

# Public Legal Education and Information Formats and Delivery Channels

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## Introduction

45 years after its inception in Canada as a response to the legal information needs of public interest groups, the public legal education and information (PLEI) sector has assumed an essential role in the justice landscape. PLEI practitioners have long understood the importance of helping the public understand and exercise their legal rights. What is new however, is the growing recognition by a number of formal justice system participants of the significant role PLEI plays in addressing the broad range of legal problems experienced by the public before the stage of formal dispute resolution by tribunals or courts<sup>1</sup>

Over the years, the PLEI sector has participated with government, community, not-for-profit and other organizations to provide resources and/or services such as:

- community and public legal education
- triage (i.e. effective channeling of people to needed services)
- pro bono services
- other in-person, telephone and e-referral services
- intermediary referral assistance (help in recognizing legal problems and connecting them with legal and other services)
- telephone and e-legal information services
- legal publication programs and in-person and e-law library services
- dispute resolution programs (e.g. family mediation and conciliation services, small claims mediation, lower cost civil mediation, etc)
- various legal aid services, including legal clinics, certificate programs, duty counsel, etc.
- community justice hubs

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<sup>1</sup> See Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change*, (Ottawa 2013), pp. 11-13

- co-location of services
- student support services including clinical services, student mediation initiatives, public interest programs etc.<sup>2</sup>

Equally varied are the “publics” for whom services and resources are developed: children, teachers, librarians, health care practitioners, young offenders, immigrants, seniors, inmates of correctional facilities, people with a variety of physical and mental disabilities, victims of violence, self-representing litigants, and members of low income, inner city, rural, and Aboriginal communities.<sup>3</sup> Diversity is also seen in the legal areas covered by the resources and services: environmental law, charities law, impaired driving, child welfare, youth justice, family violence, housing, identity theft, trafficking, women, medical/legal issues, constitutional reform, and treaty rights.<sup>4</sup>

The variety of organizations providing these information and resources, the publics they serve and the types of information they provide together contribute to the multiplicity of PLEI resources available to the person seeking information. A “snapshot” of the diversity of PLEI resources available to the public is provided by the Clicklaw website developed by Courthouse Libraries BC. Clicklaw is a PLEI “aggregator” website (i.e. a website that collects, organizes and links to PLEI resources, primarily BC-specific, with some Federal content), with over 1444 resources in 29 broad topic categories contributed by 125 different organizations.<sup>5</sup> 25 different languages are represented on the site. The formats in which resources are available include websites, PDF versions of text-based documents (brochures, fact sheets, Dial a law scripts, booklets—long and short), audio/podcasts, videos (live action and animated, on YouTube,

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<sup>2</sup> *Ibid*, p. 12.

<sup>3</sup> see Legal Resource Centre of Alberta, *Designing Websites Effectively: Promising Practices for Providing Legal Information to the Public* (Edmonton: 2007), p. 2

<sup>4</sup> *Ibid*, p. 2.

<sup>5</sup> Statistical information derived from database pulls taken between April 8 and April 24, 2014. NB: Clicklaw database content changes continually as resources are contributed/removed from the site.

website or other), wikibooks; interactive forms, interactive courses and a “HelpMap” providing information on organizations providing resources and services on Clicklaw topic areas. In addition, PLEI information is delivered through Clicklaw Twitter and Facebook channels.

The resources contained on Clicklaw are curated—Clicklaw does not purport to represent all PLEI resources produced for British Columbians, but rather those of 25 “contributor” organizations who upload their resources directly to the site. In addition, Courthouse Libraries BC staff choose for inclusion on Clicklaw resources of organizations additional to the “contributor” organizations (e.g. Canada Revenue Agency), provided that they meet the Clicklaw selection criteria.<sup>6</sup> By selectively choosing contributor organizations and resources of others, Clicklaw aims to simplify the search process for the user by making accessible through the site only qualified resources.

However, not all British Columbians seeking legal information are aware of Clicklaw. They may or may not look for legal information on the web. If they do, their general internet search for information relevant to their problem will reveal millions of “hits”—most of which will not be relevant to them (e.g. jurisdiction outside of BC). The sheer volume of publicly available legal information on the web and elsewhere makes it difficult for the user to assess what is reliable, current or authoritative.

The challenge of the PLEI sector is to make it easier for the public to access the legal information they need to solve their problem. Accessibility is a function of both the format in which the information appears as well as the delivery channels used to reach the public. A diverse public (e.g. language, literacy, age, cultural norms, disabilities, geography, facility with

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<sup>6</sup> For a complete list of content selection criteria see <http://www.clicklaw.bc.ca/content/guidelines>. Examples of criteria include content that is free or available at low/nominal cost; content that is produced by non-profit organizations, government, and the legal profession; content that has a British Columbia focus or is relevant to a British Columbia audience;

technology) suggests that a “one size/one path fits all” approach to designing and delivering PLEI will not work.

Despite the daunting volume and variety of PLEI resources, a growing body of research in Canada and beyond has identified specific characteristics of effective PLEI design and delivery. The purpose of this paper is to provide a general overview of this literature and its key findings that PLEI organizations and other sector participants can use as they plan, develop and implement their resource offerings. It is not meant to be an exhaustive or definitive analysis, but a synopsis of selected research findings relating to the development and delivery of PLEI resources.

The scope of this review was significantly limited by the time limits for its completion. Only a few key reports and websites were reviewed; considering a larger sample of these may have yielded additional practices and more detail. These limitations could be addressed in further research.

This report was commissioned by the Legal Services Society/Legal Research Fund of the Law Foundation of BC to serve as a planning tool for the Foundation and for PLEI organizations in British Columbia. It accompanies a prior report, “Public Legal Education and Information Resources in BC: Update 2014” submitted to the Foundation in May 2014.

## Outline

This report consists of four parts:

Part One builds on the observation contained in the Introduction regarding the diversity found among the public and the need for a variety of PLEI formats and delivery channels to best address the multiplicity of factors influencing how people receive information.

Part Two examines the literature on print as a format for PLEI materials. It identifies the varieties of printed materials and their intended audiences, the advantages and disadvantages of print as a format and the common distribution channels for print materials. Promising practices for the creation and distribution of print materials are considered.

Part Three reviews the literature on PLEI and the internet. Areas considered include the variety of formats for online resources, guidelines for their development and advantages and disadvantages of the internet as a delivery channel for education and information. Promising practices for the creation and distribution of PLEI on the internet are considered.

Part Four considers emerging technology and its application to the justice services sector.

Materials included in this review are

- *Public Legal Education and Information in Ontario Communities: Formats and Delivery Channels*, CLEO Centre for Research and Innovation (Sarah Rimmington), 2013
- *PLE Review: Reflections and Recommendations on Public Legal Education Delivery in BC*, Carol McEown and Gayla Reid for The Legal Services Society, BC, 2007

- *Final Report, The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*, Dr. Julie Macfarlane, 2013
- *Public Legal Education and Information Resources Accessibility Initiative*, Decoda Literary Solutions, Habanero Consulting Group, Sa'hetxw Consulting, for The Legal Services Society, BC, 2012
- *A study into best practice in community legal information*, a report for the Winston Churchill Memorial Trust of Australia, Johann Kirby, 2011
- *Designing Websites Effectively: Promising Practices for Providing Legal Information to the Public*, Legal Resource Centre of Alberta, for the Charities Directorate, Canada Revenue Agency, 2007
- *Face to Face Legal Services and Their Alternatives: Global Lessons from the Digital Revolution*, Roger Smith OBE and Professor Alan Paterson OBE, 2013
- *Using Technology to Enhance Access to Justice*, James E. Cabral et al, collection of articles appearing in Harvard Journal of Law & Technology, Volume 26, Number 1 Fall 2012
- *Clicklaw Project Evaluation Report*, Courthouse Libraries BC (Brenda Rose and Desy Wahyuni) for Law Foundation of BC, 2012
- *Just a Click Away Conference Report*, Courthouse Libraries BC (Brenda Rose, Drew Jackson, Carol McEown & Gayla Reid), for Law Foundation of BC, 2011
- *Best Practices for creating, delivering and evaluating PLEI*, series of webinars and explanatory text on PLEI Connect website, [www.pleiconnect.ca](http://www.pleiconnect.ca), 2013
- *The growth of Online Dispute Resolution and Its Use in British Columbia*, Darin Thomson, for The Continuing Legal Education Society of BC, 2014

## Part One—A Diverse Public

This Part provides a general overview of key principles of resource development and distribution, applicable to all resource types.

### *Points of differentiation*

The research on best/promising<sup>7</sup> practices in the design and delivery of PLEI resources is unequivocal in identifying “know your audience” as the starting point. An understanding of that audience and its needs will influence the amount of information to include in a resource, the language level used, its visual design, format (e.g. print, audio, internet), and distribution channels.

The demographic profile of the survey population<sup>8</sup> that participated in a recent survey of low income residents of BC conducted by Ipsos Reid<sup>9</sup> illustrates the variety characterizing this cohort (selected categories below chosen from survey demographic profile):

### Age

Range	% of survey population
18-34	36
35-54	28
55+	36

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<sup>7</sup> For ease of reading, this paper will use the terms “best practices” to mean both “best” and “promising” practices, even though there are differences between the two terms. For explanation, see *Designing Websites Effectively: Promising Practices for Providing Legal Information to the Public*, Legal Resource Centre of Alberta, 2007.

<sup>8</sup> Chosen from a random sample of Ipsos’ Canadian panel members who are BC residents 18 years of age or older, balanced by age and gender to be representative of the BC population according to Statistics Canada. See note 9, Survey Report, p.6 for survey income eligibility requirements.

<sup>9</sup> Survey Report, *Problems of Everyday Life*, Ipsos Reid, 2013



## Education

Level	% of survey population
High school or less	27
Some post-secondary	19
College/trade school	31
University degree or higher	23

## Ethnicity

Ethnicity	% of survey population
Canadian only	54
Asian	11
South Asian/West Asian/Mid East	3
European	24
Aboriginal	5
Prefer not to answer	1

## Region

Area of residence	% of survey population
Greater Vancouver	39
Lower Mainland	11
Vancouver Island	25
Southern BC	20
Northern BC	5

The survey's results regarding distribution of education levels achieved suggests differences will exist in the population regarding literacy levels. Differences in age distribution may be associated with varying levels of familiarity in using technology. The urban/rural distribution suggests the availability of in-person resources and services will not be the same throughout the province.

Studies into best practices for developing and delivering PLEI identify the variability among the population along the aforementioned dimensions as well as others<sup>10</sup>. The CLEO study on formats and delivery channels<sup>11</sup> identifies additional points of differentiation: learning characteristics and learning needs, poverty, ethno-racial or gender inequality, culture, physical and mental disabilities and language barriers. It observes that all of these factors affect the person's ability to absorb, understand and retain information and use it to solve problems.

Common themes appearing in the studies demonstrate the importance of using different strategies (development and delivery) to respond to diverse client needs. A number of these themes are identified by McEown and Reid<sup>12</sup>, and include the following excerpts:

- *People need different levels of information and support, depending on:*
  - *their knowledge of and trust in the justice system*
  - *the stage of their case (crisis or working through it)*
  - *their level of legal literacy, and*
  - *the complexity of the problem and the process necessary to resolve it*

.....
- *Immigrants from many parts of the world are less likely to accurately identify legal situations and have their legal needs met because they have less relevant life experience in Canada. They may be unfamiliar with our cultural patterns and assumptions.*

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<sup>10</sup> For a more complete examination of diversity in British Columbia, please see *Diversity Profile of British Columbia*, Law Foundation of British Columbia, 2009.

<sup>11</sup> CLEO, *Public Legal Education and Information in Ontario Communities: Formats and Delivery Channels*, 2013, p. 10.

<sup>12</sup> Carol McEown and Gayla Reid, *PLE Review: Reflections and Recommendations on Public Legal Education Delivery in BC*, 2007, pp. 19-22.

