

**Evaluation
of the
Expanded Family Duty Counsel Project
(Robson Street Court House)**

FINAL REPORT

for

LEGAL SERVICES SOCIETY OF B.C.



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Executive Summary

This is the final report of an evaluation of the Enhanced Family Duty Counsel Project (EFDCP), a project initiated at the Robson Street Family Court in Vancouver in November 2002. The report is based on project database reports, 278 interviews with clients where cases have closed and who used the EFDCP services between November 2002 and October 31, 2003, and 27 interviews with key respondents both in the project (counsel, intake assistant) and external to it (court personnel, Family Justice Counsellors, counsel for various Ministries).

Project Description

The primary objective of the EFDCP is to help self-represented individuals achieve a resolution to their cases, and can be distinguished from traditional duty counsel service in that:

- In addition to duty counsel, the project has advice counsel with whom clients can make appointments. Up to three hours of advice and assistance can be provided to financially eligible clients, and up to 45 minutes of summary advice for non-financially eligible clients.
- Client files are maintained.
- An intake assistant makes appointments for clients, screens clients, determines conflict of interest situations.
- Counsel can help clients to draft documents and prepare for their case over several meetings.
- The project is co-housed with Family Justice Counsellors (FJCs).
- A self-help computer kiosk is available to clients.

Database Findings

- From November 1, 2002 to October 31, 2003, 1,016 clients were served by the project.
- Custody, child maintenance and protection matters comprise the primary case issues.
- The average time expenditure for client cases was 2.0 hours.
- Apart from a meeting with the client in almost all cases, 34% of cases involved attending court with the client, and 32% involved file review and court preparation.
- The average number of contacts with clients was 2.2.
- 16% of cases (42/256) involved four or more contacts.
- 56% of clients are female; 83% were financially eligible; 5% had seen a lawyer, and 64% had seen a FJC prior to contact with the EFDCP.

Case Outcomes

- Approximately a quarter of EFDCP clients achieved a resolution to their problem that could be considered “final” almost immediately.
- In the remaining cases, EFDCP set in motion a process that was intended to lead towards a final resolution. Although half of these cases were still pending at the time of the evaluation interview, approximately 88% of those that were settled (152/173) were likely seen as a positive resolution by the client. Of equal significance, approximately 75% of litigants who proceeded on their own having received information or preliminary document or court preparation from EFDCP counsel, achieved a positive final outcome.

It should be emphasized that while these overall outcomes are very positive, part of the success of the EFDCP is that it works closely with and/or builds on the contributions of other organizations and services. Thus, not all the credit for successful resolution of the cases can be attributed to the EFDCP. Other significant actors noted in the report are the FJCs, Parenting After Separation (PAS) Workshops, and legal aid (upon referral from EFDCP).

Client Feedback

- Clients rated highly (between 5.8 and 6.5 on a 7-point scale) such service items as clarity of lawyer’s explanations, assistance with documents, and speed with which appointments were made to see a lawyer.
- Clients rated moderately positively (between 5.2 and 5.3 on a 7-point scale) the project’s effectiveness in such service items as helping him/her achieve a resolution to his/her issues, achieving it faster than had he/she not used the service, helping him/her feel more confident or prepared. These ratings appear to be negatively affected by the fact that some cases had still not achieved a final resolution, or had ended negatively in the opinion of the client, at the time of the evaluation interview.
- Clients rated their overall satisfaction with the EFDCP service highly (5.8 on a 7 -point scale).
- Approximately half of clients claim to have received or picked up printed PLEI material, but very few (6%) used the computer kiosk in the EFDCP reception area. Few counsel refer clients to the kiosk. Another 8% of clients said they accessed family law information using their own computer at home.
- Overall, 57 of 278 clients were referred to another service, most frequently for legal aid. A large majority of these clients (75%) followed through on referrals offered to them, and most found them useful in achieving a resolution.
- Key respondents felt the project had helped to reduce delays and the need for adjournments in family court, reduced anxiety of parties, saved registry staff time, increased litigant’s understanding of issues and procedures, and resulted in a higher frequency of consent orders.
- The “Next Steps” sheet was seen as a useful device by the majority of clients who were given them, and by EFDCP counsel.
- The co-housing of FJCs and the EFDCP was generally viewed positively both by FJCs and EFDCP counsel.

Recommendations from Clients

All comments were made by a small minority of clients (i.e. never more than 17 out of 278 interviews), in response to an open-ended question for comments or recommendations at the end of the interview. The seven points are presented in descending order of frequency of mention. Five of them were presented in the Interim Report, and some, as noted in Section 6.2.1, have been addressed.

1. Staff should acknowledge and respond to the emotional needs of clients in family law cases as well as the legal needs.
2. Ensure that "Next Steps" sheets are written in plain English; counsel should also communicate with clients in simple English with a minimum of legal jargon.
3. Advertise the service more widely.
4. Improve directions, location and assistance for users of the computer kiosk.
5. Provide simple PLEI materials on procedures, evidence required and key terminology.
6. Attempt to use the same lawyer for a client on successive visits.
7. Provide more assistance to individuals who are litigants in Supreme Court.

Recommendations Based on Key Respondent Interviews

As with recommendations derived from clients, the following are derived from open-ended comments at the end of each key respondent interview. They do not represent a consensus of views, and should be considered as issues to consider rather than formal recommendations. The recommendations were all made in the Interim Report, and some have already been addressed, as noted in Section 6.2.2 of the report.

1. Consider reducing the number of counsel to four or five part-time, but with fuller schedules.
2. Provide short (one or two pages) information sheet on key procedures that need to be understood in CFCSA and FRA cases handled by the project.
3. Provide more information to EFDCP counsel about the nature of the information available through the computer kiosk, and a one-page summary of key sites that clients can access on their own.
4. In future projects which co-house FJC and duty counsel/advice counsel, an initial joint meeting should be held with all parties to meet each other, clarify service purposes and approaches and expectations, determine circumstances and purpose of referrals, review confidentiality and client communication protocols, and clarify types of supplementary PLEI material used by each party.
5. Wherever possible, clients who are being referred to the Registry by counsel should be accompanied by counsel so that directions are given directly to Registry staff.
6. Explore feasibility of having a legal aid intake office as part of one-stop multi-service delivery at the Court House.

1.0 Introduction

1.1 Background

This is the final evaluation report of the Expanded Family Duty Counsel Project (EFDCP), a service to clients which has operated at the Robson Street Court House in Vancouver since October 2002. It reports on client, project staff, Family Justice Counsellor and court personnel experiences with the project.

1.2 Evaluation Objectives

Evaluation objectives for the EFDCP were developed in a framework document dated January 17, 2003. They are listed below in relation to the project objectives.

PROJECT OBJECTIVE	EVALUATION OBJECTIVE
To provide the tools or support necessary for self-represented litigants to achieve a resolution within the family justice system or through informal means.	<ul style="list-style-type: none">• To describe the types of tools and support provided by the program.• To determine whether clients are able to achieve a resolution of their case.• To determine reasons for non-achievement.
To help self-represented litigants to: <ul style="list-style-type: none">• Understand the degree of assistance that can be provided by the project;• Understand the key legal issues relevant to their position;• Package or frame their case for the next step in their process;• Complete relevant forms.	<ul style="list-style-type: none">• To assess the degree to which clients understand the extent of service, legal issues, how to proceed with case, and how to complete forms.• To assess the role of printed materials in assisting clients.• To identify factors which affect clients' ability to benefit from counsel explanations.
To provide service that helps clients achieve a timely result.	<ul style="list-style-type: none">• To determine the extent to which the project helps move cases faster through the courts.• To determine whether clients feel the service provided by the project enabled them to resolve their case in a timely manner.

PROJECT OBJECTIVE	EVALUATION OBJECTIVE
To provide self-service computer access to family law information as a resource for self-represented litigants.	<ul style="list-style-type: none">• To describe how clients are referred to the computer, its physical location and set-up, information content of family law site and support offered to client.• To describe client usage of the computer kiosk.• To assess usefulness of the resource to clients.
To provide useful referrals to clients, where appropriate	<ul style="list-style-type: none">• To describe referrals made by counsel and intake assistant.• To determine if clients went to the resource to which they were referred.• To determine the usefulness of the referrals to clients.
To maintain records capable of documenting key client information, services provided and case outcomes.	<ul style="list-style-type: none">• To document problems in entering or retrieving meaningful data.• To describe volume of cases, service provided, and time expended.• To describe the project's background, its objectives, the selection of lawyers, and case flow.
To deliver a high quality service.	<ul style="list-style-type: none">• To assess client satisfaction with service.• To determine ways in which the project could be improved.

1.3 Methodologies

The methodologies used in gathering data for this report include:

- *Client Interviews*

Telephone interviews were completed with 278 clients of the EFDCP whose cases were opened in the 12 month period November 1, 2002 to October 31, 2003 and closed as of January 31, 2004. This represents a 27% sample of the 1,016 clients who were served during this period, and a 31% sample of the 890 which were opened in the 12 month period and closed by January 31, 2004. Cases were selected randomly from all closed cases in each quarter of the 13 month period, maintaining a sampling proportion of 27% in each quarter. This percentage was based on a required sample size for the population – based on an original projection of 1,020 cases – to achieve representativeness at the 95% level with a confidence interval of 5%. The client interview questionnaire is shown in Appendix 1.

- *Key Respondent Interviews*

Twenty-seven interviews were conducted with key respondents in the following categories:

- Family Justice Counsellors: 9
- Judge: 1
- Registry Supervisor: 1
- Project Intake Assistant: 1
- Project Counsel: 8
- Ministry for Child and Family Development Counsel: 5
- BC Benefits Counsel: 2

Twenty of the interviews were conducted in October 2003 for the Interim Report; the remaining seven - all Family Justice Counsellors – were held in March 2004. Guides for these interviews are included in Appendices 2 – 6.

- *Web-Time Data Management System Reports*

This data management system is used by the project to generate reports on open and closed cases, lawyers involved, issues dealt with, activities undertaken and time expended. Several of these reports have been adapted for this final report.

1.4 Report Content

This report is presented in the following sections:

- A summary description of the project, including key activity, issue and time data (Section 2).
- A presentation of key immediate and longer term outcomes for clients (Section 3).
- A description of clients' satisfaction with various aspects of the service they received (Section 4).
- A presentation of feedback from key respondents working for or in relation to the project (Section 5).
- Conclusions and recommendations (Section 6).

2.0 Project Description

2.1 Project Objective

The primary objective of the EFDCP is to help self-represented individuals achieve a resolution to their case. This objective can be seen as occupying a middle ground between traditional duty counsel service on the one hand, and full legal representation on the other. Traditional duty counsel in family matters is available to help a client move to the immediate next stage in the legal process; counsel's relationship with the client is usually confined to a single contact in the court setting. Full legal representation means that the lawyer is responsible for the conduct of the client's case from beginning to end, based on their client's instructions and definition of concerns.

In the expanded duty counsel model the client is more "assisted" than they are fully "represented", but the assistance goes beyond the traditional duty counsel model in that (1) if financially eligible, the client may return more than once for assistance (non-financially eligible clients are limited to 45 minutes of summary advice); (2) the project maintains a client file; (3) there may be continuity of representation; (4) counsel can assist a client in drafting documents; and (5) counsel can assist the client in case conferences.

