

# **A National Survey of Tribunal Responsiveness to Self-Represented Parties – Measuring Access to Justice for Canadian Administrative Tribunals**

Council of Canadian Administrative Tribunals (CCAT)

by

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## **1. Introduction**

We are in an era where appearing without legal representation in tribunal settings is often the norm rather than the exception for parties. As such, the ability of tribunals to serve as an effective, accessible forum for self-represented parties is an area of evolving concern.

In 2006, the Canadian Judicial Council adopted the “Statement of Principles on Self-Represented Litigants and Accused Persons,” which articulated the responsibilities of participants in the justice system and principles for promoting rights of access and equal justice.<sup>1</sup> This initiated interest in the justice system’s responsiveness to self-represented parties<sup>2</sup> and has become a prime area of focus for the Access to Justice Committee of the Council of Canadian Administrative Tribunals (CCAT).

### **1.1 Administrative Tribunals and Self-Represented Parties – CCAT Conference 2012 (Calgary)**

In preparing for CCAT’s 2012 national conference in Calgary, members of CCAT’s Access to Justice Committee<sup>3</sup> were asking:

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<sup>1</sup> Canadian Judicial Council, “Statement of Principles on Self-Represented Litigants and Accused Persons”, (2006), online: [http://www.cjc-ccm.gc.ca/cmslib/general/news\\_pub\\_other\\_PrinciplesStatement\\_2006\\_en.pdf](http://www.cjc-ccm.gc.ca/cmslib/general/news_pub_other_PrinciplesStatement_2006_en.pdf)

<sup>2</sup> See Appendix B for list of recent reports and articles.

<sup>3</sup> 2012 CCAT Access to Justice Committee members: Lilian Ma (Chair), Marilyn McNamara, Gaétan Cousineau, Gary Yee, Linda Lamoureux, Philippe Bouvier, Danielle Dumont, Gerald Heckman, Athanasios Hadjis, Terry Sargeant and Taivi Lobu

- To what extent have tribunals recognized self-represented parties in the tribunals' actual processes and culture?
- What practices are tribunals using to facilitate the process for self-represented parties?
- What measures help ensure that self-represented parties have meaningful opportunities to have their cases heard?
- How well are we doing across Canada in relation to the measures identified?
- What can be learned from tribunal experiences to date?

A half-day program was organized at the CCAT Conference in Calgary to encourage focused dialogue in this area. A plenary session entitled “The Searchers for the Trail Beyond: Dealing with the Challenges Presented by Self-Represented Litigants” engaged speakers from British Columbia, Nova Scotia, Quebec and Ontario<sup>4</sup>. The speakers outlined the challenges and a number of initiatives to address those challenges in adjudicative settings.

The plenary was immediately followed by participatory Roundtables<sup>5</sup> attended by tribunal members, senior staff, and other conference participants. A broad spectrum of tribunals were represented; some dealt with highly technical, specialized fields, while others dealt directly with issues of day-to-day living. While a range of contexts, resources, priorities and demands were represented in the Roundtable discussions, the emerging common denominator was the need for fair and effective tribunal practices that could be easily engaged by self-represented parties.

When looking at tribunal activity from the standpoint of self-represented individuals, a spectrum of issues emerged – including personal and hearing-related costs; time limits and delays; complexities of systems and procedures; use of forms; tribunal documentation; accessibility of information required for case preparation; availability of legal advice; geographic, language, cultural and disability issues; strategies to address fairness and perception of bias issues; and tribunal communications.

The Roundtables elicited information relevant to the ability of tribunals to serve the needs of self-represented parties. Discussions highlighted the need for corporate and resource planning in relation to serving parties who were not legally trained; effective first contact information; public legal education and information tools; linguistic strategies; standardized referral practices; website design and usage options; protocols for identification of special needs and disability accommodation; plain language documentation (tribunal rules, practice directions, decisions); case management tools to

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<sup>4</sup> Plenary Panel: Rick Craig, Gary Yee, Philippe Bouvier, Taivi Lobu, Josée Turcotte, Carolyn McCool and Andrea Smillie; Moderator: Lilian Ma.

<sup>5</sup> Roundtable Co-Chairs: Marilyn McNamara and Gaétan Cousineau; Presenter: Athanasios Hadjis; Facilitators: Taivi Lobu, Virginia Adamson, Josée Turcotte, Louanne Labelle and Gaétan Cousineau.

address information needs and case issues in neutral forums; and targeted member training for serving self-represented parties.

While there were significant activities and practices within individual tribunals to recognize that parties would often not have access to legal assistance and representation, such practices had not been itemized in any comprehensive manner. The 2012 CCAT Conference underscored the priority that needed to be placed on sharing awareness of best practices and advancing access to justice measures on a practical level within the administrative justice community.