- *Most people seek legal information on a need-to-know basis*  
.....
- *People who need information are more likely to turn to other people than to documents or other media.*<sup>13</sup>  
.....
- *People who experience social exclusion are more likely to rely on in-person assistance from someone they trust. This is often the case for*
  - *Aboriginal people*
  - *people who use languages other than English and are strongly connected to their known cultures*
  - *people with low literacy skills*
  - *people with disabilities*  
.....
- *People retain more information, and are more likely to take some action if the information is provided in more than one format (e.g. in-person assistance plus print; Internet information and an outreach worker to introduce users to Web-based material).*

Stress has been identified as a factor affecting an individual's ability to respond to information. Research has shown that people who experience stress—common to people facing legal problems—need to receive the same information several times. This is true regardless of level of education.<sup>14</sup> Moreover, Klinger<sup>15</sup> observes that, even with respect to an individual, the type of legal information needed can vary over time, depending on the individual's psychological state. In her view, people “need more than just pertinent information to resolve legal problems: attention must be paid to the person’s sense of self-worth, confidence, and ability to trust the system.”<sup>16</sup>

A diverse population requires legal information in various formats, delivered through multiple channels. In a 2012 survey of 241 front-line workers at community legal clinics and

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<sup>13</sup> An observation reinforced by the 2013 Ipsos Reid survey, *supra* note 9, that found that people who sought non-legal assistance turned first to friends and relatives (47%) and next to the internet (29%).

<sup>14</sup> See CLEO report, *supra* note 11, p. 10.

<sup>15</sup> Shula Klinger, *PLEI in British Columbia: Literature Review*, Legal Services Society of BC, 2006.

<sup>16</sup> See McEown and Reid *supra* note 12, Appendix G, p. 62.

community-based organizations throughout Ontario<sup>17</sup>, survey respondents were asked to indicate the usefulness of a variety of formats and delivery channels in helping their clients access legal information. The results are shown in Figure 1, below.

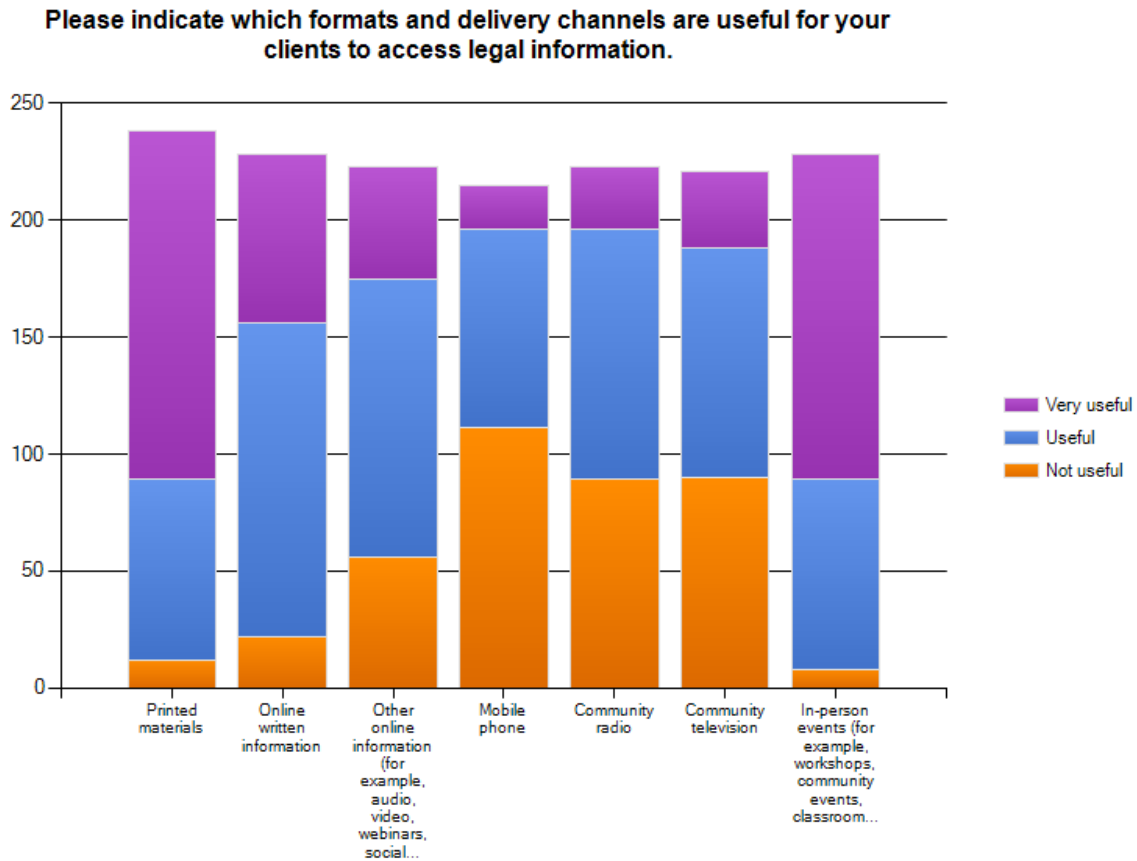


Figure 1: Source: CLEO Format & Delivery Channels Survey, June & July 2012

These findings are consistent with BC studies and indicate the importance of a “portfolio” approach to the development and delivery of PLEI: e.g. materials available in print and online, in text, audio or video format, “layered” so that basic information is supplemented with more advanced material, and with supporting information from an intermediary via in-person events, telephone or e-mail “chat”.

<sup>17</sup> See CLEO report, supra note 11, pp. 10, 11

### *Responding to the differences*

The breadth of the public audience for legal education and information presents challenges to developing and distributing PLEI effectively. Critical to the success of a resource is clearly identifying the audience for which it is intended and its needs. By doing so, the developer can select the amount and complexity level of information to use, the sophistication of language, tone, visual design, distribution channels. Resources designed for multiple audiences risk diluting their effectiveness as they seek to appeal to groups with disparities among backgrounds, knowledge and skill.

Kirby<sup>18</sup> comments on the importance of dispensing with stereotypical assumptions of the target audience chosen by the developer, and recommends consulting with representatives of the target audience and/or with subject specialists in a variety of ways:

- the use of reference groups
- active involvement in the relevant sector through developing networks and sitting on working groups (to identify possible titles and what is working and what isn't)
- involvement in direct service delivery
- other direct contact with members of the target audience and
- various other forms of desktop research

Examples of effective consultations in the British Columbia context include

- A consultative process was used by the Immigrant PLEI Consortium to develop and deliver in-person and online interactive training resources for settlement workers. Here, representatives of immigrant serving organizations (managers and front line settlement workers) participated in working groups to advise on the needs of the target audience

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<sup>18</sup> Johann Kirby, *A study into best practices in community legal information*, Victoria Law Foundation, 2011, pp. 18 ff.

(settlement workers) and to test and evaluate the resources developed for this audience.

In addition, users of the PLEI resource provided paper and online evaluations that were relied on for subsequent modifications of the resources.

- The Legal Service Society of BC's lawyers, community and outreach workers provide LSS with ongoing information on its clientele's characteristics and needs. This is supplemented periodically with client surveys (e.g. 2013 Ipsos Reid survey on client needs) and research, most notably the 2012 Accessibility Review undertaken by three external consultants. As a result of the Accessibility Review findings and recommendations, LSS has incorporated accessibility testing as a permanent component of its resource production and revision process. By using a combination of user testing, focus groups, community input, and brainstorming different and innovative approaches, LSS attempts to improve the accessibility of its resources to user needs.
- Courthouse Libraries BC used personas in the development of its Clicklaw portal. Each persona represented a different type of audience for the portal. The personas were developed from audience research that included interviews with several organizations participating in the Clicklaw initiative, surveys on LawLINK and the Electronic Law Library, and analysis of website traffic on those sites and the sites of several participating organizations. From that research, Courthouse Libraries identified patterns in users across several dimensions, some demographic, some based on behaviour and need. From these, personas were developed, each one representing a different approach the individual would take to using Clicklaw (e.g. helper—intermediary or advocate; educator; information-seeker; independent problem solver; help-seeker; learner).

In addition to clearly defining the target audience for a resource, the following practices are referenced in the literature<sup>19</sup> as effective in developing and distributing public legal education. Many of these are aspirational; resource constraints for some not-for-profit organizations will affect the degree to which they are used.

- Test the resources at various stages of their development. Modes of testing can include focus groups, surveys, listening labs, testing for readability (language level, legal jargon).
- Aim for striking a balance between legal accuracy and accessibility to a lay person. Reviews by lawyer, plain language editor are recommended. Reviews by members of target audience (e.g. students, member of specific immigrant community) recommended.
- Pay attention to design. Attention to layout, amount of text vs. diagrams vs. illustrations vs. white space vs. length of the resource etc. will influence the degree to which content is understood.
- Choose reading literacy levels appropriate to the intended audience<sup>20</sup> (includes use of language that is familiar to readers, addressing readers directly, use of the active voice, logical ordering and integration of the information)<sup>21</sup>
- When designing resources for newly arrived immigrants and for Aboriginal communities, pay attention to cultural context. In the case of newly-arrived immigrants, foundational knowledge (role of the police, judicial independence)

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<sup>19</sup> See Kirby, supra note 18 at pp. 19ff; CLEO report, supra note 11.

<sup>20</sup> 58 % of the adults in Canada aged 16 to 65 have the basic reading skills they need for most everyday tasks. About 40 % of adults aged 16 to 65 can't read well enough to do everyday things. See *Literacy Review for the Legal Services Society*, Decoda Literacy Solutions, in *Public Legal Education and Information Resources Accessibility Initiative*, Legal Services Society of BC, 2012.

<sup>21</sup> see Decoda Literacy Review, *ibid*. The Decoda Literacy review contains useful material for readers seeking basic information on literacy principles across print and web formats, with examples set in the PLEI context.

implicitly understood by those born in Canada may be unfamiliar to immigrants.

Translations from English to other languages should take into account cultural context.

- Use multiple distribution channels, appropriate to the target audience. (see earlier commentary and Figure 1 for examples of these). Important to distribution is the role of intermediaries acting to provide outreach and awareness of PLEI resources as well as guidance in understanding the information.

In addition to considering these practices, PLEI developers should be mindful that the educational needs of intermediaries are not identical to those of their clients, and designing a resource for one may not as well serve the needs of the other. George Thompson and Karen Kohl, in a 2008 report for the Law Foundation of Ontario describe “trusted intermediaries” as the “go-to” people seen as credible and trusted sources of help in their community. They include settlement workers, doctors, religious leaders, social workers, librarians, and leaders or champions within a community who help people with a variety of problems, some legal. As a function of their job, intermediaries’ law-related knowledge levels and literacy will exceed those of their clients, in the majority of cases. Additionally, intermediaries, by virtue of their job, are motivated to pursue ongoing training on legal topics relevant to their clients’ needs. The same motivation does not exist for their clients, who may seek answers to law-related topics only when they are presented with a specific problem. As a result, an online course or live workshop on recent amendments to family legislation, for example, may be welcomed by intermediaries; they will make time for the course because it will help them in their work. On the other hand, their clients will probably not find a course or workshop helpful: much of the course content will not relate to their specific problem; they will not have the same incentive as intermediaries to invest time in reviewing material that may not relate to them.



Similarly, although intermediaries can be a good source of general information about their clients' needs and interests, they are not trained adult educators or experts in survey development or analysis. Their opinions on what public legal education methods or resources are most effective for their clients must be taken "with a grain of salt". Caution therefore should be exercised when interpreting surveys like the CLEO Format & Delivery Channels Survey results to questions where intermediaries are asked to comment on how useful a type of resources is to their clients. A more accurate picture of usefulness or effectiveness of a resource to a client would be obtained from a carefully designed survey of the clients themselves.

In summary, the broad diversity of the population and its needs poses particular challenges for PLEI community. Strategies to meet these needs are being developed in an environment of rapidly changing technological advances—and fiscal constraints. Parts Two and Three of this paper will survey current strategies for PLEI delivery in two media: print (Part Two) and the internet (Part Three).

## Part Two--Print

Civil legal needs surveys and reports indicate that despite the growing importance of the internet to public legal education and information, the print medium still plays a significant role in PLEI delivery. Recent surveys in the US and in the UK suggest that use of the internet has since 2006 stabilized at 75% of the population, and is now slowly increasing to 80%.<sup>22</sup> This is consistent with the results of Statistics Canada's 2010 Internet Use Survey, which found that 79% of Canadian households had internet access, with rates of access highest in British Columbia at 84%.<sup>23</sup> This in turn suggests that 16% of British Columbians do not have access to the internet.