2.2 Project Components and Sequences

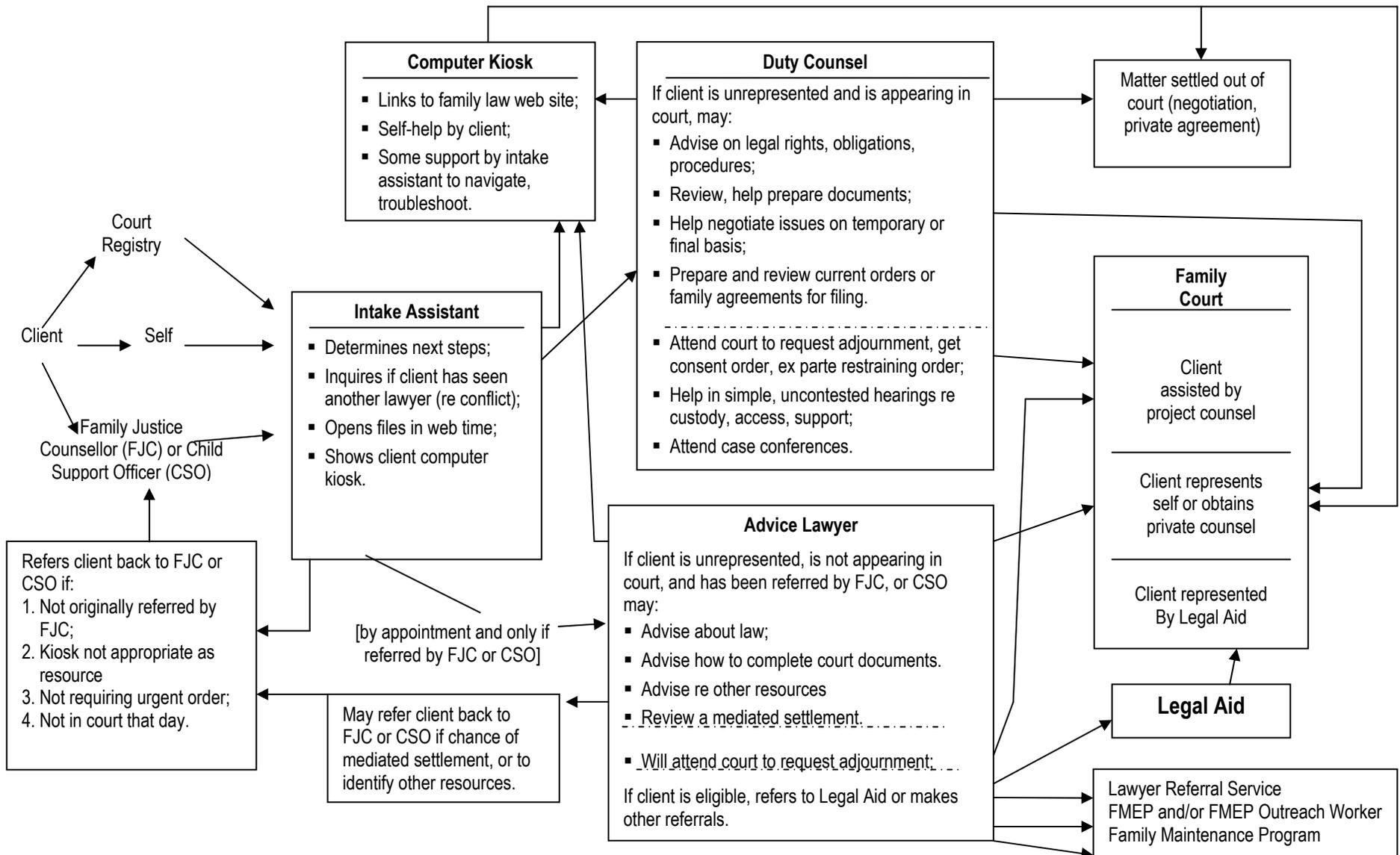
Figure 1 depicts the basic components and sequences of client assistance. Several aspects of this flow chart show how the model is considerably expanded from a basic duty counsel delivery service:

- *Duty counsel combined with advice counsel*
In addition to duty counsel, the service involves an advice counsel component. Whereas clients meet with duty counsel spontaneously because both are in court, clients see advice counsel by appointment. If they do not qualify financially, they are still entitled to 45 minutes of summary advice and assistance, and if they do qualify, may receive summary advice and assistance over several visits, to a total of three hours.

Advice counsel are able to assist clients in drafting their own documents, which is obviously beyond the capacity of duty counsel in a courtroom setting. When a client finishes his meeting with counsel, he/she is given a sheet outlining the advice given and the subsequent steps he/she needs to take in his/her case. This sheet is also kept on file for counsel to use in subsequent visits.

Although duty counsel and advice counsel are represented in separate boxes in Figure 1, counsel contracting with the EFDCP may fulfill both functions. For example, if counsel has first advised a client and the client subsequently needs assistance in court, the lawyer may then act as duty counsel for the client if scheduling permits. Although the Child Support Officer (CSO) was not part of the project during the evaluation period, her role is included in Figure 1 because it represents part of the current operations.

Figure 1: Flow Chart of Expanded Family Duty Counsel Project



- *Intake assistant*
The intake assistant serves several functions. She develops files for each client, which facilitates case continuity between counsel, and also the possibility of a client using the same counsel on a subsequent visit. She also plays a screening, appointment-setting and referral function, as well as ensuring that in designating counsel there is no conflict of interest.
- *Co-housing with Family Justice Counsellors*
In order to see advice counsel, clients are required first to see a Family Justice Counsellor. The Family Justice Centre is co-housed with the project, so referral back and forth creates a one-stop service for the client.
- *Computer kiosk*
A computer kiosk with family justice websites is located in the reception area for free use by clients. This resource is intended to enhance client capacity for self-help.

2.3 Types of Service which Counsel Can and Cannot Provide

Client are given a sheet which explains activities that advice or duty counsel can or cannot do for them. If the client qualifies financially for the service, the advice and/or duty counsel can help them with all matters in Family Court (including cases involving the Family Maintenance Enforcement Program, the Family Maintenance Program and the Ministry of Children and Family Development) by:

- Giving clients advice about their legal rights, obligations and Family court procedures;
- Reviewing and helping them prepare Family Court documents;
- Helping them negotiate and settle issues on a temporary or final basis;
- Helping them prepare or review consent orders or family agreements that can be filed in Family Court;
- Attending court with them to request an adjournment or to get a consent order or an ex parte (emergency) restraining order;
- Helping them with simple uncontested hearings about custody, access and support; and
- Attending case conferences with them.

If clients do not qualify financially, counsel can still provide them with up to 45 minutes of general advice about the law and how to complete court documents. Counsel can also attend court to request an adjournment and advise the client about what other resources are available.

The project lawyers cannot, under any circumstances:

- Go to court for a contested trial or any hearing for which the issues are lengthy or complex;
- Attend court appearances in the Supreme Court of British Columbia;
- Attend trial planning conferences;
- Help a client with complex property disputes;
- Help a client get a divorce;
- Help a client if he/she already has a lawyer acting for him/her;
- Prepare their family court documents;
- Help with any legal problems that is not family law related;
- Serve or accept service of any court documents; or
- Become the client's lawyer while acting as duty counsel.

2.4 Entry Points, Case Issues, Activities and Time Expenditure

This section reports descriptive data about service provision by the EFDCP, most of which is derived from the project's WebTime data system.

Table 1 shows that a slight majority of the 1,016 cases which were opened between November 1, 2002 and October 31, 2003, were initiated through appointments with advice counsel. As noted in the previous section, clients in some cases may use both advice counsel or duty counsel on successive visits. The designation of "advice" or "duty" counsel refers only to the initial point of entry. In the client survey, the percentage of cases with advice counsel as the point of entry was 67% (186/277). Thus this point of entry was over-represented in the survey sample.

Table 1: Entry Point to Service

TYPE OF INITIAL SERVICE	FREQUENCY	PERCENTAGE
Advice Counsel	534	53%
Duty Counsel	482	47%
Total	1,016	100%

Source: LSS WebTime Report for all clients November 1, 2002 – October 31, 2003

Table 2 indicates the primary issues that were involved in all cases between November 1, 2002 and October 31, 2003. In considering this table, two points need clarification. Firstly, many cases involved more than one issue, and designation of a "primary" issue often requires a judgement call on the part of the lawyer. Secondly, many cases involved use of both advice and duty counsel; the designation here only refers to the client's entry point to the service (which is when the issues are defined). In general, custody and child maintenance issues were the most frequently identified by advice counsel, whereas protection related issues under the Child, Family and Community Services Act (CFCSA) and custody issues were most frequently identified by duty counsel.

Table 2: Primary Case Issue – Advice and Duty Counsel

PRIMARY CASE ISSUE	Advice Counsel		Duty Counsel		Total Cases	
	Freq.	%	Freq.	%	Freq.	%
Family Violence	31	6%	20	4%	51	5%
Custody	157	30%	97	21%	254	26%
Access	75	14%	55	12%	130	13%
Child Maintenance	129	24%	61	13%	190	19%
Spousal Maintenance	23	4%	6	1%	29	3%
CFCSA	14	3%	170	37%	184	19%
Maintenance Enforcement	54	10%	48	10%	102	10%
Property Division	25	5%	1	0%	26	3%
Divorce	20	4%	0	0%	20	2%
Total Cases	528	100%	458	98%	986	100%

Source: LSS WebTime Report for all clients (open and closed cases) November 1, 2002 – October 31, 2003.

Notes:

1. Although many cases contained more than one issue, only one principal issue was recorded for each case. Determination of which was the primary issue was made by Advice or Duty Counsel who first handled the case.
2. In 30 cases, a principal issue was not recorded.
3. Percentages do not necessarily total 100% due to rounding.

Whereas Table 2 only looks at the primary issue for each case, Table 3 is based on all issues in a case. It describes the percentage of cases in which a given issue is involved. Unlike Table 2 which describes all cases handled by the project during the evaluation period, these data are taken from client information sheets of the 278 clients interviewed in the evaluation survey.

Since Table 3 reports all issues involved per case, one would expect the percentage counts to be higher than in Table 2. This is true for all except child protection (CFCSA) and maintenance enforcement cases. This suggests that these types of cases are underrepresented in the client survey. It is quite possible that clients involved in child protection matters may have less stable residential situations than other clients, which may have resulted in fewer evaluation interviews with this class of clients.

Table 4 indicates the average time expended on each case, according to the issue type. Time expenditure can only meaningfully be discussed for closed cases. The average time spent on cases was 2.0 hours. Of the three high volume case types, child maintenance cases averaged 2.2 hours, custody cases 1.9 hours and child protection cases 1.4 hours.

Table 3: Issues Involved in Client's Case

CASE ISSUE	Number of cases in which this issue involved	Total number of clients responding	Percentage of cases in which this issue involved.
Family Violence	23	276	8%
Custody	93	277	34%
Access	70	277	25%
Child Maintenance	94	277	34%
Spousal Maintenance	30	277	11%
Child Removal/Threat of Removal (CFCSA)	27	277	10%
Maintenance Enforcement	20	277	7%
Property Division	14	277	5%
Divorce	13	277	5%
Other Issues	13	275	5%

Source: Client Information Forms for Clients Interviewed in the Client Survey.

Note: 6 of the 13 "other issues" were for orders forbidding removal of a child from the province.

Table 4: Average Time Expenditure per Closed Case, by Case Issue

CASE ISSUE	TOTAL HOURS	NO. OF CASES	AVERAGE HOURS PER CASE
Family Violence	72.5	44	1.6
Custody	441.4	229	1.9
Access	282.6	114	2.5
Child Maintenance	366.3	163	2.2
Spousal Maintenance	63.7	26	2.5
CFCSA	239.1	170	1.4
Maintenance Enforcement	214.5	88	2.4
Property Division	40.7	24	1.7
Divorce	30.8	19	1.6
Total Cases	1,749.8	877	2.0

Source: LSS WebTime Report for closed cases only, November 1, 2002 – October 31, 2003.

Notes: 1. This table contains all closed cases, whether initiated by Advice or Duty Counsel.

2. The average hours per case for cases initiated by Duty Counsel was 2.1, and for those initiated by Advice Counsel, 1.9.

3. The average total time spent by counsel in the client survey cases was 2.1, which closely reflects the population average reported in this table.

Tables 5 and 6 also describe time expenditures by counsel, but in relation to activities. Table 5 shows that as a percentage of overall time, “meetings with client” take almost 60% of counsel’s overall time, and attending court 16%. It should be noted that “meetings with client” is a category that can obviously include other activities such as drafting documents and/or telephone calls, so these latter categories may be underrepresented.

Table 5: Proportion of Counsel Time Expended on Activities, Closed Cases Only

ACTIVITY DESCRIPTION	TOTAL HOURS	PERCENTAGE OF OVERALL TIME
Attend Court	289.9	16%
Case Conference	109.9	6%
Draft Correspondence	11.0	1%
Draft Documents	105.7	6%
Meetings with Client	1,035.4	58%
Negotiations	17.8	1%
Telephone Calls	68.2	4%
File Review/Court Preparation	134.1	8%
Total	1,772.0	100%

Source: LSS WebTime Report for closed cases only, November 1, 2002 – October 31, 2003.

Notes:

1. This table contains all closed cases, whether initiated by Advice or Duty Counsel.

Whereas Table 5 is based on WebTime data, Table 6 is based on file data for the 278 respondents interviewed in the client survey. The table shows the percentage of cases involving certain types of activities. Again, a “meeting with client” is involved in almost all cases, but a significant number of cases involve attendance in court, file review/court preparation, telephone calls and drafting of documents.