## 1.2 “The Checklist”

To work on the priority of sharing best practices within the administrative justice community, CCAT’s Access to Justice Committee compiled the information gathered from the conference, documenting tribunal concerns, challenges and strategies with respect to self-represented parties and measures taken by the Canadian administrative justice community to address accessibility issues experienced by self-represented parties. This became the Committee’s “Checklist” – the practical product emerging from the broad consultation and shared wisdom from the plenary and workshop sessions.

The Checklist arranged the identified points of practice to enable individual tribunals to perform a 20-minute “self-diagnosis” of their access to justice practices in relation to self-represented parties.

The Checklist was intended to serve as a clear but flexible reference point for tribunals, as well as a planning document. This provided individual tribunals with a snap-shot of their own practices with respect to providing accessible forums for self-represented parties and identifying gaps that may benefit from further action.

The first edition of the Checklist was published October 17, 2013, in English and French, on the CCAT website<sup>6</sup>.

## 1.3 National Survey Conducted by CCAT

A year after the Checklist was published on the Internet, it entered a second phase. The checklist was adapted into a survey format. A pilot survey was first conducted at the 2014 CCAT Symposium in Gatineau, Quebec, to test out the response. The experience led to slight modifications resulting in the final national survey prepared in the fall of 2014.

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<sup>6</sup> English: <http://www.ccat-ctac.org/CMFiles/checklist/Self-RepresentativePartiesChecklist.pdf>; French: <http://www.ccat-ctac.org/CMFiles/checklist/checklist-fr.pdf>)

The national survey, consisting of 65 questions for chairs or senior staff of Canadian provincial and federal tribunals and agencies, used the online survey tool, Survey Monkey. It was sent electronically to the heads/contacts of adjudicative tribunals across Canada (available at the time to CCAT) with a cover letter signed by then CCAT Chair, Guy Giguère, and Chair of its Access to Justice Committee, Lilian Ma. The letter clarified that while the Checklist was designed to be used by individual tribunals or agencies to identify and consider additional practices for improving access to justice, the Survey was designed to capture the self-evaluation of the status of Canadian administrative tribunals in their dealings with self-represented litigants. The survey results, collected anonymously from across the country, would determine a “national baseline” as a measure of access to justice for the administrative justice community. No individual tribunal would be measured by the Survey.

## **2. Methodology, Data Collection and Metadata**

### 2.1 The Survey

When the [Checklist](#) was converted into the Survey<sup>7</sup> two demographic questions were added for analysis purposes, to identify the respondent’s organization according to its region and the percentage of self-represented parties.<sup>8</sup>

The Survey consisted of 14 sections (apart from the demographic questions), with substantive questions based on the Checklist. Each question asked respondents whether a certain activity had been in place in their organizations. The questions were given equal weight, with points assigned to the three possible answers: 5 for Yes, 0 for No and 2.5 for “Partial.” The average score for each question was calculated by adding up the scores for each answered question divided by the number of respondents who answered that question. This method of calculation eliminated the error introduced by respondents who skipped some questions.

The average scores for all the questions were then tallied up to give the overall average score.

The 14 sections or groupings of questions are as shown in Table 1.

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<sup>7</sup> The Survey can be obtained from <http://www.ccat-ctac.org/en/resources--opportunities/other-resources>

<sup>8</sup> However, these questions had not been made mandatory, so there were some omissions. In the next version of the Survey, these questions could be mandatory, so that the analysis based on each parameter would contain the maximum data possible.

Table 1. – Groupings of Questions

<b>Section</b>	<b>Description</b>	<b>No. of Questions</b>	<b>Percentage of Total Questions</b>
1	Planning	5	7.7
2	Availability of Information	7	10.8
3	Language Questions	2+4=6	9.2
4	Website Design and Information	9	13.8
5	Use of other Programs	4	6.2
6	General Public Legal Education and Information	3	4.6
7	Special Needs	2	3.1
8	Case Management	4	6.2
9	Timeliness and Service of Documents	3	4.6
10	Hearing Preparation	2	3.1
11	Early Resolution and Case Conference	6	9.2
12	Hearings	6	9.2
13	Tribunal Members	3	4.6
14	Tribunal Decisions	5	7.7
<b>Total</b>		<b>65</b>	<b>100</b>

## 2.2 Response Rate

The Survey was sent to 250 organizations across the country, using the online Survey Monkey application. 135 responses were received – an encouraging 54% response rate.

Among the 135 responses, only 124 responded to the substantive questions, giving a net response rate of 50%. The 11 responses that did not provide any substantive answers were discarded. However, partially completed responses (with some skipped questions) were included in the analysis.

### 2.2.1 Jurisdiction/Region

The distribution by jurisdiction/region<sup>9</sup> is shown in Table 2.

Table 2. Responses by Jurisdiction

<b>Jurisdiction</b>	<b>Shorthand</b>	<b># Response</b>	<b>%</b>
Federal	Fed	12	9.9
British Columbia	BC	16	13.2

<sup>9</sup> Out of the 124 responses, three did not identify their region, and two responses identified as having federal plus a provincial or territorial jurisdiction, and these were counted as part of the federal tribunals.

