

**1997 PUBLIC LEGAL EDUCATION
AND INFORMATION (PLEI) REVIEW:**

TOOLS FOR MOVING FORWARD

**An examination conducted for the
Programs Branch
Department of Justice Canada**

NOVEMBER, 1997

CONTENTS

ACKNOWLEDGEMENT

EXECUTIVE SUMMARY	i
-------------------------	---

CHAPTER 1 - INTRODUCTION.....	1
1.1 <i>What do Canadians want to know about the law?</i>	2
1.2 <i>Process for the 1997 PLEI Review</i>	2
1.3 <i>Highlights of Consultations</i>	4
1.3(a) <i>The Department of Justice Canada's PLEI program:</i>	4
1.3(b) <i>Comments from PLEI organizations</i>	5
1.3(c) <i>Preliminary comments about ACJNet</i>	5

CHAPTER 2 - WHAT IS PLEI AND WHO IS INVOLVED?	6
2.1 <i>Who delivers PLEI ?</i>	6
2.2 <i>How PLEI is Delivered</i>	7
2.3 <i>Examples of Innovative PLEI practices:</i>	8
2.4 <i>The Main Players: Who delivers PLEI?</i>	10
2.4(a) <i>Core PLEI Providers</i>	10
2.4(b) <i>PLEI Intermediaries</i>	11
2.4(c) <i>The Public Legal Education Association of Canada (PLEAC)</i>	13
2.4(d) <i>Provincial/Territorial involvement in federally funded PLEI activities</i>	14
2.4(e) <i>Law Foundations and other funders:</i>	15
2.4(f) <i>Promoting partnerships:</i>	16

CHAPTER 3 - JUSTICE CANADA'S PLEI PROGRAM	17
3.1 <i>The Evolution of the Program:</i>	17
3.2 <i>The Program Today:</i>	18
3.3 <i>Linking PLEI to Public Engagement : Practical legal Information versus Popular Legal Education :</i>	19
3.4 <i>Justice Canada's PLEI Program: Strengths and Challenges</i>	23
3.5 <i>Is it PLEI or is it Communications?</i>	23
3.6 <i>Directly developing PLEI materials</i>	26
3.7 <i>How Will PLEI Support The Department's Priorities?</i>	29

CHAPTER 4 - THE RATIONALE FOR PLEI	31
4.1 <i>The Public Need for PLEI</i>	31
4.2 <i>Should PLEI be targeted?</i>	34
(1) <i>Target PLEI because resources are scarce:.....</i>	35
(2) <i>Target PLEI because gaps exist in the nature of the group</i>	35
(3) <i>Target PLEI because gaps exist in the nature of the issue</i>	35
4.3 <i>A policy approach in support of targeted PLEI</i>	36
CHAPTER 5 - MEASURING AND EVALUATING PLEI	38
5.1 <i>The Need for Evaluation.....</i>	38
5.2 <i>How to evaluate PLEI.....</i>	40
CHAPTER 6 - THE RATIONALE FOR JUSTICE CANADA INVOLVEMENT IN PLEI	45
6.1 <i>Leadership and Accountability: Facilitating and supporting equality of access to information about the law</i>	46
6.2 <i>Promoting confidence in the justice system and respect for the rule of law.....</i>	46
6.3 <i>Justice Canada's obligation to make the laws accessible</i>	47
6.4 <i>Maintaining a shared responsibility for PLEI with other levels of government</i>	48
6.5 <i>Meeting Canada's commitment under several international instruments</i>	49
6.6 <i>Meeting the Department's Mission and Strategic Directions</i>	51
CHAPTER 7 - THE FUNDING RELATIONSHIP	53
7.1 <i>Funding PLEI: The challenges</i>	53
7.2 <i>The Annual Grants and Contribution (Core) Funding Process</i>	55
7.3 <i>Project Funding - Law Information Projects</i>	57
7.4 <i>Fund a National NGO such as PLEAC</i>	58
CHAPTER 8 - TOOLS FOR MOVING FORWARD	62
8.1 <i>An examination of the Department's current role in PLEI</i>	62
8.2 <i>Prior recommendations for Justice Canada's role in PLEI:</i>	63
8.3 <i>Building Relationships:</i>	65
8.3(a) <i>Bring Players Together</i>	66
8.3(b) <i>Enhance Information-Sharing</i>	66
8.3(c) <i>Forge New Partnerships</i>	67
8.3(d) <i>What is the focus of the Programs Branch?</i>	68
8.4 <i>Justice Canada's future role in PLEI.....</i>	69
8.5 <i>Conclusion</i>	69

Appendix A -- Terms of Reference.....	71
Appendix B -- PLEI Review Advisory Committee.....	73
Appendix C -- Consultation List - Federal Government.....	75
Appendix D -- Consultation List - External.....	78
Appendix E -- Consultation List - Provincial/Territorial PLEI Government Officials.....	83
Appendix F -- Index to Volume 2 - 1997 PLEI Review Report - Background Papers.....	84
Appendix G -- Consultation on the Future of PLEI.....	85
Appendix H -- Department of Justice Canada Strategic Directions.....	86
Appendix I -- Guidelines for Needs-Based Programming.....	87
Appendix J -- ACJNet PLEI Review Conference.....	89
Appendix K -- Extract - Description of National PLEI Policy.....	91
Bibliography.....	92

ACKNOWLEDGEMENT

In many respects, being asked to undertake this Review has been a privilege. Rarely have I encountered a subject which brings together such a wide range of people, all of whom speak about public legal education with genuine interest and, more often than not, in enthusiastic tones which foster excitement. For this opportunity, I would like to thank Ajit Mehat, Director General of the Programs Branch at Justice Canada. His thoughtful insights and support were invaluable.

I would also like to thank everyone (consultants, staff working in direct and intermediary delivery of PLEI, and many others) who had the patience to visit and revisit this issue with me, always providing thoughtful and sometimes provocative, input.

In particular, I would like to thank the staff in the PLEI program at Justice Canada who have endured my incessant e-mails and requests for additional information: your expertise and composure were much appreciated. A special thanks also goes out to Allan McChesney, the consultant retained to examine the role of PLEI intermediaries, for his invaluable contribution to this report and his collegial support throughout.

My assistant, Maria Logiudice, deserves exceptional thanks for keeping me organized and, with patience and humour, translating my notes and edits into this report.

I would like to thank the Ontario Regional Office of the Department of Justice Canada for giving me space to conduct consultations, think, and write. The healthy working atmosphere did not go unnoticed and contributed immeasurably to my ability to work.

Lastly, I would like to thank my home-office, the Ministry of the Attorney General for the Province of Ontario, for permitting me to undertake this assignment through the federal Executive Interchange program.

Marie Moliner
Director, PLEI Review Project
November, 1997

EXECUTIVE SUMMARY

The purpose of Justice Canada's 1997 PLEI Review is to examine and clarify the Department's future internal role and external roles in support of Public Legal Education and Information and to examine the Department's future relationship with ACJNet, the independent electronic network funded by Justice Canada which provides access to information on law and justice to the public. The ACJNet part of the Review is still in progress and will be the subject of a separate report.

Through a process of consultations with over 150 people who work in the field of public legal information and education, Justice Canada staff and other government officials, the Review examined 6 areas:

1. What is PLEI and who is involved?
2. What is the rationale for PLEI?
3. How should PLEI be measured and evaluated?
4. Why should Justice Canada stay involved in PLEI?
5. The funding relationship.
6. Renewed roles for Justice Canada and other PLEI players.

The Review found:

- Justice Canada needs to articulate a clearly defined role for its internal and external support of PLEI
- Funding mechanisms are a chronic source of tension between the Department and the funded core PLEI providers
- Evaluation of PLEI program delivery is necessary to ensure that it is achieving results

- Justice Canada's PLEI program is not well positioned to continue to coordinate PLEI activities or produce PLEI materials
- Core PLEI providers funded by the Department want to know about the Department's long term mandate for PLEI, to know what the Department expects of them, to have stability and openness around funding, and to receive recognition that the Department values the services they provide.
- Department staff want to know more about how to build PLEI into their work, and how to make effective use of the core PLEI provider network funded by the Department.
- Tensions between the communications and PLEI functions within the Department have largely dissipated but ongoing issues of accountability and resources for law information activities need to be resolved.
- ACJNet is widely acknowledged as a pioneering venture --the first Canadian electronic network to provide information on law and justice directly to the Canadian public. However, technology and other related services have evolved and the Department now needs to clarify its own role in relation to ACJNet, and its expectations of ACJNet, especially given that ACJNet project funding expires in March, 1998.

The report proposes several directions for Justice Canada to act on now. The thrust of these directions is that Justice Canada stay involved in PLEI but stop trying to do everything. Justice Canada should:

- focus its role on leadership and policy issues
- cease the in-house production of law information which is PLEI
- set criteria for the use of federal funds based on a targeted approach
- fund core PLEI providers through multi-year agreements
- provide modest start-up funds to a national NGO such as PLEAC to establish a credible external framework to coordinate and engage in PLEI
- support the creation of an evaluation tool to assess whether or not PLEI is having the desired impact

- develop ways to make the Department PLEI funding decisions more transparent and effective
- share information better with PLEI providers
- bring together interested players involved in PLEI to discuss these and other Department directions.

The full text of these 'Proposed Directions' is found at the end of this Executive Summary. The rest of the summary provides a synopsis of the 8 chapters in this Report. A separate volume of background papers prepared in support of the Review is found in Volume 2: PLEI Review - Background Papers.

Chapter 1: Introduction

This Chapter introduces the Review of Justice Canada's Public Legal Education and Information (PLEI) program and provides a preliminary description of the multi-purpose use of the term PLEI. It refers to the 1992 Gallup research report, commissioned by Justice Canada, which examined the legal education and information needs of vulnerable Canadians. It concludes by describing the methodology, process and highlights of the consultations undertaken during the Review.

Highlights from Chapter 1:

- p. 2 1992 research on the legal information needs of Canadians conducted by Gallup found that people rely primarily on their friends and families to obtain information about law and the justice system and do not know about PLEI organizations which deliver public legal education. The Gallup research also found that generally, people prefer advocacy over information and case-specific information over general knowledge. These findings were echoed more recently by the consultant retained by this Review to examine the need for PLEI and the role of bodies involved in PLEI who are not funded by Justice Canada.

Chapter 2: What is PLEI and who is Involved?

This Chapter describes “PLEI” in further detail. It explains how PLEI is delivered and describes the key players in the PLEI arena: full-time PLEI organizations, intermediary organizations which use PLEI, and funders. The chapter proposes that the Department of Justice Canada engage key players in a discussion about the most effective ways to fund and support PLEI. The term “core PLEI providers” is used throughout this Report to refer to the full-time PLEI organizations funded, in part, by Justice Canada.

Highlights from Chapter 2:

- p. 6 Generally, PLEI refers to law information and education activities targeted at the public. PLEI also refers to how these activities are delivered: the methods, venues and types of legal information activities engaged in by a wide range of organizations. Lastly, PLEI often refers to the players who engage in these activities.

- p. 6 When included with the large number of organizations which engage in the delivery of PLEI, the Department of Justice Canada is a relatively small player in the PLEI arena. The players include the 10 core PLEI providers funded, in part, by Justice Canada and the PLEI work to be undertaken by the Yukon and Northwest Territories under the Access to Justice Agreements currently under negotiation. Other important players include the many organizations that develop and deliver PLEI, often in partnership with the full-time PLEI providers in their jurisdictions and who are referred to in this Report as “PLEI intermediaries”. There also exists a national umbrella group of PLEI organizations: PLEAC, the Public Legal Education Association of Canada. Lastly, there are also a number of funders (Justice Canada, other federal government departments, Law Foundations, provinces and territories) some of whom have their own PLEI programs.

- p. 10 Federal contributions for core PLEI providers are based on a per capita formula which provides a minimum annual amount of \$70,000 per jurisdiction with larger provinces receiving up to \$330,000.

- p. 14 Provincial and territorial contributions to core PLEI providers vary from in-kind support (office space, telephone, postage) to financial contributions ranging from \$2,400 to over \$100,000. The Department also funds some specific PLEI projects related to its policy and law reform initiatives.

- p. 7 PLEI is delivered through a variety of activities and in a wide range of locales. Justice Canada, core PLEI provider and intermediary law information activities encompass print and audio-visual materials about

operates today. It explores the links between PLEI and other Department strategies aimed at engaging the public in justice system issues. It reviews some key challenges facing the Department's PLEI program and proposes a framework to resolve the long-standing debate about the Department's PLEI and Communications activities. The framework defines, for Departmental purposes, all law information activities designed for members of the public which are produced outside Justice Canada as "PLEI", and all internally produced law information activities as "Communications". The chapter proposes that the production of "PLEI" be administered and coordinated by an NGO such as PLEAC, The Public Legal Education Association of Canada.

Highlights from Chapter 3:

- p. 17 In 1988, Treasury Board approved core-funding for the continued development of a core PLEI provider network and later required PLEI program activity to be tied to specific Departmental initiatives. This direction appears to have had three specific impacts. First, the program engaged in a number of new and innovative activities. Secondly, these activities resulted in the promotion of new partnerships inside and outside government. However, thirdly and perhaps more importantly, the project-driven nature of the work eroded the program's policy and planning capacity. As well, there has been a shift away from the Department's earlier focus on providing PLEI targeted to disadvantaged groups.

- p. 20 During this Review it became clear that some Canadian academics, lawyers, and core PLEI providers believe that a new vision for PLEI must be developed which recognizes that the hard legal information approach and current delivery mechanisms do not work. Depending on the educator, this new vision involves a participative model aimed at achieving a range of objectives: promoting 'civic responsibility', increasing 'public engagement' or generating an awareness of the rule of law from a Charter perspective.

- p. 24 This Review finds that Justice Canada can draw the line more clearly between PLEI functions and Communications activities by asking the question: Does the Department need to retain control of the proposed law information activity? If it does, this Review proposes that the activity be considered 'Departmental law information' or 'Communications' and not PLEI. It is proposed that an internal policy might assist in clarifying these roles and responsibilities.

The basic elements of such a policy are that:

Law information delivered through PLEI involves practical legal information produced with an awareness of local circumstances, which has the capacity to highlight information that is useful to a particular audience, and which can critique laws, flag key issues and provide advice on how and when to use the law.

Departmental law information, often delivered through Communications, involves information about the law from the perspective of, or at least in terms approved by the Department, is generally aimed at a national audience, and may often describe Justice Canada activities and objectives.

- p. 26 In 1994, a Department report recommended increasing the Department's capacity to directly produce legal information materials. This Review disagrees with this recommendation for the main reason that, while reluctant to openly criticize Justice Canada publications, several core PLEI providers noted that Department publications were not generally effective as PLEI tools.

Chapter 4: The Rationale for Justice Canada Involvement in PLEI

This chapter examines the public need for PLEI and whether or not PLEI should be targeted towards those clients who are identified as most in need of PLEI. It proposes that Justice Canada set criteria for the use of federal funds and target PLEI because resources are scarce and because, although other services are available to meet more mainstream legal information needs, significant gaps exist for some audiences.

Highlights from Chapter 4

- p. 36 The findings from the consultant review suggest that PLEI made available through "mainstream" sources often neither targets nor reaches certain

- people and that these people are likely to have a need for specific PLEI information which is not generally available except through specialized PLEI intermediaries. These findings reinforce the merit of Justice Canada taking a leadership role in promoting a targeted approach for PLEI.
- p. 36 Using a targeted approach, the objective for PLEI delivery becomes identifying which people have what unmet needs. The following, in a nutshell, is a 'needs, gaps and priorities' policy approach in support of targeted PLEI:
1. Resources are scarce and priorities must be set;
 2. The best way to set priorities is to identify gaps and fill them;
 3. Given the consultant report finding about the kinds of generally available legal information materials, the main PLEI gap has two aspects:
 - (i) The first aspect is the **nature of the group** targeted to receive PLEI. This includes variables such as language, literacy, poverty, and culture;
 - (ii) The second aspect is the **nature of the issue**: the fact that there is little available subject matter on poverty issues (i.e., old age security, welfare rights) or the specific ways that family and criminal law impact low income people.
 4. The highest priority emerges when the nature of the issue and the nature of the group coincide. Then, the PLEI priority which emerges is a PLEI activity focused on that issue for that group.

Chapter 5: Measuring and Evaluating PLEI

This section of the Report examines why evaluation is necessary and whether the public is getting what they need. The chapter proposes that PLEI providers develop an evaluation framework for federally funded PLEI which is driven by a needs, gaps, and priorities analysis.

Highlights from Chapter 5:

- p. 38 In 1979, Ianni referred to a prevalent criticism of PLEI: that it lacked coordination and communication among projects and, consequently had failed to articulate long term objectives." During the course of this Review, similar comments were voiced by staff within the Department of Justice and by some NGOs not directly involved in the delivery of PLEI services: "...many people think PLEI is a good idea, but little solid evidence is put forward to support this claim."
- p. 44 In response to the request for clarity around what Justice Canada expects from an evaluation, the following outlines a possible evaluation methodology. It assumes that, as a general principle, Justice Canada wants to ensure that public funds for PLEI are targeted consistently with assessing needs, identifying gaps and setting priorities in light of unmet needs. The purpose of evaluating PLEI could be to:
1. Evaluate what PLEI needs are met by core PLEI providers. Specifically:
 - Who is reached?
 - How did they gain access?
 - Did they understand the information they received?
 - Were they able to act effectively on the basis of the legal information provided?
 2. Evaluate what gaps exist in PLEI delivery:
 - Who is not reached and why?

Chapter 6: The Rationale for Justice Canada Involvement in PLEI

This chapter addresses the question of why the Department of Justice is involved in PLEI and proposes six reasons the Department should stay involved in PLEI.

Highlights from Chapter 6:

- p. 45 Justice Canada has a responsibility to remain involved in PLEI :
1. To facilitate and support equality of access to information about the law;

2. To promote confidence in the justice system and respect for the rule of law;
3. To meet obligations to make its own laws accessible and available to the public;
4. To maintain a shared responsibility for PLEI with other levels of government;
5. To meet Canada's commitment under several international instruments;
6. To meet the Department's Mission and Strategic Directions.

Chapter 7: The Funding Relationship

This chapter examines the funding relationship between Justice Canada and core PLEI providers and proposes three changes to the funding mechanism: multi-year funding, a funded infrastructure for PLEAC or a similar NGO, and a longer term strategy whereby the Department would continue to set criteria for funding but administer funding through a federal-provincial agreement or through an NGO.