The percentage of those in BC with no internet access increases from 16%, depending upon a number of variables. The Statistics Canada survey also revealed an income divide in internet access across Canada: The vast majority (97%) of households in the top income quartile, those with incomes of \$87,000 or more, had home internet access. This compares with a rate of 54% of households in the lowest quartile, those with incomes of \$30,000 or less.<sup>24</sup> While there are no comparable statistics available for BC only, it is safe to conclude that the percentage of British Columbians with low income who do not have internet access is somewhat greater than 16%.

Low income level is one characteristic of the population that does not have access to or use the internet. Others include those with low education levels, living in rural communities, seniors and the disabled.<sup>25</sup> Because of these impediments to internet access for disadvantaged British Columbians, the current research suggests that the print format is an important method

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<sup>22</sup> See Roger Smith OBE and Professor Alan Paterson OBE, *Face to face Legal Services and their Alternatives: Global Lessons from the Digital Revolution*, 2013.

<sup>23</sup> *Canadian Internet Use Survey*, Statistics Canada, 2010.

<sup>24</sup> *Ibid.*

<sup>25</sup> See Kathryn Zickuhr and Aaron Smith, *Digital Differences*, Pew Research Centre, 2013.

of providing them with legal information.<sup>26</sup> This is consistent with the Ontario CLEO survey results (see Figure 1), where 90% of survey respondents indicated that printed PLEI is either “useful” or “very useful” for their clients (mostly low income) to access information. In the survey report, the CLEO commentators noted “over twice as many survey respondents rated printed materials as “very useful” compared to online written materials. In their comments, survey and interview respondents suggested printed materials are particularly popular among older adults and seniors and less popular among youth and younger adults.”<sup>27</sup>

Print (meaning, throughout this paper, material existing in “hard copy” paper format as well as PDF format on web that is downloaded and printed), supplemented by online resources has been identified as the preferred option for PLEI delivery to intermediaries.<sup>28</sup> In the CLEO study, over two-thirds of respondents indicated that online written information was “very useful” to them, compared to one-third of these same respondents who indicated that online written information was “very useful” to their clients.<sup>29</sup>

Reasons cited for the advantages of the print format over others include: no internet required to access them, they are portable and able to be shared and referenced at a later date. Some intermediaries have commented that, when engaged in outreach activities, they do not have computer access. Printed materials enable them to provide information on the spot and to write on the materials additional references of use to the client.

Disadvantages of the print format (even when designed to be accessible): not helpful to those with low literacy or educational levels or learning disabilities, the visually impaired,

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<sup>26</sup> See McEown and Reid, *supra* note 12 at p.33.

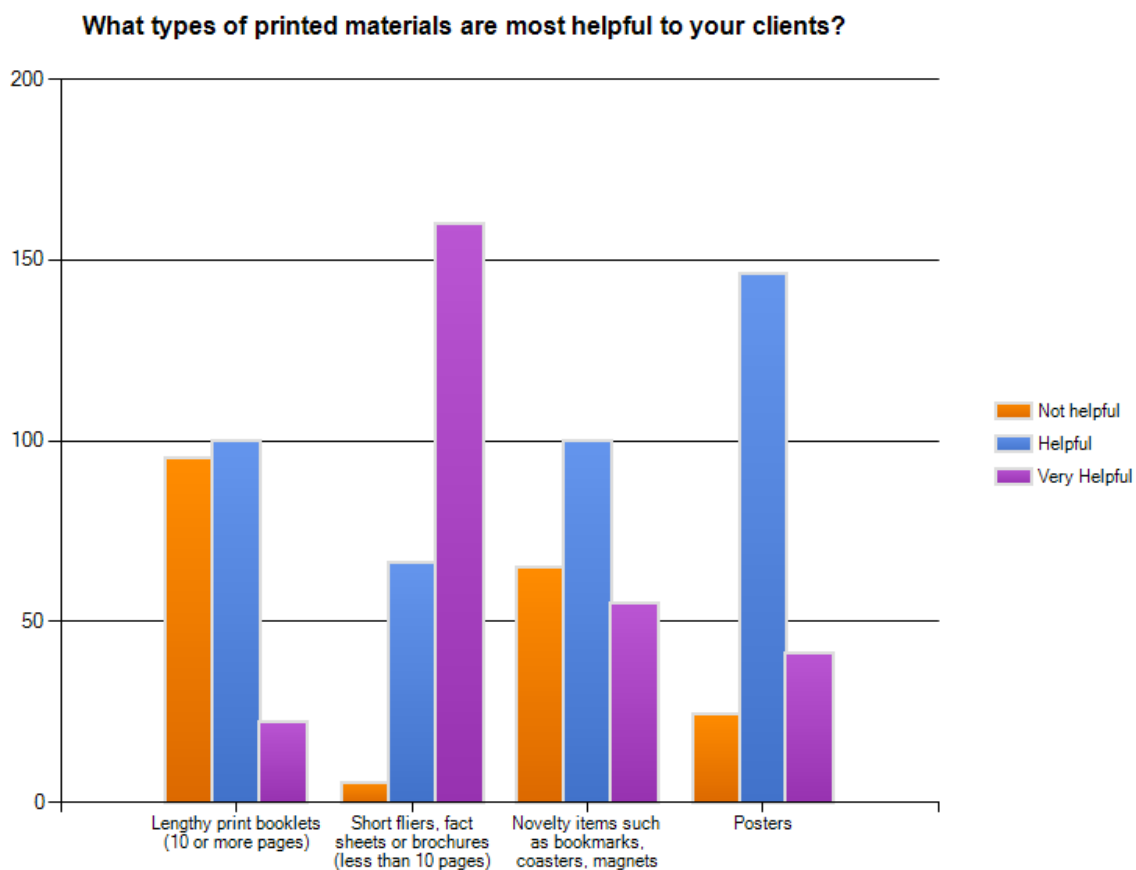
<sup>27</sup> See CLEO report, *supra* note 11 at p.11.

<sup>28</sup> McEown and Reid, *supra* note 12 at p. 33.

<sup>29</sup> See CLEO report, *supra* note 11 at pp. 17, 18.

persons who respond better to oral information. As well, the print format (including PDFs of documents), when compared to online, is not as easily updated.

Printed resources come in a variety of types, some more useful than others, depending on the nature of the target audience. In Figure 2, the relative usefulness of four types of printed materials is rated by respondents (intermediaries) to the CLEO survey<sup>30</sup>:



*Figure 2: CLEO Formats & Delivery Channel Survey, June & July 2012*

The CLEO report indicated that short (under 10 pages) print resources are rated by intermediaries to be most helpful to clients, particularly those who speak languages other than English, those in crisis or with disabilities. The most effective short print resources provide

<sup>30</sup> See CLEO report, supra note 11 at p.12

enough information to give the reader a general idea of the legal problem and next steps to take as well as information on additional resources (e.g. help lines, clinics, legal aid).

The survey rankings for lengthy (10 or more pages) print booklets were almost identical: similar numbers of respondents ranked them as “helpful” and “unhelpful”. Some respondents indicated that the longer format was useful to persons—including intermediaries—with the time, intelligence and emotional stability to consider legal issues in greater depth. Longer print resources were found not to benefit persons undergoing stress or in crisis (emotional factors impeding sustained concentration).

Posters and novelty items, the report found were of benefit to raise awareness of the existence and location of PLEI resources and services. As with short print booklets, the items in this category appealed to those with literacy and language limitations. Novelty items, particularly those in small format that can be concealed, were of value to persons (e.g. victims of violence) with security issues.

Research indicates that an effective distribution strategy for print resources is one that makes them available from trusted intermediaries and in places frequented by the target audience—a decentralized approach.<sup>31</sup> Locations will be varied and numerous: examples of distribution locations range from traditional service agencies (e.g. legal aid, community centres, immigrant service agencies, Aboriginal Friendship centres) to ESL classes, immigrant cultural fairs, places of worship, court houses, doctors’ offices, libraries, hospitals, schools. The preferred option for most PLEI providers is to have print resources available as well in online format.

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<sup>31</sup> See Klinger, *supra* note 15 at pp. 3-4, cited in CLEO report.

## Part Three—Web-Based Resources

### Overview

In recent decades, the use of internet technology has transformed service delivery in the private and public sectors. Its relevance to the PLEI sector in Canada was first explored by Gander in a 2002 study<sup>32</sup> that considered the then-current and potential applications of the internet to PLEI organizations, including to their operations (e.g. volunteer recruitment, communications with board and stakeholders, fundraising, marketing) and to their delivery of programs and services (from needs assessment to program/service offerings to evaluation). Included among her observations was that the internet facilitates a self-directed, self-help approach to learning and that PLEI providers must recognize and accommodate this when designing resources. The PLEI sector, she recognized, had “only begun to scratch the surface” of what was possible with internet technology in 2002. She predicted “...as PLE providers pursue the possibilities of the Internet, PLE will be redefined, yet again”.<sup>33</sup>

These remarks have proven to be prescient. Since 2002, the provision of PLEI resources through technology has grown tremendously:

- The PLEI mandate has been assumed by many more organizations than the “traditional/sole purpose” PLEI sector organizations. Today, PLEI information is provided on websites by government (federal, provincial, municipal), the legal profession (e.g. lawyer websites, law societies, the courts, self-help centres,

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<sup>32</sup> Lois Gander, *Applications of the Internet for Public Legal Education*, University of Alberta, 2002

<sup>33</sup> *Ibid*, pp.29-30.

tribunals), educational institutions, libraries, social service agencies (e.g. Aboriginal, immigrant settlement agencies), private enterprise, other communities of interest (e.g. poverty sector, with PovNet).

- The range of internet technologies has broadened. Websites have evolved from static text descriptions of an organization's purpose, services and structure to become repositories of or gateways to information in multiple formats: video, podcasts, presentation tools (e.g. PowerPoint), blogs, wikis, social networking tools (e.g. Facebook, Twitter), RSS feeds.
- Interactivity is rapidly becoming a feature in online delivery of PLEI information and services. Support to learners can be provided through chat and telephone line services, instant messaging programs and remote assistance software<sup>34</sup>. The use of automated document assembly programs is being explored in multiple jurisdictions. In some—most notably the Netherlands with its Rechtwijzer.nl website-- these programs are integrated with online dispute resolution programs that provide dynamic assistance throughout the resolution process.

The greater use of technology in the development and delivery of PLEI in recent years has been prompted not only by society's greater reliance on technology for executing everyday activities and the advances in technology that facilitate these activities, but also by cost constraints within the justice system. Throughout the developed world, the current economic climate does not support the provision of in-person legal services at levels prevalent in pre-recessionary times. In addition, there is a growing recognition among some justice community

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<sup>34</sup> An example of remote assistance software used in a PLEI setting is the Minnesota courts' Self-Help Centre's use of TeamViewer software to help self-represented litigants. SRLs with difficulties in navigating the Self-Help Centre's website can receive help from a staff member who, with the user's permission, takes remote control of the user's computer and demonstrates how the website can be used.

participants that access to justice exists on a continuum from the “early resolution services sector” (ERSS) to “full representation” before a court. Resolution of problems at early stages of the continuum can result in avoidance of the costs associated with full representation. The drive to reduce justice system costs, combined with the recognition of the role that PLEI can play in this provides the context for the expanded use of technology in the development and delivery of PLEI.

Tempering the excitement over the possibilities of new technology and its application to PLEI is the recognition of a growing “digital divide” separating those with access to technology and those without. As seen in Part Two, the divide correlates to income, education, age and where one lives (urban vs rural).<sup>35</sup> Furthermore, a “second digital divide” has been identified: persons who have access to the internet and use it do not necessarily have the digital literacy and capacity to identify the best forms of assistance. The research indicates that the ability to find and use online legal information correlates with a person’s education, age and life experience<sup>36</sup>. Bonnie Rose Hough, a visionary in the domain of self-help in the California courts cautions:

*Technology is a great asset and courts and legal services providers need to move forward with technological solutions to address the needs of the public they serve. But not everyone will be able or willing to use the technology when it is first deployed. It is critical that courts never unfairly disadvantage a party because of the new technology.*<sup>37</sup>

Similarly, commentators on technology and PLEI recognize that, while new technology offers the possibility of expanded reach and effectiveness of PLEI resources, accommodation

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<sup>35</sup> E. Schmidt and J Cohen, *The New Digital Age: reshaping the future of people, nations and business*, Alfred A. Knopf, 2013, p 256.