Alberta	AB	12	9.9
Saskatchewan	SK	10	8.3
Manitoba	MB	20	16.5
Ontario	ON	26	21.5
Quebec	QC	8	6.6
New Brunswick	NB	6	5.0
P.E.I.	PE	3	2.5
Nova Scotia	NS	4	3.3
Newfoundland	NL	1	0.8
Yukon	YT	1	0.8
Nunavut	NU	2	1.7
<b>Total</b>		<b>121</b>	<b>100</b>

### 2.2.2. Grouping by % of Self-Represented Parties

There were 120 responses (out of 124 in total) to the question about how often self-represented parties appeared before the tribunal. The distribution is as follows in Table 3.

Table 3. Data on Prevalence of Self-Represented Parties

<b>Percentage of Parties who are Self-Represented</b>	<b>Number of Responses</b>	<b>% of Total</b>
A (0-25%)	33	27.5
B (26-50%)	25	20.8
C (51-75%)	28	23.3
D (76-100%)	34	28.3
<b>Total</b>	<b>120</b>	<b>100</b>

## **3. Data Analysis and Results**<sup>10</sup>

### 3.1 The National Baseline and Jurisdictional/Regional Baseline

The national average score is calculated to be 62%, as seen in Table 4 and Chart 1. That score was elevated to a “baseline status,” meaning that there were enough responses that the average can become a standard for measurement against which any one tribunal can assess its own score from the national survey. It can be viewed as a first cut of an access to justice index for self-represented parties – a rough but

<sup>10</sup> The data were analyzed using the Microsoft Excel program.

quantitative measure of how good tribunals are in providing service to self-represented parties.

Baselines can also be calculated for each jurisdiction or region. The score for each jurisdiction is calculated from those responses from respondents who had self-identified as being within that jurisdiction.

Generally, the larger the number of responses received from a jurisdiction, the more representative the average score is. A 30% return rate<sup>11</sup> was taken as a minimum for elevating the score to a “baseline” status. Thus most of the scores can be considered as baselines for the jurisdictions studied. Furthermore, since there were 14 entries from the four Atlantic Provinces (New Brunswick, Nova Scotia, P.E.I. and Newfoundland and Labrador), these responses were also combined to determine an Atlantic region (ATL) baseline.

While there was an entry from NWT, there was no answer for the substantive questions, and therefore, no score was established for NWT.

The following chart (Chart 1) shows the distribution for federal tribunals, then the provinces (from east to west), the Atlantic province baseline, the two territories, and the national baseline.

#### Chart 1. National Baseline and Baseline/Score by Jurisdiction

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<sup>11</sup> Based on some studies on response rate for email surveys, the average response rate is around 25%, which was met for all the jurisdictions except NL, YT and NU. See <http://fluidsurveys.com/university/response-rate-statistics-online-surveys-aiming/>