Table 6: Percentage of Cases Involving Certain Activities

ACTIVITIES	NUMBER OF CASES IN WHICH THIS ACTIVITY INVOLVED	PERCENTAGE OF OVERALL CASES WHICH INVOLVED THIS ACTIVITY
Attend Court	94	34%
Case Conference	27	10%
Draft Correspondence	11	4%
Draft Documents	51	18%
Meetings with Client	259	93%
Telephone Calls	39	14%
Negotiation	13	5%
File Review/Court Preparation	89	32%
Total # of cases	278	--

Source: File documentation of cases included in survey sample.

- Notes: 1. Cases frequently involved more than one activity.
2. A non-response for any given activity was interpreted as a “no” (i.e. case did not involve this activity).

2.5 Number of Client Contacts

Table 7 provides a breakdown of the number of meetings counsel held with clients in the 256 cases in which these data were entered. In slightly over half the cases (134/256) only one meeting was held. However, an indicator of the degree of service that EFDCP is able to provide is that 16% of cases (42/256) involved four or more contacts.

Separate analysis reveals that a large majority of single contact cases (74% or 99 of 134 cases) was with advice counsel. Thus it appears that the unscheduled contact with duty counsel in court identifies needs for further assistance within EFDCP’s mandate, and a follow-up appointment for further court preparation, advice or in-court assistance is then arranged.

Table 7: Number of Client Contacts with Counsel per Case

NUMBER OF CONTACTS	FREQUENCY	PERCENTAGE
One	134	52%
Two	51	20%
Three	29	11%
Four	16	6%
Five	8	3%
Six	6	2%
Seven	4	2%
Eight or more	8	3%
Total	256	99%

Source: File data from client survey.

- Notes: 1. Percentages do not total 100% due to rounding.
2. In 22 additional cases these data were not recorded.
3. The average number of contacts per case is 2.2.

2.6 Client Profile

Table 8 presents profile data for individuals interviewed in the client survey. Several points can be made:

- The vast majority of clients have not seen a lawyer prior to arriving at the EFDCP.
- Slightly under two-thirds of clients have seen a Family Justice Counsellor (FJC) prior to using the service. As discussed in Section 2.2, the project is co-housed with the FJC service. It is a requirement that the client be directed to a FJC prior to using the EFDCP except in cases of emergency, or if the client's matter is being heard in court that day, or in child protection cases (which are not applicable).
- Slightly under half of clients have high school graduation or less. This level of education could obviously impact the capacity of individuals to self-litigate.
- There is a significant minority (15%) of clients of non-Canadian citizenship, for whom language could potentially be an issue in self-litigation.

Table 8: Profile of Clients

PROFILE ITEM	FREQUENCY	PERCENTAGE
Financially Eligible (N= 219)		
Yes	182	83%
No	37	17%
Gender (N= 278)		
Male	121	44%
Female	157	56%
Age (N= 254)		
Under 29	40	16%
30-39	94	37%
40-49	84	33%
50 +	36	14%
Citizenship (N= 209)		
Canadian	191	85%
Other	34	15%
Education (N=209)		
Less than grade 12	31	15%
High school graduation	65	31%
Some technical or university	71	34%
University graduation	42	20%
Employment (N= 206)		
Unemployed	62	30%
Part-time	13	6%
Full-time	131	64%
Whether client has seen a lawyer (N=213)		
Yes	11	5%
No	202	95%
Whether client has seen a family justice counsellor (N=199)		
Yes	128	64%
No	71	36%
Whether a client has attended a parenting after separation workshop (N= 195)		
Yes	86	44%
No	109	56%

Source of data: Client Information Forms of individuals interviewed in the Client Survey.

3.0 Case Outcomes

3.1 The Problem of Defining “Case Resolution”

As noted in Section 2.1, the primary objective of the EFDCP is to help self-represented clients achieve a resolution to their case. “Achieving a resolution” is a problematic concept in family law, insofar as family cases are in constant flux due to changing family circumstances or events, and they frequently involve interim orders and/or multiple stages in the proceedings. If clients are asked whether the service helped them to achieve a resolution to their issues, they tend to think in terms of their overall problem rather than of a particular stage or event. This is especially true if they are interviewed 4 or 5 months after the service was rendered, because many intervening events and/or proceedings may have taken place.

Over the course of the first two rounds of interviews with clients, it became apparent that it would be necessary to distinguish between “immediate outcomes” of the EFDCP service, and “longer term outcomes” that more closely relate to the resolution of their overall case. While this distinction was made retroactively when analyzing responses in the first two rounds of interviews represented in the data below, it was done proactively in the third and fourth rounds of interviews by explicitly phrasing the question related to outcomes in terms of “immediate” and “ultimate” resolution of their issues.

3.2 Immediate Outcomes

Tables 9 and 10 present data on the outcomes that occurred in the time period immediately related to service provision. Half of all cases involved some form of information, court preparation or court attendance, without any other definable outcome at that point in time. Table 10 shows that in these cases, 70% (98/140) were situations in which the client expected to carry on as self-represented litigants. Another 30% either were only seeking information as their immediate need, or decided to abandon their case or hire a lawyer.

Again referring to Table 9, there were two other major categories of immediate outcomes, in combination involving approximately 40% of clients: a court order or a referral (another 5% involved both outcomes). Most of the 79 cases involving a court order were for interim consent orders or procedural orders (usually adjournments). Both of these outcomes are obviously temporary points in a longer series of proceedings. Referrals were most frequently for persons who qualified for a legal aid service, so again this was a temporary outcome.

Table 9: Immediate Outcomes of Duty Counsel and Advice Counsel Service

OUTCOME	FREQUENCY	PERCENTAGE
Information, court preparation, court attendance and/or other assistance, but no immediate outcome.	140	50%
Court order	65	23%
Referral	43	15%
Court order and referral	14	5%
Case abandonment	9	3%
Informal agreement	5	2%
Other	2	1%
Total	278	99%

Source: Survey of clients.

Notes:

1. Outcomes were first recorded from file data and then verified in an interview with the client.
2. "Immediate outcome" refers to the outcome most closely associated with the provision of service. In some cases this may have involved several contacts with one or more lawyers, either as Advice Counsel or Duty Counsel.
3. No response = 1.
4. Percentages do not total 100% due to rounding.

In summary, in terms of immediate outcomes:

- Approximately a quarter of EFDCP clients almost immediately achieve a resolution to their problem that can be considered "final" almost immediately. These final resolutions would include the provision of information where no further action is expected, a decision to abandon a case, arrival at an informal agreement or the achievement of a final consent court order. Some interim orders may also fall in the category of "final resolution".
- In the remaining cases, EFDCP sets in motion a process that is intended to lead towards a final resolution. These cases include referrals, the provision of information and assistance over several meetings with to help the client resolve his/her case through self litigation, or the achievement of interim court orders.

Table 10: Subsets of Immediate Outcomes

IMMEDIATE OUTCOME (from Table 7)	TOTAL FOR THIS OUTCOME	SPECIFIC OUTCOMES	FREQUENCY	PERCENTAGE
Court Order	79	Interim Restraining	5	6%
		Final Restraining	1	1%
		Procedural	31	39%
		Interim consent	27	34%
		Final consent	14	18%
		Confirmation	1	1%
		Total	79	99%
Referrals	56	To LSS	33	58%
		To FJC	8	14%
		To private lawyer or lawyer referral service	8	14%
		To duty counsel in different court	3	5%
		To pro bono clinic	2	4%
		Other	3	5%
		Total	57	100%
Information/court preparation or other assistance	140	Client only seeking information, no need for further information	31	22%
		Client given information/ assistance, trying to go further on own	98	70%
		Client abandons case based on advice received	5	4%
		Client advised to get own lawyer	6	4%
		Total	140	100%

Source: Client survey

Notes:

1. As per Table 9, there were 65 cases in which a court order was made, and 14 in which both a court order and referral was made, for a total of 79 court orders.
2. Of the 79 court orders, there was information on who obtained the order in 76 cases: 71 by counsel (93%), 3 by litigant (4%), 2 by "other" (3%).
3. As per Table 9, there were 42 cases in which a referral was made, and 14 in which both a court order and referral was made, for a total of 56 referrals.
4. Percentages do not necessarily total 100% due to rounding.

3.3 Long-term Outcomes

In approximately three quarters (203/278) of the client cases, there was an expectation that clients, either on their own (as self-represented litigants) or with legal assistance (a legal aid or private lawyer), were anticipating a further resolution over and above that reported as an “immediate” outcome. Table 11 presents the longer term outcomes of these cases. Unfortunately, despite the significant time lapse between the EFDCP service and the evaluation interview, in 105 of the 203 cases (52%) it was still not possible to define a final outcome, and therefore the “resolution” of the clients’ issues.

Table 11: Long-Term Outcomes

OUTCOME	FREQUENCY	PERCENTAGE
Court order	45	22%
Court case and/or other process still proceeding and/or outcome unknown	105	52%
Positive resolution, but not through court order (FMEP, FJC, case conference)	25	12%
Lost case in court (with or without own lawyer)	12	6%
Case abandoned	7	3%
Family situation changed, so no action necessary	6	3%
Other	3	1%
Total	203	99%

Source: Client survey

Notes:

1. Long-term outcome primarily consisted of cases where referrals were made, and/or where information or assistance was provided but the client was expected to proceed on their own.
2. Percentages do not total 100% due to rounding..

Table 12 shows the relationship between the immediate outcomes and final outcomes for all cases. In 27% of overall cases (75/278) the immediate outcomes were in fact also final outcomes. The remaining 73% of cases proceeded to a longer term outcome, or are still pending. For example, 32 of the immediate 65 court orders ultimately remained de facto final outcomes, but 33 of the immediate court orders continued on to further court orders or other outcomes.

A significant outcome in this table is what happens to clients who receive some form of information, document preparation or court preparation at the immediate stage, but are expected to carry on to a further stage on their own. There were 112 such cases, and 56 were still pending at the time of the evaluation interview. Of the other 56 cases that were resolved, 42 (75%) had positive court or non-court outcomes or were resolved on their own accord

because of changed family situations. Only 9 (18%) had outcomes considered negative by the client (7 in court and 2 abandoned for negative reasons). For three cases it was not possible to determine the nature of the outcome. Despite the fact that final results have not been obtained in 50% of the cases, and despite the lack of a control group of clients who received no help, the results thus far suggest that the time-limited information, court preparation and document assistance services offered by EFDCP indeed help self-represented litigants achieve results on their own.

Table 13 presents data on the 173 cases which have achieved a final result either at the immediate or long term stage. These cases represent 62% of the original 278 cases; the remainder (105) are still pending.

Of these cases with a final disposition, 45% (77/173) were settled positively in court (i.e. achieved what the client had hoped for), whereas only 7% (12/173) ended in a negative court outcome. The other primary categories of final result were the receipt of basic information without a need for the client to take further steps (16%, or 28/173, always at the immediate stage), or a positive non-court outcome (frequently a mediated agreement). Of the 16 cases that were abandoned, 10 were seen as essentially positive decisions by the individual (e.g. "decided not to pursue as it could have worsened my situation"), one neutral, and five as negative. Overall, the first five categories in Table 13 can be considered positive outcomes; coupled with the 10 abandoned cases that were also seen as positive outcomes, the overall positive outcome rate for completed cases is 88% (152/173).

It should be emphasized that while these overall outcomes are very positive, part of the success of the EFDCP is that it works closely with and/or builds on the contributions of other organizations and services. Thus not all the credit for successful resolution of the cases can be attributed to the EFDCP. The other significant actors are the FJCs, Parenting After Separation (PAS) workshops, and legal aid provided to clients through LSS (after referral by the EFDCP).

For example, in the latter part of the evaluation survey, 166 clients were asked if they had seen a FJC in the triage process. Of the 144 who replied, 60% (86/144) said they had. A further 41 out of 117 (31%) actually used an FJC to pursue a mediated settlement. Of those, 56% (23/41) stated that the process had helped solve their problem. Similarly, 53% (73/137) of clients had gone to a PAS workshop, and 58% within this group (38/65, NR=8) felt the workshop had helped them to deal with their problem when they subsequently met with the EFDCP.

This type of feedback shows the importance of EFDCP creating strong linkages with services such as the FJC, as they can work together to create optimal leverage for clients who are trying to resolve their problems.