<sup>36</sup> C. Denvir et al, *Surfing the web-Recreation or resource? Exploring how young people in the UK use the Internet as an advice portal for problems with a legal dimension* in *Interacting with Computers*, 2011 23, pp 96-104

<sup>37</sup> Bonnie Rose Hough, *Using Technology to Enhance Access to Justice*, Harvard Journal of Law & Technology, Volume 26, Number 1, Fall 12012, p.266



must be made for those who cannot use it. Smith and Paterson<sup>38</sup> recognize “the internet...and other forms of digital based delivery have tremendous potential which we should explore in the field of access to justice....However delivery cannot, at least at the present time, be wholly digital because too many would be excluded...And, furthermore, all is not equal in the digital world. There are ways in which websites or telephones can be well or badly used. Almost invariably, the research would seem to suggest that the internet ...to be truly effective, needs supplementing with assistance from individual advisers.”

#### *Online formats and delivery channels*

Three broad categories of online PLEI formats and delivery channels will be examined in this section: websites (portals, “content-rich” sites and specialized sites); social media; online dispute resolution (ODR sites). Frequently, the categories converge: websites contain links to social media applications; websites designed primarily as online dispute resolution platforms also provide legal and other information (e.g. financial calculators).

#### **Websites: formats and design**

##### *Usefulness of types of online formats on websites*

In recent years, a number of Canadian studies have examined the use of the internet in the development and delivery of PLEI. In addition to the 2013 CLEO study on formats and delivery channels and the McEown and Reid 2007 PLE Review referred to previously in this report, these include

- *Public Legal Education and Information Resources Accessibility Initiative*, Decoda Literary Solutions, Habanero Consulting Group, Sa’hetxw Consulting, for The Legal Services Society, BC, 2012

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<sup>38</sup> Supra note 22 at p. 22.

- *Designing Websites Effectively: Promising Practices for Providing Legal Information to the Public*, Legal Resource Centre of Alberta, for the Charities Directorate, Canada Revenue Agency, 2007
- *Clicklaw Project Evaluation Report*, Courthouse Libraries BC (Brenda Rose and Desy Wahyuni) for Law Foundation of BC, 2012
- *Just a Click Away Conference Report*, Courthouse Libraries BC (Brenda Rose, Drew Jackson, Carol McEown & Gayla Reid), for Law Foundation of BC, 2011
- *Best Practices for creating, delivering and evaluating PLEI*, series of webinars and explanatory text on PLEI Connect website, [www.pleiconnect.ca](http://www.pleiconnect.ca), 2013

The CLEO report provides insight regarding the advantages of online PLEI over print, as well as the online formats that intermediaries prefer for their clients who have access to the internet and knowledge of how to use it. (Figure 3, later in this Part)<sup>39</sup>. They identify convenience as their clients' chief reason for preferring the internet over other forms of PLEI delivery: information available at all times, printable, without having to obtain it from an intermediary.

Information in text format is most often chosen by intermediaries working with their clients because it can be printed (and easily were "printer friendly" website applications are used) and read with clients; it is easily scanned for relevant information; it is the format most frequently available on websites; it is the format most people are accustomed to. Running a distant second in terms of intermediaries' preferred online format for their clients are "interactive tools" (e.g. online forms, decision trees). Although a detailed examination of the reasons underlying the preferences for the formats contained in Figure 3 was beyond the scope of the

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<sup>39</sup> See CLEO report, supra note 11 at p.19.

CLEO report, it is reasonable to assume that the scarcity and quality/usability of non-text resources, as compared to text-format resources, play a large part in the rankings.

Online audio/video were identified as useful for clients with one or more of the following characteristics: youth, persons who are audio or visual learners, persons with low literacy, the visually impaired. Online real time training applications were low on the list of PLEI formats and delivery channels, with disadvantages cited as: training sessions occur according to a schedule (not on demand), presentation of information too slow, not all content useful to client.

Online training (both real-time and asynchronous) for intermediaries, however is regarded both by the CLEO report and by PLEI research<sup>40</sup> as an effective tool for education and collaboration. PLEI organizations in Canada and in the United States have adopted e-technology for staff training, using a variety of web-based media formats. These include text, audio, streaming video, animation, images, PowerPoint slides, interactive whiteboards, webcams, Skype and screencasting. Training sessions can be offered in real time (synchronous), with information exchanges occurring among participants, including an instructor or facilitator at the same time. Asynchronous learning can occur at any time chosen by the learner and can employ such technologies as e-mail, blogs, wikis, web-based text, discussion boards and social networking.

In Canada, the PLEI Connect initiative offers a repository of technology learning tools for the PLEI community. Funded by the Department of Justice Canada and the Ontario Law Foundation, PLEI Connect is led by a team consisting of PLEI organizations from across the country: Community Legal Education Ontario, Educaloi, PovNet and Courthouse Libraries BC. Through its website [pleiconnect.ca](http://pleiconnect.ca), it offers PLEI practitioners a platform to exchange ideas via private discussion groups; a public “news and announcements” space; an archived series of

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<sup>40</sup> See Jane Ribadeneyra, *Web-Based Legal Services Delivery Capabilities*, in *Using Technology to Enhance Access to Justice*, Harvard Journal of Law & Technology Volume 26, Number 1 Fall, 2012, p. 255.

webinar broadcasts<sup>41</sup> on using technology to deliver PLEI; a series of hands-on web labs for PLEI practitioners to work directly with new technologies; and a guide to online PLEI best practices.

Another example of the innovative use of technology in the delivery of PLEI was the Immigrant PLEI Consortium's (IPC) interactive web training programs for settlement workers in British Columbia from 2012-14. The IPC was a consortium of 12 (in later years, 23) immigrant service agencies and PLEI providers whose purpose was to increase the level of integration between PLEI and settlement workers serving new immigrants and refugees. In operation from 2009 to 2014 with financial support from the Government of Canada and the Province of British Columbia, the IPC delivered a wide range of learning tools to immigrant communities and settlement agencies. In its final years these included a series of web-based training sessions for settlement workers on the BC *Family Law Act*. The series featured: web-based text and video instruction; learning in groups/ cohorts of up to 15 learners, each cohort with an assigned facilitator; learner support from a facilitator via e-mail and telephone; group discussion boards; quiz at the end of each training module; asynchronous learning, permitting the learner (mostly settlement workers) to participate at times of his/her choosing. Following the wind-up of the consortium, the training series was adapted for use by the general public and is currently offered, without facilitation on [immigrantlegal.ca](http://immigrantlegal.ca).

Additional examples of the effective use of web technology in training intermediaries are the initiatives taken by CLEO to train community workers across Ontario, LSS webinars for community partners and the PovNet U online course collection for anti-poverty advocates in British Columbia.

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<sup>41</sup> Offered originally in 2012-2013 to PLEI organizations across Canada, the live webinars and web labs have been archived and are available on [pleiconnect.ca](http://pleiconnect.ca). Topics covered include delivering training using technology, PLEI for mobile users, search engine optimization, writing for the web and evaluation tools.

Although PLEI organizations have made advances in the development and delivery of web-based training for their staff and for intermediaries, the application of this technology to educate the public is still in early stages. More work is required to improve website “findability” and usability by the general population before the merits of online courses as an effective model for this cohort can be evaluated.

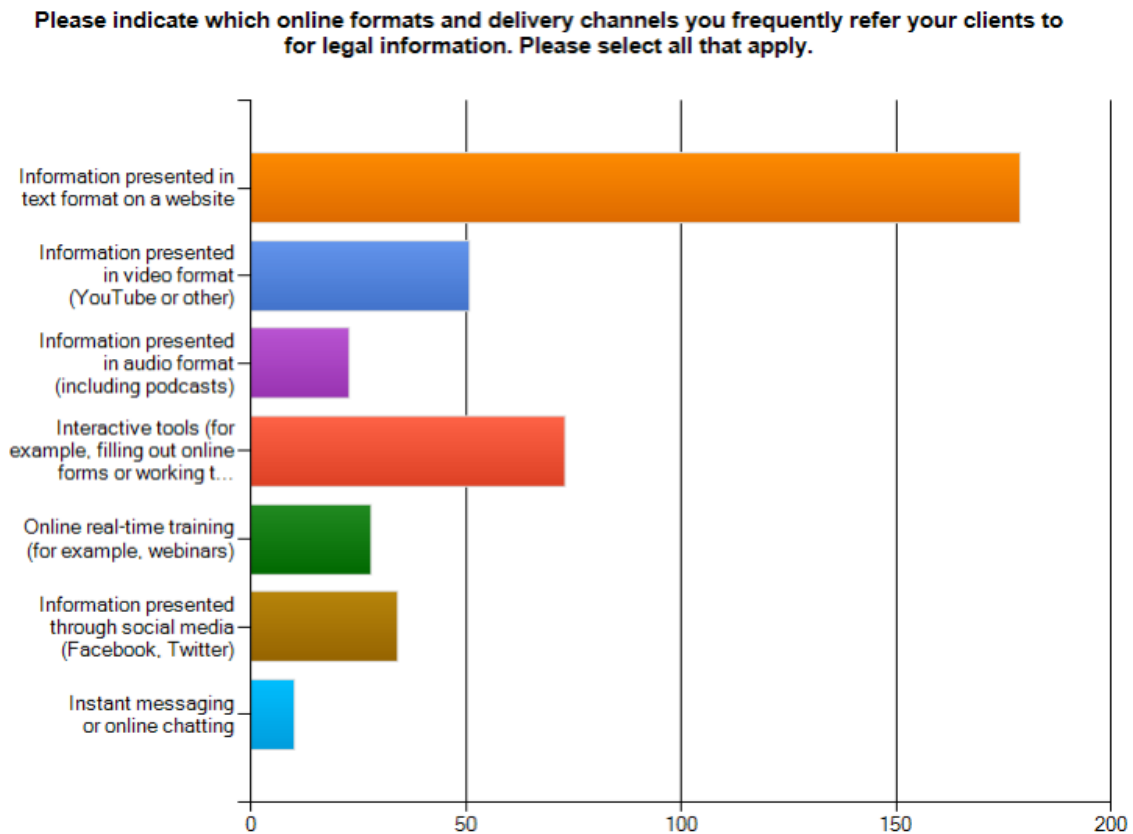


Figure 3: Online format and delivery preferences.

*Websites: finding and using online PLEI*

A recurring theme in the literature on online PLEI is the challenge faced by the population with access to the internet in identifying information relevant to their situation. An individual may be “computer literate” (i.e. possessing the knowledge and ability to use computers and related technology efficiently, with a range of skills covering levels from

elementary use to programming and advanced problem solving), but still unable to find and use legal information relevant to his/her problem. Two recent UK studies<sup>42</sup> examined youth in their efforts to use the internet to solve a legal problem and found a surprising lack of capability to identify the best forms of assistance. Among the studies' findings were

- Time spent by study participants in internet research did not exceed 10 minutes
- Some participants did not consider jurisdictional relevance of the results (e.g. they referred to US websites as authorities to solve their UK-based employment and housing problems).
- Searches were consistently structured around conventional search engines (e.g. Google). Even when given a "hint" UK website, participants did not refer to it immediately, but preferred to use the familiar search engines.
- Participants rigidly adhered to order of search results. For example, the search results appearing first in the list were given more authority than those coming later in the list of results.
- Participants did not frequently search within a website or use the website "search" function, but preferred to switch back and forth between search pages to generate new search results.
- Some failed to consider the reliability of websites (a number preferred ehow.com over more reliable websites).
- Even when knowledge of legal rights was improved, this did not translate into knowledge of what course of action to take. Many did not identify the urgency to seek advice.
- 65% of the 2012 study participants stated that they would not have the confidence to handle a similar problem alone. The vast majority indicated that, if faced with a similar

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<sup>42</sup> See Denvir, *supra* note 36 and Catrina Denvir & Nigel Balmer, *Digitally (De)Faulted? How do young people use the Internet to acquire knowledge of their rights?*, University College London, 2012

problem they would seek help from family/friends and an advisor/representative on account of their professional or life experience.