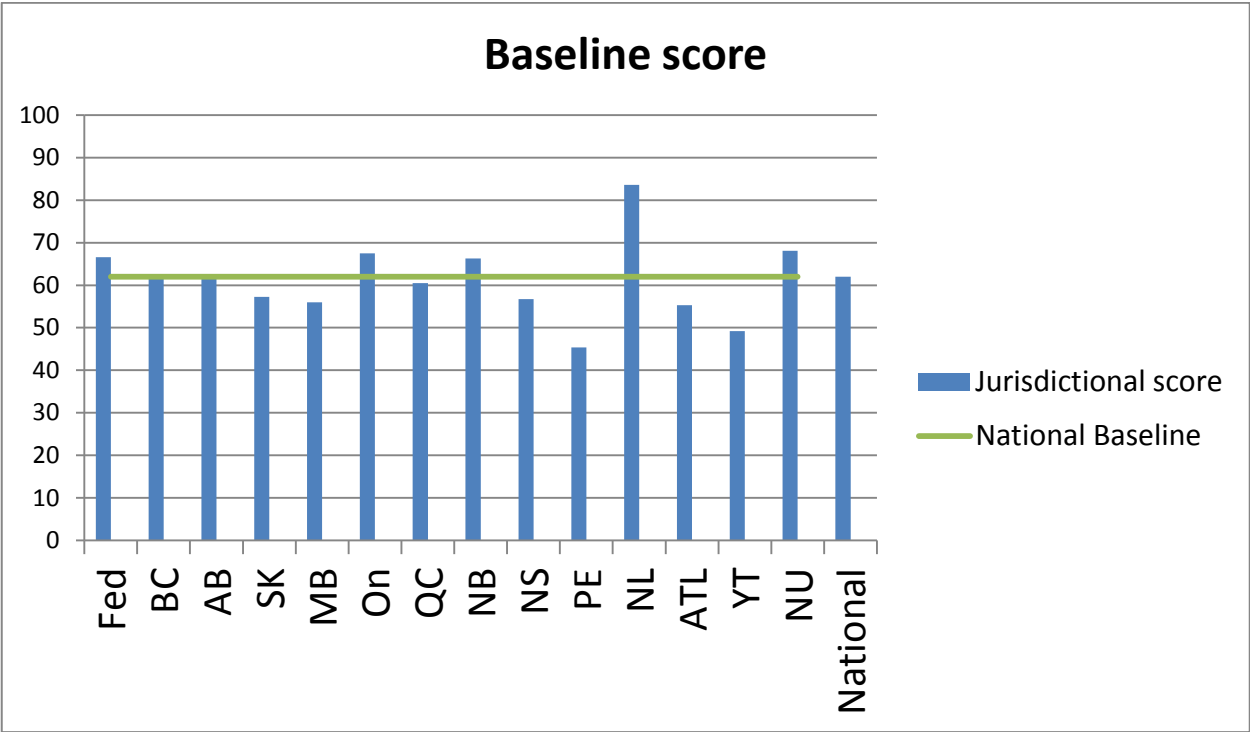


Table 4 below shows the distribution of average scores of the various jurisdictions, and indicates the number of corresponding responses. The score is followed by “B” if it is designated as the Baseline for the jurisdiction.

Table 4. National Baseline and Jurisdictional Score/Baseline

# of data	Region	Score	Baseline
12	Fed	66.6	B
16	BC	61.5	B
12	AB	62.6	B
10	SK	57.3	B
20	MB	56.0	B
26	On	67.5	B
8	QC	60.5	B
6	NB	66.3	B
4	NS	56.7	B
3	PE	45.4	B
1	NL	83.6	
14	ATL	55.3	B
1	YT	49.2	
2	NU	68.1	
<b>124</b>	<b>National</b>	<b>62.0</b>	<b>B</b>



Provinces and territories with only 1 or 2 responses were identified as not having a large enough sample to be representative of the jurisdiction, and therefore were not given a “baseline” status. Thus there is no baseline determined for the territories and Newfoundland and Labrador. Nevertheless, any tribunal can make use of the National Baseline of 62% for comparison purposes, to help them see where they lie within the national picture.

The National Baseline allows tribunals to set goals within a larger context. At the same time, tribunals can also compare with the Baseline for their specific region.

At this point, with the large number of 124 responses, the National Baseline can be considered representative of tribunals in Canada. While there is considerable room for refinement and customization, the survey is a quantitative tool, giving tribunals a way to measure and recognize the service they provide to self-represented parties. Achievement may to some extent be measured by way of equating the score of a tribunal to its Self-Represented Party Index (SRI), which could be used as a measure to advance the goal of ensuring Canadians have equal access to justice irrespective of where they live.

Obviously, to build a more accurate National Baseline, the Survey needs to be further refined. Nevertheless, this is a good starting point for Tribunals to report on their respective SRI, either internally or externally, as the score which measures their achievement in dealing with self-represented parties.

### 3.2 Correlation of Prevalence of Self-Represented Parties and Scores

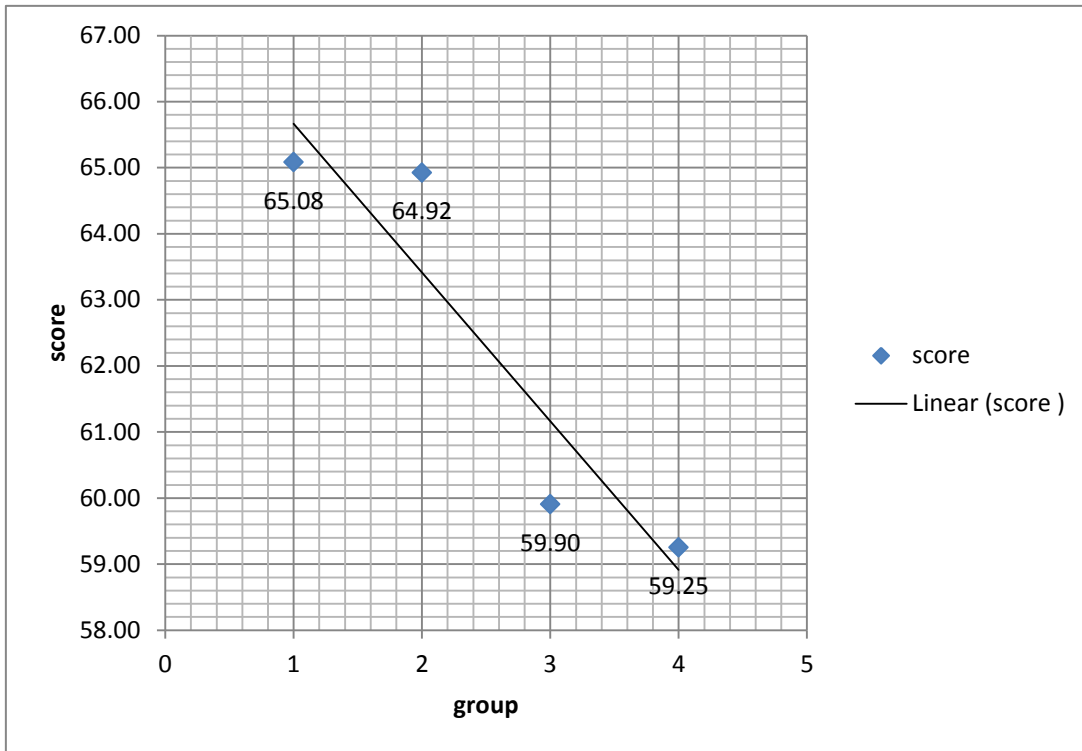
One might expect that tribunals with a higher prevalence of self-represented parties (SR%) would have higher scores to reflect the greater needs and focus for self-represented parties in those organizations. However, the data shows the exact opposite. The data shows that there is a reverse correlation: the higher the SR%, the lower the score.