Table 12: Relation Between Immediate and Long-term Outcomes

Immediate Outcomes			Long-term Outcomes							
Type of Outcome	Frequency of immediate outcomes	Frequency where immediate outcome is also final outcome	Frequency where there is a longer term outcome	Court order (positive outcome)	Positive non-court outcome	Family situation changed, no action necessary	Negative in-court outcomes	Case abandoned	Other	Case still pending
Court order	65	32	33	15	2	1	4	-	-	11
Information, document preparation, court preparation	140	28	112	24	14	4	7	4	3	56
Referral	43	5	38	4	5	1	-	3	-	25
Court order <u>and</u> referral	14	-	14	1	2	-	1	-	-	10
Other	2	-	2	-	-	-	-	-	-	2
Case abandoned	9	9	-	-	-	-	-	-	-	-
Positive non-court agreement	5	1	4	1	2					1
Total	278	75	203	45	25	6	12	7	3	105
Percentage of total cases (N=277)	100%	27%	73%	(16%)	(9%)	(2%)	(4%)	(3%)	(1%)	(38%)
Percent of long-term outcomes (N=203)	-	-	100%	22%	12%	3%	6%	3%	1%	52%

Notes: 1. Source: Client Survey
2. Percentages do not total 100% due to rounding.

Table 13: Outcomes for Cases which have Reached a Final Result

TYPE OF OUTCOME	STAGE WHERE THIS OUTCOME REACHED		TOTAL CASES WITH FINAL RESULT	
	IMMEDIATE	LONG TERM	TOTAL	PERCENTAGE
Court Order	32	45	77	45%
Information only	28	--	28	16%
Referral	5	--	5	3%
Positive non-court outcome	1	25	26	15%
Family situation changed, so no action necessary	--	6	6	3%
Case abandoned	9	7	16	9%
Negative in-court outcome	--	12	12	7%
Other	--	3	3	2%
	75	98	173	100%

Source: Client Survey

4.0 Client Feedback

This section reports client feedback on a number of dimensions of the service provided by EFDCP counsel, clients' use of PLEI support resources, and their follow-through on referrals.

4.1 Client Expectations

Clients are given a sheet which describes the extent and conditions of services that can be provided to them, the main elements of which are summarized in Section 2.3 of this report. Counsel practice was to explain the sheet with clients and to address any questions. In the evaluation interview, clients were asked whether the sheet adequately explained the type of help they could expect to receive. As shown in Table 14 the vast majority (85%) stated that it did. Those respondents who felt the sheet and explanation were inadequate expressed difficulty either because of their own language capacity, their agitated state because of their family circumstance and/or need to appear in court, the fact that they were rushed but needed more information, or the feeling that the legal terminology and complexity of the case was confusing.

Table 14: Whether Information Sheet Adequately Explained Help Client Could Expect to Receive

WHETHER EXPLANATION WAS ADEQUATE	FREQUENCY	PERCENTAGES
Yes, completely	245	89%
Only partially	17	6%
No, not at all	7	3%
Can't remember	6	2%
Total	275	100%

Source: Client survey

Note: There were 3 non-responses to this question.

Table 15 explains how the services described on the sheet fit with client expectations of service. Over half of the respondents said the service was the same as what they hoped for, a fifth felt it was less, and a quarter felt it exceeded expectations. Of the 56 individuals who felt the service was less than what they expected, 49 explained why. The main reasons were that they wanted more detailed, relevant or concrete information than the project provided (sometimes expressed as "wanting more time with the lawyer"), or they wanted full representation in court, rather than just assistance or information. Overall, however, the majority of clients either were comfortable with, or successfully adjusted their expectation to, the services that were being provided.

Table 15: Whether Services Described on Information Sheet were More, Less or the Same as Those Clients Hoped For.

RESPONSE	FREQUENCY	PERCENTAGE
Less than had hoped for	56	21%
- because wanted representation	(17)	
- because wanted more extensive or relevant information	(23)	
- because wanted Supreme Court order	(5)	
- because wanted mediation or more help at case conference	(2)	
- other	(2)	
- no answer	(7)	
About the same as hoped for	140	53%
More than what had hoped for	67	25%
Total	263	99%

Source: Client survey

Notes:

1. Fifteen persons did not respond to this question.
2. Percentages do not total 100% due to rounding.

4.2 Client Assessments of Services

Table 16 provides a summary of average ratings by clients of various aspects of the service provided by the EFDCP. Ratings were on a 7-point scale, with 1 being low and 7 being high, as explained for each item.

The first three items related to the clarity and extent of assistance the project counsel gave to the client. These average ratings are very positive, and reflect that the lawyers are perceived to be making an effort to communicate and assist in a way that is helpful to the client.

The highest rating is for the speed with which appointments were made, and clearly shows that the project is seen as responsive to clients' time needs.

Items 5 – 8 are client assessments related to project effectiveness. While the average ratings are still positive (since 1 is the lowest rating and 7 is the highest, the mid-point is "4"), they are lower than the first four. In fact, 21 – 23% of respondents assessed the service's effectiveness negatively (a rating of 1-3) in terms of the items rated. It was clear in the evaluation interviews that events subsequent to the provision of service may have negatively impacted – or simply confused – the client's assessment of the project's effectiveness at resolving their issues (see also the description of this issue in Section 3.1). On the other hand, the average client rating of their overall satisfaction with the service was very positive, because it did not involve as much consideration of subsequent events.

Table 16: Client Ratings of Service and Satisfaction

ITEM RATED, AND RATING DIMENSIONS ON 7-POINT SCALE	NUMBER OF RESPONDENTS (N=278)	NUMBER & PERCENTAGE WHOSE RATING WAS:			AVERAGE RATING
		1 – 3	4	5 - 7	
1. How clearly the lawyer explained to client the legal issues that applied to their case. 1=not clearly at all; 7=very clearly	265	23 (9%)	18 (7%)	224 (85)	5.8
2. How much help the client received from the lawyer in guiding them to fill out forms or documents 1=no help at all; 7=a lot of help	135	11 (8%)	7 (5%)	117 (87%)	6.0
3. How clearly the lawyer explained to client the next steps that were needed in his/her case. 1=not clearly at all; 7=very clearly	243	16 (7%)	16 (7%)	211 (87%)	6.1
4. How satisfied client was with speed with which he/she was able to make an appointment to see the lawyer (in advice cases only). 1=very dissatisfied; 7=very satisfied	204	9 (4%)	8 (4%)	187 (92%)	6.5
5. Client's assessment of project's effectiveness in helping him/her achieve a resolution to his/her issues. 1=not effective at all; 7=very effective	238	54 (23%)	12 (5%)	172 (72%)	5.2
6. Client's assessment of project's effectiveness in helping him/her achieve a resolution faster than had he/she not used the service. 1=not effective at all; 7=very effective	237	54 (23%)	11 (5%)	172 (73%)	5.2
7. Client's assessment of project's effectiveness in helping client feel more confident in dealing with issue in his/her case. 1=not effective at all; 7=very effective	260	60 (23%)	12 (5%)	188 (72%)	5.2
8. Client's assessment of project's effectiveness in helping him/her feel more prepared. 1=not effective at all; 7=very effective	261	55 (21%)	16 (6%)	190 (73%)	5.3
9. Overall client satisfaction with the service. 1=very dissatisfied; 7=very satisfied	278	25 (9%)	25 (9%)	228 (82%)	5.8

Source: Client survey

Note: There were fewer respondents for items 2 and 4 because the question was frequently not applicable to client's case (i.e. no documents or appointments were required).

4.2.1 Qualitative comments related to client service ratings

Below are summaries of the main thrust of client qualitative comments attached to the first four items rated. In all cases there were considerably fewer comments than there were ratings, and in some cases clients who gave positive ratings made critical comments.

- *Clarity of explanation of legal issues. (N=119)*
 - Approximately three-quarters of the positive comments (46/61) were general in nature (e.g. “very impressed with the lawyer I got”, “knew what he was talking about”, “gave the right information for the process I needed”, “great job given that the legal issues were grey”). Approximately one-sixth of the positive comments were that the matter was simple and therefore fairly clear in any event.
 - The primary negative or neutral (N=43) comments were that the client felt too rushed and therefore could not digest the information (11), that the matter was simply too complex (14), that the client had language difficulties (6), or that the information provided was not specific enough.
- *Help with filling out forms or documents. (N=52)*
 - There were few qualitative comments made for this item. The majority (41/52) were positive. There were eleven critical comments, three stating that the time frame or circumstances were too rushed to do an adequate job with documents, six feeling they were given misinformation (re time deadlines, addresses or need for extra copies), and two wanting assistance beyond a rough draft stage.
- *Clarity of explanation about next steps for client to take. (N=77)*
 - A majority of comments were either positive (e.g. “very clear”, “great help”, “told exactly where to go and made an appointment”, “clarified our rights”) or simply restated what the lawyer had told the client to do (“said go back to the agreement”, “was told it was futile to do any more”, “gave referral to Legal Aid”).
 - Twenty-two clients had critical comments. Seven felt there was insufficient detail in the counsel’s instructions, six had unspecific negative comments (e.g. “not very clear”, “very disappointed/didn’t explain clearly”), three felt too rushed, two felt that the promised follow-through by counsel did not happen, and four said they received conflicting information when they subsequently went to the next service provider (FMEP; registry).
 - Note further discussion in Section 4.3 below of the “Next Steps” sheet which project counsel give to clients.
- *Speed with which appointments were made.*
 - Of the 46 clients who made comments, a large majority were highly positive about the immediacy with which they were able to make an appointment. Only eight persons felt their wait was fairly long, and three additional respondents said their second visit required a longer wait than the first.

4.3 Use of Resources

This section describes client assessment of various resources that EFDCP either provides or connects with (through referrals) to enhance the client's ability to achieve a resolution of their problem.

4.3.1 Use of "Next Steps" sheet

At the end of each meeting with a client, counsel are required to complete a "Next Steps" sheet that first outlines the advice given in the client's case and, secondly, the "next steps" he/she needs to take. One copy is given to the client, and another kept on the client's file to provide for case continuity.

The evaluator clarified with the project director that these sheets would be evaluated not just as a record for the file, but as a specific aid to a client who could use it either to prepare for a subsequent visit (e.g. obtaining or filling in documents), to self-litigate, or to pursue his/her matter by some other means (e.g. mediation).

A review by the researcher of "next steps" sheets for individuals who were part of the client survey showed that:

- The first part of the sheet (advice given) was usually minimal, consisting of a single sentence, often with abbreviations or legal terminology that would be difficult for a lay person to understand. It appears that the lawyers used this part of the sheet as "lawyer shorthand" to communicate to any subsequent lawyer involved.
- The second part ("next steps") was generally more explicit and directed towards the client. For the most part, considering the complexity of the processes involved, the lawyers managed to explain the necessary steps concisely and simply. Instructions were usually in the imperative voice, which is easy to follow.
- Although dates of next court appearances or case conferences were usually specified when known, contact names or locations were seldom specified.
- Handwriting of some lawyers was very difficult to read. One lawyer, recognizing this fact, typed out the "advice given" sheets. (This is not feasible for duty counsel).
- Advice given sheets of one lawyer achieved a more personal quality of communication and support through diverse elements such as the use of blue ink, numbered instructions, comprehensive yet not overwhelming instructions, and a "road map" orientation. The latter involved explanations of how to get from A to B, then might advise the client to return for a follow-up and instructions for getting from point B to C, etc. This conveyed a sense of teamwork between the lawyer as advisor and the client as self-litigator.

Tables 17 – 19 present data on client perception and use of these sheets. The main observations that can be made are:

- Almost half of the clients said that they were given the sheet, but approximately a quarter of all respondents could not remember one way or the other. It is likely that in many cases because of the pressured time demands of court, duty counsel used the sheet less than advice counsel. The percentage of clients who stated that they had received the sheet increased by approximately 40% after the interim report, suggesting a consolidation of this practice.
- 80% of clients who received a sheet felt it was useful, and another 9% felt it was not necessary. Only 16% of those who received a sheet either wanted more detailed instruction or more substantial assistance with their case. For these clients an advice sheet in and of itself was not a sufficient resource to help them carry on by themselves.
- 80% of clients who received a sheet followed the instructions on it. Of the 17 clients who gave reasons for not (or only partially) following through, 6 cited circumstances that caused them to change their minds (kids didn't want the client to continue, client chose to mediate, or client reconciled with his wife), four felt the advice was incorrect or inappropriate, three felt the timing was wrong, two were confused, and two couldn't proceed to Supreme Court on their own.

Table 17: Whether EFDCP Counsel Gave Client a Completed “Next Steps” Sheet

CLIENT RESPONSE	FREQUENCY	PERCENTAGES
No	69	26%
Yes	130	49%
Can't remember	67	25%
Total	266	100%

Source: Client survey

Note: Twelve clients did not respond to this question.

Table 18: Whether Instructions were Useful to Client as a Reminder of What to Do

CLIENT RESPONSE	FREQUENCY	PERCENTAGES
Were not really necessary, client knew what to do.	11	9%
Were useful.	100	80%
Were necessary, but instructions were not clear enough.	11	9%
Needed representation or more substantial assistance, not just instructions.	3	2%
Total	125	100%

Source: Client survey.