These studies, although conducted on a youth cohort, are consistent with the general findings of the 2013 CLEO study of intermediaries serving low-income clients. In that study, two-thirds of the survey respondents reported that their clients were not able to easily find and make use of online information. Included in the comments of survey respondents were clients' lack of awareness of PLEI portals and inability to judge the reliability (jurisdiction, age of publication) of resources.<sup>43</sup>

The UK and Ontario research suggest the following areas of concern for PLEI developers: designing websites to perform better on search results; providing community education on how to properly conduct internet searches for legal information (methods and trusted websites); undertaking measures to denote the reliability of websites and resources (including labeling resources with name of producing organization, date and jurisdiction of publication creation and updates); and exploring ways to increase an individual's capability and confidence to use the information they find to navigate the legal system and resolve their disputes. As will be seen later in this report, research of PLEI organizations in BC indicates that many engage in such activities designed to improve the accessibility of their resources. Further research is required, however on ways to assist the individual to translate knowledge of legal rights into a practical course of action.

### *Websites: Guidelines for Design*

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<sup>43</sup> Unlike in the UK studies, lack of internet access was included in the CLEO study in the reasons cited by intermediaries for their clients not being able to find and make use of online information.

Research conducted by Habanero Consulting Group for the Legal Services Society of BC<sup>44</sup> (LSS) and by the Legal Resource Centre of Alberta<sup>45</sup> provide useful overviews of practices used in effective website design for public legal education and information purposes. Habanero studied LSS's Family Law Website to assess how it could best serve its target audiences of intermediaries, LSS clients and British Columbians with family law issues who are not LSS clients. Its research activities included a literature review and evaluation of the website from a best practices perspective, stakeholder interviews, listening labs, online surveys, Google Analytics data review and corporate information analysis (e.g. strategy papers, previous usability reports). The Alberta study surveyed the literature for promising practices in website design, identified eight promising practices and reviewed six websites across Canada as examples of good practice. The conclusions drawn by both reports cluster around the following general categories and can serve as guiding principles for PLEI website design or evaluation. A detailed examination of each category is beyond the scope of this paper; for a more comprehensive study of the characteristics of effective websites, the reader is directed to the aforementioned studies, including the "Promising Practices" checklist contained in the Alberta report.

### *1. Finding the website*

People not already familiar with a PLEI organization or its website at the time they conduct an internet search can experience difficulties differentiating the website from

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<sup>44</sup> *Research findings and recommendations, Family Law In BC Website, Public Legal Education and Information Resources Accessibility Initiative*, Habanero Consulting Group, for the Legal Services Society of BC, 2012.

<sup>45</sup> *Designing Websites Effectively: Promising Practices for Providing Legal Information to the Public*, Legal Resource Centre of Alberta, for the Charities Directorate, Canada Revenue Agency, 2007



other not-for-profit or less reliable alternatives. They tend to give priority to the sites appearing at the top (i.e. the first page) of internet search results.

Following search engine optimization conventions (e.g. choosing the “right” metadata<sup>46</sup>) can help to improve website ranking, along with cross-promotion and linking to sites of organizations in similar communities of interest. For example, Habanero identified that people in their study cohort first sought internet information from government and official sites, the implication being that these were regarded as more credible to the searcher. It recommended that LSS include the words “We are non-profit and funded by the Attorney General of BC” in the meta tags for its Family Law Website since these often show up in search results. It also recommended that LSS request higher profile linking from the AG website because many of the Society’s target audience first visited the AG site to research their family law issue.

## *2. First impressions upon arriving at the website/homepage*

The literature emphasizes the home page as the most important page on the website, receiving more page views than any other page. The Alberta study cites Nielsen’s characterization of three fundamental features of a home page: a directory (navigation) of the site’s main content; a summary of the site’s purpose; and a search feature.<sup>47</sup> Habanero’s recommendations to LSS for the modification of the Family Law Website home page address each of these<sup>48</sup>.

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<sup>46</sup> Ibid, p. 6

<sup>47</sup> Ibid, p. 7.

<sup>48</sup> Habanero recommended, supra note 44 at p.10 of Habanero Report: “Create a homepage and global navigation that ensures people can easily see the following when they arrive at the site:

- links to information for their topic (e.g., divorce) or community (e.g., Aboriginal, immigrants)
- the site is official, can be trusted, and is non-profit
- that they can do things themselves here
- court forms
- services and people who can help them

### 3. *Content*

Both studies emphasize the importance of conveying information in the way a user will understand—that it be specific, relevant and practical. This entails

- a) identifying topics of interest to the user (e.g. information about the issue, information about dispute resolution or court process), communities of interest relevant to users (e.g. immigrant, Aboriginal) and tasks he/she wishes to undertake (find help, self- help guides, forms, instructions)
- b) building information architecture around the topics and tasks
- c) portraying the information in a format that is easily scanned (e.g. use of headings, white space, one thought per paragraph, lists) and
- d) using language tone (direct, conversational) and literacy levels appropriate to the user.

### 4. *Navigation and search within the site*

The Alberta study cites the importance of having a clear and consistent navigation architecture on the site that answers the questions where am I? where was I? where can I go for more information?<sup>49</sup> Included in the checklist for this are consistent formatting throughout the site that identifies to the user the identity of the organization behind the website, where the user is in the site, and the information they are regarding. Effective use of headings, categories, tabs, breadcrumb trails, back buttons and links with scroll over titles are examples of navigation techniques used to assist navigation within the site.

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• language options”

<sup>49</sup> Supra note 45 at p. 10.

For users who use the “search” function of a website to find information, research indicates that it works most effectively when a) the website’s header is visible on the search results page (so that the user knows that he/she has not left the organization’s site b) the search function accounts for misspellings c) the search identifies the scope of the search (a page/section/ entirety of a site) and d) the search indicates how responses are ranked.<sup>50</sup>

##### *5. Access to human support*

Smith and Paterson<sup>51</sup> identify access to personal assistance as one of the characteristics of a good legal advice website. This is true as well for legal education and information websites. Providing this service to users, particularly those with learning, language and literacy challenges serves to reduce the incidence of digital exclusion. Examples of websites incorporating the human element include the New South Wales, Australia site [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au), with telephone call centre service from 9-5 weekdays, the LiveChat function on the Legal Services Society of BC website and LSS’s Family LawLINE service. As of Fall, 2014 the Family LawLINE service offering will be expanded to offer clients the ability to send their documents to a lawyer for review and follow-up appointments for help in preparing them, as well as coaching on advocacy and self-representation skills.

Examples of limited chat services to assist clients in finding PLEI resources in BC are offered by The Justice Education Society of BC and by The People’s Law School. The “Ask JES” function on selected Justice Education Society websites permits users to submit e-mail questions that will be responded to within 5 days. The People’s Law

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<sup>50</sup> Ibid, Appendix A at p. 18.

<sup>51</sup> Supra note 22 at p. 70

School offers the “PLS ask” service where a user submits an e-mail question, with the promise that it will be replied to “as soon as possible”.

#### *6. Accommodation of disabilities and differences in learning styles*

Recommended practices to accommodate the needs for persons with disabilities are promoted by the Web Accessibility Initiative of the World Wide Web Consortium (W3C) and include providing text transcripts for podcasts, image text alternatives (alt text), color contrast and resize text functions. Multimedia (video, audio) alternatives are recommended to accommodate differences in learning styles, as well as opportunities for the learner to interact with the information and apply it to their own situation.

#### *7. Planning, monitoring and evaluation*

Whether or not the website or its improvements are a success depends first on establishing in advance the goals and objectives of the site. In the case of the Legal Services Society’s Family Law Website, these include helping British Columbians with family law issues navigate the legal system, and helping intermediaries assist their clients with their family law issues. Measuring the success of the website includes quantitative and qualitative analysis. Analytics can be used to identify website usage patterns. The views of intermediaries, clients and the general public can be obtained through online polls and surveys, focus groups, listening labs, and other forms of intermediary feedback to determine the effectiveness of the site. It is recommended that these activities take place throughout the development of the website and thereafter.

#### *Websites and mobile devices*

An increasing number of users are accessing websites through mobile devices. *The Canadian Internet Use 2012* survey findings determined that the proportion of [internet] connected households using wireless handheld devices from home to go online increased

from 35% in 2010 to 59% in 2012. In its study of the LSS Family Law Website, Habanero reported<sup>52</sup> the percentage of mobile visitors to the Family Law Website by April 2012 had been increasing at one percent per month over the previous year and at that time made up over 12 percent of all traffic. The recent CLEO survey of intermediaries found that almost one half of the respondents rated mobile devices as either “useful” or “very useful”<sup>53</sup>. In the United States, research has shown that smartphone use to access the internet is prevalent among certain cohorts: “[owners] under the age of 30, non-white smartphone users, and smartphone owners with relatively low income and education levels are particularly likely to say that they mostly go online using their phone.”<sup>54</sup>

As a result of this trend, PLEI organizations are encouraged to review the sources (type, volume) of traffic to their websites through analytics and research and to ascertain their audience’s information needs via mobile devices. Does the volume and rate of increase of traffic to the website from mobile devices warrant the investment in building solutions for mobile device users? If so, should the organization build an application that may serve short term needs or consider the longer view by developing a new site that works across devices?

Knowledge of the target audience, the devices they use and how they use them will guide the development of the design process and mobile website strategy. Research identifies the following practices to be effective in improving the usability of mobile websites:

- Mobile users vary: iphone vs. Android, fast download speeds vs. slow, touchscreen (the majority) or non-touchscreen users. PLEI organizations should consider whether to build one mobile site or more. Will “responsive design”(a technique for building a single website that adapts to and looks different

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<sup>52</sup> Supra note 44, p. 18

<sup>53</sup> Supra note 11, p. 21

<sup>54</sup> Aaron Smith, Pew Internet & American Life Project, *35% of American Adults Own a Smartphone* 3 (2011).

according to the device on which it is being viewed) be an appropriate strategy for the organization?

- Reduce the amount of text content on the mobile site by including only the most important information. Consider the mix of content delivered through audio and video, formats that provide an alternative to text.
- Use single column layout that extends across the width of the screen. The text should expand downwards, not across since it is easier to scroll down than across a page. Use simple text fonts.
- Reconsider how navigation is presented on the mobile site. Limit layers of navigation (recommended: under three) to speed content delivery to the user.
- Minimize text entry and small text links. Important calls to action should be designed to be easily tapped—e.g. with boxes that take up more screen space than small text links.

An increasing number of justice related organizations, particularly those in the United States are developing mobile apps for their clients. In Maine, Pine Tree Legal Assistance developed three apps for Android, iPhone, iPod and iPad:

- the National Legal Aid News app that app provides news about legal aid and related programs around the country.
- the National Legal Aid Finder app that provides contact information and website links for legal aid programs around the United States and
- the HelpMELaw app (for residents of Maine) that provides interactive contact information and website links for the major statewide legal aid programs in Maine.

Similar apps have been developed by Illinois Legal Aid Online, the Arkansas Access to Justice Foundation and the Public Counsel Law Centre, the US's largest pro bono law firm. In British

Columbia, The Peoples Law School website has been designed to adapt for viewing on mobile devices; similarly, the Legal Services Society employs responsive design technology to enable its Aboriginal websites to be viewed easily on mobile devices. PLEI organizations in BC may learn from the experiences of these organizations as they consider developing mobile apps that provide tools and information for their clients. The overall trend to mobile devices suggests that they may become a primary source of legal education and information in the future. PLEI organizations are well advised to consider their audience's needs for information and whether it makes sense to adopt a mobile device strategy to fulfill them.

### **Websites: Portals and Other Site Models for PLEI**

A key strategy point facing many PLEI organizations considering establishing an online presence is whether to create a portal, one content-rich website or multiple websites each with a specific focus (e.g. type of law, specific community of users). This issue was considered at the 2011 “Just a Click Away” conference, a Canadian conference on technologies for public legal education and information as well as a series of pre-conference webinars. From the summary of the presentations contained in the conference report<sup>55</sup>, it appears that the choice of website model is often influenced by the nature of the organization, including its mandate and human and financial resources available to maintain a web presence. It is also influenced by the environment in which it works, including the needs and expectations of the audience(s) served by the organization, whether there are multiple PLEI providers in the sector and whether sector participants behave cooperatively or competitively.