A graph plotting the score versus the groups A, B, C, D showed the following in Table 5.

Table 5. SR% Group data

<b>SR% Group</b>	<b>Score</b>
A	65.1
B	64.9
C	59.9
D	59.2

Chart 2. Correlation Graph



The Correlation Coefficient  $R^{12}$  measures how well the parameter group associates with the score. An R of 1 is exact correlation and -1 is exact reverse correlation. The Correlation Coefficient R in this case is calculated to be -0.924, which is very high, in a reverse sense. Thus the higher the SR% (Group D), the lower the overall score for tribunals in that group. This raises a number of possible interpretations as to why this pattern exists.

For example, it may be that some tribunals with a high SR% have high volumes that overwhelm them with work, which prevents them from implementing more systemic measures to deal with self-represented parties. On the other hand, it is possible that some tribunals with high SR% have a culture and environment that is naturally shaped for working well with those self-represented parties, without any readily identifiable specific measures that are suggested in this Survey. Perhaps the subject matter of a tribunal could be an important factor, which had not been asked in the demographic questions. Another possible explanation could be that high SR% tribunals may rate themselves more strictly than tribunals with fewer self-represented parties.

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<sup>12</sup> R=Pearson Product moment correlation coefficient

Clearly, more work needs to be done to draw any conclusions in this area. More data needs to be collected in a future Survey to enable further analysis.

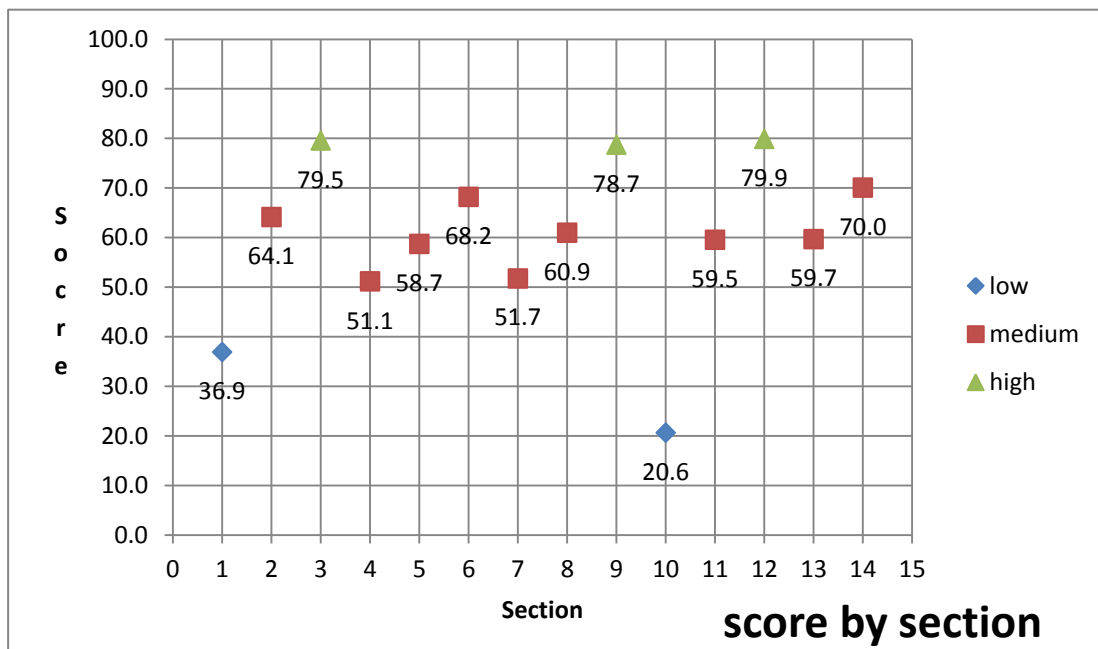
### 3.3 Section Scores and Question Scores

The scores were also analyzed based on the various sections or groupings of questions.

Table 6. Scores by sections

Section	Low	Medium	High
1	36.90		
2		64.11	
3			79.54
4		51.10	
5		58.70	
6		68.17	
7		51.74	
8		60.93	
9			78.68
10	20.57		
11		59.51	
12			79.89
13		59.65	
14		70.03	

Charts 3. Distribution by sections



The 2014/15 Survey results can be placed into three distinct groups. There are three sections with high scores of over 75%, nine sections with medium scores between 50% to 75%, and two sections with low scores that are much below 50%.