Highlights from Chapter 7:

- p. 56 This Review proposes that the Department consider a return to a multi-year funding cycle. In particular it is recommended that the Department implement a 3 year rolling funding cycle with levels subject to annual appropriation. A three year rolling cycle means that each year begins as year 1 of a new 3 year cycle, as long as the work undertaken meets agreed upon objectives.
- p. 56 In addition to returning to multi-year funding cycles it may be time for the Department of Justice to consider withdrawing from its direct involvement in the administration of funding core PLEI providers. Justice Canada would continue to set criteria for funding but could administer funding through a federal provincial agreement or through an NGO. The appropriate mechanism would need to be developed in detail, given the need for further discussion around a decision of this magnitude. Consultation would be required with other levels of government as well as with PLEI organizations.

- p. 59 This Review proposes that Justice Canada provide a modest level of start-up funding to permit PLEAC to build the infrastructure necessary to strengthen PLEAC's capacity to assume a credible national role in PLEI.

Chapter 8: Tools for Moving Forward

This final chapter reviews earlier proposals for the Department's role in PLEI, proposes a renewed emphasis on building relationships, developing partnerships and sharing information and concludes with a summary of proposed roles for Justice Canada in PLEI.

Highlights from Chapter 8:

- p. 69 Based on the directions proposed throughout this Report, this Review has outlined a role for Justice Canada's in support of PLEI. Essentially, the role is that Justice Canada:
1. Remain involved in PLEI, continue to fund a core PLEI provider in each province and territory and consider multi-year rolling funding agreements.
 2. Set a policy-driven agenda for funding these PLEI providers which supports law information activities which are focused on assessing needs, identifying gaps, and setting priorities in light of those results.
 3. Distinguish between law information activities which are internally driven by the Department and which contain Departmental messages or views, require Departmental approval, and generally seek to serve a national audience ("Communications") and those activities which require independent law information, targeted audiences, and local strategies ("PLEI").
 4. Support the transfer of all law information activities which are "PLEI" to an NGO such as PLEAC
 5. Provide 3-year start-up funding to a national PLEI umbrella group such as PLEAC.
 6. Support an NGO like PLEAC to establish an appropriate methodology for ongoing evaluation and impact assessment of PLEI.
 7. Establish a mechanism for sharing Department-produced legal information and research with NGOs to facilitate their production of PLEI materials.

8. Bring PLEI players together to rebuild relationships and forge new partnerships.

Proposed Directions:

The following are the Directions proposed in this Report.

Proposed Direction 1: It is proposed that the Department of Justice Canada engage key players in a discussion about the most effective ways to fund and support PLEI. (p. 16)

Proposed Direction 2: It is proposed that Justice Canada maintain its focus on PLEI as a source of basic practical information about the law. (p. 22)

Proposed Direction 3: It is proposed that Justice Canada explore further the links between PLEI, popular education, public consultation, and public engagement. (p. 23)

Proposed Direction 4: It is proposed that Justice Canada adopt a policy which distinguishes PLEI from law information produced by the Department.

The primary focus of this policy would be that PLEI is practical legal information provided independent of government, and targeted to specific groups or regions. It includes a capacity to be critical of and provide a context about and strategic advice on how to use a law.

Department law information, often delivered through the Communications function, provides information about a law without criticism or advice, is generally targeted to a national audience, is necessarily seen as reflecting the perspective of the government and is conveyed in terms approved by the Department. (p. 26)

Proposed Direction 5: It is proposed that the Department cease the production of PLEI and instead, contract for this service with outside PLEI experts. (p. 29)

Proposed Direction 6: It is proposed that Justice Canada set criteria for the use of federal funds which focus on assessing needs, identifying gaps and setting priorities in light of unmet needs. It is further proposed that core PLEI providers be responsible for identifying needs and determining which gaps merit priority in each jurisdiction. (p. 37)

Proposed Direction 7: It is proposed that Justice Canada require evaluations of audiences reached by the PLEI initiatives it funds and the impact they achieved. (p. 44)

Proposed Direction 8: It is proposed that Justice Canada remain involved in PLEI. (p. 52)

Proposed Direction 9: It is proposed that, in order to provide continuity for planning purposes, Justice Canada fund core PLEI providers through a 3-year rolling funding cycle with levels subject to annual appropriation. (p. 56)

Proposed Direction 10: It is proposed that Justice Canada, in consultation with core PLEI providers, provincial/territorial partners, and key funders, initiate discussions about a new funding relationship. It is further proposed that the main emphasis for the consultation be to identify appropriate partnerships for the long-term transfer of federal administration of funding. (p. 57)

Proposed Direction 11: It is proposed that Justice Canada consider ways to improve information-sharing about the grants and contributions process. (p. 58)

Proposed Direction 12: It is proposed that Justice Canada fund PLEAC for a 3 year period to further develop its capacity as a national network for PLEI, a resource for core PLEI providers and intermediaries, and as the coordinator for the development (with support from outside experts) of a diagnostic to measure and evaluate PLEI. (p. 61)

Proposed Direction 13: It is further proposed that Justice Canada support PLEAC to build the capacity to become the designated recipient for the purpose of administering federal law information project funds. (p. 61)

Proposed Direction 14: It is proposed that Justice Canada bring PLEI players together to respond to key issues raised in this report and to identify next steps. (p. 66)

Proposed Direction 15: It is proposed that Justice Canada establish a mechanism for sharing department-produced research with NGOs, including conducting an inventory of Departmental legal and research information. (p. 67)

Chapter 1

INTRODUCTION

Over the past 25 years, a lot of time has been spent by people writing and thinking about PLEI (Public Legal Education and Information). Still, a clear vision of PLEI, and the appropriate role of the Department of Justice Canada in support of PLEI, remains elusive. This Review responds to a pressing need to determine the Department's ongoing and future role in PLEI activities.

People hold strong and divergent views about present PLEI practices and the future of PLEI. Part of the reason PLEI attracts such genuine interest and attention is the compelling nature of the issue. It is easy to care about public legal information and education. In its broadest sense, PLEI captures the essence of accessible justice. The existence of PLEI reflects a recognition that the framework of Canadian laws is complex and that there is a need - and public expectation - that laws be made accessible and easy to understand.

PLEI is also attractive because it is multi-purpose. For the public, PLEI is practical legal information designed to assist people to understand particular legal problems. For service providers, PLEI can be a hands-on tool which helps to demystify a complex legal system for their clients. For policy-makers, PLEI is a vehicle for making complicated laws handy to the public. And, for Justice Canada, PLEI is one tool to enhance public perceptions about justice and the role of law in our communities. At the end of the day, confidence in the justice system will be largely influenced by people's sense of how accessible and comprehensible the justice system really is.

The 90's have been a time for re-examining well-entrenched programs, partly as a result of real fiscal pressures, but also because of shifting policy priorities. In the context of the considerable thinking about PLEI that has already taken place, and in follow-up to the Policy Sector reorganization within Justice Canada, this Review is an attempt to identify ways of moving the Department forward. It is hoped that the findings of this Review, which build upon numerous previous studies and reviews¹, set the stage to bring closure to perennial discussions about the value of PLEI and the role of Justice Canada in PLEI.

¹See Bibliography which includes numerous Reports and policy papers including a 1988 Department of Justice Canada Bureau of Review evaluation of the PLEI program.

1.1 What do Canadians want to know about the law?

In 1992, the federal government commissioned a Gallup research project entitled: "Focus Groups on Legal Education and Information Needs"². Ten focus groups, conducted in five different cities across Canada, were designed to gain knowledge of the legal information needs of six different sectors of the population: youth, the elderly, the poor, urban aboriginal people, members of visible minorities, and immigrant women. One group was conducted with social intermediaries -- social workers, teachers, and counsellors -- who worked with disadvantaged clients.

Of particular note were the findings about sources of legal knowledge and potential use of legal information services. Gallup found that people rely primarily on their friends and families to obtain information about law and the justice system and do not know about PLEI organizations which deliver public legal education. The Gallup research also found that generally people prefer advocacy over information and case-specific information over general knowledge.³ These findings were echoed more recently by the consultant retained by this Review to examine the need for PLEI and the role of intermediary bodies involved in PLEI.⁴

1.2 Process for the 1997 PLEI Review

This Review began in March 1997 with Terms of Reference⁵ which directed a three part examination of the ongoing role and direction of the Department of Justice in relation to its Public Legal Education and Information (PLEI) program. Parts one and two of the examination directed a review of the Department's own PLEI initiatives and the ways the Department interacts with and supports independent PLEI organizations across the country. The third part of the Review is ongoing and involves a separate examination of ACJNet, the electronic network funded by Justice Canada which provides access to information on law and justice.

The Department's 1997 PLEI Review was chaired by the Director General of Justice Canada's Programs Branch and supported by an internal advisory committee, the PLEI Review Advisory Committee (PLEIRAC)⁶. The Review was conducted for Justice Canada by a senior lawyer with expertise in justice policy

²Gallup survey "Focus Groups on Legal Education and Information Needs" (March 30, 1992)

³*ibid* page 16 Gallup

⁴Volume 2 - 1997 PLEI Review Report: Background Papers - Public Legal Education and Information (PLEI) Provided by PLEI Intermediaries, 1997, by Allan McChesney under contract to the Department of Justice.

⁵See Appendix A - 1997 PLEI Review Terms of Reference

⁶See Appendix B - List of members of PLEIRAC

and community participation on an exchange from the Ministry of the Attorney General for the Province of Ontario.

The methodology for this Review was based primarily on hour long interviews where people provided responses to tailored questions and described their own anecdotal experience. Generally, the majority of information in the report relies on key interviews with over 50 Justice Canada and federal government officials, approximately 20 interviews with other funding bodies including Law Foundation directors and officials from other levels of government, and approximately 70 PLEI organizations and individuals interested in the delivery of public legal education and information⁷ some of whom receive annual funding from the Department. In addition to these interviews, other people contributed to the report by providing background information and documentation. References to “core PLEI providers” refer exclusively to the full-time PLEI organizations which are funded, in part, by Justice Canada.

With the assistance of a consultant with expertise in PLEI delivery, the Review examined the need for PLEI and the range and role of intermediaries who deliver PLEI.⁸ Two roundtables were held, one in Vancouver and one in Toronto, with core PLEI providers, users, and intermediaries to seek their input on the role of Justice Canada, to share innovative PLEI activities, to discuss the need for PLEI, and to assess the need for evaluation and measurement of PLEI initiatives.

Consistent with initiatives by Justice Canada to be more open with external partners, the Review process permitted several opportunities for feedback from outside Justice Canada. The highlights of early consultations were compiled in a document entitled: PLEI Review - Highlights of Consultations to Date.⁹ This document was posted in June on an ACJNet Conference site set up for the purpose of obtaining further feedback on the Review and to test the use of electronic conference technology as a consultation tool.¹⁰ Thoughtful responses were contributed through this electronic conference and many of these are reflected in this Report. These responses and other background papers prepared in support of this Review are found in a companion volume, Volume 2: 1997 PLEI Review - Background Papers.¹¹

⁷See Appendix C, D and E - People consulted during the 1997 PLEI Review

⁸Volume 2 - 1997 PLEI Review Report: [Background Papers](#) - “Public Legal Education and Information (PLEI) Provided by PLEI Intermediaries, *infra*” 1997, by Allan McChesney under contract to the Department of Justice Canada.

⁹Volume 2 - 1997 PLEI Review Report: [Background Papers](#) - “Highlights of Consultation to date”, June 1997,

¹⁰Volume 2 - 1997 PLEI Review Report: [Background Papers](#) - ACJNet - PLEI Review 1997 - Conference text. This electronic conference ran from June 1997 to October 1, 1997.

¹¹See Appendix F for Index to Volume 2 - 1997 PLEI Review Report: [Background Papers](#)

The preliminary PLEI Review report was presented verbally in September at the Annual General Meeting of PLEAC (the Public Legal Education Association of Canada), the national umbrella group for PLEI organizations. A consultant's draft background paper on the "Role of PLEI Intermediaries" was distributed at the same meeting. Many PLEAC members reviewed this paper and, having flagged issues they wished to pursue further, accepted the opportunity to provide detailed feedback when contacted by the consultant.

The draft of the final PLEI Review Report was circulated to PLEAC in October, 1997. While time did not permit PLEAC to respond fully to the final draft of this Report, preliminary comments were received. Many of these comments, together with the comments on the background paper, are reflected in this final version. It is expected that Justice Canada will have opportunities to further canvas the issues raised during this Review with PLEAC and other key stakeholders, once it has reviewed the Report and identified which directions it is prepared to support.

1.3 Highlights of Consultations

The consultations conducted in support of this Review flagged the following issues and comments about public legal education and information, and about the role of the Department of Justice Canada.

1.3(a) The Department of Justice Canada's PLEI program:

The Department's PLEI program is not widely known across the Department but it is well-known to some who have worked closely with program staff. Persons who commented on the Department's PLEI program felt it could benefit from:

- a clearly stated role for PLEI within the Department
- the establishment of a policy-driven PLEI agenda and stronger integration with policy functions across the Department
- a framework to facilitate closure around whether the activity is a Communications or PLEI function
- outside production of PLEI publications
- a Department supported infrastructure for a national PLEI umbrella group
- a separate strategy which builds links between PLEI and Justice Canada's public engagement strategy

1.3(b) Comments from PLEI organizations

During the consultations, PLEI organizations noted they would like to be better connected to Justice Canada. In particular they would appreciate:

- knowing more about the Department's long term mandate
- knowing more about what the Department expects their role to be
- knowing earlier about funding cycles and having more predictability about funding levels
- knowing that the Department values the service they provide

PLEI providers also noted that they want to contribute to the Justice Canada PLEI agenda. In particular they want to:

- develop a national PLEI policy
- enhance the role of the national PLEI umbrella group, PLEAC
- develop an evaluation diagnostic to show that PLEI is reaching the right people and achieving results

1.3(c) Preliminary comments about ACJNet

While a separate comprehensive examination is being conducted about ACJNet, early consultations both inside and outside Justice Canada suggest that ACJNet is widely acknowledged as a pioneering venture -- the first Canadian electronic network to provide information on law and justice directly to the Canadian public. However, technology and other related services have evolved and the Department now needs to clarify its own role and expectations in relation to ACJNet, especially given that ACJNet project funding expires in March, 1998. As noted, the Department's examination of ACJNet will be addressed in a separate report.

Chapter 2

WHAT IS PLEI AND WHO IS INVOLVED?

Canada, primarily through law student clinics and consumer advocacy groups.¹² This chapter describes PLEI, including how PLEI is delivered and the players who deliver it, and provides some examples of innovative PLEI activities.

For the purpose of this Report, the following descriptions of PLEI may usefully be kept in mind. Generally, PLEI refers to law information and educational activities targeted at the public. PLEI also refers to how these activities are delivered: the methods, venues and types of legal information activities engaged in by a wide range of organizations. Lastly, PLEI often refers to the players who engage in PLEI activities. These key features of PLEI are outlined further below.

2.1 Who delivers PLEI ?

When included with the large number of organizations which engage in the delivery of PLEI, the Department of Justice Canada is a relatively small player in the PLEI arena. This report focuses on the 10 core PLEI providers funded, in part, by Justice Canada and the PLEI work to be undertaken by the Yukon and Northwest Territories under the Access to Justice Agreements¹³ currently under negotiation. All of these PLEI players are referred to as **core PLEI providers** throughout this report even though the term may not always accurately capture

¹²A brief overview of PLEI definitions and history is found at Appendix G

¹³It is not known, at this stage, exactly how PLEI will be delivered in the Yukon and Northwest Territories because new cost-sharing agreements are under negotiation. Under these “Access to Justice” agreements, PLEI funds would be consolidated with Legal Aid and Native Courtworker funds. While YPLEA (Yukon Public Legal Education Association) continues to exist in the Yukon, the NWT equivalent (Arctic PLEI) no longer exists and a new form of PLEI delivery is evolving there. For example, they have created a new position of ‘PLEI coordinator’ who will run the law-line, collect data and liaise with 5 carrier agencies throughout the Territory.

the scope of their work¹⁴. These core PLEI providers are not the only organizations that deliver PLEI. Indeed, in some jurisdictions such as British Columbia, there are other full-time PLEI organizations such as the Law Courts Education Society. This Report does not include those players in the term 'core PLEI provider' as they do not receive annual funding from Justice Canada, although a few receive contract or contribution funding from the Department.

Other important players include the many organizations that develop and deliver PLEI, often in partnership with the full-time PLEI providers in their jurisdictions and who are referred to in this Report as "PLEI intermediaries". There also exists a national umbrella group of PLEI organizations: PLEAC, the Public Legal Education Association of Canada. Lastly, there are also a number of funders (Justice Canada, other federal government departments, Law Foundations, provinces and territories), some of whom have their own PLEI programs.

2.2 How PLEI is Delivered

The method of service-delivery engaged in by core PLEI providers varies to some degree across the country. PLEI is delivered through a variety of activities and in a wide range of locales. Justice Canada, core PLEI provider and intermediary law information activities encompass print and audio-visual materials about specific legal issues (e.g. divorce, support and custody, tenant rights, hunting and fishing); law lines staffed by people who give legal information; taped legal information available by telephone ("Dial-a-law", Téléphone Juridique); speakers, seminars and workshops on specific legal topics; school based law curricula; electronic access to legal information (ACJNet and others); interactive learning modules (LawRoom on SchoolNet); and popular theatre. In Ontario, the primary emphasis for the core PLEI provider CLEO (Community Legal Education Ontario) is on the distribution of law information publications through the legal clinic infrastructure. In other parts of the country, a return to providing legal information in person through community meetings is increasingly popular.

The venues for PLEI are equally diverse. PLEI can be obtained by attending at a core PLEI provider office. More often though, PLEI is delivered to people by a core PLEI provider or an intermediary at community events, in legal clinics, health centres, schools, shopping malls, via Internet, bingo games, and through community radio and television. Sometimes, governments produce their own law information publications and materials intended for the general public which are often distributed by core PLEI providers as well as through PLEI intermediaries.

¹⁴In Alberta the federal funds are designated to PLENA (Public Legal Education Network of Alberta), a consortium of PLEI providers. For the purpose of this review, all references to core PLEI providers include PLENA.

There are differences as well in the clients who are targeted for PLEI activities. For example, in British Columbia, the People's Law School targets specific immigrant communities. PLEA Saskatchewan has responded to the specific legal information needs of farmers. In the Maritimes, the fishing and oil industries have driven some core PLEI provider agendas. Still, other core PLEI providers focus on the legal information needs of the more 'general' public.