#### *Portals*

The purpose of a portal has been described as

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<sup>55</sup> Brenda Rose, Drew Jackson, Carol McEown, Gayla Reid, *Just a Click Away Conference Report*, A report on a national conference on technologies for public legal education and information, hosted by Courthouse Libraries BC in Vancouver February 2011, August 2011.

.... to aggregate content from a variety of sources into a one-stop shop for relevant content. ... Knowledge portals link people, processes, and valuable knowledge content and provide the organizational glue or common thread that serves to support knowledge workers.<sup>56</sup>

Research<sup>57</sup> suggests that portals make sense in the following circumstances

- There is a substantial body of good quality, reliable public legal education and information resources produced by multiple organizations within the jurisdiction.
- There is an identified audience need that a portal can satisfy. For example, does the audience experience difficulty in finding resources because the resources are spread out over multiple PLEI websites?
- Stakeholders are willing to coordinate with one another to create a portal. This includes creating a user-centered taxonomy, contributing resources to the portal, identifying gaps in resources and strategies to fill them.
- Stakeholders are willing to coordinate with one another to promote and maintain a portal. This includes promotion within their respective organizations and to external audiences. It also includes stakeholders engaging in regular review of their contributed materials to ensure they are current and relevant.

PLEI portals exist in a number of provinces throughout Canada. The following table contains a listing of the more recognizable portals in the PLEI sector. It is not meant to be an exhaustive listing of PLEI aggregator sites in Canada:

Province	Portal	Sponsor organization	Audience	Comments
British Columbia	Clicklaw www.clicklaw.bc.ca	Courthouse Libraries BC—not for profit society	General public- BC	25 organizations upload resources to the site using established taxonomy; Courthouse Libraries staff curate and upload information from approx. 100 additional

<sup>56</sup> K. Dalkir (2005), *Knowledge Management in Theory and Practice*, Elsevier Butterworth-Heinemann, Burlington, MA, pp 234,235.

<sup>57</sup> Supra note 55, pp 51,52



				organizations, primarily in BC, with some federal and other provinces' resources included.
British Columbia	PovNet www.povnet.org	PovNet-not for profit society	Primary audience--community workers and advocates working in the anti-poverty sector across Canada; secondary audience-general public.	Portal maintained by BC based society, with Canada-wide content
Alberta	LawCentralAlberta www.acjnet.org	Centre for Public Legal Education Alberta—not for profit society	General public- Alberta	
Alberta	LawCentral Canada www.lawcentralcanada.ca	Centre for Public Legal Education Alberta	General public-Canada	
Alberta	LawCentral Francais www.lawcentralfrancais.ca	Centre for Public Legal Education Alberta	General French Speaking public-Canada	
Ontario	Your Legal Rights	Community Legal Education Ontario—not for profit organization associated with Ontario's community legal aid system	General public-Ontario	Began as CLEOnet, a portal primarily for community advocates. CLEO also maintains another website, cleo.on.ca with publications and resources produced by CLEO in 10 topic categories.

The common characteristics of the provinces having PLEI portals are 1. a substantial and varied collection PLEI resources produced by multiple organizations within those jurisdictions and 2. no other single public site containing accessible and accurate information on a wide range of legal issues. It is logical that the most populous provinces in Canada would have the range of PLEI providers sufficient to warrant building a portal. The one exception to this—Quebec—has developed a tradition of public legal education distinct from those of the other populous provinces. Unlike them, it has one sole-purpose PLEI

provider, Educaloi, which maintains one website with a large amount of content on multiple legal topics for a variety of audiences in Quebec.

*“Content rich” websites; “specialized” websites*

Distinguished from the portals that aggregate content from other sources are the so-called “content rich” websites. Although there is no accurate definition for “content rich” (shouldn’t all websites—including portals--be “content rich?”), this term as used in the PLEI community in Canada commonly denotes a non-portal website that contains information created by a PLEI organization on a variety of legal topics and for multiple audiences (e.g. intermediaries, youth, teachers and self-represented litigants etc.). A further distinction is sometimes made between the “content rich” sites and “specialized” sites, the latter connoting a website designed to address a discrete legal topic or to address the needs of a particular audience (e.g. seniors, the disabled or youth). According to this definition, the number of pages contained on the sites does not indicate whether a site is “content rich” or not; a specialized site may have more pages than a content rich site—or even a portal.

Reasons for developing content-rich PLEI sites as opposed to portals are varied, and for the most part consist of the mirror image of the reasons for building a portal: e.g. no substantial body of quality PLEI resources produced by multiple organizations within the jurisdiction; lack of coordination among existing PLEI resource producers, making it unrealistic to create a portal, or to sustain it, if created; the belief that a content rich site is more accessible than the alternatives to users, based on assumptions of user characteristics and preferences.

In each of the less populous provinces and territories in Canada (i.e. provinces other than Quebec and the ones identified in the previous table) one predominant sole-purpose PLEI organization, usually a not for profit society<sup>58</sup> maintains a website with information and resources about the law in that province. Each website contains information created by the

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<sup>58</sup> Exception: in the Northwest Territories, the Legal Services Board delivers PLEI in addition to legal aid.

respective PLEI organizations, as well as others in the province. The emphasis on these sites is on text-based information, much of it in PDF format, with little multimedia. These websites are typically “static” (with the exception of Educaloi) in the sense that they usually display the same information to all visitors. For example, the content on these sites does not change as would the content of a news website that changes the news articles it displays according to pre-defined rules. Educaloi’s site features a landing page with law-related news that changes daily.

These websites can be categorized as “content-rich” websites: they contain information created by the PLEI organization for that province, on a variety of topic categories and for multiple audiences. Some sites also contain PDFs of resources created by other organizations and links to the latter (often government ministries/departments). However the majority of content on these websites is that which they have created, not the aggregated content of other organizations. The following table contains a listing of the primary content-rich PLEI sites in each of the provinces and territories other than BC, Alberta and Ontario. Each organization maintains one website, except where noted.

<b>Province</b>	<b>Portal</b>	<b>Sponsor organization</b>	<b>Audience</b>	<b>Comments</b>
Saskatchewan	PLEA-Public Legal Education Association of Saskatchewan— plea.org	Public Legal Education Association of Saskatchewan—not for profit organization	General public	Text-based information on website. 17 topics for general public on “everyday legal problem” categories; also topics for youth, intermediaries. Booklets and brochures available by order on a number of everyday problem topics.
Manitoba	Community Legal Education Association of Manitoba(CLEA) Communitylegal.mb.ca	Community Legal Education Association (CLEA)	General public	Text based information in PDF format; some information available on order. 11 topics for general public on “everyday legal problems”, especially wills and probate; also resources for youth and teachers

Quebec	Educaloi Educaloi.qc.ca	Educaloi—not for profit organization— Stakeholders include the Barreau du Quebec and the Chambre des Notaires	General Public	Area of focus is dual: promotion of legal plain language and legal education. 10 primary categories of everyday legal problem topics. Sections for educators and for youth, with resources. Full use of multi-media, sophisticated productions, especially video (“educaloi.tv”). Selected resources in both English and French.
New Brunswick	Public Legal Education and Information Service of New Brunswick—PLEIS— NB-legal-info- legale.nb.ca	Public Legal Education and Information Service of New Brunswick— not for profit organization	General public	Information on 9 “everyday legal problem” topics for general public and 1 youth category. Information available as text on website and PDF format. Brochures available by order. English and French websites.
Nova Scotia	Legal Information Society of Nova Scotia— legalinfo.org	Legal Information Society of Nova Scotia—not for profit organization	General public	Information for general public on main site on 12 topic areas. Separate site for youth: youthjustice.ns.ca. Most information in text format on website some in PDF format. Prominent social media component on website. Some information also available in French.
Prince Edward Island	The Community Legal Information Association of Prince Edward Island, Inc—CLIA— cliapei.ca	The Community Legal Information Association of Prince Edward Island, Inc. Non-profit company.	General public	Information for general public on 9 “everyday legal problem” topic areas and on how to work with a lawyer. Text information, primarily PDF format. Also videos on family law and life planning (e.g. wills, estates) topics. PEI court forms downloadable on website. Some information available in French.

Newfoundland	Public Legal Information Association of Newfoundland-PLIAN- publiclegalinfo.com	Public Legal Information Association of Newfoundland— not for profit organization	General public	Information for general public on 7 areas: criminal , family, schools, planning ahead (wills, estates) , youth, victims and laws (e.g.) constitutional. Information in text, PDF format. Audio and video information on selected seniors and family law topics.
Northwest Territories	The Legal Services Board of the Northwest Territories— gov.nt.ca	The Legal Services Board— government agency	General public	Information contained on the “Department of Justice” tab. Miscellaneous listing of topics including residential tenancies, parenting after separation, criminal law-related topics, victims’ rights topics, family law, condominium law. PDF format.
Yukon Territories	The Yukon Public Legal Education Association – YPLEA-yplea.com	The Yukon Public Legal Education Association— not for profit organization		Site organized along categories of “seniors” and everyday legal problems: information on legal forms, landlord and tenant, small claims and miscellaneous topics on family law, conveyancing, being a witness. Information in PDF format.

The term “specialized” websites has been used in the PLEI community in Canada to mean non-portal websites on specific legal topics or for specific communities of interest. Examples of these include ojen.ca, the Ontario Justice Education Network’s site for students and educators; the 10 or so websites created by the Centre for Public Legal Education Alberta on such topics/for such groups as landlord and tenant, charities law, “foreign brides”, victims of abuse and teachers/schools; “Refugee Rights in Ontario”, a website for front-line workers and “ONCA Ontario’s Not for Profit Corporations Act” websites created by Community Legal Education Ontario; and the 30+ websites created by the Justice Education Society of BC on administrative

law, BC courts and cyberbullying and for audiences including youth, teachers, victims, aboriginals, separating parents and immigrants.

*British Columbia: A Unique PLEI Sector*

The composition of the PLEI sector in each province and territory in Canada is consistent from one province to the next, with the exception of British Columbia. In each of the provinces but BC, there is one predominant provider of public legal education for the general public. The online presence for these providers is either a content-rich website or a portal. In Ontario, the Ontario Justice Education Network offers a specialized website with resources for teachers and students; this complements the CLEO portal “Your Legal Rights”, the predominant information source for PLEI for the general public in Ontario. The Centre for Public Legal Education Alberta is the primary PLEI provider in that province, with three portals and a number of specialized sites.

In British Columbia the PLEI sector is composed of the following principal organizations<sup>59</sup>, each contributing members of Clicklaw and each with an online presence:

<b>Organization</b>	<b>Online presence</b>	<b>Type</b>	<b>Key Audiences</b>
Courthouse Libraries BC	Clicklaw Clicklaw.bc.ca	Portal	General public with diverse needs Intermediaries
Legal Services Society of BC	Legal Services Society main site: lss.bc.ca	Content-rich website—multiple topics: debt, criminal law, housing and tenancy, GLTB, immigrants, wills and estates, women, aboriginals	General public with diverse needs Aboriginals Intermediaries

<sup>59</sup> The province of British Columbia, like other provinces, also maintains websites containing public legal education and information. BC’s Ministry of Justice website in particular contains basic text-based information on family law and criminal justice topics. They are not considered a “PLEI organization” like the others referenced in this report, since their primary purpose is not public legal education and information and since their status is not that of a not for profit organization.

