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Legal Information Innovation in Saskatchewan

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Abstract

Access to legal information enables people to identify the full range of legal options available to them. In some cases, access to legal information allows people to resolve legal problems outside the court system altogether. Unfortunately, access to legal information in Canada has been described as poor. At the Law Society of Saskatchewan Library, we have been exploring the role libraries can play in improving access to legal information. Over the past three years, we have participated in a multitude of legal information initiatives with justice, community, and library stakeholders. I am here to tell you about these initiatives and what we have learned about promoting access to legal information in a library setting. This article is adapted from presentations given at the 2017 Canadian Association of Law Libraries Conference and the 2017 Saskatchewan Library Association Conference.

Keywords

Access to legal information, access to justice, libraries, Saskatchewan

Introduction

Access to justice in Canada is often described as inadequate. Over 12 million Canadians will experience at least one legal problem in a three-year period. Unfortunately, legal services are becoming increasingly inaccessible. Our justice system has been described as too complex, slow, and expensive. The justice system, overwhelmed by the increase in those representing themselves (self-represented litigants (SRLs)), is not meeting the needs of all Canadians.

Many are unaware of a major barrier to accessing justice: the inaccessibility of legal information. Access to legal information enables people to identify the full range of legal options available to them. In some cases, access to legal information allows people to resolve legal problems outside the court system altogether. To improve access to justice, we first need to improve access to legal information.

A variety of organizations, such as the Action Committee on Access to Justice in Family and Civil Matters, have recognized gaps in public access to information about the law. At a time when legal information is readily available online, gaps still exist. Not all Canadians have access to the internet, and determining if online legal information is credible, reliable, or up-to-date can be extremely challenging. A lack of coordination exists among the organizations that provide public legal information, as well as a strong need for intermediaries to guide the public to trustworthy sources of legal information.

This is exactly where the Law Society of Saskatchewan Library's interest in legal information innovation developed.

Role for Libraries

Libraries can play a role in helping the public locate accurate legal information and in promoting access to legal information. Why? Libraries already facilitate access to information and help patrons make decisions about the credibility of online information.

At the Law Society of Saskatchewan Library, we have been exploring the role libraries can play in improving access to legal information, particularly through collaboration with relevant stakeholders and by putting the public first. Over the past three years, we have participated in a multitude of access to legal information initiatives with justice, community, and library stakeholders. I am here to tell you about some of these initiatives and what we have learned about promoting access to legal information in a library setting.

My hope is to encourage you to learn more about what libraries can do to increase access to legal information and to consider adopting a legal information initiative in your own library.

Law Society Library

First, some background. What is the Law Society of Saskatchewan? The Law Society is the regulatory body that governs the legal profession in the province. It sets and enforces standards for admissions, conduct, and quality of service for lawyers. The library is a department within the Law Society that fulfills the information needs of Saskatchewan's practising lawyers and articling students by providing access to a print and online legal collection.

Historically, the library's purpose has been limited to maintaining the competence of Saskatchewan lawyers and supporting the administration of justice by collecting and

cataloguing legal materials. However, this changed in 2014 when the Law Society adopted a new mission statement and strategic direction. Faced with a growing number of SRLs and the ongoing access to justice crisis, the Law Society made a formal commitment to improve the public's access to legal services in its new mission and strategic plan.

This new direction has enabled the library to diversify beyond its historical role, place greater emphasis on serving the public, and introduce initiatives to provide Saskatchewan residents with greater access to legal information.

Serving the Public

Our library is open to the public, which is our basis for helping the public locate reliable legal information. Not all Law Society or courthouse libraries in Canada are accessible to the public. We encourage the public to visit our library and take advantage of our resources during open hours. Our collection is an excellent source of legal information and it comprehensively covers every area of Canadian law. It is the perfect starting point for someone looking to obtain information about the law. Our staff is ready to provide the public with basic legal research assistance in person, over the phone, or via email. We teach the public about conducting legal research, suggest resources for further learning, and, when necessary, make referrals to the appropriate organizations that provide legal advice. We are always cautious of the distinction between legal advice and legal information and cognizant of the challenges inherent in serving SRLs.

CanLII

Our first legal information initiative involved working with an organization called CanLII to expand online access to Saskatchewan court cases. CanLII is a non-profit organization funded by Canada's lawyers. It provides free access to Canadian law at its searchable easy-to-use website, canlii.org. Simply put, CanLII is the best place to find the law. It provides over one million court cases and thousands of statutes from every jurisdiction in Canada. CanLII delivers a tremendous benefit to the public by making the law accessible and widely available to Canadians.

Unfortunately, the coverage of historical court cases from Canada's smaller provinces is lacking. We evaluated the coverage of historical Saskatchewan cases in 2015 and found substantial gaps: a significant amount of Saskatchewan case law and legal information was largely inaccessible to the public. Working with CanLII, we began a multi-year digitization project to provide a complete online record of Saskatchewan case law. We received financial support from the Law Foundation of Saskatchewan, an organization with a mandate to support justice initiatives, and helpful digitization advice from the Saskatchewan History Online program.

In all, we digitized about 16,000 cases, almost doubling the amount of Saskatchewan case law available on CanLII. Saskatchewan's public now has access to a virtually complete record of Saskatchewan cases back to 1907.

Currently, we are working with CanLII to increase online access to commentary on Saskatchewan court decisions. Legal commentary includes any materials that discuss, explain, or summarize the law. For example, we have contributed over 25,000 court case summaries to CanLII Connects, CanLII's new legal commentary platform.