2.3 Examples of Innovative PLEI practices:

The consultations with core PLEI providers and PLEI intermediaries yielded a variety of innovative PLEI practices. Of particular interest are the findings from the consultant review of successful practices in PLEI delivery.¹⁵

- A practice used and recommended in aboriginal communities is to request an elder to explain how statute law accords with customary law, perhaps by telling a story. In one community, graffiti on public buildings disappeared after a PLEI team explained to students that not respecting shared resources was against both statute and custom.
- Quiz game exercises are popular for PLEI (e.g. Legal Jeopardy or Trivia). CLEO circulates a Wheel of Justice to schools and law clinics. Competitions are held on any area of law, between teams of any size. Over the years, the Wheels have been in high demand.
- There is positive response to five-minute PLEI messages delivered by a legal worker at bingo nights in a small Ontario aboriginal community. To enliven presentations, she uses prewritten flip charts and visual theatrics. Handouts on the PLEI topic are also distributed.
- One unusual PLEI tool is a youth-market novel published in Newfoundland, *Ask Me No Questions*. The young characters in this world-renowned book encounter child abuse and learn about legal procedures to try to deal with it.
- In Nova Scotia, a social justice partnership has videotaped mock medical and trial scenes to show health professionals how to assist victims of assault to gain redress through the justice system.

¹⁵Public Legal Education and Information (PLEI) Provided by PLEI Intermediaries, September draft 1997, at pp. 18-24

- The Québec Human Rights Commission was consulted by producers on plots and scripts for a recent t.v. soap opera, *Jasmine*, that taught audiences about human rights. The show featured a minority woman police officer in Montréal. Plots demonstrate human rights issues and remedies: e.g. police-minority relations, racism, harassment, and employment equity.
- ARCH (the Ontario based Advocacy Resource Centre for the Handicapped) and others active in PLEI for people with disabilities have considered ways to overcome cultural barriers for people with a disability who are also from a First Nation or from a minority group. ARCH's policy is to give training to leaders within a particular community (e.g. a visible minority group) on issues related to disabilities. Those who act as trained PLEI leaders receive preferred access to the intake (case) functions of ARCH.
- Seniors' organizations are developing and disseminating PLEI kits about "living wills" or "advance decisions" concerning property or health matters, such as life support and accessibility to pain killers. One of the kits that fosters a "peer counselling" approach comes from Canadian Pensioners Concerned (especially its Nova Scotia branch) and is available for purchase at a moderate price across Canada.
- In 1996, the Public Legal Education Society of Nova Scotia, in cooperation with intermediaries, provided legal workshops to 40 community people from rural and urban black communities across the province. Local leaders were selected for the training, designed to prepare them to speak (as volunteers) to their own community's groups, and to provide some kind of legal representation to young offenders. A 200 page manual was prepared.
- The African Canadian Legal Clinic in Toronto has sent people to youth groups to deliver messages about changes to the *Young Offenders Act*. A number of black lawyers and other professionals assisted.
- The Manitoba Theatre for Young People has produced two plays on legal rights. Based on initial audience feedback, they took revised productions to schools around Manitoba. One play was aimed at high school students and the other at primary schools.

- Core PLEI organizations in many provinces keep teachers current about PLEI by providing publication lists and meeting regularly with teachers to provide updates. For example, teachers in Saskatchewan and other provinces receive an annual print-out on all PLEI materials available. Yearly conferences for high school law teachers are organized by PLEI providers in some jurisdictions including Manitoba and Prince Edward Island.

2.4 The Main Players: Who delivers PLEI?

2.4(a) Core PLEI Providers

Canada is unique in that it has a national network of core PLEI providers who devote their attention to the full-time delivery of PLEI. Generally, core PLEI providers are governed by a community Board of Directors and work with local organizations to deliver PLEI to a wide range of audiences using a variety of delivery mechanisms. This section examines the relationship between Justice Canada and those PLEI providers funded in part by the Department.

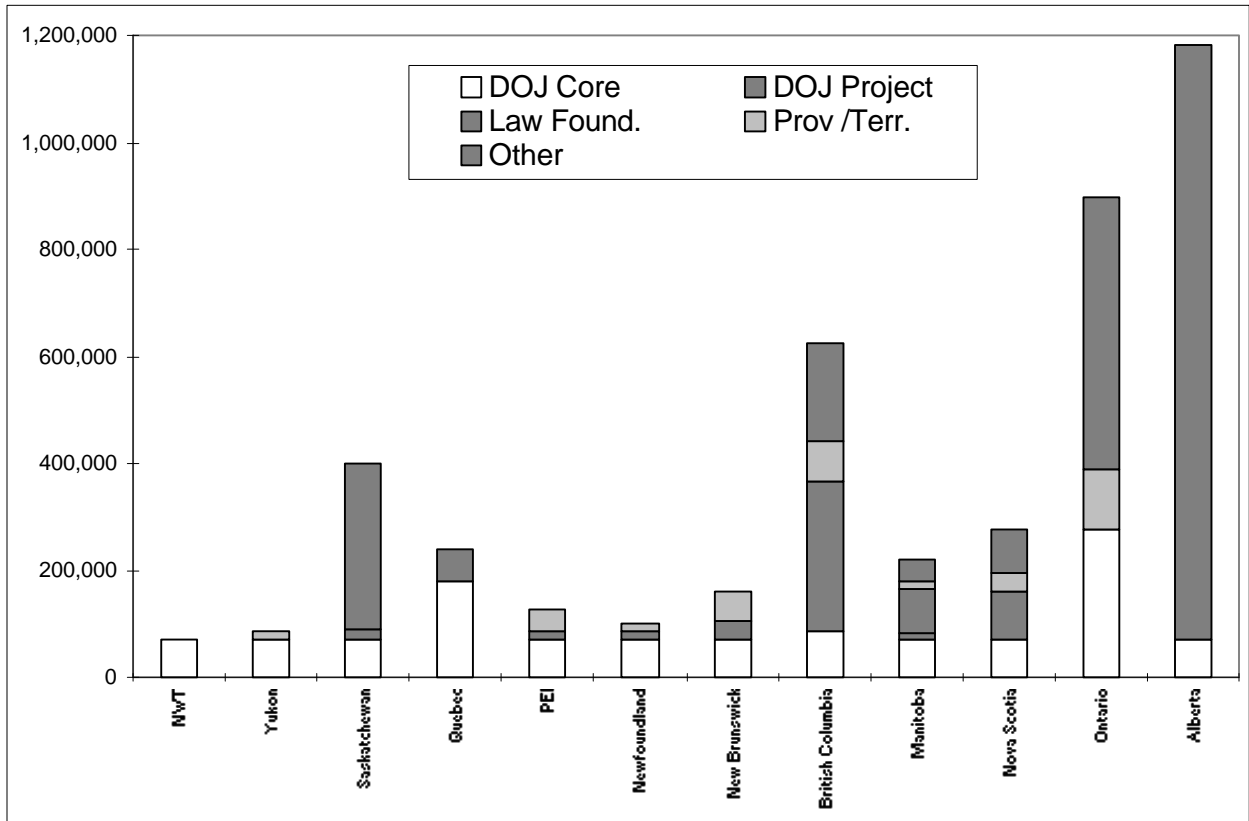
Many of the core PLEI providers existed before 1984 when Justice Canada began to contribute annual funding to PLEI organizations as part of a 3 year pilot project to set up a national network of core PLEI providers, one in each province and territory. This program remains in place and in 1997/98 each core PLEI provider receives an annual federal contribution based on a per capita amount which ranges from a minimum of \$70,000 to approximately \$330,000 for provinces with greater populations.¹⁶

Depending on the jurisdiction, this amount can be anywhere from 74% of the core PLEI provider funding base (Quebec) to as little as 5% (Alberta). The chart below identifies Justice Canada's contribution to core PLEI providers by jurisdiction in 1996/97 as compared to the total core PLEI provider funding base. On average, federal financial assistance is less than one quarter of the total revenues of most core PLEI providers with smaller jurisdictions relying most heavily on federal funding. Most core PLEI providers receive the majority of their funds from sources other than Justice Canada -- primarily from Law Foundations and, to a lesser extent, from provincial governments.¹⁷

¹⁶The cost-sharing funding formula for PLEI results in an allocation of a minimum of \$70,000. per jurisdiction up to a maximum of \$0.03/capita per province/territory. Ontario, B.C. and Quebec receive greater annual contributions given their larger populations.

¹⁷Funding Sources of the PLEI Organization - PLEI Statistical Analysis - January 1997

Several of the core PLEI providers noted that they have found it difficult to plan ahead because of chronic preoccupation with funding requirements, late receipt of contributions, and cutbacks. Needless to say, the funding process is a huge issue for PLEI organizations. This issue is discussed further in Chapter 7: The Funding Relationship.



1996/97 Funding of core PLEI providers

2.4(b) PLEI Intermediaries

Core PLEI providers are only one piece of the picture. Nearly all core PLEI providers rely on the existence of intermediary organizations to help disseminate information and to collect feedback on PLEI needs and trends. Quebec is the one exception as federal funds are exclusively dedicated to an arms length provincial agency (SOQUIJ) which runs *Telephone Juridique*, a fee-for-service dial-a-tape legal information service.

The PLEI intermediaries who provide most people with their access to legal information, tend to be front-line service delivery organizations who receive funding from provincial governments and from private sources such as Law

Foundations. The range of possible PLEI intermediaries is extensive¹⁸ forming a web of community resources with the potential to reach all organized aspects of the social justice network. PLEI intermediaries include legal aid clinics; women's shelters; health centres; churches, and organizations which target specific publics: seniors, women, aboriginal groups, immigrants, racial and cultural minorities, people with disabilities, and injured workers.

Other organizations more loosely connected to PLEI but which also provide legal information, include libraries, high schools, community colleges, publishers of magazines, daily and community newspapers, and radio and television. In many jurisdictions, the local bar associations and Law Societies are directly connected to the core PLEI provider engaging in or supporting a wide range of voluntary PLEI activity or providing their own "Dial-A-Law" type programs. Government agencies, (public health nurses, hospitals, victim service workers, court and social workers, rural government service centres, welfare offices) often play a prominent role in the delivery of PLEI in partnership with the provincial core PLEI provider.

As noted, the role of PLEI intermediaries in delivering PLEI was examined during this Review by a consultant with extensive background in PLEI. Key findings about the role of PLEI intermediaries are:¹⁹

- The PLEI intermediary network is the invisible backbone of local PLEI delivery mechanisms and its role is often overlooked when assessing the impact of PLEI.
- Effective PLEI involves cooperation among core PLEI providers, PLEI intermediaries with legal expertise and intermediaries in the non-legal social service sector.
- There is a real benefit when PLEI providers work with intermediaries to produce materials. PLEI intermediaries contribute to the success of core PLEI providers by identifying needs, trends and potential partnerships and by facilitating development and distribution of PLEI materials.
- Almost all PLEI intermediaries rely somewhat on provincial or territorial PLEI providers for materials and consultation, and for contacts with other intermediaries. Still, there is no clear map of PLEI products and delivery networks in most parts of the country because, for the most

¹⁸In 1984, Marion Lane reported that there were over 800 of these types of intermediary agencies in Ontario alone - PLEI in Ontario: a preliminary inquiry, Canadian Law Information Council, 1984.

¹⁹infra, Public Legal Education and Information (PLEI) Provided by PLEI Intermediaries, 1997

part, core PLEI providers have not had the mandate or resources to review the overall contribution of intermediaries.

- Despite the wide array of PLEI intermediaries, in many communities, no one may be able to provide legal information because of specialized PLEI needs or distance from centres where PLEI is available.
- There are also a range of publics whose PLEI needs are difficult to address even if both the PLEI intermediary and core PLEI provider identify a need: long term homeless ‘street’ people, people in institutions, some seniors, some people with mental disabilities, youth from minority cultures, public and low-income housing tenants, and people whose first language is neither English nor French, or who lack literacy skills in any language.
- Additional demands are increasingly being placed on PLEI intermediaries by employees and people who have become contract workers in the new economy for information about basic legal entitlements related to employment law including health, safety and other standards.

2.4(c) The Public Legal Education Association of Canada (PLEAC)

The Public Legal Education Association of Canada (PLEAC) is a national association of organizations and individuals who provide public legal education and information services. PLEAC was established in 1987 and incorporated in 1990. In 1992, CLIC (the Canadian Law Information Council)²⁰ ceased to exist, leaving PLEAC as the only national umbrella group dedicated to PLEI. Any individual or organization promoting, developing or supporting public legal education can join PLEAC whose goals are three-fold:

- to support communication and co-operation between individuals and groups interested in public legal education,
- to encourage the development of knowledge and skills in this field, and

²⁰Founded in 1973 CLIC (Canadian Legal Information Centre) was the first national PLEI focused agency aimed at making access to legal information faster, more efficient, and economical. In 1992, CLIC ceased to operate, citing the organization’s inability to maintain a sufficient level of core funding to continue its services. By 1992, CLIC had spear-headed a number of important PLEI activities including PLEI policy, PLEI evaluation, and more generally, research and information-sharing.

- to act as a national voice and advocate on issues that concern PLEAC members.

PLEAC exists in the absence of core government funding. Hence, its role and activities are limited to the volunteer time spent by its members. Each year, PLEAC hosts an Annual Meeting which is the primary opportunity for core PLEI providers to meet with each other and others involved in the delivery of PLEI across the country. In recent years, funding cutbacks have preoccupied much of the meeting's agenda. Still, PLEAC meetings have been described by participants as useful for sharing trends in PLEI practices and exploring policy issues. This year's meeting included a session with Justice Canada's Child Support Team to obtain feedback and direction on the Department's PLEI strategy on Child Support. The role and need for evaluation of PLEI, and ways to target and market PLEI were also the subject of workshop sessions.

The future role of PLEAC and the Department of Justice is discussed further in Chapters 7 and 8 of this Report (The Funding Relationship and Tools for Moving Forward).

2.4(d) Provincial/Territorial involvement in federally funded PLEI activities

The PLEI Review included consultation with government officials and arms length agencies responsible for administering PLEI in their jurisdictions. For the most part, there does not appear to be much recent contact between the federal government and these officials.²¹

The provinces and territories are primarily connected to Justice Canada's PLEI program through the annual grants and contributions process. Recently, the federal government has been negotiating Access to Justice Agreements with the Yukon and the Northwest Territories. These agreements are designed to consolidate federal funding for Legal Aid, the Native Courtworker program and PLEI, and permit the territorial government to distribute funding more flexibly subject to the terms of the agreement. Elsewhere, Justice Canada, together with each province, co-designates a non-governmental organization (NGO) to receive federal PLEI funds in each jurisdiction. In some jurisdictions, the provincial official is a member of the core PLEI provider Board of Directors.

Provincial and territorial contributions to core PLEI providers vary from in-kind support (office space, telephone, postage) to financial contributions ranging from \$2,400 to over \$100,000. Justice Canada also funds some specific PLEI projects related to its policy and law reform initiatives. While many of the core

²¹Regular yearly meetings were held with provincial-territorial officials and PLEI providers from 1988 to 1994, when budget reductions began.

The degree to which a provincial or territorial government involves the core PLEI providers varies considerably across the country. In some jurisdictions, the core PLEI provider is brought in early on to participate in the development of major PLEI activities. Elsewhere, core PLEI providers have felt excluded. A few core PLEI providers described a perception that their provinces appear to be developing PLEI in-house rather than using the PLEI provider network to develop and distribute law information activities. They note that this has tended to result in some duplication of activities. In jurisdictions like Ontario and British Columbia, PLEI delivery is closely linked to the provincial legal aid infrastructure. This ties the core PLEI provider more closely to legal clinics, provincial government publications, and other provincial service-delivery agencies.

2.4(e) Law Foundations and other funders:

The Review included consultation with Law Foundation staff across Canada who fund, on average, approximately 20% of each core PLEI provider program. While the amounts vary by jurisdiction, it is clear that the Law Foundations are a key funding source for core PLEI providers. Their relationships with core PLEI providers varies across the country and recent financial setbacks have required Law Foundations to re-examine and prioritize their own funding criteria. As a result of plummeting interest rates, all Law Foundations have cut back their contributions to core PLEI providers. In some places, like Alberta, the targeted reduction was 40% and some PLEI organizations were given notice that funding would be completely discontinued over a 3 year period.

Despite the key funding role played by Law Foundations in support of core PLEI providers, the nature of the relationship between core PLEI providers, Justice Canada and the Law Foundations is unclear. While Justice Canada is in touch with some Law Foundation officials, recent contact appears to be sporadic. Similarly, core PLEI providers are accountable to Law Foundations in different ways across the country and expectations and roles appear to vary with each jurisdiction.

2.4(f) Promoting partnerships:

A key theme during the Review, from both inside and outside Justice Canada, is the ongoing need to promote new and existing partnerships between funders and the recipients of PLEI funds. Later on in this Report, it is proposed that PLEI providers be brought together to discuss, with the Department, next steps arising from this Review. It may be equally fruitful, at the appropriate time, to engage all the key players (PLEI providers, Law Foundation officials and other levels of government) in an examination of the most effective ways to fund and support PLEI.

PROPOSED DIRECTION 1: IT IS PROPOSED THAT THE DEPARTMENT OF JUSTICE CANADA ENGAGE KEY PLAYERS IN A DISCUSSION ABOUT THE MOST EFFECTIVE WAYS TO FUND AND SUPPORT PLEI.

Chapter 3

Justice Canada's PLEI Program

The main emphasis for this Review is on how Justice Canada's PLEI program operates. This chapter discusses the history of Justice Canada's program and what it looks like today. The most pressing issue here is the need to draw distinctions between the Department's PLEI and Communications law information activities.

3.1 The Evolution of the Program:

The evolution of Justice Canada's PLEI program is described in detail in a number of earlier reports. In 1984 the PLEI Program was internally focused on supporting Justice Canada initiatives and included a summer employment program for students. The provinces and the then existing core PLEI providers urged the Department to take leadership and establish a role in the national PLEI arena. By 1988, the Department's activities had expanded to include a federally funded group of core PLEI providers, many of whom were already creating and disseminating PLEI.