		(aboriginal information on discrete section of general website)	
	Family Law in BC-- familylaw.lss.bc.ca	Specialized site—family law	General public seeking information on family law issues intermediaries
Canadian Bar Association—BC	Cbabc.org	“corporate” website: primary purpose is to provide information about CBABC and its services for legal community; “for the public” page on site contains Dial a Law public legal information in 2 formats: online text and links to audio files.	Lawyers—main website General public—“for the Public” section of main website
Justice Education Society of BC	JES main site: Justiceeducation.ca	Content-rich website—multiple topics, multiple communities of interest, BC and International Links to 30+ specialized sites Provides information in text format, PDF and video (live action and animation) International Projects—information housed on home site	General public with diverse needs Teachers Youth Aboriginals Immigrants Intermediaries
	30+ sites on 1.specialized topics: e.g. Small claims court Administrative court 2. communities of interest: e.g. youth teachers victims of crime	Specialized sites with resources offered in text and downloadable PDF formats and video.	General public seeking information on discrete areas of law such as administrative law, small claims court etc.  Specific communities of interest such as Teachers Youth Aboriginals Immigrants Victims of crime
People’s Law School	People’s Law School site-- Publiclegaled.bc.ca	Content-rich website—multiple topics including family law, debt, consumer law, criminal law, taxes, employment, driving in BC. Several communities of interest: youth, seniors  Multiple delivery formats: Text, PDFs, video, wikibooks.	General public seeking information on discrete areas of law. Youth, seniors
PovNet	PovNet— Povnet.org	Portal. Specialized: for advocates in anti-poverty community. BC and Canada-wide resources on portal.	Anti-poverty community

Attitudes vary within the BC PLEI sector regarding the comparatively numerous website offerings in the province. There are those who view the websites—whether they be portal, content rich or specialized-- as offering the BC general public multiple points of entry to information. The more organizations offering PLEI resources online, the better, they argue since it increases the chances that the public will find information. Cross-linking among the sites helps with finding resources among the variety of websites.

Opponents of this line of reasoning indicate that the multiplicity of organizations, each with a general collection of online offerings causes confusion to the person seeking information: it can be unclear to the user whether a particular website/organization is reliable and how information presented on one site differs from that on another. In addition, they argue that the overall costs to sustain multiple organizations, each producing PLEI on same/similar topics and to same/similar audiences are too great. Duplication of resources in a climate of fiscal restraint, they argue, is not sustainable. .

To the writer' knowledge, there has been no primary research in BC on the relative merits of PLEI portals vs. content-rich models of internet sites in terms of their accessibility to the general public and to intermediaries. The existing research tends to focus on the accessibility of sites considered individually. In recent years, evaluations of have been undertaken by Courthouse Libraries BC of the Clicklaw<sup>60</sup> portal and by several BC PLEI organizations of selected specialized websites (e.g. the Legal Services Society's Family Law Website<sup>61</sup>). Each of the two specific evaluations noted here gathered information through a variety of techniques including analytics and user surveys and in the case of the Legal Services Society, listening labs. The evaluation work for the Legal Services Society was contracted out to Habanero Consulting Group; the Clicklaw evaluation was done in-house by Courthouse Libraries BC.

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<sup>60</sup> Brenda Rose and Desy Wahyuni, *Clicklaw Project Evaluation Report*, Courthouse Libraries BC, 2012

<sup>61</sup> Supra note 44.



The Habanero assessment on the accessibility of the Family Law Website found that the site was “extremely valuable” to intermediaries “due to its comprehensive content and easy to understand language”. For the general public, however, it observed that it was difficult to distinguish the site from other for-profit or less reliable sites and that it was difficult for the general public to navigate through the “volume of dense information” and to scan the site information to determine what is relevant to them. The Habanero report contained recommendations to improve the site’s accessibility, and LSS is currently implementing these.

The Clicklaw Project Evaluation Report examined the portal’s five-year performance measured against the Clicklaw project goals. Three of these goals involved improving access to the public in BC to legal information. The evaluation found that during the period examined, the portal’s user traffic continued to grow and that the majority of users<sup>62</sup> (65%) were able to find the information that they could use. In terms of the site’s accessibility to users, the report found that the majority of survey respondents considered the information they found through Clicklaw to be helpful and understandable and were able to take the next steps relating to their legal issue.<sup>63</sup> Since the report, Courthouse Libraries has made a number of enhancements to the site to improve its usability. These have included adding subtopics to the resources, to improve the user’s ability to browse for relevant information; widgets, to enable Clicklaw content to appear on other websites; and an improved HelpMap to assist users to find organizations throughout BC who can help them with their legal problems.

Regardless of whether a website is a portal, “content rich” or “specialized”, the important factor is whether the site is accessible. Research indicates that the success or failure of a portal, a content-rich site or a collection of specialized sites depends upon the effectiveness of

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<sup>62</sup> “users” in the Clicklaw surveys consisted of 1) persons with a legal question (58%), 2) a person helping a client with a legal question (9%) 3) a person helping a friend/family member with a legal question (15%) 4) a teacher or student (4%) and 5) other (14%).

<sup>63</sup> See supra note 60, pp.11-13.

its content management strategy. The organization of the site is as important, if not more important than the volume of content on the site. The characteristic of a successful site is information organized so that it can be delivered in a customized, personalized format. “An overflow of information is almost as deficient as a lack of information, because the bottom line is the same: The user does not arrive at the required information and knowledge.”<sup>64</sup> It appears therefore that no specific model of a site (portal, content rich, specialized) is inherently superior to another—what matters is the quality of the site’s organization and the content on it. The commentary under previous sections in Part Three of this report, *Websites: finding and using online PLEI* and *Websites: guidelines for design* are relevant to creating site accessibility.

## **Social Media**

As seen earlier in this report, a significant number of PLEI organizations maintain a presence on commercial social media sites such as Facebook, Twitter, Vimeo and You Tube. It is estimated in the United States that 93% of organizations in the broader non-profit community have some presence on a commercial social media platform.<sup>65</sup> The purposes for maintaining a social media presence are varied: to provide the public another way to find information and resources; to offer a forum for questions and answers on legal and resource topics; to educate (e.g via video on YouTube) the public on matters such as how to complete a form or what to expect in court. Good examples of social media use by PLEI organizations in BC include those identified on the websites of PovNet, The People’s Law School, Justice Education Society of BC and Legal Services Society (e.g. twitter, You Tube). Other examples of the use of social media in PLEI organizations across Canada include the blogs of the Centre for Public Legal Education

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<sup>64</sup> Moira Levy, *Effective Content Organization Of A Portal*, *Journal of Knowledge Management Practice*, Vol. 10, No. 2, June 2009

<sup>65</sup> Common Knowledge et al., *4<sup>th</sup> Annual Nonprofit Social Network Benchmarking Report* 15 (2012).

Alberta (“Blogosaurus Rex”), and the twitter feeds of the Legal Information Society of Nova Scotia and The Community Legal Information Association of Prince Edward Island.

In its report on formats and delivery channels in Ontario, CLEO observed that a number of survey respondents had identified social media as an effective method of building awareness of legal information and service offerings, particularly among youth and young adults.<sup>66</sup> Some survey respondents noted that social media might be inappropriate in some circumstances where privacy and safety concerns are present (e.g. women experiencing domestic violence).

At the “Just a Click Away” conference, the role of social media as a delivery channel for PLEI was examined. Conference speakers and participants exchanged ideas for the effective use of social media that included:

- Use widgets to embed your organization’s twitter, other feeds on your main website
- Use tools to manage postings to the various social media platforms—e.g. TweetDeck
- Maintain an organizational voice throughout your social media platforms
- Promote your organization’s social media platforms through your website and educational webinars
- take your audience on a journey through your site. Create a ladder of engagement. On that ladder you need to offer, know, care, and lead. A ladder of engagement begins with your target audience finding your organization or site, and then moves them to a higher level of interest until they are ready to act.<sup>67</sup>

### **Community Media, Outreach Events**

Community broadcast and print media have been recognized by the literature as being useful PLEI information channels,<sup>68</sup> particularly for raising awareness of legal issues and related resources and services. These distribution channels are particularly effective in

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<sup>66</sup> Supra note 11 at p. 21

<sup>67</sup> Supra note 55 at pp 39 ff.

<sup>68</sup> See McEown and Reid, supra note 12, pp.17ff; CLEO Report, supra note 11, pp 25 ff; see also Media Campaign Reports prepared by The People’s Law School for the Immigrant PLEI Consortium, 2009-2014.

reaching immigrant communities as well as people experiencing social isolation (e.g. seniors, women who do not work outside the home and rural and remote communities). Community TV coverage in British Columbia is wide, offering an opportunity to reach most regions, including rural and remote communities. Shaw TV offers community television throughout the province to 26 communities and a multicultural channel with programming in 20 languages each season to its customers in Metro Vancouver, on Bowen Island and in Squamish and Whistler, BC.

The effectiveness of broadcast media as an effective delivery option for public legal education was noted by McEown and Reid<sup>69</sup> in their 2007 PLE Review report. Based on information they received from delegates attending the 2006 Settlement Workers Advocacy Conference, they developed the following profile<sup>70</sup> of responses to the question “How useful to your clients are the following methods of delivering PLEI?”:

<b>Delivery options</b>	<b>Not at all useful</b>	<b>Not very useful</b>	<b>Somewhat useful</b>	<b>Quite useful</b>	<b>Very useful</b>
Community radio	3%	6%	24%	28%	40%
Community newspapers	3%	1%	19%	26%	50%
Community TV	3%	3%	20%	29%	45%

These BC findings are consistent with the more recent CLEO Report findings (see Figure 1 in Part 1 of this report).

In-person events rank high in the surveys of intermediaries and their clients as effective distribution channels for public legal education and information.<sup>71</sup> Activities included in this category are ESL classes, community events and workshops. The chief advantage of in-person events as a delivery mechanism is that they offer clients help with interpreting the information

<sup>69</sup> See supra note 12 at pp 22, 23.

<sup>70</sup> Only portion of the table relating to community media represented here.

<sup>71</sup> See CLEO report, supra note 11; McEown and Reid, supra note 12.

they receive. This is especially important for persons with language, literacy and other barriers to learning.

## Part Four: Emerging Technologies and Innovative Practices

Emerging technologies at use in the legal services sector in Canada and elsewhere present interesting possibilities for the delivery of PLEI. The drivers for the greater use of emerging technologies in the legal services sector include:

- advances in technology and increase in its use to deliver services formerly accomplished face to face (e.g. health services)
- reduction in public funds for justice systems costs (e.g. court administration) and for legal services
- interest in “unbundling” of legal services
- the increase in numbers of self-represented litigants

These have created the conditions favourable to the application of emerging technology to innovative practices such as automated document assembly for use by self-represented litigants and the use of expert systems in dispute resolution. These same applications also have potential as methods to transform the delivery of resources and services within the PLEI sector.

### *Automated document assembly*

The courts in California have played a leading role in the development of resources for self-represented litigants. Evidence of their commitment to resources for self-represented litigants is found on the California Judicial Branch website [www.courts.ca.gov](http://www.courts.ca.gov). This site provides a separate section for SRLs containing information on 14 discrete topic areas (“getting started”: e.g. sources of legal help, fee waivers, resolving disputes out of court; small claims court; families and children; divorce or separation; abuse and harassment; eviction and housing; name change; traffic; seniors and conservatorship; problems with money; criminal law; appeals; gender change; wills and estates). The site makes use of videos (e.g. how to fill out a specific form), help maps, online calculation tools (e.g. child support calculator) and

automated document assembly software to create a variety of documents and forms (e.g. demand letters, pleadings, affidavits) that can be filed with the California courts.

Other states have similarly invested in internet resources for self-representing litigants. A number provide on their sites automated document assembly solutions, some using commercial software (e.g. Hotdocs), others using A2J Author, a software tool that enables non-technical staff to easily build and implement user-friendly web-based interfaces for document assembly. In addition, LawHelp Interactive, a project of Probono.net<sup>72</sup> is a US national website enabling users to find and complete forms for their particular state.

The A2J software tool is particularly relevant to the PLEI sector: not only does it incorporate document assembly software to assist the user to complete court documents and, where relevant, complete e-filings, it also guides the user through the court process. The A2J guided interview tool uses animation and question and answer format to move the user through the court process. Using the information entered in response to question prompts, the document assembly program generates the required forms or documents for use in the court action. In this way, the A2J tool attempts to simplify for the general public the process of creating court documents and in so doing makes a complex court procedure more understandable. This methodology of using technology to provide guided assistance to users, based on the user's perspective, is relevant to the design and delivery of PLEI resources.<sup>73</sup>

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<sup>72</sup> a national US non-profit organization with the mandate to increase access to justice through technology

<sup>73</sup> The development of web-enabled PLEI information systems that gather personal information obtained from users gives rise to freedom of information and protection of privacy issues. PLEI organizations contemplating development of such systems are advised to consider the application of both domestic and international laws (e.g. US Patriot Act) to their undertakings.

