on justice reflects that situation.⁴⁰ Underfunding justice is not helping anyone. Although some may claim that society doesn't have adequate resources to increase justice budgets, research shows that spending on justice creates a positive return on investment.⁴¹ In other words, we cannot afford not to

properly fund our justice needs.

However, to the extent that current levels of public funding cannot solve all of society's access to justice problems, I do think it is time to talk seriously about what some version of widely available legal care could look like. We already have a basic form of legal care – legal aid – for some services for the most vulnerable. Looking at ways to increase that public funding for more people would certainly make sense through positive returns on investments in terms of health spending, public services, housing, and overall social and economic wellbeing.⁴² As for the very wealthy, they will likely continue to take care of their legal needs on their own. For members of the middle class, who have some resources but cannot adequately support their justice needs, better use of legal insurance could play a significant role, including through individual and group employment benefits, add-ons to other financial services, or further use of specific legal insurance providers.⁴³ Whatever public, private, or hybrid funding model we choose, providing legal care to everyone who needs it would not only make economic sense but be good for our individual and collective wellbeing.⁴⁴

As for new legal options and services, it will be important to explore a wide range of initiatives. For starters, we need to expand our horizons in terms of who and what can add to the mix. Possibilities include traditional legal and paralegal services,⁴⁵ community-based services,⁴⁶ and technology-driven and AI initiatives,⁴⁷ particularly in areas where the amount of legal need vastly outbalances the amount of affordable and accessible legal services currently on offer, such as family law and consumer protection.⁴⁸ To accomplish these goals, a further openness to regulatory reform and experimentation will also be required.⁴⁹

As for courts and tribunals, something needs to be done to avoid criminal cases being dismissed because of excessive delays and to vastly reduce backlogs and wait times for civil, family, and many administrative matters. Waiting two to four years or more for a civil or family trial is not justice. In addition to filling judicial and court staff vacancies, it is important to provide innovations in terms of settlement counsel; more efficient simplified and summary hearings; and end-to-end case management systems that will be

efficient, smart, and accessible. Handling mountains of discovery and dealing with "no stone unturned" approaches to zealous advocacy, particularly in civil and family matters that should be settled, need to be creatively addressed.⁵⁰ We might also further consider court user fees, particularly for high-value cases involving well-resourced litigants that take up vast amounts of court time and public resources. Overall, we need to find ways to make justice more accessible. At the moment, the justice system is a public good that only few people can access. But privatizing justice simply in the name of efficiency is not the answer. Whatever we do, I continue to believe that maintaining a robust public justice system is important.⁵¹

Given its current position as essentially the sole self-regulated provider of legal services in Canada, the legal profession is uniquely positioned to support and insert itself into the centre of these discussions, debates, challenges, and innovations. And given the profession's statutory mandate, it also has an important responsibility to do so. Lawyers and the legal profession need to be part of the solution. Now is the time to take up these important opportunities by actively embracing and promoting these and other innovative initiatives in the name of meaningful access to people-centred justice.⁵²


Conclusion

In Tolstoy's story, the king, after consulting widely on how to avoid failure, sought answers from a hermit known for his wisdom. Following the events of the story, the king learned from the hermit that, in answer to the three questions, the right time to act is now, the right people to listen to are the people you are with, and the most important thing to do is "to do ... good."⁵³

Although all three questions and answers are relevant, it is the answer to the third question that I think is the most interesting and important for the legal profession. At the end of the day – together with other duties mentioned above to "maintain and advance the cause of justice and the rule of law" and "protect the public interest"⁵⁴ – at the core of individual promises and a collective duty to facilitate access to justice⁵⁵ for clients and the public is doing "good." What counts as "good" (and what counts as "justice") will depend on the people and the context.

Uncertainty and diversity are okay. What matters is that access to justice is not simply about process, research, or services. Of course, those things are important. Access to justice is also – and perhaps most importantly – about outcomes. Outcomes are ultimately what people want.