In 1988, Treasury Board approved core-funding for the continued development of a core PLEI provider network and later required PLEI program activity to be tied to specific Departmental initiatives. This direction appears to have had three specific impacts. First, the program engaged in a number of new and innovative activities.²²

²²Notable among these activities are the evolution of PLEINet into ACJNet, an electronic information sharing and communications vehicle dedicated to providing access to PLEI brochures and to general legal information; the creation of LawRoom on SchoolNet a national interactive learning site for school-age students on law related subjects; the funding of YJEP (Youth Justice Education Partnership) a national working group of multi-disciplinary professionals dedicated to youth focused crime prevention programs, work towards developing a National PLEI policy, and the development of a plain language strategy for law, including plain language statutes and regulations.

Secondly, these activities resulted in the promotion of new partnerships inside and outside government.²³ However, thirdly and perhaps more importantly, the project-driven nature of the work eroded the program's policy and planning capacity. As well, there has been a shift away from the Department's earlier focus on providing PLEI targeted to disadvantaged groups.²⁴

3.2 The Program Today:

In 1997/98 the Department's PLEI program has 4 full-time staff and the budget has two main components. The largest component is the annual funding of the 12 core PLEI providers, one per province and territory for a total amount of \$755,000 in 1997/98.²⁵ The second component consists of the staffing budget (\$216,000) and funds for a small number of law information activities (\$114,000 in 1997/98). Separate funding has been dedicated to ACJNet (approximately \$225,000 in 1997/98) as part of a 5 year commitment which expires in March 1998. The PLEI program also receives additional funding from other parts of the Department and from other federal Departments in support of specific PLEI projects (approximately \$460,000 in 1996/97).²⁶

The law information program part of the Department's PLEI Program is unique in that it works directly with service providers at a local level to produce PLEI materials. This direct involvement means that the Department has found itself in the business of producing as well as supporting PLEI activities. Some argue that this role is necessary, cost-effective and takes advantage of in-house expertise. Others point out the incongruity of a federal Department spending resources writing, editing, and printing materials intended to be locally relevant. It may be cheaper but should we be doing it at all? As the Department resolves the boundaries between 'Communications' and PLEI functions, decisions will need to be made about what to do with the resources currently dedicated across the Department to PLEI activity. This issue is canvassed further on in this chapter.

²³Some of these partnerships include YJEP (Youth Justice Education Partnership), ACJNet, relationships with Universities of Alberta, Ottawa and Montreal. Within government partnerships include: Industry Canada's SchoolNet, the National Literacy Council, Canadian Heritage, Solicitor General and Corrections and the Crime Prevention Council of Canada.

²⁴In 1988, Treasury Board authorized the Department of Justice to implement an on-going national Public Legal Information strategy by providing, among other things, for project support for the provision of legal information in response to emerging priorities and the needs of special groups.

²⁵As noted in Footnote 11, PLEI will be delivered through the Access to Justice Agreements in the Yukon and North West Territories (currently under negotiation) and the continued funding of the "core PLEI provider" will be a Territorial government issue.

²⁶In 1997/98 the following sources of funding were received from other government sources: \$165,000 from Crime Prevention and \$156,000 from Child Support, \$73,000 from Industry Canada, \$18,000 from Canadian Heritage, \$35,000 from the Crime Prevention Initiative and \$20,000 from the Deputy Minister's reserve for the Women's Conference.

Much to the surprise of the Department staff directly involved in PLEI, it became clear during the course of this Review that, despite its links to a wide range of Department initiatives, the program is not well known within the Department. This is largely because the program's work has been primarily externally focused. It also appears that much of the program's energy has been devoted to building relationships with the core PLEI provider network at the expense of pushing for a strong policy-driven mandate for PLEI within Justice Canada.

As a result, the program does not have a clearly articulated and visible link to Departmental policy functions. The absence of a recognized role for PLEI in the Department's policy framework has made it difficult to move a 'big picture PLEI' agenda forward. It has also made it difficult to contextualize the multitude of PLEI program activities which have taken place in the Program over the years. Recently, the stage has been set for PLEI to grow within the context of the Department's new Strategic Directions which emphasize public confidence, public engagement and equality of access to justice

3.3 Linking PLEI to Public Engagement : Practical legal Information versus Popular Legal Education:

Since PLEI began, there have been wide-ranging discussions about the scope of PLEI. Should it be strictly defined and limited to dissemination of practical legal information? Or, should it be defined more expansively as a tool to enhance public understanding of the justice system? These questions continue unanswered today.

This discussion can be traced back to 1979 when the "Law for the Layman" report²⁷ stated three objectives for a PLEI program:

A PLEI program 'must meet attitudinal needs, i.e.:

- (i) develop confidence in the ability to (a) gain access, (b) understand, and, (c) act effectively on legal information;*
- (ii) develop a sense of responsibility for the evolution of the legal system;*
- (iii) develop an appreciation of the basic principles of law in a democratic society.*

Today, the debate continues within Justice Canada between resourcing a PLEI delivery mechanism which aims to provide practical and useful information and, equally important but much less tangible, the need to engage the public in a civics

²⁷1979 Report "Law for the Layman" Report on Subcommittee on Support Network of CLIC Law for the Layman Committee

exercise which fosters public confidence and encourages participation in a democratic society.

The definition of PLEI adopted by Justice Canada in 1984 focused on providing basic legal information. It noted that the Department should:

provide the public, particularly disadvantaged groups thereof, with access to basic legal information that would enable them to plan their legal affairs better and resolve legal problems, and with specific information about laws for which the Department of Justice is responsible.²⁸

This approach is compelling. It defines PLEI simply as helping people understand the justice system and deal with a specific problem when they have or anticipate it. Assuming that PLEI needs are properly identified and delivery mechanisms reach the target audience, this approach gets information to people quickly. And this is what the 1992 Gallup focus groups found people say they want: timely, situation-specific legal information. Accordingly, it can be argued that this need must be a first priority for scarce resources. Applying a needs and priorities approach to where the Department should focus its limited resources, the PLEI need is likely to be for practical or hard legal information: how to decide whether to seek a variation of support order or what is needed to respond to the denial of an EI claim. Indeed, this approach is consistent with a 1987 Environic survey commissioned by Justice Canada which found that Canadians' first priority is for written legal information about basic legal right and responsibilities.²⁹

Core PLEI providers emphasize that they already need more money, resources, help, advice, lawyers, community workers and paralegals than they have just to meet the basic PLEI needs which they have identified. Still, during this Review it became clear that some Canadian academics, lawyers, and core PLEI providers believe that a new vision for PLEI must be developed. This belief is based on their view that the hard legal information approach and current delivery mechanisms do not work. Depending on the educator, this new vision involves a participative model aimed at achieving a range of objectives: promoting 'civic responsibility', increasing 'public engagement', and generating an awareness of the rule of law from a Charter perspective.

Most recently, this approach has been captured in the term 'popular' legal education.³⁰ It has also been called 'legal literacy, educational liberalism or

²⁸"An Evaluation Study" Bureau of Review Report - Department of Justice - August 1988

²⁹"Survey of Public Attitudes Toward Justice Issues in Canada", February 26, 1987 Environics Research Group Ltd.

³⁰This is the term used by the North American Alliance for Popular and Adult Education (NAAPAE) an American organization established in 1993 which is self-described as: "a newly organized open community of North American educators of adults dedicated to the advancement of education for democratic social change." A

liberationism³¹. The thrust of popular education is to provide the public with tools to assist them to develop a critical analysis and independently make informed choices. While acknowledging that there will always be a need for hard legal information, those in favour of a popular legal education approach state that resources would be better spent on helping people to learn how to reflect critically on legal issues.

A popular legal education approach is not new to PLEI practitioners. In fact several core PLEI providers have developed interactive workshops which combine practical legal information with self-help problem-solving skills. Popular legal education is not entirely new to Justice Canada either. Through its partnership with YJEP³² the Department's PLEI program has promoted a focus on participative education. In February, 1997, YJEP held its annual meeting at which the Quebec Bar Association (QBA) President announced a new multi-disciplinary committee in Quebec which will focus on educating young people about the law. The committee's membership includes teachers, officials from the education ministry and the justice ministry, a newly graduated lawyer, officials involved in intervention with youth, members from the youth courts, and a representative from a standing committee for youth in Quebec. In speaking about the new educational approach, the QBA President emphasized that: "Youth must be encouraged to question their attitudes, the way they think, the way they behave, in order to gain an understanding of their role and to assume their place in society."³³

There are also a number of other innovative approaches to bridging the gap between providing legal information and learning about the law, some of which merge PLEI with a community-driven agenda. For example, the Canadian Association of Community Educators (CACE) recently held a conference in which they examined innovative ways to address youth justice issues. The topics ranged from replicating successful programs which give a fresh start to high-risk high school students to exploring community alternatives to prison and more effective responses to youth crime.

The popular legal education approach is attractive for several reasons. First it acknowledges a theme recognized early on by core PLEI providers: that hard legal information is only one piece of the PLEI puzzle. Second, this type of educational approach is consistent with developing PLEI as a tool for engaging the public within a Charter-driven framework. Third, popular legal education methodology can provide a full-service approach to addressing client needs. For example, domestic

Brief History of NAPE (North American Popular Educators) February 15, 1993 by J. Hurst. website: <http://nlu.nl.edu>

³¹Response posted at ACJNet 1997 PLEI Review "Consultation Highlights" Conference -- August 1997

³²Youth Justice Education Partnership is a network for building partnerships to provide education about youth justice in Canada. It has been largely funded by Justice Canada.

³³YJEP Newsletter, July 1997, "Quebec Bar Association creates Justice Education Committee"

assault victims might participate in a two-day interactive workshop designed to give them confidence to discuss their situation and to understand their experience of violence against women. In addition to hard legal information, the workshop might also provide a framework within which they can understand their rights, advocacy skills to empower them to cope and, in train-the-trainer workshops, skills to empower other women in similar situations.

Clearly, hard legal information is part of the popular education approach. However, practitioners of popular legal education suggest that it is only a small part and that the most important focus is on giving clients the tools to understand the legal system and how they fit within it.

This review did not examine the relative costs of the hard legal information approach versus the more advocacy-centred approach that might be offered through a popular education methodology. It seems likely though, based on anecdotal evidence about the time and process required to effectively conduct such sessions, that considerably more resources would be required to implement a popular education framework. And, given the reality of limited resources, considerably fewer people would likely be reached than through current PLEI delivery methods.

As noted above, PLEI and popular education strategies are not mutually exclusive. In fact, they are highly compatible. Nonetheless, a popular education approach will likely require fundamental rethinking about how people obtain and use legal information. This doesn't mean that Justice Canada should not explore this approach further. For example, an obvious link exists between popular education and other initiatives such as the Department's Strategic Directions to enhance equity, access, public confidence and participation in the justice system. A popular education approach could be particularly helpful in giving people a context for the specific activities the Department expects them to engage in. Resources permitting, it may also be worth supporting core PLEI providers to develop a popular education train-the-trainer model for the myriad of PLEI intermediaries who need a more in-depth understanding of the role of law in their work.

At the end of the day, and despite the appeal of a more interactive multi-faceted popular legal education approach, this Review finds that the main PLEI need, given the limited resources available, is for practical legal information. Given this, the Review proposes that existing PLEI resources continue to be dedicated to meeting that need and that the issue of popular legal education be explored further in the context of the Department's public engagement strategy.

PROPOSED DIRECTION 2: IT IS PROPOSED THAT JUSTICE CANADA MAINTAIN ITS FOCUS ON PLEI AS A SOURCE OF BASIC PRACTICAL INFORMATION ABOUT THE LAW.

PROPOSED DIRECTION 3: IT IS PROPOSED THAT JUSTICE CANADA EXPLORE FURTHER THE LINKS BETWEEN PLEI, POPULAR EDUCATION, PUBLIC CONSULTATION AND PUBLIC ENGAGEMENT.

3.4 Justice Canada's PLEI Program: Strengths and Challenges

Justice Canada's PLEI program strengths have been three-fold. First, the PLEI program has supported the development of a national network of core PLEI providers, recently with an Internet capacity to share and distribute legal information nation-wide. Secondly, the program has permeated some key Department and inter-Departmental initiatives providing support for the implementation of several federal law information activities (e.g. Child Support, Plain Language, Crime Prevention, Sentencing Reform). Thirdly, the program has pioneered work in identifying innovative uses for technology (e.g. ACJNet and LawRoom on SchoolNet) and in developing multi-disciplinary partnerships (e.g. YJEP).

Today, Justice Canada's PLEI program faces several key challenges.

Justice Canada must:

1. Decide its role in the future of PLEI;
2. Decide how to achieve this role;
3. Be able to measure whether it has achieved this role;
4. Identify the structures which are necessary to support the new role;
5. Decide whether to get out of the business of providing PLEI directly.

These challenges are discussed further in the body of this Report. However there are two issues which continue to hinder the program's daily activities and which merit an early examination: the program's in-house production of PLEI materials and the perennial discussion about whether law information activities are PLEI or Communications. These are discussed below.

3.5 Is it PLEI or is it Communications?

This is one issue which may not go away. There is no fixed definition to turn to and this has caused confusion within the Department for years. Both PLEI and Communications can involve the provision of information about the law. While

many of the tensions between the PLEI and Communications areas alluded to in earlier reports have dissipated, there is still a need to develop a definition for Departmental purposes.

This Review finds that Justice Canada can draw the line more clearly between PLEI and Communications activities by asking the question: Does the Department need to retain control of the proposed law information activity? If it does, this Review proposes that the activity be considered 'Department law information' or 'Communications' and not PLEI. It is proposed that an internal policy might assist in clarifying these roles and responsibilities.

The basic elements of such a policy are that:

Law information delivered through PLEI involves practical legal information produced with an awareness of local circumstances which has the capacity to highlight information that is useful to a particular audience, and which can critique laws, flag key issues and provide advice on how and when to use the law.

Department law information, often delivered through Communications, involves information about the law from the perspective of, or at least in terms approved by the Department, is generally aimed at a national audience, and may often describe Justice Canada activities and objectives.

The tools (plain language brochures, etc.) can be the same for both. Indeed, the Department may often seek to have its Communications materials delivered through the PLEI network, but the nature and perceived as well as permitted objectives of the law information material are different.

The Director of PLEA, the Public Legal Education Association of Saskatchewan, suggests that the starting point for both law-related communications and PLEI strategies is the same: both PLEI and government communications tell people what the law is.³⁴ After that, the functions diverge. He describes a continuum of law information activity noting that government communications activities want to gauge and shape public opinion and are frequently used to convince the public about the merits of a law.

Others who have commented on the similarities and distinctions between PLEI and government Communications suggest that both serve equally valid functions while meeting different objectives. For example, PLEI is local, community based

³⁴1996, Doug Surtees, Co-Director, Public Legal Education Association of Saskatchewan - Article: "How does PLEI differ from government communications material?"

and targeted to deliver legal information to specific groups or needs. Departmental Communications tend to be nationally oriented and broadly targeted to reach particular sectors of the public. PLEI is about education and about how information gets absorbed and translated into understanding. Communications is about whether or not the message is clear and well communicated. Unlike some communications activities, PLEI is not aimed at obtaining greater acceptance of the law. It explains the law in a way which is accessible to the PLEI user. As a result, PLEI information may be critical of legislation -- especially if it is perceived as removing rights and making the laws more complex for some.

For Departmental purposes, the following guidelines are proposed:

When the product is a PLEI activity:

It will be developed outside the Department, generally through PLEAC and the network of core PLEI providers and experts.

(Any doubts about whether or not the activity meets a communications or PLEI objective will likely dissipate if the Department decides the material can be produced, approved and distributed at arms length.)

When the product serves a Communications objective:

It will be developed using appropriate resources, be subject to Departmental approval, and may include relying on PLEI providers for distribution purposes.

In sum, the Review proposes that the Department distinguish between those externally produced Public Law Information and Education activities which are arms length (and which the Report proposes continue to be called PLEI), and those internally produced Department law information activities, which include Communications.

If adopted, these distinctions should prompt Department staff who are planning to implement law information activities to ask: What type of law information necessary to support this project? Is the project at the stage where arms length PLEI is the most effective? That is, is the issue mature in the public eye? Does it now require law information that is targeted, local and aimed at those who need it most? Or, does the issue require Departmental involvement because it is still too novel and/or complex and because the Minister needs to be clearly involved in profiling the issue early on and more widely?

PROPOSED DIRECTION 4: IT IS PROPOSED THAT JUSTICE CANADA ADOPT A POLICY WHICH DISTINGUISHES PLEI FROM LAW INFORMATION PRODUCED BY THE DEPARTMENT.

The primary focus of this policy would be that PLEI is practical legal information provided independent of government, and targeted to specific groups or regions. It includes a capacity to be critical of and provide a context about and strategic advice on how to use a law.

Department law information, often delivered through the Communications function, provides information about a law without criticism or advice, is generally targeted to a national audience, is necessarily seen as reflecting the perspective of the government and is conveyed in terms approved by the Department.

3.6 Directly developing PLEI materials

The Department has been in the business of producing PLEI materials since the inception of the program in 1983. The Department's budget for producing law information is small (\$114,000 in 1997/98) but is often supplemented by funds for specific PLEI initiatives from other parts of the Department (approximately \$300,000 in 1997/98: \$235,000 from Crime Prevention and \$156,000 from Child Support).

In 1994, a Department report recommended increasing the Department's capacity to directly produce legal information materials.³⁵ This Review disagrees with this recommendation for the main reason that, while reluctant to openly criticize Justice Canada publications, several core PLEI providers noted that Justice publications were not generally effective as PLEI tools. PLEI organizations which have used Department publications acknowledge that they have not formally surveyed public response to their distribution of Justice Canada publications. In fact, they note that generally, people looking for free information are not going to be choosy and will take what they can get. However, based on their experience and expertise about what their clients need, and based on the re-order demand for certain publications, or the number which remain in boxes on a shelf, they give Justice Canada publications mixed reviews.³⁶ And, whether or not the

³⁵The Program Review I Report - August 1994, page 231, where it is recommended that the PLEI program focus on increasing the department's capacity to directly produce legal information materials and consolidating all PLEI project and funds in one section.

³⁶Some publications which have been liked by some core PLEI providers and some intermediaries are:

Department agrees that resources might be better spent other than on the production of PLEI, it is clear that PLEI providers have considerable expertise. For example, recently core PLEI providers were asked to provide comments on a Department produced brochure on "hate crimes". Their feedback provided significant insights in terms of content and approach and suggested ways to improve the document in ways not previously examined by Department officials.