Note: Five clients did not respond to this question.

Table 19: Whether Client Followed Instructions on “Next Steps” Sheet

CLIENT RESPONSE	FREQUENCY	PERCENTAGES
No	15	13%
Only partially	8	7%
Yes	94	80%
Total	117	100%

Source: Client survey

Notes: Thirteen clients did not respond to this question.

4.3.2 Use of printed PLEI materials

Tables 20 - 22 present information on client access to and use of printed materials. Slightly under half of the clients (126/268) supplemented their visit to duty or advice counsel with use of printed materials. The primary way of obtaining information was either from a self-serve rack at the reception area or directly from counsel. “Parents’ Rights, Kids’ Rights” was used by over half of the 126 clients who got materials, while an additional 28% of clients obtained “If Your Marriage Breaks Up”.

Of those who obtained materials, the vast majority (110/123 or 89%) claim to have read them. Of these, a large majority (97/110, or 88%) felt that the materials helped them understand legal issues in their case. Of this group, the vast majority (75/81, or 93%, NR=16) felt that the materials helped them to identify what steps to take next. While only 8 clients said they felt the materials were either too general for their purpose, or too complicated to understand, persons with significant barriers might choose not to take printed materials in the first place.

Nonetheless, these results indicate that slightly under half of EFDCCP clients use materials to help in their roles as self-litigants, and a significant proportion of those who access the materials find them useful in furthering their knowledge and taking subsequent steps.

Table 20: Whether Client Picked Up or Was Given Printed PLEI Materials

RESPONSE	FREQUENCY	PERCENTAGES
No	113	42%
Yes	126	47%
Can’t remember	29	11%
	268	100%

Source: Client survey

Note: Ten clients did not respond to this question.

Table 21: Source of Printed PLEI Materials Obtained by Client

RESPONSE (More than 1 response possible)	NUMBER OF CLIENTS WHO USED THIS SOURCE	PERCENTAGE OF TOTAL (N=45) WHO USED THIS SOURCE
From self-serve rack	76	60%
Family Justice Counselor	7	6%
Intake Assistant	7	6%
EFDCP counsel	51	40%

Source: Client Survey

Note: Many duty counsel clients would not have seen a Family Justice Counsellor (FJC) or may not remember in the context of visiting the EFDCP that they had also received materials from a FJC.

Table 22: Titles of PLEI Materials Obtained by Client

RESPONSE (More than 1 response possible)	NUMBER OF CLIENTS WHO GOT THIS TITLE	PERCENTAGE OF TOTAL (N=126) WHO GOT THIS TITLE
Parents' Rights, Kids' Rights	71	56%
If Your Marriage Breaks Up	35	28%
Living Common Law	2	2%
Speaking of Abuse	7	6%
Others	59	47%

Source: Client survey

Note: Main subject matters under "Others" in descending order of frequency were child support guidelines (13), custody and access issues (9), parenting after separation (8), the court system (8), family maintenance (7).

4.3.3 Use of computer kiosk

Clients' response to the computer kiosk as a resource was dramatically different from their response to printed materials as a resource. Only 17 of 268 clients (6%) said they used the computer kiosk. Another 22 clients (8%) said they accessed family law information using their own computer at home.

Although based on a small number of respondents, Table 23 shows that for those who used the computer, the two primary purposes were to find information on specific legal issues, and to learn about procedures to be taken.

Table 23: Client Purpose in Accessing Computers

PURPOSE IN USING COMPUTER	FREQUENCY	PERCENTAGE OF USERS WHO HAD THIS PURPOSE (n=31)
Trying to find information about specific legal issues or problems (rights, case law).	21	68%
Looking for specific documents or forms.	5	16%
Learn steps or procedures to be taken.	13	42%

Notes:

1. Source: Client Survey
2. 8 persons who said they used computers did not answer this question.

Of 26 persons who stated whether they found the information they wanted using the computer, 16 (62%) stated that they did. Eleven out of 12 persons using their own computer found the information they were seeking versus only 5 of the 14 using a kiosk. While these data are too small to be considered reliable, the difference in outcomes is noteworthy, and suggests that persons using home computers may have more skills and/or experience in finding web-based information than users of kiosks, who may not own a computer. If this is true, it would suggest that users of kiosks may need additional support if the kiosk is to be useful as a self-litigation tool.

Furthermore, seven of the kiosk users claimed to have had problems using the computer, versus only one of the 15 home-based users. Some of the problems cited were out-dated links, difficulty navigating for lack of desktop resources, confusion around the need for a password, and a broken mouse. Only one respondent said they received help with their problem, although it was not clear whether they had solicited help.

Computer users were asked to rate the usefulness of the computer as a resource for their problem. Overall, on a scale of 1 to 7, where 1 = not useful at all and 7 = very useful, the average rating was 5.0. However, for kiosk users the average was 4.4 (N=16), and for home-based computer users, the average was 5.7. All ratings of three or less were by kiosk users.

Key respondent perspectives about the computer kiosk are also reported in Section 5.3.3.

4.3.4 Referrals to other legal resources

In Section 3.2 (Table 9), it was reported that 57 of the 278 clients were referred to another legal resource. Of these, 33 (58%) were to Legal Aid (Legal Services Society), seven to the private bar, seven to a Family Justice Counsellor and ten to a variety of other services.

Seventy-five percent (42/56, NR=1) actually followed through on the referral. Of those who did not follow through, approximately a third were still considering the matter, a third faced barriers of money or difficulty understanding how to follow through, and a third made different decisions which for them felt reasonable and positive. Eighty percent (33/41, NR=1) of the individuals who followed through with the referral felt it was useful to them in resolving or advancing their issue.

In summary, in situations where referrals were made, a majority of clients followed through and found the referral useful.

5.0 Key Respondent Feedback

This section presents feedback on various aspects and impacts of the EFDCP from 27 key respondents either in the program (counsel, intake assistant) or external to it (judge, family justice counselors, counsel for Ministry programs, Registry staff). Twenty of the interviews were conducted in October 2003 for the Interim Report; the remaining seven – all Family Justice Counsellors – were held in March 2004. This section substantially reproduces the content included in the Interim Report, with revisions as appropriate to reflect the second round of interviews.

5.1 Overall Assessments

The purpose of this evaluation is to assess the impact, quality and significance of the EFDCP as an aid to litigants who are self-represented in matters before Family Court. Many respondents explicitly noted that the larger context of the project is one of significant cutbacks to legal aid family law coverage and a consequent increase in unrepresented litigants, of reduced mental health services and of a consequent increase in the number of mentally handicapped and/or psychiatrically disturbed litigants in court, and of closures in the number of courthouses and the consequent pressures on the remaining courthouses. However, even while identifying these contexts, and in some measure because of them, the key respondents were unanimous in asserting that the EFDCP is a valuable service for unrepresented litigants. This positive assessment of an immediate service within larger contextual restraints is similar in tone to the client assessments reported in Section 4.2, i.e. a very high average satisfaction rating of the immediate service itself, coupled with a positive but more tempered assessment of the project's effectiveness in ultimately helping to resolve their issue in the larger context of what the clients were trying to achieve.

The most significant impacts of the service identified by the key respondents (apart from the EFDCP counsel) were:

- Reduction of delays and adjournments to seek counsel
 - duty counsel advice is timely and in many cases obviates the need for anything other than a same day adjournment;
 - in CFCSA cases, e.g. in an application for a non-removal supervision order, having immediate access to duty counsel can mean the difference between keeping one's child and having the child taken into custody while the parents seek counsel.
- Reduction of anxiety of parties.
- Increase in litigants' understanding of the legal issues and procedures related to his/her appearance in Court, and therefore an increase in the likelihood of a fair trial or hearing.
- A higher frequency of consent orders.
- Saving of registry staff time, as – especially when busy – they can refer clients to EFDCP counsel to help clients determine what they need at the registry.
- With clients who have started a mediation process and reached an impasse or require legal advice to feel more comfortable about their choices or options, advice counsel can play a valuable role, which may lead to resumption of the mediation. Alternately, in situations where Family Justice Counsellors feel that mediation is inappropriate or unlikely to succeed for their client, the EFDCP simply becomes a possible legal resource to which the FJs can refer their client.

Many key respondents also praised the quality of the staff and roster counsel of the EFDCP for their experience in family matters, their flexibility, and their accessibility to clients. Only one respondent felt some EFDCP counsel lacked specialized knowledge in certain family law areas.

5.2 Client Capacities and Needs

EFDCP counsel were asked to describe in general their clients' capacity as self-represented litigants, and the type of assistance they need at each level of capacity. Table 24 is a summary of their feedback, and also reflects supplementary observations from other key respondents.

Table 24: Typology of EFDCP Clients' Capacity as Self-Represented Litigants and Types of Assistance Required

CLIENT CAPACITY AS SELF-REPRESENTED LITIGANTS	CHARACTERISTICS FREQUENTLY EVIDENT IN THIS GROUP	ESTIMATES OF PERCENTAGE THIS GROUP REPRESENTS OUT OF OVERALL CLIENT BASE	OBSERVATIONS CONCERNING NATURE OF ASSISTANCE NEEDED BY CLIENTS AS SELF-REPRESENTED LITIGANTS
Low capacity; unable to act as self-represented litigants.	<ul style="list-style-type: none"> • Illiterate or highly challenged by documents • Lack of English competency • Psychiatric or developmental disabilities • Low education • Low intelligence • High anxiety or depression attached to event and/or circumstances 	<p>Range of estimates 10% - 60%</p> <p>Average estimate approximately 25%</p>	<ul style="list-style-type: none"> • Often main function is to refer to legal aid where eligible • Need advocacy, representation in court, rather than verbal assistance or direction • Need extensive help in drafting documents, rather than just instruction about drafting documents • Not likely to use "Next Steps" sheet effectively
Medium capacity	<ul style="list-style-type: none"> • Some language difficulty • High school education • Usually uninformed about legal process • Moderate document literacy 	<p>Range of estimates 35% - 60%</p> <p>Average estimate approximately 55%</p>	<ul style="list-style-type: none"> • Able to follow instructions with encouragement and repetition • Will likely need 2 or more appointments with duty counsel to identify problem, gather information, prepare for court or case conference, and appear in court • Need assistance in clarifying procedures, explicating documents, explaining terminology and explaining extent of evidence or proof to be gathered • Need emotional support and encouragement • "Next Steps" sheet can be useful aid • Photocopies of parts of acts or brief explanation sheets (1 or 2 pages of procedures can be helpful), but most cannot use self help kits or extensive manuals on own.
High capacity	<ul style="list-style-type: none"> • High education • High document literacy • Can afford lawyer in many cases • Can define questions they need answered 	<p>Range of estimates 5% - 25%</p> <p>Average estimate approximately 20%</p>	<ul style="list-style-type: none"> • Usually need one session • Can make good use of "Next Steps" sheet • Can make effective use of websites and self help kits or lengthy documents • In some cases may try to over-use EFDCP when should be accessing private lawyer

Source: Interviews with EFDCP counsel (N=8)

Most counsel divided their clientele into three groups, as show in the first column. The second column indicates characteristics that may be present within each group that affect clients' capacity to act as self-represented litigants. The third column presents the range and average of counsels' estimates of the percentage this group represents out of the total client base. Apart from the fact that these are subjective estimates, the reason for the significant variance – particularly in the low capacity group – likely relates to the types of cases heard on the day that the counsel attends for the EFDCP (if duty counsel) or simply whether they are acting as duty counsel or advice counsel. The last column describes the types of assistance needed to assist a client who is attempting to act effectively as a self-represented litigant.

This table should be seen as a preliminary typology only. It could be used and refined as a conceptual framework in terms of planning the frequency of service contact, the extent of detail, clarity and repetition required in giving instruction, the differing levels of need for emotional support and encouragement, the appropriate level of supplementary resource materials needed, and the likely capacity of the client to access website material.

5.3 Resource and Referral Issues

This section describes key respondent assessment and reflections about the use of resources and referrals by the program.