At the moment, too many people are on the outside of the justice system, left to manage their everyday legal problems on their own. The result is not good for those people. It is not good for society. It is not good for trust in justice and democracy.⁵⁶

I am optimistic that we have a better understanding of the problem – the justice gap – and an increasing number of innovative ideas and potential solutions to bridge that gap.⁵⁷ It’s time for the legal profession – including everyone in the justice community – to listen to the people who need us to bridge that gap and to act now. Not only do we need to find better ways to get more legal help to more people, we also need to do so in ways that provide those people with better lives. Ultimately, we need to do “good.” That’s the goal. 

Notes

1. See, e.g., Beverley McLachlin, “As Courts Reopen, Let’s Focus on Creating Equitable Access to Justice for All,” *Globe and Mail* (10 July 2020), updated 27 August 2020; online: <<https://www.theglobeandmail.com/opinion/article-as-courts-reopen-lets-focus-on-creating-equitable-access-to-justice/>>. The Advocates’ Society, *Delay No Longer: The Time to Act Is Now*, A Call for Action on Delay in the Civil Justice System (Toronto: The Advocates’ Society, 2023) at 1. See further Trevor CW Farrow & Lesley A Jacobs, eds, *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020); Trevor CW Farrow, “What Is Access to Justice?” (2014) 51:3 Osgoode Hall LJ 957 at 962–65.
2. Even though I refer to lawyers in this article, the same points can be made about paralegals as well.
3. Dominique Hussey, quoted in CBC News, “Canada’s Backlogged Civil and Family Courts in ‘Crisis,’ According to Lawyers Group,” *CBC News* (10 July 2023); online: <<https://www.cbc.ca/news/canada/london/justice-delays-canada-courts-ontario-1.6900147>>.
4. Leo Tolstoy, “Three Questions,” in *What Men Live By and Other Tales* (1885); online: Project Gutenberg <https://www.gutenberg.org/files/6157/6157-h/6157-h.htm#link2H_4_0014>.
5. Benjamin Shinglar & Rukhsar Ali, “After Earth’s Hottest Week on Record, Extreme Weather Surprises Everyone – Even Climate Scientists,” *CBC News* (14 July 2023); online: <<https://www.cbc.ca/news/climate/climate-heat-models-1.6905606>>.
6. See, e.g., Farrow, “What Is Access to Justice?” *supra* note 1.
7. The Advocates’ Society, *Delay No Longer*, *supra* note 1 at 3.
8. Task Force on Justice, *Justice for All – The Report of the Task Force on Justice* (New York: Center on International Cooperation, 2019) at 18.
9. Mary C Slosar, *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* (Washington, DC: Legal Services Corporation, April 2022) at 8.
10. Trevor CW Farrow et al., *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: Canadian Forum on Civil Justice, 2016) at 6. A recent report from Statistics Canada suggests that 34% of adult Canadians experienced at least one dispute or problem in the previous three years. See Laura Savage & Susan McDonald, *Experiences of Serious Problems or Disputes in the Canadian Provinces, 2021* (Ottawa: Statistics Canada, 18 January 2022) at 5.
11. Canadian Bar Association, *Reaching Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, November 2013) at 34.
12. Farrow et al., *Everyday Legal Problems*, *supra* note 10 at 12–19. See also recently The Advocates’ Society, *Delay No Longer*, *supra* note 1 at 5–7.
13. For some general background research and commentary, see Joshua JA Henderson & Trevor CW Farrow, “The Ethical Development of Law Students: An Empirical Study” (2009) 72:1 Sask L Rev 75.
14. *Law Society Act*, RSO 1990, c L8 at s 4.2.