The high score sections are 3, 9 and 12. The medium score sections are 2, 4, 5, 6, 7, 8, 11, 13 and 14. The low score sections are 1 and 10. The sections are:

1. Planning (5 questions) - **low**
2. Availability of Information (7 questions) - **high**
3. Language Questions (6 questions) - **high**
4. Website Design and Information (9 questions) - **medium**
5. Use of Other Programs (4 questions) - **medium**
6. General Public Legal Education and Information (4 questions) - **medium**
7. Special Needs (2 questions) - **medium**
8. Case Management (4 questions) - **medium**
9. Timeliness and Service of Documents (3 questions) - **high**
10. Hearing Preparation (2 questions) - **low**
11. Early Resolution and Case Conferences (5 questions) - **medium**
12. Hearings (9 questions) - **high**
13. Tribunal Members (3 questions) - **medium**
14. Tribunal Decisions (5 questions) - **medium**

### 3.4 Section Scores and SR% Group

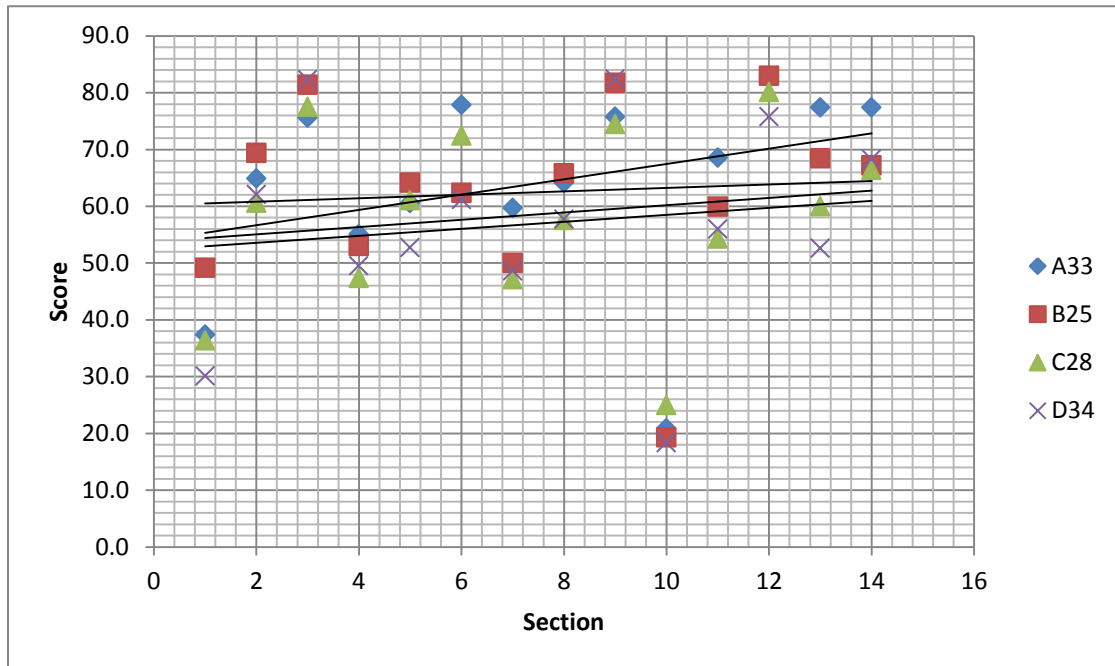
Calculations of section scores in relation to SR% groups did not yield much of a pattern in terms of whether specific sections had a different pattern of scores that was affected by the respondents being in a higher SR% group as opposed to a lower SR% group. The data are as follows in Table 7.

Table 7. Section Scores and SR% Groups

<b>Analysis by Section and SR% Group</b>														
<b>Group</b>	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>S6</b>	<b>S7</b>	<b>S8</b>	<b>S9</b>	<b>S10</b>	<b>S11</b>	<b>S12</b>	<b>S13</b>	<b>S14</b>
<b>A</b>	37.4	64.8	75.6	55.1	60.5	77.8	59.7	64.1	75.8	20.9	68.5	82.5	77.4	77.4
<b>B</b>	49.1	69.4	81.4	53.0	64.1	62.3	50.0	65.8	81.7	19.3	59.9	82.9	68.4	67.2
<b>C</b>	36.4	60.6	77.5	47.3	61.1	72.4	47.1	57.6	74.5	25.0	54.3	80.1	60.0	66.4
<b>D</b>	30.1	62.1	82.3	49.5	52.7	61.1	48.6	57.7	82.4	18.3	56.0	75.8	52.6	68.2

However, the graph plotted below in Chart 4 shows that there could be a general trend – while the scores swing high and low among the same sections, they do follow an approximate overall pattern of an inverse relationship between the score and the SR%.