Overall core PLEI providers and intermediaries noted that while government law information materials are important at the onset of an initiative to signal a change, there is a necessary difference between PLEI and government law information. For example:

- The national focus of federal law information means that there is an absence of specific messages for specific audiences
- Department publications tend to be written at too high a literacy level
- Department publications which try to combine Communications messages with PLEI messages are not useful PLEI vehicles
- Some Justice Canada publications are more useful than others because nothing similar exists
- Oftentimes, Justice Canada wants a national product when the most effective tool would be a community-based PLEI activity
- In the past, the Department has failed to acknowledge that certain PLEI activities will not work in all jurisdictions
- The Department's practice of producing a generic product makes certain issues a PLEI priority -- even in areas where the problem may not exist or the legal procedure is different
- More consultation with PLEI providers is necessary around PLEI practices and delivery methods if the Department continues to produce PLEI
- Department messages and graphics can be unclear at best and confusing at worst
- Government information which tries to combine both communications and PLEI messages results in neither objective being effectively met

-
- The Secret of the Silver Horse
 - Canada's Laws on Child Sexual Abuse
 - Canada's System of Justice (used by some core PLEI providers as part of intermediary and teacher training).
 - Canada's Court System - (high level but useful for very literate audiences)
 - "After Sexual Assault"
 - "Abuse is wrong in any language" (Because the cover has many languages on it -- it is picked up by people attending multi-cultural training sessions for people whose first language is neither official language)
 - Fact sheets on Victims of Crime .
 -

- Certain formats are more useful than others: e.g. Question and Answer formats are usually accessible

Core PLEI providers point out that while Department law information may be legally accurate, it is not presented in an accessible way for their clients. This requires them to customize nearly all Justice Canada materials to meet the needs of their particular audiences. This means that the considerable time spent within the Department to produce, publish and obtain approvals for an acceptable Department PLEI product is of little importance as the target audience will likely find material prepared locally, more accessible and relevant.

Another reason for ceasing to produce PLEI in-house is that there are widely held doubts about the actual value of PLEI materials produced by Justice Canada. This is partly for the reasons outlined above -- regionally tailored publications are more useful. It is also because government publications, despite all efforts, are perceived as less than objective by community-based organizations. And, to some extent, this perception has to be taken as a valid criticism. A Departmental communication requires internal approval, cannot be independent of the Department, and certainly cannot criticize the law it is explaining, or provide advice or strategic input on how it affects a particular audience. For example, as PLEI providers at the PLEAC Conference noted :

'The strength of a PLEI publication is that it can tell the client: "This law will affect you this way." The Child Support guidelines package is helpful to the extent that it describes the law as it applies to many families. However, the Department's materials did not include, and could not be expected to include, a statement about how, for some women, the guidelines could result in lower support payments, and that the process of applying for a variation could increase family tensions. This is what our clients need to know.'

Staff inside Justice Canada have mixed views about the role of the PLEI program in the production of PLEI material. Those who have worked most closely with core PLEI providers agree that the program needs to move away from producing PLEI materials. They note that the most valuable role the Department could play is to provide easier and earlier public access to the range of legal research produced within Justice Canada, thus permitting PLEI providers to build their own tools.

There appears to be general agreement within Justice Canada that core PLEI providers are in the best position to design, distribute, follow-up and evaluate specific PLEI tools. Given the findings of this Review that Justice Canada PLEI materials are not as useful as locally produced materials, and are sometimes perceived as lacking objectivity, there do not appear to be any good reasons for the Department's program to continue to produce PLEI in-house. The

Department can certainly produce law information³⁷ and include it in a range of publications. And core PLEI providers can continue to use extracts in their own publications. However, this Review finds that Justice Canada resources would be better spent elsewhere than in researching, coordinating and publishing PLEI. This is corroborated by an earlier, and much more extensive Program Evaluation and Audit of the legal information activities engaged in by the Department's PLEI program. That Review recommended that "questions as to the location and structure of the in-house production capability will also have to be addressed."³⁸

For all of these reasons, it is proposed that Justice Canada stop publishing PLEI. It is further proposed that Justice Canada transfer the production of PLEI information to core PLEI providers and outside PLEI experts. While the details would need to be worked out, it is possible that an NGO such as PLEAC could act as the coordinator for Justice Canada requests for production of PLEI material. It is also proposed that the Department share, to the greatest extent possible with PLEI providers and others, the results of work it currently produces in the ordinary course of business such as legal, policy, and other types of research. These proposals are canvassed further in Chapters 7 and 8: The Funding Relationship and Tools for Moving Forward.

PROPOSED DIRECTION 5: IT IS PROPOSED THAT THE DEPARTMENT CEASE THE PRODUCTION OF PLEI AND INSTEAD, CONTRACT FOR THIS SERVICE WITH OUTSIDE PLEI EXPERTS.

3.7 How Will PLEI Support The Department's Priorities?

The proposal to stop in-house production of PLEI publications and to transfer production to an outside body raises the issue of how PLEI will meet the Department's own priorities if the Department no longer dictates the content of a PLEI activity? This Review proposes that, even with this change, PLEI supports the Department's priorities in three key ways.

First, as the set of activities described above, PLEI supports the Department's Strategic Directions³⁹ of access, equity, citizen involvement and public confidence. The Department's goals are advanced by supporting organizations, such as the core PLEI providers, whose work provides access to legal

³⁷As defined earlier, these law information activities would not be considered PLEI

³⁸"An Evaluation Study" Bureau of Review Report - Department of Justice - August 1988 - at pages 185-228 and page 273

³⁹See Appendix H for Department Strategic Directions

information and the justice system, promotes equity, and in so doing generates public confidence in the justice system.

Second, the Department will continue to maintain a project focus for PLEI through the existing Grants and Contributions fund. This will permit the Department to access outside PLEI expertise in support of recognized Departmental programs which require a PLEI strategy. Under this Review's proposal, the Department can fund those PLEI projects either through PLEAC or other contracts.

Third, supporting the PLEI network also provides the Department with a vehicle to get information out to people. The Department benefits from access to a national bank of expert PLEI providers who have local in-depth knowledge which can be relied on to prepare and disseminate PLEI or to convey Departmental law information through their networks.

Chapter 4

THE RATIONALE FOR PLEI

Questions about Justice Canada's role in PLEI require an examination of what exactly PLEI does that warrants ongoing federal public funding. This chapter examines the public need for PLEI and whether or not PLEI should be targeted towards those clients who are identified as most in need of PLEI.

4.1 The Public Need for PLEI

In 1979, the rationale for public legal education was defined by the "Law for the

1. *The individual needs an understanding of the law and legal process in order to function effectively on a day to day basis and in order to carry out his/her responsibilities toward the legal system.*
2. *The legal process itself requires an informed and involved citizenry if it is to function democratically and within acceptable limits.*⁴⁰

This 1979 rationale for PLEI remains relevant today. Interestingly, a similar rationale was articulated almost 20 years later during meetings of PLEIRAC, the Department committee established to oversee the 1997 PLEI Review. The Committee's discussion included an additional emphasis on ensuring that government and core PLEI providers deliver a service which is targeted, relevant, accessible, measurable and built with input from a broad range of partnerships.

The public need for PLEI varies across the country. By necessity, core PLEI providers maintain a broad inventory of legal information. They report that they spend at least half their time informing and educating the public about federal legislation and policies.⁴¹ Many of their clients want legal information they don't

⁴⁰1979 Report "Law for the Layman" *infra*

⁴¹Results reflect a 1997 telephone survey discussed in: Funding Sources of the Non-Government Organizations of the PLEI Network 1997 at page 4

even know how to ask for. Once the legal subject is clear, the demand tends to be for information about family law followed by criminal law, including provincial offences such as highway traffic violations. The third greatest need for legal information varies by jurisdiction ranging from youth and seniors' issues to consumer information.

Not surprisingly, PLEI intermediaries note that they need specialized PLEI given the specific nature of their clients' needs. And, while they note that PLEI provided by core PLEI providers is helpful in meeting some of their needs, intermediaries also indicated that there are a number of groups whose PLEI needs are difficult to meet. These needs are discussed further in this chapter.

Core PLEI providers acknowledge the tension which is triggered by trying to meet both general and highly specific legal needs. Unlike legal aid, PLEI is not exclusively driven by a low-income needs assessment. As a result, core PLEI providers vary in the groups to which they target their messages. Some core PLEI providers target specific publics while others aim to capture a wider audience. Manitoba's core PLEI provider (CLEA Manitoba) responded to the targeting issue as follows:

Further to the question on whether some of the "multiple publics" should be targeted over others, CLEA Manitoba has specifically addressed this issue in our long term Program Plan adopted by our Board of Directors. At a strategic planning session we held for our Board in 1995, we discussed the focus audiences which we hoped to reach with our programs. Although we did not wish to exclude the "general public", we felt that certain audiences had more difficulty accessing legal information or had higher needs, and therefore required additional focus. The focus audiences determined by CLEA's Board at that session were: - women - Aboriginal peoples - persons with disabilities - persons with low income - members of visible minorities - youth - seniors.

We develop our programs with a view to how easily they can be accessed by these audiences. While some projects can be targeted primarily for one specific group, they commonly have benefit and relevance for more than one sector, therefore effectively and efficiently communicating information to a cross-section of groups.⁴²

⁴²Response posted at ACJNet PLEI Review Conference - Definitions (4/4) - Friday, August 15, 1997, See Background Papers - ACJNet PLEI Review 1997 Conference - Responses.

The People's Law School in British Columbia has adopted a policy approach in support of needs-based programming. This policy is driven by a document called "Guidelines for Needs-Based Programming" which helps staff target needs and prioritize programming activities⁴³. The guidelines, which require staff to answer 10 questions, focus on targeting PLEI to clients who most need it. For example, the guidelines require staff to identify the neediness of the proposed target audience (including whether the audience has a heightened need, or is especially vulnerable); the specific topic need for that audience; the appropriateness of format and venue; whether there are other sources of free or inexpensive PLEI available, whether a co-sponsor shares common goals; and what expected outcome will flow from the event, including whether it has a preventative component.

Not all core PLEI providers agree with the targeted approach. Some argue that the 'middle class' is equally entitled to PLEI and that PLEI goes further when it is not limited to poverty group audiences. Others note that it is particularly difficult, and sometimes more costly, to reach members of vulnerable groups. For example, YPLEA (Yukon Public Legal Education Association) reports that it is very difficult to engage the local Aboriginal communities in PLEI activities. So, outside of their toll free law-line, they tend to target community-based PLEI activities to the urban population in Whitehorse. Others note that PLEI should not be expected to resolve the complex needs of the most marginalized of audiences such as the homeless, or persons with developmental or psychiatric disabilities.

Variations in who is targeted for PLEI delivery point to an ongoing debate in the PLEI community and within Justice Canada about who is the public and which publics should be targeted for PLEI services. One core PLEI provider offered the following :

With regards to the question of "Who is the public for PLEI purposes?", I suggest it is helpful to adopt the notion of multiple publics. This has become a generally accepted notion in public involvement theory and practice and would appear to have direct relevance to the practice of public legal education. It recognizes the diversity of the various sectors of the general public. In short, the general public consists of multiple publics with multiple perspectives and multiple interests.⁴⁴

⁴³Guidelines for Needs-Based Programming, May 15, 1997, Document prepared by the People's Law School, Vancouver, British Columbia, reproduced at Appendix I.

⁴⁴Response posted at ACJNET - PLEI Review Conference 1997 Responses. - Definitions 2/2 - August 5, 1997

This description of multiple publics reflects reality. However, the question remains, given limited resources, which publics should PLEI serve?

4.2 Should PLEI be targeted?

Equality seeking groups submit that those ‘most in need’ deserve priority. Others concur noting that a needs-driven approach makes good fiscal sense, especially when resources are increasingly limited. On the other hand, some, including long time advocates of PLEI, argue that, given limited PLEI resources, core PLEI providers must focus on providing baseline legal information that meets as many people’s needs as possible.

The 1992 Gallup research conducted for the Department reported that people described as ‘disadvantaged’ did not know where to get legal information and tended to rely on the advice of friends and families. In particular, the research found that awareness of existing public legal education and information sources was very low and that “ an individual with a problem was likely to experience a considerable number of referrals before reaching a specialized legal information or advocacy body.”⁴⁵

More recently, the Report of the Ontario Legal Aid Review found similar gaps:

*First, it is clear that the legal needs of people who have low incomes differ from those of people with means, in part because particular areas of law apply only to the former group, whose severely restricted financial resources create special problems of access to the providers of legal services. Second, factors that contribute to a person’s poverty, such as disability, age, or race, create specific legal needs.*⁴⁶

The findings from the consultant who focused on the intermediary needs for PLEI also support these findings suggesting it is time for Justice Canada to return to a more focused PLEI agenda which targets those most in need. The consultant’s findings and arguments in favour of targeting PLEI are set out below. The proposed direction is that Justice Canada focus its limited PLEI resources on unmet needs. This is a policy-driven approach which can be described as assessing needs, identifying gaps, and meeting priorities in light of those results.

⁴⁵Gallup survey, *infra*.

⁴⁶Report of the Ontario Legal Aid Review: “A blueprint for publicly funded legal services”. 1997 at page 53

The main reasons to target PLEI are: because resources are scarce, because gaps in PLEI exist for people who don't have means or who have information needs outside the "mainstream", and because other services are available to meet more mainstream legal information needs. These reasons are discussed below.

(1) Target PLEI because resources are scarce:

Core PLEI providers noted that government cutbacks to social programs have made people poorer, exacerbating the number and the degree to which people experience disadvantage. As a result, they note that increasingly, government policy and legislation forces PLEI to meet different and more complex legal information needs. Comments from the Vancouver Roundtable with core PLEI providers, experts, and intermediaries suggest that even with a range of innovative delivery mechanisms, there are not enough volunteers, lawyers, law students, and social service intermediaries to meet the current demand for legal information.

(2) Target PLEI because gaps exist in the nature of the group

The consultant found that while there is a lot of 'legal information' activity, only some of which is publicly funded, there are also gaps in the delivery of PLEI to certain parts of the population. Core PLEI providers and intermediaries acknowledge that they cannot possibly reach all potential PLEI customers. Mostly, this is because, as noted above, resources are limited, legal information needs are increasingly complex, and reaching a majority of users requires extensive outreach and coordination with intermediaries. The consultant found the following specific gaps:

Among those whose PLEI needs are identified as not being adequately met or which are quite difficult to meet are the following: those whose first language is not English; those with low literacy skills; low-income people living in rural areas; long-term homeless "street" people; people who have recently become homeless; people in institutions (e.g. elderly individuals, people with disabilities); tenants of subsidized or public housing; new immigrants, especially women and the elderly, who face cultural barriers.⁴⁷

(3) Target PLEI because gaps exist in the nature of the issue

⁴⁷PLEI Review - Public Legal Education and Information (PLEI) Provided by PLEI Intermediaries, 1997 at page 25, *infra*.

The consultant's report on intermediaries and the availability of PLEI elsewhere, suggests that a literate Canadian who is not poor and who has a "mainstream" legal problem is adequately served by available private sector 'legal information' products, libraries and the outreach of local bar associations. For example, the consultant noted that for \$7-\$20.00 a person with a legal problem who is literate in English or French, and with the time to devote to the issue, can purchase a useful book on a range of legal subjects from a local bookstore. In addition there are bigger and more expensive digests that are commonly available in public libraries.

This legal information is aimed at audiences with moderate or greater purchasing power. Using the Self-counsel press series as an example, the consultant noted that anything published by this press is aimed at audiences for people who are employed and have some income security. Subjects include tax planning, incorporation, and consumer law. But, because it is not profitable, there are no topics dedicated exclusively to legal information subjects of interest to low-income people. While there are commercial publications on issues which are also relevant to low income earners such as texts on criminal law, family and divorce, there is nothing available on social assistance or employment insurance. And, more importantly, even if such texts were available, the barriers of cost and access mean they would rarely reach their intended audience.

The consultant also examined whether schools and community colleges play an important role in the delivery of PLEI. He found that while schools reach many students, law courses are not compulsory. Further, in some jurisdictions the trend towards merging law with the business curriculum appears to have resulted in a decline in law course enrollment as well as less coverage of non-business subjects such as family law. Similarly, community colleges do not appear to play a key PLEI role as their educational mandate tends to be focused on law training (paralegals, law clerks, security guards, criminologists) rather than meeting basic legal information needs.

4.3 A policy approach in support of targeted PLEI

The findings from the consultant review suggest that PLEI made available through "mainstream" sources often neither targets nor reaches certain people and that these people are likely to have a need for specific PLEI information which is not generally available except through specialized PLEI intermediaries. These findings reinforce the merit of Justice Canada taking a leadership role in promoting a targeted approach for PLEI.

Using a targeted approach, the objective for PLEI delivery becomes identifying which people have unmet needs. The following, in a nutshell, is a 'needs, gaps and priorities' policy approach in support of targeted PLEI:

1. Resources are scarce and priorities must be set;
2. The best way to set priorities is to identify gaps and fill them;
3. Given the consultant report finding about the kinds of generally available legal information materials, the main PLEI gap has two aspects:
 - (i) The first aspect is the **nature of the group** targeted to receive PLEI. This includes variables such as language, literacy, poverty, and culture;
 - (ii) The second aspect is the **nature of the issue**: the fact that there is little available subject matter on poverty issues (i.e., old age security, welfare rights) or the specific ways that family and criminal law impact low income people.
4. The highest priority emerges when the nature of the issue and the nature of the group coincide. Then, the PLEI priority which emerges is a PLEI activity focused on that issue for that group.

In summary, a targeted approach supports effective allocation of resources and priority setting. Targeting also promotes open government as the obligation to assess needs, rather than assume needs, brings openness and fairness to allocation decisions. Further, the cost to Justice Canada of targeted PLEI is the same as the Department will continue to fund PLEI providers in the same amount. However, the value of the Department's contribution might be higher as targeting will avoid duplication of PLEI that is otherwise available. Lastly, targeting should mean better access to PLEI as targeting will increase access to PLEI for those who have little or no access now. While Justice Canada might have a smaller audience and less profile, targeting will stop covering people who already have other access to PLEI and will permit the Department to focus its funds on those who don't .

PROPOSED DIRECTION 6: IT IS PROPOSED THAT JUSTICE CANADA SET CRITERIA FOR THE USE OF FEDERAL FUNDS WHICH FOCUS ON ASSESSING NEEDS, IDENTIFYING GAPS AND SETTING PRIORITIES IN LIGHT OF UNMET NEEDS. IT IS FURTHER PROPOSED THAT CORE PLEI PROVIDERS BE RESPONSIBLE FOR IDENTIFYING NEEDS AND DETERMINING WHICH GAPS MERIT PRIORITY IN EACH JURISDICTION.