15. Law Society of Ontario, By-law 4 (2007), as amended at s 21(1). For general discussions, see, e.g., Allan C Hutchinson, *Legal Ethics and Professional Responsibility*, 2d ed (Toronto: Irwin Law, 2006); Richard Devlin, “Breach of Contract?: The New Economy, Access to Justice and the Ethical Responsibilities of the Legal Profession” (2002) 25:2 Dal LJ 335.
16. See, e.g., Farrow, “What Is Access to Justice?” *supra* note 1 at 971–72.
17. Farrow et al., *Everyday Legal Problems*, *supra* note 10 at 7.
18. For a discussion of this question, see, e.g., Gillian K Hadfield, *Rules for a Flat World: Why Humans Invented Law and How to Reinvent It for a Complex Global Economy* (Oxford: Oxford University Press, 2016). See further Trevor CW Farrow, “Solving the Access to Justice Crisis Through Privatization: Opportunities and Concerns” (February 2021) 20 La Review des Juristes de Sciences Po 32 at 36.
19. Farrow et al., *Everyday Legal Problems*, *supra* note 10 at 9.
20. Action Committee on Access to Justice in Civil and Family Matters, *Civil & Family Justice: A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, October 2013) at 4; Farrow et al., *Everyday Legal Problems* *supra* note 10 at 10.
21. See, e.g., Richard F Devlin & Porter Heffernan, “The End(s) of Self-Regulation?” (2008) 45:5 Alta L Rev 169; Hadfield, *Rules for a Flat World*, *supra* note 18; National Self-Represented Litigants Project, “We Have Lost the Self-Regulation Argument: With or Without Us, the Public is Moving On,” *Slaw* (12 December 2019); online: <<https://www.slw.ca/2019/12/12/we-have-lost-the-self-regulation-argument-with-or-without-us-the-public-is-moving-on/>>. See further Farrow, “Solving the Access to Justice Crisis,” *supra* note 18 at 36.
22. Jordan Furlong, “Access to Justice Is Not (Just) About Access to Lawyers and Judges,” *Slaw* (5 October 2020); online: <<https://www.slw.ca/2020/10/05/access-to-justice-is-not-about-lawyers-and-judges/>>.
23. See, e.g., Farrow, “Solving the Access to Justice Crisis,” *supra* note 18; Anita Balakrishnan, “Consumers Turn to Facebook, Instant Messages for Access to Justice,” *Law Times* (31 October 2019). See Farrow, *Civil Justice, Privatization, and Democracy* (Toronto: University of Toronto Press, 2014).
24. See, e.g., Farrow & Jacobs, eds, *The Justice Crisis*, *supra* note 1; Farrow et al., *Everyday Legal Problems*, *supra* note 10; Farrow, “What Is Access to Justice?” *supra* note 1; Savage & McDonald, *Experiences of Serious Problems*, *supra* note 10.
25. See, e.g., The Advocates’ Society, *Delay No Longer*, *supra* note 1. See earlier, e.g., Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future*, Summary of the Final Report of the Truth and Reconciliation Commission of Canada (Canada: the Commission, 2015); Action Committee on Access to Justice, *Civil & Family Justice*, *supra* note 20; Canadian Bar Association, *Reaching Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, November 2013).
26. See, e.g., Trevor CW Farrow & Ab Currie, *Exploring Community-Based Services, Costs and Benefits for People-Centered Justice*, CBJR Final Report Including Research from Sierra Leone, Kenya, South Africa and Canada (Toronto: Canadian Forum on Civil Justice, 2023); Organisation for Economic Co-operation and Development, “OECD Framework and Good Practice Principles