Chart 4. Plotting Score by Sections and SR% Groups



### 3.5 Questions with Highest and Lowest Scores

The scores were also analyzed based on individual questions, and the following was noted.

#### High Scores

The following are the five questions with the highest scores:

- **Q 42:** Are timelines & time limitations clearly communicated to self-represented parties? (score = **4.8**)
- **Q 55:** Is plain language and explanation of procedures the norm when self-represented parties are present? (Score = **4.8**)

- **Q17a:** Is plain language used to facilitate understanding of tribunal procedures? – correspondence (score = **4.6**)
- **Q 9:** If self-represented parties have logistical questions about attending for their hearing, is there an easy way to obtain answers? (score = **4.6**)
- **Q 8:** Will self-represented parties learn what they can expect regarding proceedings when they first contact you? (score = **4.5**)

### Honourable mentions

The following are 11 other questions with a score greater than 4:

- **Q 17(c) and Q 17(d):**  
 “Is plain language used to facilitate understanding of tribunal procedures? “  
 c) Forms      Score = **4.3**  
 d) Policies      Score = **4.2**
- **Q 23:** “Is parallel information available in hardcopy for parties who are not web-literate?” Score = **4.2**
- **Q 39:** Are relevant Rules and policies communicated to the self-represented party in the course of the case management process? Score = **4.1**
- **Q 40:** If a self-represented party must serve documents, is there suitable information available as to how this is done? Score = **4.0**
- **Q 45:** Are parties advised of the agenda\* for the hearing?  
 \* who speaks first, how long they have to speak, when they can ask questions, etc. Score = **4.3**
- **Q 51:** Are hearings held at local venues? Score = **4.1**
- **Q 54:** Does the tribunal communicate to its members the expectation that they should conduct hearings in a manner appropriate for self-represented parties? Score = **4.2**
- **Q 60:** Are your decisions written in plain language? Score = **4.1**
- **Q 61:** When cases are cited, are the principles of those cases articulated in a manner understandable to the parties? Score = **4.1**
- **Q 64:** Once a decision is made, if there is any follow-up/action required by the parties is that instruction clear to them? Score = **4.1**

## Low Scores

The following are the three questions with the lowest scores:

- **Q 43:** Are simulated hearing video clips available on-line? (score= **0.7**)
- **Q 14.** Are video-clips available to demonstrate the tribunal process? (score = **0.7**)
- **Q 4.** Is there an individual designated to make annual (or other periodic) recommendations about matters concerning self-represented clients? (score = **1.0**)

## Medium low

The following 10 questions have scores between 1.0 and 2.0:

- **Q 6.** Has your case management process been tested to identify where procedures for self-represented parties could be improved? (e.g., running sample cases through the process) Score = **1.6**
- **Q 7.** Do you have an annual budget line with funding to develop your website and other support/ educational resources for self-represented parties? Score = **1.5**
- **Q 20.** Does the website contain a glossary of terms? (Sample: Supreme Court of Canada) Score = **1.4**
- **Q 24.** Do you use smart forms that are fillable on line? Score = **1.8**
- **Q 26.** Have you evaluated the effectiveness of your website with any self-represented parties? Score = **1.1**
- **Q 29.** Is there an ongoing process for identifying referral needs and updating referral protocols? Score = **1.7**
- **Q 35.** Do you have an accommodation officer to provide timely and consistent advice and support to staff and tribunal members when parties may have special needs? Score = **1.8**
- **Q 38.** Does the performance development plan for case management staff include performance metrics relevant to self-represented parties? Score=**1.3**
- **Q 44.** Are parties advised that they may observe other hearings of the tribunal? (or If legislation provides for closed hearing, do you advise them that they can watch a simulated video on your tribunal hearings or proceedings?) Score = **1.4**
- **Q 63.** Once a decision is made, if there is any follow-up/action required by the parties is that instruction clear to them? Score = **1.8**

## **Findings**

These results show that self-represented parties are able to get information about proceedings through personal contact with the tribunal or by viewing its website. Plain language is also widely used. However, many tribunals have still not adopted systemic measures, such as having a designated person to monitor or take the lead in dealings with self-represented parties, or having, for example, videos available as an educational aid to help self-represented parties become better prepared for their hearings.

## **Next Steps**

The National Baseline of 62% indicates considerable room for improvement in the administrative justice community. Thus, overall, it points the way for tribunals to better serve self-represented parties.

This is particularly significant given that the predominant access to justice issue faced in the current administrative and broader justice systems in Canada at this time is the increasing prevalence of self-represented parties.

This survey is unique in its evidence-based approach leading to the development of numerical measures and national and regional baselines – allowing tribunals to determine their own SRI. It also complements other studies based on oral evidence from self-represented parties or papers based on observations and experiences from stakeholders in the justice sector. The identification of issues and the collection of information are necessary to set the foundation for change and improvement.

As indicated, the Survey and SRI can be refined. For example, there may be different specific measures that are more relevant for different tribunal settings. Consideration could also be given to weighting different measures. The various measures could also be prioritized.