Chapter 5

MEASURING AND EVALUATING PLEI

While the PLEI program is described by many supporters in glowing terms: “value is superb, cost is minimal”, the willingness to continue funding is stalled by a recurring perception that the role of PLEI within the Department is unclear and that the value of the PLEI work remains unmeasured. This section of the Report examines why evaluation is necessary and whether the public is getting what they need. The chapter proposes an evaluation framework for federally funded PLEI which is driven by the needs, gaps, and priorities analysis discussed in the previous chapter.

Several core PLEI providers and some intermediaries responded to the evaluation issues raised at the ACJNet PLEI Review Conference site. Judging by the intensity of the response, core PLEI providers worry about evaluation while simultaneously acknowledging that: “it is sometimes possible to get so caught up in the delivery of the service or development of an activity that we never take time to reflect on whether it helped the public (or a particular target group) to act on their rights, become more law-abiding, recognize a legal matter, and so on.”⁴⁸

Most concerns about funder-driven evaluations of PLEI are based on a concern that the results of evaluations will be misinterpreted and lead to skewed funding decisions. Nonetheless, several core PLEI providers noted that there is a need for evaluation, as long as it is relevant to the goals and objectives of the organization, and its purpose is clearly defined. These issues are explored further below.

5.1 The Need for Evaluation

In 1979, Ianni referred to a prevalent criticism of PLEI: that it lacked co-ordination and communication among projects and, consequently had failed to articulate long

⁴⁸ ACJNet PLEI Review Conference, Consultation Highlights, - Evaluating PLEI 4/4, August 19, 1997

term objectives.”⁴⁹ During the course of this Review, similar comments were voiced by staff within the Department of Justice and by some NGOs not directly involved in the delivery of PLEI services: “...many people think PLEI is a good idea, but little solid evidence is put forward to support this claim.”⁵⁰ Organizations which have struggled to address the tensions created by funding relationships will recognize chronic themes of accountability, performance, evaluation and resources. References exist in previous reports to tensions between the PLEI program and other parts of the Department, a perception of duplication of services by some core PLEI providers, and the sense from some core PLEI providers that it is too hard and too expensive to measure the impact of their service.

The need for evaluation is the direct outcome of government’s cost-benefit approach to evaluating the services it funds. The expectation is that the impact of public service can be measured in financial terms. In the current climate of fiscal accountability, a justification of social justice programs becomes necessary. In this context, PLEI is no different from Legal Aid or the Native Court-worker program. At the end of the day, the reputation of the Department’s PLEI program remains misunderstood if it is unable to present a business case which indicates that the services it funds are effective as well as cost-efficient.

Very few people take issue with the Department’s original rationale in 1984 for public legal education: for a democracy to function well, all residents must know and understand the law. Some people latch on to this rationale as a complete explanation for why Justice Canada should continue to fund PLEI activities. Others, inside and outside government, want to ensure that the money in fact assists the public to understand the law. Governments are not the only funders looking for program evaluations to support ongoing funding. Most core PLEI providers noted that their funders require them to show that their programs are meeting clearly defined objectives. In some cases, funders have undertaken methodical program reviews to assist in prioritizing limited resources.⁵¹

The need for evaluation boils down to people wanting to know, with quantitative evidence, that a PLEI strategy makes a difference to the people reached by it. In 1991, the following comments prefaced the Department’s plans to evaluate PLEI:

⁴⁹As noted in “A Survey of Canadian core PLEI providers” 1986 - D.H. Access Research Associates Inc.

⁵⁰Lykos report p.14, *infra*.

⁵¹In 1994 the Alberta Law Foundation engaged in a program review when their sole source of revenue (interest from lawyer trust accounts) dwindled as interest rates plummeted. Relying on the results of these program reviews Alberta cut or phased out funding to 40% of their programs including a number of PLEI intermediary organizations.

There is a perception that PLEI has evolved as far as it is going to in the present model. There is also the perception that some of the organizations have in fact not progressed to the point of creating a long-term planning document for themselves or that they have completed one five year plan and continue to do the same thing they have been doing for years....

The exercise of assessing public legal education services... should not be regarded as a suggestion that PLE bodies are failing in their mission. Nor should it be taken as a suggestion that revolutionary changes are needed. Rather, it should be viewed positively, as a desire to determine if the services can be improved and how that might be accomplished. It is essential to re-examine any service from time to time to ensure that we have not fallen into a rut. With the limited resources available we have to ensure that they are utilized in the way that produces the best results attainable.⁵²

5.2 How to evaluate PLEI

Carrying out formal needs assessments or impact analyses seems to be rare for core PLEI providers. Generally, core PLEI providers rely on their community networks and/or their own caseloads to see whether they have been meeting particular PLEI needs. Most evaluation information comes in the form of soft data. One core PLEI provider noted:

In PLE organizations, I think we carry out our own evaluations for two main reasons: to improve our practice and to justify our funding. We gather anecdotal comments, count heads, use evaluation forms, solicit expert critiques, arrange for field testing, etc. depending on the particular situation and the resources we have to work with. (Believe it or not, some funders have turned down requests for money to evaluate projects they have funded.) We also compare our efforts with those of our colleagues to learn what we can from their experiences. However, we rarely have the funds necessary to fully document our findings. As a result, we tend to have more of an "oral" tradition than a written one.⁵³

⁵²Internal PLEI Programs Memo - August 21, 1991, Page 3 of Tentative Agenda

⁵³Response posted at ACJNet 1997 PLEI Review Conference site, Question - Client Service 2/3, July 18, 1997

How do we evaluate whether or not PLEI products are helpful? In 1979, the Report of the "Law for the Layman Committee" described two program objectives as necessary if a public legal education program is to be successful:

- (a) *It must provide information on the law and the legal process which is (i) understandable, (ii) accurate, and (iii) appropriate to the information needs of the individual.*
- (b) *It must develop skills which enable the individual to:*
 - (i) *obtain and retrieve the information, and*
 - (ii) *apply the information, i.e. to analyze, to understand, to be able to make decisions based on the information, and to take the appropriate action.*⁵⁴

A core PLEI provider who has spent a lifetime working in the PLEI field offered the following insight into the issues to consider when discussing the evaluation of PLEI:

I think the issue of evaluating PLE is a long-standing and elusive one. It contains all the issues that have plagued evaluators of education since "time immaterial."

I'll start with the issue of establishing the context for evaluation. Evaluation implies some sort of judgment, so what is that judgment to consist of? What is PLE being judged against? Some universal standard? If so, what? Some comparative standard? If so, what? Some internal standard? If so, what? And perhaps, more importantly, why?

These issues become very real in evaluating PLE. When the subject of evaluating PLE comes up, we in the field are often unsure what the context really is. Is it PLE itself that is on trial, a particular approach to PLE, or a specific PLE activity? ... Who's undertaking the evaluation? Why? What motivates the evaluation? And what agenda(s) are behind it?

While evaluation of specific activities often yields useful insights, comparing activities against each other to determine some sort of ranking is very difficult. Few educational situations are replicable and comparisons are very difficult to make. What works in one context and for one person or agency, may not work for another.

Furthermore, we quickly find ourselves trying to compare apples and oranges. How do you compare the work a librarian does in making legal information known to a patron with the work a teacher

⁵⁴Report of the Law for the Layman Committee Subcommittee on Support Network - 1979, *infra*, pp. 2-3.

does in a high school law class. How do you compare the cost of reaching a multiply-disadvantaged but small group of people with the cost of reaching a much larger and more accessible audience. What value do you realize from each effort, and how do you know? What time frame is needed to judge an effort fairly? How do you evaluate the evaluation!

Public legal education is an intensely value-laden business. The relative "value" of any PLE activity is very much determined by the eyes of the beholder. If one puts a great deal of importance on reaching the disadvantaged, PLE services that do that job will necessarily be seen as more valuable, even if more costly, than services to a more privileged group. On the other hand, if one places higher value on "efficiency," one is more impressed with the low unit cost that is achieved by meeting the needs of a large, homogenous, group of educationally advantaged people. Depending on the values of the evaluator, the results of the evaluation may be predetermined!⁵⁵

The writer goes on to describe the three types of PLEI evaluation which have been most useful in her view: qualitative (anecdotal feedback, focus groups, field testing); formative (participative strategies which involve clients and experts early on and throughout the development of PLEI products); and peer review (the informal process of sharing experiences among core PLEI providers, for example, at annual PLEAC meetings).⁵⁶

Another long-standing member of the core PLEI provider community provided further encouragement in support of how to evaluate PLEI:

In the consultation highlights it was noted that, both core PLEI providers and those within the federal Department of Justice who have commented thus far believe it is difficult to quantitatively evaluate whether or not PLEI services work. Yes, I agree. It is difficult but the problems are not insurmountable. An appropriate methodology can be devised. Use of a pre-test experimental design can assess changes in knowledge, attitudes etc. participant observation can be used to observe changes in self-help skills (such as advocacy skills in small claims court). Can these changes be translated into efficiency gains with dollar values? I don't know. I leave that to the big brain people at Treasury Board. It is possible to value the loss of a limb or the loss of a life or the loss of a

⁵⁵Response posted at ACJNet 1997 PLEI Review Conference, Question - Client Service 2/3, July 18, 1997

⁵⁶For a more detailed description of this methodology see Appendix J.

beautiful view of your favourite lake so I suspect there must be a way to attach values to changes affected by PLEI.

The more difficult question may be to identify what we are trying to evaluate. And this goes back to the question of the nature, role and purpose of PLEI and the distinctions between PLEI and communications. Are we trying to measure knowledge of specific pieces of legislation or critical consciousness regarding a certain piece of legislation, or critical and informed debate, government policy, or self-help skills, or empowerment in local communities, or what?⁵⁷

The preceding discussion is an important reality check. At the end of the day funders may be justified in seeking proof that a publicly funded service is meeting its objectives. However, in requiring that evaluations be conducted, core PLEI providers declare that Justice Canada must be clear about the objective of any evaluation.

Both funders and core PLEI providers have expressed interest in identifying ways to ensure PLEI is usefully evaluated. In a sense, the need for evaluation becomes a shared responsibility between the funder and the core PLEI providers. Realistically, though, it is the core PLEI providers who are in the best position to develop an appropriate evaluation approach. Clearly, Justice Canada and other funders have a role in identifying evaluation objectives. However, it will be the expertise of core PLEI providers which will make the evaluation relevant.

Given this assumption, this Review proposes that core PLEI providers develop an evaluation proposal which identifies priorities for measuring the impact of PLEI. The implementation of such a proposal might be coordinated through PLEAC. Funding in addition to annual contributions would likely be necessary for an evaluation of this type. Upon receipt of a proposal Justice Canada would need to determine how much support it could provide to the project, whether other funding partnerships are available, and what role it is to play in the evaluation.

In response to the request for clarity around what Justice Canada expects from an evaluation, the following outlines a possible evaluation methodology. It relies in part, on the PLEI objective identified in 1979 by the “Law for the Layman” committee. It also assumes that, as a general principle, Justice Canada wants

⁵⁷Response posted at ACJNet Electronic Conference PLEI Review 1997 - Consultation Highlights - Evaluating PLEI 3/3 - August 6, 1997

to ensure that public funds for PLEI are targeted consistently with needs, gaps and priorities.

The purpose of evaluating PLEI could be to :

1. Evaluate what PLEI needs are met by core PLEI providers. Specifically:
 - Who is reached?
 - How did they gain access?
 - Did they understand the information they received?
 - Were they able to act effectively on the basis of the legal information provided?

2. Evaluate what gaps exist in PLEI delivery:
 - Who is not reached and why?

At the end of the day, the results of the evaluation become an invaluable tool in identifying what it would take to reach those who are not currently reached by PLEI. In other words, evaluation becomes the key to any priority setting exercise, building on the framework outlined in the previous chapter to focus priorities by building on who needs PLEI the most.

PROPOSED DIRECTION 7: IT IS PROPOSED THAT JUSTICE CANADA REQUIRE EVALUATIONS OF AUDIENCES REACHED BY THE PLEI INITIATIVES IT FUNDS AND THE IMPACT THEY ACHIEVED

Chapter 6

The Rationale for Justice Canada Involvement in PLEI

The question of why the Department of Justice is involved in PLEI has taken on new importance as government examines all aspects of its affairs in order to prioritize policy and resources. The first task for Justice Canada is to define why it is in the PLEI business. Much has been written about a 'new vision' of PLEI. However, most of this writing has focused on the role that Justice should play, preempting the question of why Justice should remain involved in PLEI. The following analysis is in response to serious Department inquiries about the ongoing rationale for Justice Canada's involvement in PLEI. The Review proposes six reasons the Department should remain involved in PLEI, each of which is discussed further in this chapter:

1. To facilitate and support equality of access to information about the law;
2. To promote confidence in the justice system and respect for the rule of law;
3. To meet obligations to make its own laws accessible and available to the public;
4. To maintain a shared responsibility for PLEI with other levels of government;
5. To meet Canada's commitment under several international instruments;
6. To meet the Department's Mission and Strategic Directions.

6.1 Leadership and Accountability: Facilitating and supporting equality of access to information about the law

Over the years, Justice Canada has played a critical role in creating a national framework for the development of innovative PLEI policy and programs. In many respects, these activities have facilitated unique access to Canadian information about law.

Despite, Justice Canada's relatively small budget for PLEI, it is fair to say that, the Department's commitment to PLEI is seen as a national yardstick by which issues of access and equitable justice are measured. At a minimum, Justice Canada must demonstrate leadership to help set the stage for an ongoing PLEI national agenda. Ideally, it can do more by promoting the policy-driven approach suggested in Chapter 6: The Rationale for PLEI. That approach sets the stage to support Justice Canada's leadership in setting funding priorities for PLEI based on identifying who most needs PLEI. This Review proposes that this needs-driven approach become the leadership message the Department sends about what PLEI it is prepared to continue to support.

6.2 Promoting confidence in the justice system and respect for the rule of law

The Department should remain involved in PLEI because PLEI is one component of a number of Justice Canada initiatives which can promote confidence in the justice system and enhance respect for the rule of law. In supporting PLEI across the country, the Department achieves several public confidence objectives.

First, in supporting PLEI, Justice Canada is supporting clear explanations about how the law really works. A person's clear understanding of their legal rights contributes immeasurably to public confidence in the justice system. In addition to explaining the law clearly, PLEI activities which are Charter focused promote an understanding of the core of the Canadian legal framework.

Second, the Department's support of PLEI goes some way towards demystifying a complex legal system which is often confused with its American counterpart. The Canadian legal framework and processes are tangibly different from the myths perpetuated by American television and PLEI can help to correct mistaken impressions.

Third, there is also a good practical argument that Justice Canada's role in PLEI assists in providing a necessary context for understanding the practical inter-relationships between laws. As core PLEI providers repeatedly pointed out, people's legal problems cross over federal Department boundaries as immigration,

tax, criminal and family law issues often intersect. PLEI's capacity to make important links between legal issues contributes to enhanced public confidence.

The bottom line is that confidence in the justice system will be largely influenced by people's sense of how accessible and understandable the justice system really is. Justice Canada has a shared responsibility with other levels of government to help make this happen, and PLEI is an essential piece of this strategy.

6.3 Justice Canada's obligation to make the laws accessible

The Minister of Justice recently expressed a broad vision of access to justice when she spoke to the Barreau de Montreal on the occasion of the Opening of Court Sessions. She said:

When we talk about access, I think it is important to do so in both the narrowest and the broadest sense. Access means ensuring that the mechanisms of justice are equally available to all Canadians. But it also means ensuring that Canadians feel that the justice system is in touch with the realities of their everyday lives. Improving access to justice in every sense must be part of our broader efforts to increase public confidence.⁵⁸

Access to justice is frequently cited in Departmental documents as a cornerstone of Justice Canada's obligation to make laws accessible. For example, in 1984, the Department noted the following moral obligation:

The Department of Justice has a clear responsibility to inform the public about laws for which the Minister is responsible.

The Department of Justice has an additional responsibility, as the primary federal government Department responsible for justice issues, to promote equality of access to information about the law and the justice system in general.⁵⁹

The Department has responsibility for key federal statutes. Two examples, which are particularly relevant from a PLEI perspective, are the Criminal Code of Canada and the Divorce Act. These statutes generate a Department commitment to maintain a role in PLEI. Basically, Justice Canada has an obligation to make laws accessible once it uses law to achieve a public purpose.

⁵⁸Notes for a Speech by the Honourable Anne McLellan, Minister of Justice, Attorney General of Canada, and Member of Parliament for Edmonton West to the Barreau de Montreal, Montreal, Quebec, September 4, 1997

⁵⁹Consultation on the Future of PLEI, Planning Document - PLEI, February 12, 1990

Of course, the Department meets its general public commitment to provide access to legal information in a variety of ways other than through the PLEI program. These were described in a 1994 report to the Department's Access to the Law committee which noted that:

..the Courts...have been satisfied that the government's obligation to ensure that individual's "know": the law has been met by publication promulgation of text of the law. The common law publication requirements have been codified and presumably satisfied, by Parliament by the requirements contained I the Publication of Statutes Act, the Revised Statutes of Canada 1985 Act, the Statute Revision Act, and the Statutory Instruments Act...In addition to these general statutory requirements to publish laws, section 133 of the Constitution Act, 1867, and ss.18(1) of the Charter require enactment and publication of laws in both official languages. There are also several hundred statutory and regulatory provisions which explicitly require publications of various documents or instruments, and several instances where obligations are imposed in a specific context to provide secondary legal materials which assist the public or specific individuals in their understanding of the law.⁶⁰

PLEI is the outcome of a federal recognition that publishing statutes is not the same as providing access to the law. As the Access to the Law committee's report notes, Justice Canada's involvement in PLEI is a reflection of effective governance which goes beyond responsibilities to merely make the law available.⁶¹

6.4 Maintaining a shared responsibility for PLEI with other levels of government

The 1988 Justice Canada Bureau of Review "Evaluation Report"⁶² on the PLEI program found that insufficient consideration had been given to a number of issues such as the appropriate role for the Department in relation to provincial governments. In 1990, Department planning documents state that PLEI services are the "shared responsibility of governments" and other key players.⁶³ Many years later, the Department has not developed a focused agenda with the provincial and territorial Departments which are responsible for PLEI.