5.3.1 “Next Steps” sheet

Section 4.3.1 described client perceptions of the “Next Steps” sheet given to them by counsel. Counsel were also asked about their assessment of the utility of these sheets. Almost all of them felt that it was a useful device. This was expressed in one or more of the following ways:

- It helps counsel to focus specifically on what the client will need to do to advance his/her case as a self-represented litigant. This can be a different mode of thinking for many counsel, who are used to thinking about what they (and their support staff) will have to do on behalf of a client. In a different context, one counsel expressed this conceptual shift as a move from being a “fixer” (of problems) to a “teacher” (about how to fix problems).
- “The advice given” and “next step” sections are useful continuity devices, given the fact that different counsel may be seeing the client on a subsequent visit.
- If clearly laid out, the “next steps” are helpful to clients as a guide for advancing the case to the next stage.
- The “next steps” sheet help reinforce the client’s understanding that the counsel is only an aid to the client, that the client is expected to do things for him/herself, and that the service is not the usual client-solicitor relationship.

Most counsel felt that completion of the “Next Steps” sheets is both easier and more appropriate when they were in advice counsel rather than duty counsel mode. As duty counsel they are often under significant time pressures, they do not necessarily have ready access to a copy machine to create both a file and a client copy, the clients are not necessarily wanting to “hang around” after the court proceeding, and in some cases there are no more “next steps” to be taken. Advice counsel, on the other hand, have appointments with clients, are usually laying out a sequence of actions for a client rather than handling an immediate need in court, and have ready access to computers (one counsel had developed a computer-generated form) and/or copy machines.

5.3.2 The use of supplementary printed materials

As described in Section 4.3.2, approximately half the clients picked up or were given PLEI materials. Family Justice Counsellor respondents both on and off-site identified an array of family law materials and referral information available to the client on a self-serve basis. They also directly given clients materials specifically related to their concerns. At the EFDCP office, clients frequently pick up materials from self-service racks in the reception area, so already have what they want prior to seeing EFDCP counsel.

Approximately one out of six clients stated that they received PLEI materials from EFDCP counsel. Counsel themselves also did not emphasize this as a significant part of their interaction with the client, although this naturally occurs more in an advice counsel than duty counsel mode. The most usual form of assistance is the use of single sheet photocopies of sections of acts or other key documents (e.g. child support guidelines, joint guardianship model, Family Practice Manual) related to the advice they are giving the client. Some counsel have supplies of sheets of such frequently needed items. Many felt that this more limited and focused material is more practical and appropriate for what clients can absorb (see also Table 19). Registry staff and Family Justice Counsellors also stressed that clients are often unable to absorb lengthy or detailed PLEI documents when they are in a family crisis situation.

5.3.3 Referrals to the computer kiosk

As noted in Section 4.3.3 very few clients use the computer kiosk. Although the intake assistant routinely explains the availability of the kiosk to clients, the on and off site Family Justice Counsellors, and most of the counsel seldom suggest it as a resource – either generally or specifically – to their clients. Some of the counsel seemed to be only dimly aware of the kiosk’s availability and purpose. On the other hand, approximately half of the counsel indicated they would refer some clients to family law websites if it is evident that they have a computer and can make use of the material. The lead contract counsel for EFDCP has the Family Law website on her business card.

The main reasons for non-referral to or non-use of the kiosk advanced by counsel, FJCs, the intake assistant and registry staff are:

- Many clients can not assimilate the material, lack computer skills, are deficient in English language skills and/or suffer “information overload”.
- Parking is expensive underneath the Court House, and many clients are reluctant to use that time if they can make use of their own computer.
- Many clients are taking time off work, and do not have further time to spend at the kiosk.
- Clients sometimes have children with them when at the Court House and cannot concentrate sufficiently to retrieve information from the kiosk.
- Prior to the projects move to a location on the 4th floor in the Court House, some respondents felt the computer location did not give the user enough privacy. Even at the new location, one client told a FJC that he felt “embarrassed and on show, sitting in front of the office”.

5.3.4 Referral to and from Family Justice Counsellors

EFDCP counsel estimates of the frequency of their referrals to Family Justice Counsellors (FJCs) ranged from extremely rarely (1 or 2 clients only) to 20 – 30% of their clients. On the one hand, counsel who work primarily as duty counsel seemed to refer slightly more to FJCs, because their clients are often unaware of the FJC service and (one counsel estimated that 30 – 40% are unaware) do not realize there are other methods of resolving disputes than through the courts. On the other hand, it is necessary for a client to have already seen a FJC prior to making an appointment with advice counsel. Thus, in the rare situation that advice counsel refers a client to a FJC, it is a referral back to confirm or reopen an issue. All Family Justice Counsellors said that referrals to EFDCP have gone smoothly, but a few noted that there were fewer referrals back to the FJCs.

5.3.4.1 Co-Housing with FJCs

The main purpose in co-housing the FJC and EFDCP services was to provide a “one stop” service with immediate capacity to refer and make appointments. On-site FJCs and EFDCP counsel were almost unanimously positive about this arrangement. Benefits were perceived as being:

- Same day appointments with EFDCP counsel to get a legal perspective on an agreement, e.g. how the agreement might stand up in court.
- Quicker referral and client access to FJCs by duty counsel if clients are unaware of the potential for mediation, or to work out an interim agreement.
- Increased confidence on part of client if the FJC and EFDCP counsel are “on same page” about an agreement.
- Increased awareness on part of EFDCP counsel about the nature of FJC services and therefore about the type of service they are sending a client to.
- Ability to quickly access FJCs to find out about specific family related services (e.g access supervision).
- General moral support with other colleagues involved in family law matters.

Half the off-site FJCs felt that the advantage of being a separate service was that the distinction between the two services was clearer in the client’s mind. The FJCs identified the disadvantages as being the lack of convenience for the client in having to journey downtown to locate the service, the FJCs’ inability to “hand over” the client directly, and the loss of time in an emergency. Nonetheless, two FJCs who identified these problems noted that the EFDCP has been very responsive in emergencies, and that clients are grateful for a free legal service despite any travel time inconvenience.

There was an awareness among the FJCs and EFDCP counsel that their approach to family conflict resolution is different. At times this was confirming for a client, that is, a mediated agreement could be both satisfying to the parties and acceptable in point of law. At other times it was appreciated that there was tension between the perspectives which could ultimately contribute to the collapse of, or complete revision of, a mediated agreement and increased confusion or uncertainty for the client. Some counsel characterized themselves as “pro mediation” and felt comfortable with agreements that had been worked out by FJCs even if they represented unlikely outcomes in a court context, as long as both parties were satisfied and there was no evident power imbalance between the parties. Others felt it important to raise legal issues about an agreement, even if both parties were satisfied. These types of dynamics exist in all transactions between a mediated agreement and a legal review of the agreement, but are more evident when both services are housed under the same roof and are in a regular referral relationship.

5.4 Structure of the EFDCP: Advantages and Disadvantages

Counsel were asked about key aspects in the way the project was structured that have enhanced or hindered their effectiveness in assisting self-represented litigants.

Perceived advantages in the structure were:

- Having an intake assistant - she was seen as greatly contributing to efficiency by screening clients, helping them to start filling out paperwork, determining potential conflict situations and setting appointments, ascertaining preliminary details about the client's problem, referring clients back to a FJC if they hadn't been to one yet, and maintaining files.
- Inclusion of an advice counsel component, which allows multiple client visits and adequate court preparation time.
- Co-housing with FJCs – this is noted in the previous section.
- Having more than one lawyer present on most days (to avoid conflict situations).
- Having third counsel on Wednesdays (a heavy list day) to allow more time with clients.
- Having a five day per week program that allows for greater client accessibility, and an ability of the project to respond to urgent client needs quickly.
- Having a filing system (which allows for continuity of service for clients).
- Strong support from the bench for the project.

Several structural limitations were noted, usually by several, but not all respondents:

- Too many counsel – some respondents felt that a smaller number of lawyers serving the project (e.g. four or five) would allow for more continuity for clients and less potential for confusion around conflict situations. One respondent noted that switching lawyers can be difficult for clients with family problems, as they are already under considerable emotional strain.
- Completing the client information form and file documentation was seen as being especially cumbersome and awkward by some counsel in duty counsel mode.
- Some counsel felt they were under-utilized if there was little walk-in traffic in court.
- Some counsel felt that the lack of a legal aid resource adjacent to the project was a limitation that often resulted in an adjournment for several weeks for some matters that could be handled expeditiously.
- Most FJCs were doubtful that the majority of clients could actually “represent themselves” in court, and still felt that direct assistance by duty counsel in court was essential.
- Several FJCs felt that the referral process between EFDCP counsel and the FJCs should be more reciprocal than it is at present. They felt that this was in part due to the fact that some counsel do not seriously assess the client's situation with a view to possible return to the FJC.

5.4.1 Move from first to fourth floor

Respondents also commented on the project's move in May 2003 from the first floor (adjacent to the court rooms) to the fourth floor of the Court House. The majority of respondents felt this move was, on the whole, disadvantageous in that:

- It is harder for prospective clients to find the office if they are referred from the Registry.
- There is less likelihood of drop-in clients from the flow of individuals outside the court rooms.
- It is more awkward for advice counsel to refer clients down to the Registry. Registry staff felt that it was better for counsel physically to accompany clients down to the Registry so that both parties could be assured that the client's needs are explained directly to Registry staff.
- It is more difficult for duty counsel to copy documents if the room adjacent to the courtroom is occupied.

Some advantages were also noted:

- It is easier to identify the location to an outside caller.
- The computer kiosk is more visible.
- There is more privacy when screening clients, insofar as the opposing party is less likely to be in an immediately adjacent area.

These comments are not presented in the expectation that the location can be changed, as the need for the move was dictated by decisions of the owner of the former space. Rather, they are mentioned simply to point out the ramifications of location on the operation of a court-related service.

6.0 Conclusions and Recommendations

6.1 Conclusions

The following conclusions largely repeat and/or reinforce those presented in the Interim Report :

- Approximately a quarter of EFDCP clients achieve a resolution to their problem that can be considered “final” almost immediately.
- In the remaining cases, EFDCP sets in motion a process that is intended to lead towards a final resolution. Although many of these cases were still pending at the time of the evaluation interview, approximately 88% of those that were settled (152/173) were likely seen as a positive resolution by the client. Of equal significance, approximately 75% of litigants who proceed on their own having received information or preliminary document or court preparation from EFDCP counsel, achieve a positive final outcome.
- Clients rated highly (between 5.8 and 6.5 on a 7-point scale) such service items as clarity of lawyer’s explanations, assistance with documents, and speed with which appointments were made to see a lawyer.
- Clients rated moderately positively (between 5.2 and 5.3 on a 7-point scale) the project’s effectiveness in such service items as helping him/her achieve a resolution to his/her issues, achieving it faster than had he/she not used the service, helping him/her feel more confident or prepared. These ratings appear to be negatively affected by the fact that some cases had still not achieved a final resolution, or had ended negatively in the opinion of the client, at the time of the evaluation interview.
- Clients rated their overall satisfaction with the EFDCP service highly (5.8 on a 7 -point scale).
- Approximately half of clients claim to have received or picked up printed PLEI material. Very few (6%) used the computer kiosk in the EFDCP reception area, although a further 8% used a home-based computer to access family law materials. Few counsel refer clients to the kiosk.
- The majority of clients followed through on referrals offered to them, and most found them useful in achieving a resolution.
- Key respondents feel the project has helped to reduce delays and the need for adjournments in family court, reduced anxiety of parties, saved registry staff time, increased litigant’s understanding of issues and procedures, and resulted in a higher frequency of consent orders.
- The “Next Steps” sheet was seen as a useful device by the majority of clients and by EFDCP counsel.
- The co-housing of FJCs and the EFDCP is generally viewed positively by the on-site FJCs and EFDCP counsel.

6.2 Recommendations

The following are recommendations that are derived both from key respondent and client interviews. They should be seen in the context of substantial support for the service, and for the most part, do not represent a major change in orientation of the project.

6.2.1 Client recommendations

Apart from 53 highly positive comments about the service in general, all comments were made by a small minority of clients (i.e. never more than 17 out of 278 interviews), in response to an open-ended question requesting comments or recommendations at the end of the evaluation interview. The seven points are presented in descending order of frequency of mention.