### *Expert systems--Rechtwijzer*

In the Netherlands, The Dutch Legal Aid Board, working with the University of Tilburg has developed the Rechtwijzer.nl website which, according to Smith and Paterson, “sets the new standard for what can be delivered”<sup>74</sup>. The Board has described Rechtwijzer as follows:

*In addition to the Counters [legal advice bureaus staffed by paralegals], there is also an interactive online application called Rechtwijzer (“Roadmap to Justice”; see [www.rechtwijzer.nl](http://www.rechtwijzer.nl)). This, too, is an easy way to obtain legal information. It helps users to find their way towards solving a conflict. The application....consists of a “dispute roadmap” that, on the basis of a number of choices, guides users step by step along all the legal aspects of the conflict at hand. The software covers the fields of housing, labour, family, consumer and administrative law.*

*Apart from further development of this Dispute Roadmap, new applications will be added to the website too: the Divorce and Parenthood Plan and Mediation Online. These applications will soon be ready for use and are also meant to encourage users to solve legal conflicts themselves.*

*The Dispute Roadmap can be seen as a first help towards settling actual conflicts. The website of the Legal Services Counters, on the other hand, contains lots of documentation and is meant first and foremost to inform visitors on all sorts of legal matters. It is of a much more comprehensive nature than the Dispute Roadmap, which focuses on well-defined conflicts. That is why the Dispute Roadmap software sometimes refers visitors to one of the counters.<sup>75</sup>*

Similar to the A2J application, Rechtweijzer helps the user prepare court documents and takes the user through a “journey”, otherwise described as “a dynamic and iterative process in

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<sup>74</sup> *Supra* note 22, p. 59.

<sup>75</sup> Quoted by Smith and Paterson *supra* note 22 at pp 59-60.



which a small number of questions refining the parameters of the problem must be answered on each page before moving on to the next.”<sup>76</sup> In the case of the A2J application, the journey ends at the courthouse; for the Rechtwijzer user, the journey may end at the courthouse, but not necessarily. Reflecting the Dutch policy on the resolution of disputes, the website has built into it mechanisms to encourage self-help, early intervention and mediated settlement in preference to resolution through the courts. These are often the “journey destination” reached at the conclusion of the question and answer process of working through the website.

Rechtwijzer is a form of “expert system” in that it emulates the decision-making capabilities of a person (the “expert”) with expertise in dispute resolution, or the provision of legal information. An evaluation of the effectiveness of the Rechtwijzer site conducted by the University of Twente is expected sometime in 2014. The study findings will be instructive to the justice community around the world, including its PLEI participants as providing insight on the use of technology to deliver dynamic and client-centered information and assistance to the general public.

*Expert Systems British Columbia: Proposed Civil Resolution Tribunal Site; MyLawBC*

*Civil Resolution Tribunal Site*

Beginning in 2011, the BC Ministry of Justice began testing the use of online dispute resolution (ODR) for tenancy and consumer disputes. Participation was voluntary, and consisted of a text-based negotiation system between the disputants. Early test results were encouraging (user satisfaction, resolution rates) with the result that ODR platforms currently reside on two websites as permanent service offerings: Consumer Protection BC and the Property Assessment Appeal Board. Online self-help guides also reside on the Property

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<sup>76</sup> Ibid, p.60.

Assessment Appeal Board site and help appellants assess the strength of their case and prepare for the appeal process.

In 2012, the *Civil Resolution Tribunal Act* was introduced to create a body with jurisdiction to resolve small claims and specific strata property disputes. The Civil Resolution Tribunal (CRT) will have<sup>77</sup> an adjudicative function, but its resolution process will emphasize collaboration and resolution by agreement. ODR is a key feature of the tribunal's resolution framework: the tribunal will maintain a website designed to help British Columbians identify, prevent and manage issues before they develop into disputes requiring active tribunal management and facilitated negotiation.

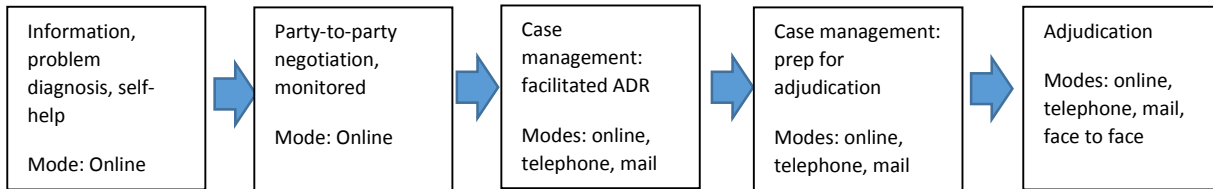
The proposed CRT website has been described as an “expert system” using “specialized content derived from experts in various fields, structured in computer-readable format.”<sup>78</sup> Like the Rechtwijzer site, the CRT website will use an intelligent questionnaire interface asking the user to answer some basic questions about his/her dispute situation. Using this information, algorithms of the system will gather data from the specialized content database and present the user with a suite of information that could include the following: diagnosis of the problem, specific problem-related information to help the user understand the situation and identify possible solutions, and self-help tools such as calculators and letter templates. The proposed website will also contain a “triage” function to direct, if necessary, the user to additional sources of help such as legal or other services. The diagram below characterizes the planned CRT dispute resolution stages<sup>79</sup>.

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<sup>77</sup> The *Civil Resolution Tribunal Act* is not yet in force. It is anticipated that the legislation will come fully into force and the tribunal will begin operations in 2014.

<sup>78</sup> Darin Thompson, *The Growth of Online Dispute Resolution and its Use in British Columbia*, Civil Litigation Conference Papers, The Continuing Legal Education Society of British Columbia, 2014, p. 1.1.4.

<sup>79</sup> Based on diagram appearing on BC Ministry of Justice website at <http://www.ag.gov.bc.ca/legislation/shareddocs/crta/CRT-Business-Model.pdf>



### *MyLawBC*

MyLawBC is a current Legal Services Society of BC initiative to use interactive technology to guide users to the resolution of their legal problems. Through the MyLawBC website (currently in development with completion of initial site slated for March 2015), users will follow guided pathways to individualized action plans in a number of areas of law, starting with family law, with additional legal topics developed over time. This element of tailoring information directly to the user’s needs differentiates MyLawBC from existing BC-produced online PLEI resources, with the exception of the proposed CRT website.

The MyLawBC guided pathways will be supported with complementary core legal content and information on additional resources. By situating basic legal information, additional resources and individualized action plans on one website, LSS aims to minimize a user’s need to leave the website to look for information elsewhere—a common problem leading to user confusion and dissatisfaction when conducting internet research.

The proposed MyLawBC website will resemble that of Rechtwijzer in using a question and answer diagnostic approach, combined with branching logic to provide the user with next-step advice. The plan for MyLawBC is to integrate the web platform with in-person services such as telephone hotlines, text (chat) services, social media and mobile applications.

Additionally, in recognition of the “digital divide” presented by those without access to high-

speed internet or smartphones, LSS intends to expand its community partner program in rural, remote and Aboriginal communities and maintain its conventional telephone services.

In developing MyLawBC, the Legal Services Society is conferring with the Dutch Legal Aid Board and drawing from their experience with Rechtwijzer. Consultations with additional BC PLEI providers are in progress, with the goal of incorporating, upon approval, their relevant existing and future content into MyLawBC, to supplement content created by LSS.

### *Implications of Expert Systems for PLEI*

Of all the forms of technology surveyed in this paper, the expert system model is the most ambitious. It represents the attempt to replicate the thought processes and actions of an advisor by gathering information, applying the information to reasoning incorporated in a logic engine and generating reports that provide tailor-made guidance to the user. In the justice sector, the “advisors” in question are lawyers, paralegals and other providers of public legal education and information who provide assistance to individuals early in the dispute resolution process. Much of the literature on PLEI indicates that resources (print, digital) are most effective when they are combined with personal, individual assistance that guides the user to a course of action to resolve the problem. Telephone, e-mail chat services and avatars are current attempts to provide this guided assistance, however they are limited. In the case of telephone or e-mail chat, the limitations consist in hours of service (they typically do not provide daily, 24 hour service on demand). Additionally, the avatar technology does not employ sophisticated interactive artificial intelligence algorithms to provide customized solutions for the user.

Expert systems have the capability to provide individualized assistance on demand for the user. PLEI providers in British Columbia should follow with interest the efforts of the Dutch Legal Aid Board, and closer to home, the Legal Services Society’s development of MyLawBC and the Ministry of Justice’s CRT site development. There may be lessons from this experience that they

can use in developing their own interactive websites. As well, there may be opportunities for BC PLEI organizations to contribute to the Ministry's and LSS's development of the "information/problem diagnosis/self-help" component of their respective online platforms or possibly to participate in an integrated, multi-channel service model of individual assistance at later stages of the dispute resolution model.

Technological innovation does not come cheaply—the initial site (Rechtwijzer 1.0) cost €2.3m to develop, and was developed within the context of a well-funded national legal aid scheme. Although it is unlikely that any of the PLEI or dispute resolution websites in development in British Columbia will approach the cost of the Rechtwijzer site, securing the funding for technology projects in BC in a climate of economic constraint will pose a challenge to organizations. There may be a reluctance to commit limited resources to high up-front costs and to ongoing maintenance and training costs. The lack of accurate information on the actual costs of developing technology projects also poses a challenge to PLEI organizations.<sup>80</sup> Sharing information among organizations, combined with the upcoming research report on the Rechtwijzer site would be useful to the discussion of the costs of such internet services.

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<sup>80</sup> "...it is almost impossible to make any sensible observations about cost. There are just too many variables. Too much domestic reporting does not compare like with like...", Smith and Paterson, *supra* note 22, p 78. Although this comment was made in the context of the UK justice system, the general observation about the paucity of data regarding total costs associated with the creation and maintenance of expert system-type PLEI websites applies to the BC context.

## Conclusion

The PLEI sector in BC employs a large and varied collection of resources and delivery channels to provide British Columbians with access to justice. This report has surveyed the most prominent of these, and the potential that technology brings to match an individual's needs to the most appropriate information and services for them. The following is a summary of the report findings on best practices in the development and delivery of PLEI:

- Diversity: a diverse public suggests a diverse approach in selecting formats and delivery channels for PLEI. One size does not fit all.
- Know your audience: when planning a resource design and delivery strategy, understand the characteristics of the target audience and develop the strategy around these.
- Print: The print medium is effective for delivering PLEI, particularly for those in low-income and disadvantaged communities. Resources under 10 pages are most helpful to the general population. The most effective distribution strategy for print resources is through trusted intermediaries and at locations frequented by target audience for resource.
- Internet: Technology offers the possibility of expanded reach and effectiveness of PLEI resources. PLEI delivery however cannot be wholly internet-based because too many—those in disadvantaged communities—would be excluded. To be truly effective, PLEI internet resources need supplementing by assistance from individual advisers.
- For those with access to the internet, there is the problem of identifying relevant and reliable PLEI information. To assist with this, PLEI developers are encouraged to consider:
  - designing websites to perform better on search results

- providing community education on how to properly conduct internet searches for legal information (methods and trusted websites)
- undertaking measures to denote the reliability of websites and resources (including labeling resources with name of producing organization, date and jurisdiction of publication) and
- exploring ways to increase an individual's capability and confidence to use the information they find to navigate the legal system and resolve their disputes
- The eight guidelines for effective website design contained in Part 3 (based for the most part on *Designing Websites Effectively*, referred to earlier in this report) consolidate best/promising practices identified in PLEI literature.
- Designing PLEI websites to be viewed on mobile devices is becoming a greater priority as mobile usage increases. PLEI organizations are encouraged to review their website audience's information needs and patterns as part of an overall mobile device strategy.
- Research indicates that the success or failure of a portal, a content-rich site or a collection of specialized sites depends upon the effectiveness of its content management strategy. The organization of the site is as important, if not more important than the volume of content on the site.
- Emerging technologies at use in the legal services sector in Canada and elsewhere present interesting possibilities for the delivery of PLEI. Employing technology to provide guided assistance to users, based on the user's perspective, is relevant to the design and delivery of PLEI resources. Expert systems in particular have the capability to provide individualized assistance on demand for the user.
- A sharing of information among PLEI sector organizations regarding actual costs of developing and maintaining websites using emerging technologies would be useful.