⁶⁰Report of the Sub-Committee on Access to the Law "An ounce of information is worth a pound of prosecution" (Choices for the future Task Force on Legislative Services) Department of Justice Canada - February 1994

⁶¹*ibid* page 7

⁶²See 1988 Bureau of Review Report, *infra*

⁶³Consultation on the Future of PLEI, Planning Document - PLEI, February 12, 1990

It is fair to say that there is a shared federal-provincial interest in all governments having access to PLEI professionals who can translate hard legal information into accessible and useful bits and get it to the right audience. Since all levels of government can use the PLEI network, all levels should support it.

6.5 Meeting Canada's commitment under several international instruments

PLEI experts and other legal educators consulted suggested that providing legal information and education to the public is an obligation assumed by Canada through a number of international legal instruments, especially treaties in the realm of fundamental justice and human rights. As part of this Review, a separate analysis was conducted of Canada's international legal obligations to provide PLEI. This research indicates that Canada's obligations to inform the public about laws arise in a myriad of international law instruments.⁶⁴ For example, the Universal Declaration of Human Rights (UDHR) requires governments, and all institutions and others in society, to promote the human rights named in the UDHR, "through teaching and education". Other instruments, such as the Convention on the Elimination of All Forms of Racial Discrimination, call on States Parties to adopt "effective measures" to promote implementation of its provisions "particularly in the fields of teaching, education, culture and information" (Article 7). There are also many treaties which talk about obligations to inform people "by all appropriate means" of the rights contained in an instrument.

It is important to note that international obligations tend to have a persuasive impact rather than be clearly enforceable.

Not all legal instruments have the same legal force. Much of international public law affecting Canada is enforceable only through the court of world public opinion and diplomacy. The principles of some instruments, however, have had profound effect on national law in Canada, through influencing the development of the Canadian Charter of Rights and Freedoms, other elements of the Constitution, human rights legislation, laws affecting aboriginal groups, labour laws and employment standards, environmental laws, immigration and refugee laws, parts of the Criminal Code, and judicial reasoning in these legal spheres.⁶⁵

⁶⁴Informing Canadians about their Rights and Duties under International Law: by Allan McChesney
See Background Paper - prepared for 1997 PLEI Review.

⁶⁵ibid

As noted in the report, the instruments examined in the paper obligate Canada to promote rights through a concerted effort at fostering public awareness:

International human rights standards have both an international and a national dimension. Underpinning all international human rights documents, and patent in many of them, is a responsibility to promote the relevant human rights standards through legislation, public education and information, and other means.

In many international human rights instruments one of the duties demanded of governments is to ensure effective remedies for any violation of the human rights set out in that instrument. To be effective, the availability of redress and the mechanism for obtaining it must be communicated to those who potentially could benefit. Most promotional activity, however, is aimed at educating people to help them avoid human rights violations, and to encourage their positive involvement in the active promotion of human rights.⁶⁶

The consultant's paper focuses on legal instruments which touch directly on issues of law, social justice and democracy. As a result, most instruments reviewed are from the human rights and criminal justice fields. In particular, the consultant reviewed the provisions of international human rights law which oblige Canada to pursue public legal education such as the United Nations Charter, the Universal Declaration of Human Rights, and over 15 treaties, covenants, conventions and protocols. The following extract from the consultant's research emphasizes Canada's international obligations to provide PLEI. At a minimum Canada is guided by several provisions which require adherents to promote international standards through legislation, public education and information and other means:

Providing legal information and education to the public is an obligation assumed by Canada through a large number of international legal instruments. Canada has given its support to the major United Nations treaties and declarations in the social justice field, as well as to legal instruments developed under the auspices of UN agencies or by regional groupings of countries. By committing its support to these international instruments, Canada not only agrees to uphold the rights and duties covered by them, but often assumes obligations to promote the objectives of these instruments through public information and education.

⁶⁶*infra*, "Informing Canadians about their Rights and Duties under International Law: by Allan McChesney See Background Paper - prepared for 1997 PLEI Review.

Many international agreements that Canada has voted for, and/or formally adopted, contain provisions that require countries to inform or educate their populations, or specific occupational groups, with respect to the rights and duties in the agreements. Other provisions call for States to provide PLEI with respect to national laws that implement the principles stated in the international instrument. These promotional obligations are an implicit, and frequently explicit, component of international instruments in the social justice field.⁶⁷

6.6 Meeting the Department's Mission and Strategic Directions

The 1997 PLEI Review responds to recommendations flowing from the 1996 Department reorganization of the Policy Sector and provides an opportunity to modernize the program consistent with 3 of the Department's Strategic Directions: a justice system that is integrated and citizen-centred; equitable and accessible; and which strengthens public confidence and trust.⁶⁸ These Directions flow from the Department's corporate mission to:

- support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;
- promote respect for rights and freedoms, the law and the Constitution.

These Strategic Directions are shaping all facets of the Department's work including PLEI. Senior officials in Justice Canada recognize that strengthening public confidence and trust, and achieving an equitable, citizen-centred and accessible justice system can only be achieved by involving the public. And, as noted earlier, the Department's Strategic Directions are achieved, in part, by supporting organizations such as the core PLEI providers whose work in promoting equity and access, generates public confidence in the justice system (See Chapter 4: Justice Canada's PLEI program). In particular, Department officials speak about:

- the links between social cohesion, national unity, and civic responsibility, and the role PLEI can play in reinforcing community development as part of meeting these long term federal objectives;

⁶⁷Informing Canadians about their Rights and Duties under International Law, *infra*.

⁶⁸Approved in December 1996, the Department's Strategic Directions are set out in full at Appendix I

- the need to re-examine the way public views are taken into account in developing justice policy;
- the need for accessible language and meaningful public debate on values underlying the justice system;
- the need to forge non-traditional partnerships, the need to encourage community-level communications and two-way flow of information, and
- the need for a sustained commitment of adequate resources to PLEI.

As noted earlier this Review proposes to set criteria for PLEI by identifying priorities for PLEI based on 'who most needs PLEI'. This policy framework will help to meet Departmental equity objectives. In particular, this type of targeted approach for PLEI will set the stage for a national discussion about who needs PLEI most, what type of PLEI is most needed, and what type of strategies are most effective.

Justice Canada officials have also identified public engagement strategies to effect real change about justice perceptions, with a particular focus on prevention strategies which involve community agencies, parents and educators.⁶⁹ In this context, the role of PLEI and core PLEI providers has been flagged as part of encouraging an informed debate and dialogue with the public. In sum, the Department's mission and Strategic Directions set the stage for an ongoing role for Justice Canada in PLEI.

PROPOSED DIRECTION 8: IT IS PROPOSED THAT JUSTICE CANADA REMAIN INVOLVED IN PLEI.

⁶⁹These themes were also noted in the Minister of Justice's Speech to the Canadian Bar Association, August 23, 1997, Ottawa.

Chapter 7

THE FUNDING RELATIONSHIP

Perhaps the most controversial subject, inside and outside the Department, concerns the funding of the core PLEI provider network and the project-driven mandate for developing a PLEI agenda within Justice. This chapter examines the funding relationship and proposes a new approach to funding which includes other partners.

7.1 Funding PLEI: The challenges

Core PLEI providers want as much certainty as possible around funding. At the same time, government and other funders want value for money and they want core PLEI providers to ensure that funds are spent on the right priorities. This creates an inevitable tension between funders and core PLEI providers. In 1986, a survey of core PLEI providers reported:

Some agencies suggested that it is not absolute levels of funding which are problematic, but the instability and unpredictability of funding levels. Consequently, long range planning becomes impossible and agencies must husband their resources thus mitigating against excellence. Agencies operate in the absence of strategic decision-making, and are unwilling to devote resources to activities necessary for decision-making, (for example, needs assessments and evaluation). In many cases, long range funding is substituted with funds for specific projects. Contributions towards the production of a pamphlet, a poster, a conference etc. do not necessarily lead to the identification of long term goals, let alone achievement of goals.⁷⁰

⁷⁰ A Survey of Canadian PLEI Providers prepared by D.H. Access Research Associates Inc. - 1986 at page 103.

In 1997, several core PLEI providers noted the effects of downsizing on PLEI providers and PLEI services. In addition to noting that cutbacks have triggered a renewed interest in research issues such as evaluation, the following effects of funding reductions were identified:⁷¹

- gaps in service provision; fewer publics are served or the level of service to selected publics has been reduced
- more clients with more complex needs
- generally speaking, a lower level of access to justice in Canada
- longer hours and more stressful working environments for PLEI practitioners
- reduced morale in the PLEI community
- a talent or brain drain; with no security it is hard to attract and keep good staff
- competition among PLEI providers for scarce federal resources
- increased struggles to develop fundraising mechanisms

Some of the ways PLEI providers are trying to meet the challenges of cutbacks were also noted:

- increased efforts to diversify the funding base
- the identification of new resources in the private sector
- the use of corporate sponsorships
- engagement in the discourse of marketing and other private sector concepts
- greater attention to efficiency
- increased partnerships in service delivery (e.g., co-sponsored projects among PLEI organizations in different jurisdictions, more interdisciplinary community development projects)

⁷¹ACJNet PLEI Review 1997 Conference Responses; August 8, 1997 - Question 7: Funding - 3/4.

- increased partnerships with respect to administrative and infrastructure matters (e.g., space sharing, equipment sharing)

The preceding points to a responsibility Justice Canada has to provide as much information, as early as possible, about what it is prepared to continue to fund and in which amount. Without exception, the stress placed on core PLEI providers to do more with less is palpable. Certainly, some innovative PLEI activities have emerged --- out of necessity. Still, at what cost? It is fair to say that the Department's delay in making funding decisions sometimes wreaks havoc in the lives of PLEI providers. Given the Department's role as a funder, it seems timely to re-examine the funding process and determine how best to improve funding relationships.

7.2 The Annual Grants and Contribution (Core) Funding Process

Currently, the federal government shares responsibility for funding designated PLEI organizations with provincial and territorial counterparts.⁷² The process requires the federal government and provincial government to jointly designate a local PLEI organization to receive an annual federal PLEI contribution. The funds are flowed directly to the core PLEI provider by Justice Canada.

Core PLEI providers are required to submit annual proposals which are reviewed by the Department's Grants and Contributions Unit.⁷³ Core PLEI providers describe the federal funding process as cumbersome and untimely. Last minute decisions about whether or not federal funding will continue result in chronic funding uncertainty. This jeopardizes, and sometimes undermines, the core PLEI providers' annual planning cycles. Funding applications are crafted to meet Departmental requirements and, while core PLEI provider work is ultimately done consistent with Department objectives, the process of applying for annual grants is described by some applicants as requiring a measure of unnecessary creativity.

A number of options exist to respond to the range of funding issues facing the PLEI program. Two options are canvassed here. The first is a return to multi-

⁷²As this report is being written, multi-lateral funding agreements are being negotiated with the Yukon and Northwest Territories to permit the federal government to flow consolidated funds for Legal Aid, the Native Courtworker program, and PLEI to the territorial government for distribution.

⁷³Applicants, be they individuals, NGO's, provincial and territorial governments, universities, First Nations and other organization of Aboriginal people can apply to the Department's Grants and Contribution (G&C) fund, administered in the Programs Branch. The funding criteria are broad and the program continuously receives proposals for innovative short-term projects. During an average year, the number of proposals submitted exceeds the ability to fund by a ratio of 4 to 1. Prior to making a decision on an application, the G&C unit consults widely within and outside the Department. G&C officers work with applicants to develop the projects and often seek to involve other departments and funders. In 1997/98 the Grants and Contribution Fund has a base budget of approximately \$2.7 Million.

year funding. The second option proposes further consultation about transferring the Department's administration of funding role to other players.

Not surprisingly, the issue of multi-year funding was raised by every core PLEI provider and by several provincial counterparts. In addition to providing a measure of stability which will improve morale, the key advantage to longer term funding is that it permits better planning, implementation, and evaluation. Justice Canada moved away from multi-year funding partly in response to the 1988 Treasury Board direction that funding had to be tied to specific departmental projects. This may mean that any changes to the funding cycle require a return to Cabinet.

The findings of this Review suggest that the annual funding process consumes a great deal of Department and core PLEI provider staff time and resources. It is true that the annual funding process provides government with some predictability and accountability over annual projects and expenditures. However, there are other mechanisms (such as regular reports and evaluations) which can support the Department's need to know how its funds are spent. In order to provide continuity for planning purposes, this Review proposes that the Department consider a return to a multi-year funding cycle. In particular it is recommended that the Department implement a 3 year rolling funding cycle with levels subject to annual appropriation. A three year rolling cycle means that each year begins as year 1 of a new 3 year cycle, as long as the work undertaken meets agreed upon objectives.

PROPOSED DIRECTION 9: IT IS PROPOSED THAT, IN ORDER TO PROVIDE CONTINUITY FOR PLANNING PURPOSES, JUSTICE CANADA FUND CORE PLEI PROVIDERS THROUGH A 3-YEAR ROLLING FUNDING CYCLE WITH LEVELS SUBJECT TO ANNUAL APPROPRIATION.

In addition to returning to multi-year funding cycles it may be time for the Department of Justice to consider withdrawing from administering funding to core PLEI providers. Justice Canada would continue to fund and set criteria for funding but could administer funding through a federal-provincial agreement or through an NGO. The appropriate mechanism would need to be developed in detail. And, given the need for further discussion around a decision of this magnitude, consultation would be required with other levels of government as well as with PLEI organizations. For now though, two options seem possible. The first option might involve transferring the administration of the core federal PLEI fund to provincial and territorial governments. The second option might involve transferring the administration of these same federal funds to an NGO such as PLEAC, the national organization of core PLEI providers. In the latter

case, early decisions would be necessary about how an NGO, composed of organizations which receive federal funds, would need to be structured to avoid perceived and real conflicts .

There may also be a transition option during which an NGO, such as PLEAC, could develop the capacity to assume these additional funding responsibilities. Again, this Review does not propose implementation of these options without consultation. Before agreeing to restructure or transfer the administration of PLEI funding, Justice Canada will want to be certain that any new funding process is developed in a manner consistent with Departmental policy priorities. Certainly, a transfer to provincial and territorial counterparts would be consistent with the Department's negotiation of the new Access to Justice cost-sharing agreements with the Yukon and Northwest Territories. Still, some of the issues that will likely be raised in that particular option and which merit further consideration are: the link between PLEI and the legal aid delivery mechanism, the development of federal and provincial accountability mechanisms to ensure PLEI objectives are consistent with the Department's role in PLEI, and taking steps to minimize any risk of losing a specific emphasis on PLEI activities if PLEI is more closely tied to the delivery of legal aid.

PROPOSED DIRECTION 10: IT IS PROPOSED THAT JUSTICE CANADA, IN CONSULTATION WITH CORE PLEI PROVIDERS, PROVINCIAL AND TERRITORIAL PARTNERS, AND KEY FUNDERS INITIATE DISCUSSIONS ABOUT A NEW FUNDING RELATIONSHIP. IT IS FURTHER PROPOSED THAT THE MAIN EMPHASIS FOR THE CONSULTATION BE TO IDENTIFY APPROPRIATE PARTNERSHIPS FOR THE LONG-TERM TRANSFER OF FEDERAL ADMINISTRATION OF FUNDING.

7.3 Project Funding - Law Information Projects

As well as funding core PLEI providers through annual contributions, the Department also administers a number of contributions for the development of specific law information projects. The PLEI program law information project budget is historically small (\$114,000 in 1997/98). It is often supplemented by additional funds, tied to specific Departmental priorities, from other parts of the Department. For example, in 1997/98 the Department's law information project commitments include \$235,000 from Crime Prevention and \$156,000 from Child Support.

One of the criticisms about this part of the Department's PLEI program is that project funding decisions are perceived by some core PLEI providers as made in a 'less than objective' manner. This seems to be triggered, in part, by the reality that some PLEI providers receive more funds from Justice Canada to develop

PLEI projects than others. While this may indicate a bias in favour of some or against other core PLEI providers, the real issue seems to be that no one knows the basis upon which funding decisions are made. Frequent comments from core PLEI providers indicated that they did not understand, and wanted to know more about, the Department's funding process.

PLEI providers consulted made specific suggestions to improve information sharing about grants and contributions for law information. They asked that:

- All PLEI grants and project funds be posted for bidding on the Internet with a special mechanism for fast tracking rush activities.
- The results of all contracts awarded be posted, regardless of amount.
- Successful proposals in excess of a predetermined amount be made available for public review.

Some of these proposals may be moot if this Review's proposal is adopted to deliver PLEI through an arms length mechanism. This proposal is discussed next.

PROPOSED DIRECTION 11: IT IS PROPOSED THAT JUSTICE CANADA CONSIDER WAYS TO IMPROVE INFORMATION-SHARING ABOUT THE GRANTS AND CONTRIBUTIONS PROCESS.

7.4 Fund a National NGO such as PLEAC

This Review proposes a renewed role for Justice Canada with core PLEI providers and with PLEAC. Two aspects of the new relationship, discussed earlier, are the need for evaluation and the need for a policy-driven PLEI agenda which focuses on needs, gaps and priorities. A third, and pivotal, feature of the relationship is how core PLEI providers are funded, and how the Department should support the national umbrella group, PLEAC.

PLEAC (The Public Legal Association of Canada) was established in 1987 in response to the perceived need of PLEI practitioners for a national organization to act as an advocate, fund-raiser, and lobbyist for PLEI in Canada. Conversations with core PLEI providers indicate PLEAC's role has been limited, largely due to its lack of resources and chronic preoccupation with funding cutbacks. Like many organizations created in the 1990's, PLEAC is a 'virtual' organization which does not exist outside of its volunteer members. Further, many PLEAC members have full-

time positions in PLEI or other community organizations. As a result, planning, information-sharing and brainstorming are severely curtailed. It was expected that ACJNet would provide a useful forum for PLEAC activity but this does not seem to be the case.

This Review proposes that Justice Canada provide a modest level of start-up funding to permit PLEAC to build the infrastructure necessary to strengthen PLEAC's capacity to assume a credible national role in PLEI. Several core PLEI providers commented on the difference a funded PLEAC staff position, even part-time, would make to their ability to plan nationally and share information effectively. A strong national network of core PLEI providers, intermediaries and experts is a critical component of an effective national PLEI strategy. While the concept is in place through PLEAC to support core PLEI providers, the organization's lack of resources has limited its capacity to build an effective network, and to plan and coordinate PLEI initiatives across Canada.

A national organization which has the capacity to coordinate core PLEI provider activities and develop a national PLEI strategy policy can offer several benefits to government. At a minimum, this structure could facilitate the transfer to local core PLEI providers of responsibilities in those areas Justice Canada has not managed that well: production and dissemination of PLEI materials, delivery of PLEI, and establishing and maintaining local community based partnerships. A national PLEI organization could also become accountable for developing and implementing a diagnostic to satisfy funders that PLEI resources are being well spent.

