



Federation of Law Societies of Canada

Today's Media Highlights

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Access to Legal Information Innovation in Saskatchewan

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This talk was presented at the 2017 Saskatchewan Library Association Conference and the 2017 Canadian Association of Law Libraries Conference by Alan Kilpatrick, Reference Librarian, BA, MLIS.

Introduction

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

A major barrier to accessing justice you may not be aware of is the inaccessibility of legal information. Having access to legal information enables people to identify the full range of legal options available to them. In some cases, having access to legal information allows people to resolve legal problems outside the court system altogether. To improve access to justice, we first need to improve access to legal information.

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

This is exactly where the Law Society Library's interest in legal information innovation

developed.

Role for Libraries

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

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

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

Law Society Library

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

Historically, the purpose of the library has been limited to maintaining the competence of Saskatchewan lawyers and supporting the administration of justice by collecting and cataloguing legal materials. However, this changed in 2014 when the Law Society adopted a new mission statement and strategic direction. Faced with a growing number of SRLs and the ongoing access to justice crisis, the Law Society made a formal commitment to improve the public's access to legal services in its new mission and strategic plan.

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

Serving the Public

Our basis for helping the public locate reliable legal information is the fact that our library is open to the public. Not all Law Society or Courthouse libraries in Canada are accessible to the public. We encourage the public to visit our library and take advantage of our resources during

open hours. Our collection is an excellent source of legal information and it comprehensively covers every area of Canadian law. It is the perfect starting point for someone looking to obtain information about the law. Our staff is ready to provide the public with basic legal research assistance in person, over the phone, or via email. We will teach the public about conducting legal research, suggest resources for further learning, and, when necessary, make referrals to the appropriate organizations that provide legal advice. We are always cautious of the distinction between legal advice and legal information and cognisant of the challenges inherent in serving SRLs.

CanLII

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

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

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

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

Family Law Clinics

One of our most successful initiatives is our family law information clinic. For the past two years, we have collaborated with the Saskatchewan Ministry of Justice, Pro Bono Law Saskatchewan, and the Public Legal Education Association of Saskatchewan to host weekly family law information sessions in the Regina Law Society Library. We call these sessions,

“Walk-in Wednesdays.” We have set up an information centre, a waiting area, and offices for the consultations in the basement of the library. Walk-in Wednesdays are first come, first service. Individuals can meet with a lawyer individually for about twenty minutes. At these sessions, the lawyer will provide legal information: information about family law, court procedures, and options for settling disputes outside of court.

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

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

Legal Resource Fair

We have been keen participants in the Regina Public Library’s legal resource fair for the past two years. This annual event includes a free tradeshow showcasing Regina’s free community legal services and resources, a variety of workshops on common legal issues, and drop-in sessions with Pro Bono Law Saskatchewan lawyers. At the fair, the Law Society Library has hosted a booth and presented a free workshop for the public and SRLs on “Doing your own legal research.” Doing your own legal research can certainly be challenging. In the workshop, we try to reduce this challenge and make legal research less intimidating. We start by reviewing some basic legal concepts, such as what is the law, how is the court system structured, and how does the system of precedent work before moving on to navigating and using free legal resources. Without an understanding of these foundational concepts, it is difficult to conduct successful legal research or identify relevant results from irrelevant results. The Legal Resource Fair is a great opportunity to connect and educate the public about legal research skills. We look forward to participating again next year. I encourage all libraries across the province to consider hosting a similar fair.

Pro Bono Librarians

One of our most interesting initiatives is the idea of “Pro Bono Librarians,” librarians who provide free research and reference assistance to those in need. We came up with the idea during a discussion about access to justice at the 2015 Canadian Association of Law Libraries Conference. Since that discussion, we have partnered with Pro Bono Law Saskatchewan and Community Legal Assistance Services for Saskatoon Inner City (CLASSIC) to assist with their legal research needs. These organizations, as you may already know, provide low income

individuals with free legal assistance. They typically rely on volunteer lawyers. Legal research can be time consuming for the volunteer lawyers who work with these organizations. We offer these lawyers free legal research and reference services and free legal resource training whenever they need it. The uptake has been positive. This is a different avenue of increasing access to legal information. In this case, we are providing information to the lawyer rather than the member of the public.

SALI

Our latest partnership is extremely exciting and has the potential to completely reshape access to legal information in this province. The Law Society Library is a partner in the Saskatchewan Access to Legal Information Project (SALI). SALI is a collaboration among Saskatchewan's libraries, justice stakeholders, and community organizations. It was launched last year to coordinate legal information more effectively in the province and to improve access to legal information.

SALI includes representatives from the Public Legal Education Association of Saskatchewan (Saskatchewan's official public legal education provider), the Saskatoon Public Library, the Law Society Library, the University of Saskatchewan College of Law, the Ministry of Justice, Pro Bono Law, CLASSIC, Saskatchewan 211, and every library region in the province.

Conclusion

We can all play a role in improving access to legal information. As librarians, we are especially qualified to serve the public and to promote access to legal information. I invite you to consider adopting a legal information initiative in your own library. Start by taking on a small project, a manageable bite, or a grass roots initiative. That is exactly what we did at the Law Society Library. You will be amazed at what you can achieve. If you would like to learn more about what your library can do to help or how to get more involved, I encourage you to come out to the Creative Collaboration session tomorrow to learn about the Saskatchewan Access to Legal Information Project (SALI).

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