1. Staff should acknowledge and respond to the emotional needs of clients in family law cases as well as the legal needs. This recommendation is derived both from positive comments (“very caring and helpful”, “counsel listened to me and showed concern”) and negative comments (“would have been consoling and not so intimidating if I had been introduced [to the duty counsel in the courtroom] before my session got underway”, “could be more approachable”, “could be more personal”, “be more sensitive to what individual is saying rather than the individual subject”, “show more compassion for the male position”, “should be more sympathetic”. The key issue appears to be one of listening well and projecting an understanding of the client’s circumstances.
2. Ensure that “Next Steps” sheets are written in plain English. Counsel should also communicate with clients in simple English. As described in Section 4.3.1, a majority of the sheets were written plainly and simply, and in sufficient detail to guide the client. However, a small minority of clients said that either the “Next Steps” sheet and/or the verbal explanations of the lawyer were too complicated to help clients proceed on their own, especially those with language problems.
3. Advertise the service more widely. This comment was a general one. The main thought was that is the service was more widely known, individuals would make appointments with advice counsel rather than just appear in court. One respondent noted, “At the moment, we only find out about the service if the judge mentions that duty counsel is available”. As of September 2003, the Registry began attaching an information sheet about the EFDCP to forms given to individuals. This could in part address the concern about the service being known. An additional suggestion is to make available information sheets about EFDCP in appropriate Ministry of Children and Family Development protection unit offices.
4. Improve directions, location and assistance for users of the computer kiosk. These observations build on client comments reported in Section 4.3.3. On the one hand, clients expressed a concern that the kiosk location is too exposed and lacks privacy; on the other they felt that signage about the computer could make its availability to clients clearer.

5. Provide simple PLEI materials on procedures, evidence required and key terminology. These would ideally be in the form of one or two page handouts to accompany counsel advice. (See also Recommendation #3 in Section 6.2.2.) One client also noted that it would be helpful to have a handout addressed to both parties about ways to keep their case out of court.
6. Attempt to use the same lawyer for a client on successive visits. (See first recommendation in Section 6.2.2.) (Note: efforts are now being made to do this, especially where a court date has not been pre-set and an appointment can be made).
7. Provide more assistance to individuals who are litigants in Supreme Court.

Other client recommendations included providing more specialized advice, extending the time limits of service given to clients, providing more client representation, maintaining more flexible advice counsel hours to accommodate working clients, doing more follow-up with clients, have more duty counsel to give more time for clients in court, and allow clients to e-mail questions to advice counsel prior to an appointment. These types of recommendations – while reflecting legitimate desires of clients – are more in keeping with a community law office type of service, which the EFDCP is not intended to be.

6.2.2 Recommendations from key respondents

As with recommendations derived from clients, the following are derived from open-ended comments at the end of each key respondent interview. They do not represent a consensus of views, and should be considered as issues to consider rather than formal recommendations. All points were part of the Interim Report; where action has been taken since October, this is noted.

1. Consider reducing the number of counsel to four or five part-time, but with fuller schedules.

This suggestion is primarily to address client and key respondent concerns over case continuity. Clients frequently have more than one lawyer assisting them if they are receiving extended assistance. One client had six lawyers. While this is an exception, it highlights the problem of having many lawyers in the roster, all for relatively limited periods of time. With increased likelihood of a service lawyer being available for subsequent appointments with a client, there is also less possibility of a conflict of interest.

(Note: the current roster of lawyers has been reduced by attrition by two counsel since October.)

2. Provide short (one or two pages) information sheet on key procedures that need to be understood in CFCSA and FRA cases handled by the project.

-- Most counsel feel that it is procedural issues that clients find most confusing, and many clients themselves identify this problem.
-- Such sheets could be given to clients to supplement counsel advice or instructions where appropriate.

(Note: these are in the process of being developed.)

3. Provide more information to EFDCP counsel about the nature of the information available through the computer kiosk, and a one-page summary of key sites that clients can access on their own.

(Note: a legal information outreach worker has been available to assist clients 1.5 days per week since the New Year.)

4. In future projects which co-house FJC and duty counsel/advice counsel, an initial joint meeting should be held with all parties to meet each other, clarify service purposes and approaches and expectations, determine circumstances and purpose of referrals, review confidentiality and client communication protocols, and clarify types of supplementary PLEI material used by each party. Although over time the FJCs and EFDCP counsel have met each casually, some respondents felt it would have been beneficial to have a more formal initial contact.

Another subsidiary purpose would be to encourage a fuller two-way referral process. Both FJCs and EFDCP counsel have acknowledged that the primary direction of referral has been from FJC to EFDCP. On the one hand this is understandable because it is a prerequisite that clients see an FJC before they make an appointment with EFDCP advice counsel so a “pre-referral” to the FJC has already been made at the outset. On the other hand, FJCs feel that sometimes a referral to advice counsel intended to clarify a legal point simply ends up as a referral into the legal system.

5. Wherever possible, clients who are being referred to the Registry by counsel should be accompanied by counsel so that directions are given directly to Registry staff.

Although this was more often the practice when the service was on the same floor, clients now sometimes arrive at the Registry desk on their own and have difficulty interpreting counsel’s advice to the Registry staff.

(Note: efforts are being made to assist clients in this way whenever feasible.)

6. Explore feasibility of having a legal aid intake office as part of one-stop multi-service delivery at the Court House.

This was mentioned by some duty counsel as being advantageous in Surrey. It is appreciated that this would represent a major financial decision.

Appendix 1:
Client Interview Questionnaire

LSS Family Duty Counsel Project Evaluation: Client Questionnaire FACE SHEET

Background

1. Evaluation # _____
2. Client Name: _____ 3. Telephone: _____

Call Record

	DATE	TIME	RESULT OF CALL
			1. No number; 2. Wrong number; 3. Client not home, call back (date); 4. Refusal; 5. Appt. for (date); 6. No show for interview; 7. Completed interview.
1.			
2.			
3.			
4.			
5.			
6.			

Introduction

1. Introduce self.
2. Confirm that you are speaking to client.
3. Remind client that he/she signed authorization to be contacted for evaluation purposes (i.e. bottom of "Acknowledgement of Duty Counsel Services" sheet).
4. Explain purpose of evaluation:
 - Being done with sample of clients,
 - To get candid feedback, positive and negative about their experience with the program,
 - To improve program.
5. Confirm confidentiality.
 - No names or identifying comments used.
6. Determine if this is a suitable time or book appointment for another date.

FILE DATA

- 1.0 Evaluation # _____
- 2.0 Type of lawyer at intake:
1. DUTY COUNSEL
 2. ADVICE COUNSEL
 3. UNSPECIFIED
- 3.0 Activities: (CIRCLE ALL THAT APPLY)
1. ATTEND COURT
 2. CASE CONFERENCE
 3. DRAFT CORRESPONDENCE
 4. DRAFT DOCUMENTS
 5. MEETING WITH CLIENT
 6. TELEPHONE CALLS
 7. NEGOTIATIONS
 8. FILE REVIEW/COURT PREPARATION
- 4.0 Total time spent by counsel on case: _____
- 4.1 Number of contacts with counsel (MEETINGS, HEARINGS, PROCEDURES): _____
- 5.0 Immediate Outcomes: (NOTE: RECORD THE OUTCOMES FROM HERE AND ITEM 6 IN QUESTION 6 OF INTERVIEW)
1. COURT ORDER
 2. SEPARATION AGREEMENT
 3. INFORMAL AGREEMENT
 4. INFORMATION ONLY
 5. REFERRALS
 6. OTHER (SPECIFY: _____)
 7. CASE ABANDONED
 8. OUTCOME UNKNOWN
 9. COURT ORDER PLUS REFERRAL
- 6.0 (IF ANSWERED "1" TO QUESTION 5) Type of court order (MORE THAN 1 ANSWER POSSIBLE)
1. INTERIM RESTRAINING ORDER
 2. FINAL RESTRAINING ORDER
 3. PROCEDURAL ORDER
 4. INTERIM CONSENT ORDER
 5. FINAL CONSENT ORDER
 6. CONFIRMATION ORDER

-
- 6.1 Where court order obtained:
1. COURT
 2. CASE CONFERENCE
 3. REGISTRY (DESK ORDER)
- 6.2 Who obtained it?
1. COUNSEL
 2. LITIGANT
- 7.0 (IF ANSWERED "2" TO QUESTION 5) Separation agreement:
1. NEGOTIATED BY COUNSEL
 2. NEGOTIATED BY FJC; CONFIRMED BY COUNSEL, SIGNED
 3. NEGOTIATED BY FJC; ADVISED AGAINST, BUT SIGNED
- 8.0 (IF ANSWERED "4" TO QUESTION 5) Information:
1. CLIENT ONLY SEEKING INFORMATION; NO NEED FOR FURTHER ACTION
 2. CLIENT ABANDONS CASE, BASED ON ADVICE RECEIVED
 3. CLIENT GETS INFO &/OR ASSISTANCE; TRYING TO CONTINUE ON OWN
 4. CLIENT ADVISED TO GET OWN LAWYER
- 9.0 (IF ANSWERED "5" TO QUESTION 5) Referrals: (NOTE: RECORD ALSO IN QUESTION 5 OF INTERVIEW)
1. LSS
 2. FMEP
 3. FMW/BC BENEFITS
 4. FJC
 5. OTHER: _____
- 10.0 (IF ANSWERED "7" TO QUESTION 5) Abandoned case.
1. SEPARATION AGREEMENT NEGOTIATED BY FJC; REJECTED, NOT SIGNED, THEN ABANDONED
 2. ABANDONED; REASON UNKNOWN

INTERVIEW

I'd like to start by asking you some questions about the service you received from the project.

1.0 First, when you met with the lawyer you were asked to sign a sheet that described what the lawyer could or could not do for you. Did this sheet, together with anything the lawyer said, adequately explain the type of help you could expect to receive?

1. YES, COMPLETELY (GO TO QUESTION 1.2)
2. ONLY PARTIALLY
3. NO – NOT AT ALL

1.1 (IF ANSWERED "2" OR "3") What was confusing or unclear for you?

1.2 Were the services that were described on the sheet:

1. LESS THAN WHAT YOU HOPED TO GET
2. ABOUT THE SAME AS WHAT YOU HOPED TO GET
3. MORE THAN WHAT YOU HOPED TO GET

1.3 (IF ANSWERED "1" TO QUESTION 1.1) What service or information had you hoped for but couldn't receive?

2.0 I'd like you to rate certain things about the service you received.

2.1 First, on a scale of 1 to 7, how clearly did the lawyer explain to you the legal issues that applied to your case?

(1 = not clearly at all, 7 = very clearly) RATING: _____

Reason for answer: _____

2.2 Again, on a scale of 1 to 7, how much help did you receive from the lawyer in guiding you to fill out forms or documents?

(1 = no help at all, 7 = a lot of help) RATING: _____

Reason for answer: _____

2.3 Again, on a scale of 1 to 7, how clearly did the lawyer explain to you the next steps that you needed to take in your case?

(1 = not clearly at all, 7 = very clearly)

RATING: _____

Reason for answer: _____

2.4 (FOR ADVICE LAWYER CLIENTS ONLY) Finally, on a scale of 1 to 7, how satisfied were you with the speed with which you were able to make an appointment to see the lawyer?

(1 = very dissatisfied, 7 = very satisfied)

RATING: _____

Reason for answer: _____

2.5 Did the lawyer give you a sheet which outlined the next steps you needed to take in your case?

1. NO

2. YES

3. CAN'T REMEMBER/DON'T KNOW

2.5.1 (IF YES TO QUESTION 2.5) Were these written instructions useful to you as a reminder of what the lawyer had told you to do, or were they not really necessary?

1. WERE NOT REALLY NECESSARY; CLIENT KNEW WHAT TO DO.

2. WAS NECESSARY, BUT INSTRUCTIONS WERE NOT CLEAR ENOUGH TO BE USEFUL.

3. WRITTEN INSTRUCTIONS WERE USEFUL.

4. OTHER RESPONSE:

(Explain: _____

2.5.2 (IF YES TO QUESTION 2.5) Did you follow the instructions?

1. NO

2. ONLY PARTIALLY

3. YES

2.5.3 (IF "1" OR "2" TO QUESTION 2.5.2) Please explain why not (or why only partially).

PRINTED MATERIALS

3.0 Did you pick up or were you given any printed materials to help you understand the law concerning your case (e.g. pamphlets, booklets)?

1. NO

2. YES

3. DON'T REMEMBER

3.1 (IF "YES" TO QUESTION 3.0) From whom did you get these materials? (MORE THAN ONE MAY APPLY)

- | | | |
|------------------------------|-------|--------|
| 1. SELF-SERVE (OFF RACK) | 1. NO | 2. YES |
| 2. FAMILY JUSTICE COUNSELLOR | 1. NO | 2. YES |
| 3. INTAKE ASSISTANT | 1. NO | 2. YES |
| 4. LAWYER | 1. NO | 2. YES |

3.2 What were the materials? (IF RESPONDENT CANNOT REMEMBER, PROMPT USING THE FOLLOWING LIST).

- | | | | |
|--------------------------------------|-------|--------|----------|
| 1. PARENTS' RIGHTS, KIDS RIGHTS KNOW | 1. NO | 2. YES | 3. DON'T |
| 2. IF YOUR MARRIAGE BREAKS UP KNOW | 1. NO | 2. YES | 3. DON'T |
| 3. LIVING COMMON LAW KNOW | 1. NO | 2. YES | 3. DON'T |
| 4. SPEAKING OF ABUSE KNOW | 1. NO | 2. YES | 3. DON'T |
| 5. SPONSORSHIP BREAKDOWN KNOW | 1. NO | 2. YES | 3. DON'T |
| 6. OTHERS (Specify: _____) | | | |

3.3 Did you read these materials?

1. NO
2. SOME BUT NOT ALL (SPECIFY WHICH ONES): _____

3. YES

3.4 (IF "YES" TO QUESTION 3.3) Were they helpful to you in understanding the legal issues related to your case?