Family Law Clinics

One of our most successful initiatives is our family law information clinic. For the past two years, we have collaborated with the Saskatchewan Ministry of Justice, Pro Bono Law Saskatchewan, and the Public Legal Education Association of Saskatchewan (PLEA) to host weekly family law information sessions in the Regina Law Society Library. We call these sessions "Walk-in Wednesdays." We have set up an information centre, a waiting area, and offices for the consultations in the basement of the library. Walk-in Wednesdays are first come, first served. Individuals can meet with a lawyer individually for about twenty minutes. At these sessions, the lawyer will provide legal information: information about family law, court procedures, and options for settling disputes outside of court.

As word has spread, the clinic has become increasingly popular. There are about ten to fifteen people attending each week with the numbers trending upwards. With the clinic's success, the lawyers involved are beginning to replicate the Walk-in Wednesday concept in other parts of the province. Monthly sessions are now being hosted in Saskatoon with the assistance of the Saskatoon Public Library.

What I find inspiring about the clinic is that it initially started off as a small experiment between the Law Society Library and two lawyers from the Ministry of Justice. It has grown almost entirely through word of mouth. We tried a variety of different formats for the clinic before finding the success of the Walk-In Wednesday format. Many of the formats were unsuccessful. It has been gratifying to watch the clinic grow and to see the positive impact it has had on people.

Legal Resource Fair

We have been keen participants in the Regina Public Library's Legal Resource Fair for the past two years. This annual event includes a free tradeshow showcasing Regina's free community legal services and resources, a variety of workshops on common legal issues, and drop-in sessions with Pro Bono Law Saskatchewan lawyers. At the fair, the Law Society Library has hosted a booth and presented a free workshop for the public and SRLs on "Doing your own legal research." Doing one's own legal research can certainly be challenging. In the workshop, we try to reduce this challenge and make legal research less intimidating. Before teaching participants how to navigate and use free legal resources, we review some basic legal concepts, such as what is the law, how is the court system constructed, and how does the system of precedent work. Without an understanding of these foundational concepts, conducting successful legal research or identifying relevant results from irrelevant results is difficult. The Legal

Resource Fair is a great opportunity to connect with and educate the public about legal research skills. We look forward to participating again in 2018. I encourage all libraries to consider hosting a similar fair.

Pro Bono Librarians

One of our most interesting initiatives is the idea of “Pro Bono Librarians,” librarians who provide free research and reference assistance to those in need. We came up with the idea during a discussion about access to justice at the 2015 Canadian Association of Law Libraries Conference. Since that discussion, we have partnered with Pro Bono Law Saskatchewan and Community Legal Assistance Services for Saskatoon Inner City (CLASSIC) to assist with their legal research needs. These organizations provide low-income individuals with free legal assistance. They typically rely on volunteer lawyers. Legal research can be time consuming for the volunteer lawyers who work with these organizations. We offer these lawyers free legal research and reference services and free legal resource training whenever they need it. The uptake has been positive. This is a different avenue for increasing access to legal information. In this case, we are providing information to the lawyer rather than the member of the public.

Saskatchewan Access to Legal Information Project

Our latest exciting partnership has the potential to completely reshape access to legal information in Saskatchewan. The Saskatchewan Access to Legal Information Project (SALI) is a new partnership among urban, rural, and remote libraries, justice industry stakeholders, and community organizations working to advance access to justice for Saskatchewan residents.

The project arose in 2016 out of a discussion at the Dean’s Forum on Access to Justice and Dispute Resolution. This forum is an initiative from the University of Saskatchewan that brings together justice stakeholders to discuss and find solutions to access to justice. During this discussion, the forum realized that serious gaps exist in the public’s access to legal information. Recognising that libraries are suited to act as intermediaries to help the public locate and identify authoritative legal information, the forum partnered with Saskatchewan’s public libraries to improve access to legal information.

Under the coordination of Brea Lowenberger, Saskatchewan’s Access to Justice Coordinator, and Beth Bilson from the University of Saskatchewan’s College of Law, a working group was formed with representatives from PLEA, the Saskatoon Public Library, the Law Society Library, and the University of Saskatchewan College of Law to investigate turning this idea into reality. PLEA, Saskatchewan’s official public legal education provider, has developed a variety of accessible legal resources and has experience partnering with public libraries to distribute legal materials. The Saskatoon Public Library, the Law Society Library, and the College of Law Library all possess legal collections and expertise that enhance PLEA’s materials.

This working group realized the value in bringing together a broader group of library and community partners. A one-day meeting was hosted in Saskatoon in September 2016 to exchange information and to discuss the role libraries might play in improving access to legal information. Representatives from every library region in the province, the Saskatchewan Ministry of Justice, Pro Bono Law Saskatchewan, CLASSIC, and Saskatchewan 211 were invited.

The morning featured discussion on the access to justice crisis and potential opportunities for libraries to help improve access to legal information. The afternoon featured break-out sessions. Several themes emerged during the day, including collecting statistics on public library patron's legal questions, identifying opportunities for legal reference question training for library staff, and utilizing public library space to increase access to legal information.

Based on the momentum of the meeting, the attendees formally established the SALI project and embraced several next steps.

What's next for SALI? Key updates include a two-day conference to be held during Saskatchewan's second annual Access to Justice Week in October 2017. This will continue the discussion started at the first meeting. SALI also began a pilot project to collect statistics on public library patron's legal questions at six public library locations in May 2017.

Conclusion

We can all play a role in improving access to legal information. As librarians, we are especially qualified to serve the public and to promote access to legal information. I invite you to consider adopting a legal information initiative in your own library. Start by taking on a small project, a manageable bite, or a grass roots initiative. That is exactly what we did at the Law Society of Saskatchewan Library. You will be amazed at what you can achieve.

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