The approach must be tailored to each tribunal. For example, it may become apparent when completing the Survey or Checklist that the optimal area for improving access for self-represented parties in one tribunal could be the development of customized training for its adjudicators, and not the development of an educational video for parties, or vice versa. The Survey or Checklist can be customized on an individual tribunal basis to assist in instigating and measuring the ongoing development of measures for access in unique tribunal contexts.

But the biggest challenge of any change initiative is in the implementation of the desired change.



As noted in Justice Cromwell's speech at the 2015 CCAT Symposium, the implementation gap was identified in the final report of the Action Committee on Access to Justice in Civil & Family Matters<sup>13</sup> that he chaired. He noted three errors that caused this implementation gap:

1. failure to establish a sense of urgency;
2. failure to create a powerful enough guiding coalition (within the tribunals and with stakeholders, governments, courts and the legal profession)
3. failure to anchor the change in the organization's culture and values.

It is the hope of the CCAT Access to Justice Committee that this National Survey will contribute to addressing all three of these shortcomings. The data that has been gathered, its presentation and analysis, and the resultant baseline reflects an urgency for tribunals across the country to address the challenges and adopt best practices for dealing with the increasing numbers of self-represented parties. The national scope of this survey, as well as the broadly-based CCAT organization and its Access to Justice Committee, can enable a supportive network of tribunals, legal profession groups and community groups to work together on these issues, using common concepts and a credible collection of data. Organizations will be able to use this data, and any conversations and developments that they can generate to reinforce the shared values about access to justice that draw us together to push for improvements in how we deal with self-represented parties.

These results allow each tribunal to compare themselves with the collective performance of other tribunals and help each tribunal set targets and increase motivation for changes. And although the Survey was anonymous, tribunals with effective measures to improve access to justice for self-represented parties, can share their best practices with other tribunals.

It is important to recognize that this is only the beginning – this is an ongoing process. In the same way that tribunals can improve themselves, this Survey can also be improved. More responses can be sought and questions can be refined. The Survey and the earlier Checklist go hand in hand. The Survey is derived from the Checklist, but now there is the opportunity for the Checklist to be revised based on follow-up activity from the Survey.

As more tribunals use the Checklist and Survey as access to justice tools to improve services for self-represented parties, these same tools will improve, and there will be clear advancement in tribunal environments for self-represented parties.

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<sup>13</sup> <http://www.cfcj-fcjc.org/action-committee>

At the same time, as tribunals build their own best practices and culture of being responsive to self-represented parties, they can increase their contact with other stakeholders in access to justice – including the courts and organizations such as the various Bar Associations and the Canadian Institute for the Administrative of Justice (CIAJ). As well, feedback surveys from the users would be helpful to build responsive and appropriate programs.

Dealing with self-represented parties is a most pressing issue in today's justice community. There is much that can be done together. It is important to heed Justice Cromwell's admonition to avoid using access to justice as a convenient slogan, and instead, make a real commitment to change.

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## APPENDIX A

### List of Reports and Articles About Self-Represented Parties

Action Committee on Access to Justice in Civil and Family Matters, “Access to Civil & Family Justice – A Roadmap for Change” (2013), online: <[http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC\\_Report\\_English\\_Final.pdf](http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf)>;

Freya Kristjanson & Sharon Naipaul, “Active Adjudication or Entering the Arena – How Much is Too Much?” (2011) 24 Can. J. Admin. Law Pract. 2011;

John Goldschmidt & Loretta Stalans, “Lawyers’ Perceptions of the Fairness of Judicial Assistance to Self-Represented Litigants” (2012) 30 Windsor Y.B. Access to Just. 139;

Julie Macfarlane, “The National Self-Represented Litigants Project: Final Report” (2013), Online: <[http://www.lsuc.on.ca/uploadedfiles/for\\_the\\_public/about\\_the\\_law\\_society/convocation\\_decisions/2014/self-represented\\_project.pdf](http://www.lsuc.on.ca/uploadedfiles/for_the_public/about_the_law_society/convocation_decisions/2014/self-represented_project.pdf)>;

Raj Anand, “A Checklist for Access to Administrative Justice Today” (2014) 27:2 Can. J. Admin. Law Pract. 235

Samantha Green & Lorne Sossin, “Administrative Justice and Innovation: Beyond the Adversarial / Inquisitorial Dichotomy” (2011)

The Canadian Bar Association, “Underexplored Alternatives for the Middle Class” (2013) CBA Papers, online: <<http://www.cba.org/CBA/Access/PDF/MidClassEng.pdf>>;

Trevor C. W. Farrow et al., “Addressing the Needs of Self-Represented Litigants in the Canadian Justice System” (2012) Association of the Canadian Court Administrators, online: <<http://www.cfcj-fcjc.org/sites/default/files/docs/2012/Addressing%20the%20Needs%20of%20SRLs%20ACCA%20White%20Paper%20March%202012%20Final%20Revised%20Version.pdf>>.