1. NO (WHY NOT?): _____
2. YES

3.5 (IF "YES" TO QUESTION 3.3) Were they helpful to you in knowing what steps to take next?

1. NO (WHY NOT?): _____
2. YES

COMPUTER SELF-HELP KIOSK

4.0 Did you use the self-service computer kiosk near the project intake desk to gather information?

- 1. NO (SKIP TO QUESTION 5.0)
- 2. YES (CONTINUE TO QUESTION 4.1)
- 3. ACCES BY OWN COMPUTER (CONTINUE TO QUESTION 4.1)

4.1 In what way did you hope the computer (or "the site") would help you? What were you trying to do with it? (RECORD ANSWER, AND THEN CIRCLE APPROPRIATE RESPONSES)

- | | | |
|--|-------|--------|
| 1. TRYING TO FIND INFO ABOUT SPECIFIC LEGAL ISSUES OR PROBLEMS | 1. NO | 2. YES |
| 2. LOOKING FOR SPECIFIC DOCUMENTS OR FORMS | 1. NO | 2. YES |
| 3. LEARN THE STEPS OR PROCEDURES THAT HAD TO BE TAKEN | 1. NO | 2. YES |
| 4. OTHER | 1. NO | 2. YES |

4.2 Did you find the information you needed?

- 1. NO
- 2. YES

4.3 What documents were you looking at?

- | | | |
|--|-------|--------|
| 1. CHANGING SUPPORT ORDERS IN THE PROVINCIAL COURT IN B.C. | 1. NO | 2. YES |
| 2. CHANGING SUPPORT ORDERS IN THE SUPREME COURT IN B.C. | | 1. NO |
| 3. OTHER (SPECIFY): _____ | 1. NO | 2. YES |
| 4. OTHER (SPECIFY): _____ | 1. NO | 2. YES |

4.4 (IF "YES" TO QUESTION 4.2) Were you able to use this information?

- 1. NO
- 2. YES

4.5 Did you have any problems using the computers (for example, navigating the site or downloading materials you needed)?

- 1. NO
- 2. YES

4.5.1 (IF "YES" TO QUESTION 4.5) Please describe the problem (also probe whether computer was on, whether it was on the LINK page of Family Law in BC, whether anybody explained what you could find on the site, etc)

4.5.2 (IF "YES" TO QUESTION 4.5) Did anybody give you help in solving your problem with the computer?

- 1. NO
- 2. YES

4.6 Overall, on a scale of 1 to 7, how useful did you find the computer as a resource for your case or problem?

(1 = not useful at all; 7 = very useful). RATING: _____

REFERRALS

(ONLY ASK QUESTION 5 IF FILE DATA ITEMS 5.0 AND 6.0 INDICATE A REFERRAL WAS MADE.)

REFERRAL WAS TO: _____

5.0 The project records show that you were referred to: 1. LSS 2. FORMER LAWYER 3. PRIVATE BAR 4. OTHER (SPECIFY) _____

Did you actually go to that resource?

- 1. NO
- 2. YES

5.1 (IF "NO" TO QUESTION 5.0) Why did you decide not to go there?

5.2 (IF "YES" TO QUESTION 5.0) Was this a useful referral for you?

- 1. NO
- 2. YES

5.2.1 (IF "NO") Why not? _____

5.2.2 (IF "YES") In what way? _____

OVERALL OUTCOME AND ASSESSMENT

6.0 The project records show (STATE OUTCOME FROM DATA FILE SECTIONS 5 & 6): _____

6.1 (IF FILE DATA INDICATES AN OUTCOME ASK CLIENT TO CONFIRM):
1. OUTCOME CONFIRMED.
2. OUTCOME INCORRECTLY RECORDED. (RECORD OUTCOME): _____

3. LONG TERM OUTCOME CAN NOW BE SPECIFIED

6.2 (IF FILE DATA INDICATES CASE ABANDONED, ASK:) Why did you not continue with the case?

6.2.1 Is there anything that the project could have done differently that would have helped you continue with the case?

6.3 (IF NO RECORD OF LONG TERM OUTCOME IN ORIGINAL FILE DATA, ASK:) What happened with your case after you saw the lawyer at the project (e.g. and got information only and/or a referral)?

1. COURT ORDER (SPECIFY: _____)
2. SEPARATION AGREEMENT
3. INFORMAL AGREEMENT
4. CASE ABANDONED
5. OTHER (SPECIFY: _____)
6. OUTCOME STILL UNKNOWN (NOT ACHIEVED)
7. FAMILY SITUATION CHANGED, NO ACTION NECESSARY
8. NEGATIVE IN-COURT OUTCOME
9. POSITIVE OUTCOME, NOT BY COURT ORDER (FJC, FMEP, ETC)

7.0 The objective of this project is to help people who are trying to handle their own case and achieve a result, by providing information or, in special circumstances, some assistance in court. On a scale of 1 to 7, how would you assess the project's effectiveness, in terms of:

(1 = not helpful at all; 7 = very helpful)

- HELPING YOU ACHIEVE A RESOLUTION TO YOUR ISSUES RATING: _____

- HELPING YOU ACHIEVE A RESOLUTION FASTER THAN HAD YOU NOT USED THIS SERVICE RATING: _____

- HELPING YOU FEEL MORE CONFIDENT IN DEALING WITH THE ISSUE ON YOUR OWN RATING: _____

- HELPING YOU BE MORE PREPARED RATING: _____

7.1 Overall, how satisfied were you with the service?
(1 = very dissatisfied; 7 = very satisfied) RATING: _____

7.2 Please suggest ways in which the service could be improved for self-represented litigants such as yourself.

Appendix 2:
Interview Guide for Court Registry Staff and Family Justice Counsellors

Guide for Exploratory Interview with Court Registry Staff and Family Justice Counsellors

1. (Registry only): How project has impacted registry workload and capacity to deal effectively with self-represented litigants.
2. (Family Justice Counsellor only): What have been the impacts of the project on your role and capacity to work with clients?
3. Have referrals to and from the project gone smoothly? Are any changes in procedures necessary to make this work better? What advantages or disadvantages are there in being co-housed with the project?
4. (Family Justice Counsellor only): What types of printed materials do you have, and what role do you play in bringing them to clients' attention, especially in situations where they may proceed as self-represented litigants? Have you referred clients to the computer kiosk to access the family law site? How frequently, and in what types of situations or for what types of clients? Any suggestions to enhance usage of the kiosk?
5. What are the ways in which the project has affected the capacity of litigants to represent themselves or resolve their problems in family law matters?
(Registry only): Do they seem any better prepared or more able to understand procedures than they would have been without the assistance of the project? In your estimation, has the assistance offered by the project resulted in any change in the amount of court time required to deal with self-represented litigants? Please identify specific ways in which these changes might be evident or noticeable to you.
6. Are there specific resources or information that could make a critical add-on difference to increase the capacity of self-represented litigants?
7. Any other observations or suggestions for improvement to the project?

Appendix 3:
Interview Guide for Intake Assistant

Guide for Exploratory Interview with Intake Assistant

1. Description of client referral to service, and intake decisions required:
 - how client volume, flow and procedures have changed over time.
2. Kiosk issues:
 - procedures for referral of clients to computer kiosk resource
 - typical issues, needs
 - factors involved in not referring client to kiosk;
 - types of assistance given to kiosk users
 - time demands;
 - problems users encounter
 - factors involved for successful and unsuccessful users,
 - suggestions for improvements.
 - is computer routinely left on? Is it left on the link page of Family Law in BC page?
 - What impact has there been in terms of kiosk use or assistance you can provide since the move to the 4th floor (as opposed to the ground floor)? After the move, what instructions were given to the FJC receptionist about assisting clients use the kiosk?
3. Intake assistant's role in providing printed materials to clients
 - percentage of cases in which she suggests or refers clients to materials
4. Database issues – description of any problems, issues related to data entry, reliability of data.
5. Structure, operations of program:
 - structural factors that have enhanced or hindered intake role,
 - what structural changes could be made to improve the project as a resource to self-represented litigants.

Appendix 4:
Interview Guide for EFDCP Counsel

Interview Guide: Issues for Counsel

1. Whether clients understand limitations or parameters of service that can be provided.
2. Clients' ability to understand, and factors affecting understanding of:
 - legal issues;
 - how to proceed with case;
 - how to complete forms, documents.

(Note: explore in relation to educational level of client, English as a Second Language, present level of conflict in case, etc)
3. Utility of "Next Steps" sheet as an aid for clients.
4. Counsel's use of printed materials as aid for clients.
 - % of cases in which counsel suggests or refers to specific materials.
5. Typical types of and reason for referrals.
 - how often do you refer clients to the computer kiosk? To the web-site for use on their own computer? Why do you or do you not make such referrals?
 - How often do you refer clients back to FJCs? For what purposes? What are the benefits or disadvantages of being co-housed with the FJC? (Clarify whether lawyer has also been on rosters where they are not co-housed with FJCs.)
6. Problems, limitations in using data system (Web Time):
 - e.g. any uncertainties in terms of appropriate categories when entering certain items (e.g. outcomes, activities)
7. Assessment of limitations, barriers in making project an effective aid for self-represented litigants:
 - how much can clients reasonably do on own, and what are factors?
 - is there a ladder of degrees of client self-sufficiency? What are the steps on the ladder and what types of support are needed at each step to make a critical difference?
 - in approximately what % of cases where client did not qualify financially did you exceed 45 minutes of assistance? What can reasonably be achieved in this time period?
8. Structure, operation of program:
 - structural factors that have enhanced or hindered your effectiveness as counsel for self-represented litigants;
 - where structural changes could be made to improve the project as a resource for self-represented litigants;
 - are there resources of a modest nature that could make a critical difference to the effectiveness of the project?
9. Any other issues, observations, recommendations.

Appendix 5:
Interview Guide for MCFD, FMEP and Other Counsel

Interview Guide: Issues for Counsel

1. Please describe the types of situations in which you have had contact with counsel from the Family Duty Counsel Project.
2. Please describe any impacts the project has had on your work either prior to or in Family Court, either negative or positive. Include issues related to time expenditure, the way the case is resolved, attitude of the parties etc.
3. Are self-represented litigants who have received some assistance from the project any better prepared or more able to understand procedures than they would have without such assistance?
4. Are there further specific resources or information that could make a critical add-on difference to increase the capacity of self-represented litigants?
5. Do you have any other observations or suggestions for improvement to the project?

Appendix 6:
Interview Guide for Judges

Guide for Exploratory Interview with Judges

1. In what ways has the provision of duty counsel through the Family Duty Counsel Project (FDCP) affected the operation of the court? For example, has it impacted the amount of court time involved, the ability of the court to resolve cases without multiple adjournments, etc?
2. In addition to duty counsel, the project also provides limited summary assistance through advice counsel to all individuals, regardless of financial eligibility, who may wish to proceed as self-represented litigants in various family matters. If the individual is financially eligible, the support can extend to assistance in the preparation of financial statements and affidavits (in FRA matters) or other court documents, and assistance in case conferences. Have you seen any impacts of the project's activities on the capacity of litigants to represent themselves or resolve their problems more effectively in family law matters? For example, do self-represented litigants seem better prepared, or are they more able to understand procedures than they would have been without the assistance of the project? Have project activities impacted the amount of court time required to deal with self-represented litigants, and if so, how? (It is recognized that assistance a self-represented litigant has received from the project will not necessarily be made explicit by the individual, so it is often difficult for a judge to know of project involvement in a case. It would be appreciated if you can explain how you are able to assess the impacts on self-represented litigants.)
3. Have you referred a self-represented (or unrepresented) litigant to the project? If so, in what types of circumstance, and with what result?
4. Are there specific resources or information that could make a critical add-on difference to increase the capacity of self-represented litigants?
5. Do you have any other observations or suggestions as to how this project could operate or provide service to clients in ways that would contribute to more effective utilization of Court time?