- for People-Centred Justice” (Paris: OECD, 21 December 2021); Peter Chapman et al., *Grasping the Justice Gap: Opportunities and Challenges for People-Centered Justice Data* (Washington, DC: World Justice Project; New York: Pathfinders for Peaceful, Just and Inclusive Societies; Paris: OECD, 2021).
27. See, e.g., Lorne Sossin, *Listening to Ontarians: Report of the Ontario Civil Legal Needs Project* (Canada: Ontario Civil Legal Needs Project, 2010); Julie Macfarlane, “The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants,” Final Report (Windsor: The National Self-Represented Litigants Project, May 2013); Canadian Bar Association, *Reaching Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, November 2013); Farrow, “What Is Access to Justice?” *supra* note 1. See further Farrow et al., *Everyday Legal Problems*, *supra* note 10; Savage & McDonald, *Experiences of Serious Problems*, *supra* note 10.
28. Farrow, “What Is Access to Justice?” *supra* note 1. The study took place between November 2012 and May 2013. Subjects were approached and interviewed in person at 17 public locations in the Greater Toronto Area. In total, 99 of 494 subjects approached participated in the interview process, amounting to a 20% participation rate. For a further description of the study, see “What Is Access to Justice” at 966–67 and the appendix.
29. *Ibid* at 975. Of the balance of the respondents, 1% said no and 23% provided indeterminate answers.
30. *Ibid* at 987.
31. *Ibid* at 974.
32. *Ibid* at 968.
33. *Ibid* at 969, 971–74.
34. See, e.g., Farrow & Jacobs, eds, *The Justice Crisis*, *supra* note 1.
35. Task Force on Justice, *Justice for All*, *supra* note 8.
36. For research and a discussion about the importance of community views and values in the context of justice solutions, see recently Farrow & Currie, *Exploring Community-Based Services*, *supra* note 26.
37. For reports underlying the importance of putting the public at the centre of justice conversations, see, e.g., Action Committee on Access to Justice, *Civil & Family Justice*, *supra* note 20 at 6–7; Canadian Bar Association, *Reaching Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, November 2013).
38. See, e.g., Action Committee on Access to Justice, *Civil & Family Justice*, *supra* note 20; Task Force on Justice, *Justice for All*, *supra* note 8.
39. In Canada, see, e.g., Farrow et al., *Everyday Legal Problems*, *supra* note 10; Savage & McDonald, *Experiences of Serious Problems*, *supra* note 10. See further OECD/ Open Society Foundations, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019); Pascoe Pleasence, “Legal Need” and *Legal Needs Surveys: A Background Paper* (June 2016); Nicole Aylwin & Mandi Gray, *Selected Annotated Bibliography of National and Regional Legal Needs Surveys, revised* (Toronto: Canadian Forum on Civil Justice, 2015), revised by Lisa Moore (Toronto: Canadian Forum on Civil Justice, 2023).
40. See, e.g., Lisa Moore & Mitchell Perlmutter, “Public Spending on Access to Justice: Where Do We Go from Here?” in Farrow & Jacobs, eds, *The Justice Crisis* at c 3.
41. Lisa Moore & Trevor CW Farrow, *Investing in Justice: A Literature Review in Support of the Case for Improved Access* (Toronto: Canadian Forum on Civil Justice, August 2019).
42. See, e.g., Farrow et al., *Everyday Legal Problems*, *supra* note 10 at 12–19. See generally Moore & Farrow, *Investing in Justice*, *ibid*.
43. For an earlier discussion, see, e.g., Michael Trebilcock, Anthony Duggan, & Lorne Sossin, eds, *Middle Income Access to Justice* (Toronto: University of Toronto Press, 2012) at c 8.

44. For some of my previous comments, see, e.g., Farrow, “Solving the Access to Justice Crisis,” *supra* note 18 at 36.
45. See, e.g., Alice Woolley & Trevor CW Farrow, “Addressing Access to Justice Through New Legal Service Providers: Opportunities and Challenges” (2015–2016) 3 Texas A&M L Rev 549.
46. See, e.g., Julie Mathews & David Wiseman, “Community Justice Help: Advancing Community-Based Access to Justice” (Toronto: Community Legal Education Ontario, June 2020); Farrow & Currie, *Exploring Community-Based Services*, *supra* note 26.
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53. Tolstoy, “Three Questions,” *supra* note 4.
54. See, e.g., *Law Society Act*, RSO 1990, c L8 at s 4.2.
55. See, e.g., *Law Society Act*, RSO 1990, c L8 at s 4.2; Law Society of Ontario, By-law 4 (2007), as amended at s 21(1).
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