The role of the Department of Justice Canada might be (in consultation with core PLEI providers, intermediaries, other levels of government and other funders) to support PLEAC, or a similar NGO to develop the capacity a national PLEI organization would be expected to meet. Given the findings of this Review, it is proposed that the Department's role would be to support the development of standards which are consistent with a needs, gaps and priorities approach to PLEI. For now, in the absence of further consultation on the best role for PLEAC, it is proposed that Justice Canada fund PLEAC for a 3-year period. This funding would permit PLEAC to:

- Act as a secretariat for core PLEI providers and intermediaries across Canada, and
- Develop the capacity to become the designated recipient for the purpose of administering federal law information PLEI project funds.

In return for start-up federal funding to support key PLEAC activities, a set of priorities would need to be negotiated in order promote the most effective PLEI delivery mechanisms based on federal criteria. For starters, PLEAC could:

- Develop a governance structure which is accountable and credible
- Develop strategies which support the proposed needs, gaps, and priorities policy approach for receipt of federal funding for PLEI
- Set priorities for PLEI activities which will have the highest impact
- Establish a set of diagnostics to facilitate the measurement and evaluation of PLEI delivery based on these priorities. (Measures might include innovative service-delivery, partnerships with a broad range of intermediaries, scope of clientele, impact on clientele, cost-effectiveness etc.)
- Identify mechanisms to facilitate the promotion of partnerships between core PLEI providers and a broad range of intermediaries
- Identify strategies and mechanisms to encourage new funding partnerships and in-kind supports
- Ensure that core PLEI providers share information and resources where possible to maximize efficiencies including maintaining an inventory of national PLEI legal information products
- Ensure that PLEI service-delivery is of the highest quality
- Undertake research and policy development as necessary
- Explore the need for a National PLEI policy⁷⁴

⁷⁴There is a high level of interest among some core PLEI providers and provincial territorial officials for the development of “a National PLEI Policy”. Key benefits of such a policy are described in a 1991 Department document ⁷⁴which notes that a National Policy would clarify mandates for all players; permit definition and objectives for PLEI in Canada; design methods to ensure that PLEI works; design methods to ensure access for those with special needs; and inform present and future federal initiatives. For a brief description of the value of a National PLEI policy see Appendix K.

- Use appropriate technology to maximize efficiencies in promotion and service-delivery

PROPOSED DIRECTION 12: IT IS PROPOSED THAT JUSTICE CANADA FUND PLEAC FOR A 3 YEAR PERIOD TO FURTHER DEVELOP ITS CAPACITY AS A NATIONAL NETWORK FOR PLEI, A RESOURCE FOR CORE PLEI PROVIDERS AND INTERMEDIARIES, AND AS COORDINATOR FOR THE DEVELOPMENT (WITH SUPPORT FROM OUTSIDE EXPERTS) OF A DIAGNOSTIC TO MEASURE AND EVALUATE PLEI.

As outlined earlier (Chapter 4: Justice Canada's PLEI program) this Review proposes that the Department transfer to an NGO like PLEAC the function of arranging for the production of all Department PLEI activities. Under this proposal, PLEAC would identify the most appropriate PLEI provider to meet a Department request for a PLEI product. The practical application of this proposal is that, as is already the case, PLEI providers would be funded by Justice Canada to produce specific legal information materials as the need for such materials arises⁷⁵. However, Justice Canada would not be directly involved in the coordination, focus-testing, or distribution of materials, leaving this function to PLEAC. Obviously, projects would need to be resourced adequately if an NGO is to undertake the full range of activities involved in an effective PLEI strategy. Further, a transition strategy is necessary to ensure that PLEAC, or a similar NGO, has the capacity to meet the Department's project requirements.

PROPOSED DIRECTION 13: IT IS FURTHER PROPOSED THAT JUSTICE CANADA SUPPORT PLEAC TO BUILD THE CAPACITY TO BECOME THE DESIGNATED RECIPIENT FOR THE PURPOSE OF ADMINISTERING FEDERAL LAW INFORMATION PROJECT FUNDS.

⁷⁵For example, if Justice Canada decided it wanted a kit on an aspect of Family Violence, the appropriate Department project manager would liaise with PLEAC and discuss the range of options for such a product. PLEAC would then determine, through a fair process, which outside PLEI resource should design the kit, how best to tailor the kit to meet the needs of local audiences, and how to evaluate the impact of the kit.

Chapter 8

TOOLS FOR MOVING FORWARD

Justice Canada's PLEI program has pioneered a range of unique activities and innovative partnerships. The Review has found a number of areas where Justice Canada can act now to support a national vision for PLEI. This chapter reviews the history of earlier proposals for appropriate Justice Canada roles, outlines a future role and new partnerships for PLEI and the Department, proposes a few new directions for Justice Canada to consider, and concludes with an outline of this Review's proposed new role for Justice Canada in PLEI.

8.1 An examination of the Department's current role in PLEI

The Department needs to clarify its own role in PLEI in order to satisfy itself that its PLEI program is meeting core justice priorities. As noted at the outset, the 90's have been a time for re-examining well-entrenched programs because of both real fiscal pressures and shifting policy priorities. A number of Departmental policy initiatives have set the stage for an examination of all aspects of the Department's work. In some respects, the PLEI Review is a testing ground which permits the Department to identify the kinds of PLEI functions it should continue to support.

Further impetus for Justice Canada to examine its role in PLEI comes from both inside and outside the Department. Three findings emerge from the consultations with Department staff, with core PLEI providers and from a review of previous reports about the Department's role in PLEI.

First, the Department has maintained an impressive rapport with many core PLEI providers. However, in doing so, it appears to have over-extended the program's reach at the expense of promoting a strong policy foundation to guide the Department's mandate in support of PLEI. While core PLEI providers are unanimous in their acknowledgment of the dedication of Justice Canada PLEI program staff, they repeatedly noted concerns about the large range of issues which Justice Canada expects them to address for the limited amount of funding they receive. The program's considerable focus on liaison with core PLEI providers appears to have consumed program resources which might otherwise

have been dedicated to building a focused policy approach for PLEI within the Department. In fact, the request to undertake this PLEI Review responds, in large part, to a sense that the program within Justice Canada has evolved as far as it can without a reconsideration of its direction.

Second, during the consultations, core PLEI providers repeatedly identified their desire to understand what involvement Justice Canada seeks in the future of PLEI. They need to know this in order to plan their own funding and policy priorities.

Third, the Department appears to have placed undue emphasis on the role technology can play in supporting PLEI -- technology in PLEI has been both an asset and a source of friction. While core PLEI providers recall participating actively in the original electronic network, PLEINet, most noted that they no longer regularly use the new ACJNet forum to exchange information and ideas with each other. This is partly because technology has evolved so rapidly and people can't keep up. Further, technology is not accessible to the majority of people who need PLEI. In fact, it is not easily accessible to a few of the smaller core PLEI providers. Expectations that ACJNet could eventually replace PLEI clients' need for hard copy PLEI have not materialized as, for the most part, people still rely on conventional means to access information.

8.2 Prior recommendations for Justice Canada's role in PLEI:

A 1995 Report prepared for the Department and entitled "A Vision for PLEI" contains the following introduction:

Department of Justice involvement in PLEI has developed and changed dramatically since it first began funding summer student programs and hosting People's Law conferences in the 1970's. In the last ten years the Department has emerged as the leading voice in government in support of an accessible and inclusive justice system. It has played a major role in establishing a national network of provincial PLEI organizations that produce materials, develop education programs, and work with thousands of community organizations to help Canadians understand the law and participate in the development of the law. It has funded a large number of individual projects in an effort to stimulate innovative approaches to PLEI delivery. It has brought a PLEI perspective to law reform at the national level, and worked with the Council of Europe, the Francophonie, the U.S. Department of Justice and the United Nations to promote an accessible justice system as a pillar of a free and democratic society.⁷⁶

⁷⁶PLEI Program - A New Vision for PLEI - Alderson-Gill & Associates Consulting Inc. - June 30, 1995 at page 1

The range of earlier reports and research conducted about Justice Canada's PLEI program further attest to an ongoing struggle to determine how best the Department should support PLEI. Over the years, the sand has shifted back and forth. During the heady 1980's government and NGOs built the first national network of core PLEI providers in the world. Defining PLEI roles was less important than maintaining the momentum of innovation and creativity generated by government's commitment to multi-year funding of PLEI.

Then, in the early 1990's funders re-examined fiscal priorities. PLEI resources declined and morale in the PLEI community dipped. During this time and since then, questions have been raised about appropriate roles for the Department, for core PLEI providers and for other partners. It is clear from policy papers and working group minutes that the impetus for a 'new vision' for PLEI has been driven largely by funders. However, core PLEI providers also acknowledge a need to reassess and re-focus their own work.

Recently, the Department's PLEI program has been primarily operationally focused. Staff have become involved in all aspects of PLEI service-delivery, from co-ordinating initiatives to writing and editing brochures in-house. This is so, even though since 1989, the program has also had a mandate to act as a policy and co-ordination secretariat for the core PLEI provider network. Stated responsibilities include national PLEI co-ordination; planning and policy development for PLEI; and planning for the future, including the creation of a national PLEI policy and strategy. These policy responsibilities appear to be the program's Achilles heel. Partly due to the project-driven nature of PLEI funding and partly due to limited resources, the role of the program as a PLEI policy secretariat for both the Department and the PLEI network has not effectively materialized.

The Department's need for a policy approach to PLEI funding has been outstanding for some time. In 1988, the Bureau of Programme Evaluation concluded that the PLEI program lacked a policy-driven approach. The report stated:

It must be concluded that the Department has not given sufficient priority to the development of a long term PLEI policy during the course of the programme to date and, as a result, many important questions as to the appropriate role of the Department in PLEI, and what its priority objectives should be, have been left unanswered. A long term PLEI policy developed under the present circumstances will have to recognize that much work still remains to be done in clarifying basic conceptual issues regarding the Department's PLEI Programme.⁷⁷

⁷⁷PLEI - An Evaluation Study - Department of Justice Bureau of Review Report - August 1988 at page 272

A number of other appropriate roles for Justice Canada's continued involvement in PLEI have been suggested over the years, some of which remain relevant today.⁷⁸ These include:

- fostering a national network of PLEI organizations
- promoting a national telecommunications network that provides PLEI services
- promoting expertise in plain language legal documents
- conducting specialized PLEI research and evaluation
- promoting PLEI internationally as a method to increase public access to justice in democratic countries

Previous reports also note areas in which the Department is **not** well placed to play a role in PLEI including:

- the assessment of the need for PLEI and the appropriate delivery methods at the community or regional level, particularly with regard to "hard-to-reach" population groups;
- the production of PLEI materials and the development of PLEI programs suitable for provincial and local audiences;
- the dissemination of PLEI materials and programs:
- the delivery of specific PLEI programs, including education programs;
- the obtaining of pro bono assistance in the delivery of programs and the production of legal information;
- the establishment of linkages with community groups and intermediaries to expand the scope of PLEI services.

8.3 Building Relationships:

The preceding chapters have addressed many of the following questions: What should Justice Canada's role be in support of PLEI? What is the PLEI program's policy agenda? Should the program's function remain the same: funding NGOs directly, producing and disseminating law information materials, building partnerships? This section examines related issues which focus on building relationships with the PLEI community: What opportunities exist to enhance relationships? What other partnerships should be cultivated and what are the parameters for these relationships?

⁷⁸: infra, PLEI - An Evaluation Study - Department of Justice Bureau of Review Report - August 1988 at page 5

8.3(a) Bring Players Together

Core PLEI providers across the country have expressed their desire to get together with Justice Canada officials to continue the spirit of collaborative policy development established in the early 1990s and more recently, at the 1996 meeting of core PLEI providers and senior Justice Canada officials. This Review's earlier proposal that the Department fund PLEAC for a 3 year period to permit it to facilitate the delivery of PLEI sets the stage for the Department to host such a meeting and bring people together to discuss key PLEI issues.

In addition to re-establishing the foundation for a relationship of trust between NGOs and the Department, a primary purpose of this proposed gathering would be to set the stage for the implementation of a number of outstanding PLEI policy activities. From the Department's perspective, the most important outcomes might be an agreement on how to implement a needs, gaps and priorities approach to federal funding, how to revamp PLEAC, and how to develop a PLEI diagnostic to evaluate impact and results.

PROPOSED DIRECTION 14: IT IS PROPOSED THAT JUSTICE CANADA BRING PLEI PLAYERS TOGETHER TO RESPOND TO KEY ISSUES RAISED IN THIS REPORT AND TO IDENTIFY NEXT STEPS.

8.3(b) Enhance Information-Sharing

The Department already provides access to a broad range of materials. For example, statutes and regulations are accessible through the Department's homepage (<http://canada.justice.gc.ca>). Also, the Research and Statistics Division commissions and prepares research and technical papers which are publicly accessible. Nonetheless, core PLEI providers and intermediaries emphasized that they would appreciate it if Justice Canada shared more information sooner. Particular requests were made for two types of information: hard legal information (bills, statutes, backgrounders) and background research (background research done to support Cabinet submissions, litigation, and international meetings). As one person noted: "It is such a shame that the Department's research and thinking is shelved after a piece of legislation is enacted". Access to this type of information could make a real difference for NGOs whose research capacities are limited.

While acknowledging that Cabinet confidentiality could not be violated, core PLEI providers and others suggested that there must be a way, outside of filing a formal Access to Information request, to obtain the research work conducted in support of the broad range of legal issues examined by the Department.

Department research on the legal issues relating to the informal disclosure of information suggests that, for most research documents the Department relies upon, there is no legal barrier to disclosing the information. A starting point might be to conduct an inventory of Justice Canada research information which is currently not available to the public. This proposal ties into the Department's public engagement and consultation strategies which will be examining ways to develop productive relationships with a range of NGO partners.⁷⁹

PROPOSED DIRECTION 15: IT IS PROPOSED THAT JUSTICE CANADA ESTABLISH A MECHANISM FOR SHARING DEPARTMENT-PRODUCED RESEARCH WITH NGOS, INCLUDING CONDUCTING AN INVENTORY OF DEPARTMENTAL LEGAL AND RESEARCH INFORMATION.

8.3(c) Forge New Partnerships

Justice Canada's PLEI program has an impressive record of developing and participating in innovative partnerships: the Youth Justice Education Partnership (YJEP), ACJNet, and partnerships with other parts of the federal government (Industry Canada and Solicitor General). Nonetheless, existing partnerships may need to be reassessed in light of the proposed policy direction to focus federal funding on PLEI targeted to those most in need. In particular, partnerships need to be rebuilt with PLEAC and with other current PLEI funders: Law Foundations and other levels of government.⁸⁰

Other opportunities to link PLEI into a broader network of partners will also arise through Justice Canada's implementation of its own Strategic Directions and key policy priorities. Areas for further consideration include the popular legal education approach discussed earlier in Chapter 3: Justice Canada's PLEI program. These types of initiatives will require senior-level partnerships with other Departments, with other partners such as Law Foundations, the Law Commission of

⁷⁹Open access to information is only a piece of effective consultations and public engagement. As those who work in the access to information field attest, often a public request for information is really based on a desire for more transparency in government processes. People want to understand the role of government and the way decisions are made. While some of this transparency can be achieved through public legal education, other links will need to be explored to facilitate an informed public debate about justice issues.

⁸⁰Recently, the Federal Minister of Justice noted that all institutions must continue to do more to ensure that the justice system enjoys public confidence. In speaking to the Canadian Bar Association she noted that it too can "do more to enhance the educational role it plays in informing Canadians of the laws that protect their rights, and the programs that exist to support them." Speech by Minister of Justice to the Canadian Bar Association, August 23, 1997, Ottawa

Canada, the Canadian Bar Association, the Canadian Journalism Foundation⁸¹ and with other sectors, especially the provincial education sector. Given this, it is suggested that exploring new partnerships for PLEI and the scope of such partnerships is best considered further in the context of the Department's broader mandates for consultation, public engagement and integrated justice.⁸²

8.3(d) What is the focus of the Programs Branch?

The mandate of the Programs Branch is to contribute to the development and maintenance of a fair and accessible Canadian justice system through policy/program development and implementation of cost-sharing and grants and contribution programs. The Programs Branch is the Department area responsible for managing the PLEI program. The Branch also has a specific mandate to administer the Legal Aid and Native Courtworker programs among others. These responsibilities require the Branch to build partnerships with a range of stakeholders and provincial-territorial counterparts. Given the directions proposed for Justice Canada by this Review it is suggested that the Programs Branch refocus its PLEI program in support of the following:

1. Cease producing PLEI and develop a policy-driven approach to managing the PLEI program, focussing on needs, gaps and priorities
2. Develop and implement a clear strategy to deal with different stakeholders (Law Foundation, provincial counterparts, PLEI providers, PLEAC) to engage them in a needs-driven approach to PLEI
3. Develop and maintain a renewed relationship with core PLEI providers aimed at rebuilding PLEAC as an NGO designated to assume a Secretariat function for PLEI providers and to coordinate, produce and disseminate PLEI funded by Justice Canada.

⁸¹The Canadian Journalism Foundation has established an Advisory Committee on Conflict and Justice with a mandate to provide strategic advice to the Foundation in the area of conflict and justice, as part of their broader commitment to better inform Canadians on legal and non-legal issues which affect them.

⁸²Integrated Justice is an approach to dealing with justice related problems that involves linking or drawing together different players in order to enhance effectiveness and efficiency, especially meshing the justice system with other ways of dealing with problems, merging jurisdictional responsibilities for funding responsibilities, and making connections for individuals among separate parts of the justice system.

8.4 Justice Canada's future role in PLEI

Based on the directions proposed throughout this Report, this Review has outlined a role for Justice Canada in support of PLEI. Essentially, the role is that Justice Canada:

1. Remain involved in PLEI, continue to fund a core PLEI provider in each province and territory,⁸³ and consider multi-year rolling funding agreements.
2. Set a policy-driven agenda for funding these PLEI providers which supports law information activities which are focused on assessing needs, identifying gaps, and setting priorities in light of those results.
3. Distinguish between law information activities which are internally driven by the Department and which contain Departmental messages or views, require Departmental approval, and generally seek to serve a national audience (Communications) and those activities which require independent information, targeted audiences, and local strategies (PLEI).
4. Support the delivery of all law information activities which are "PLEI" through an NGO such as PLEAC.
5. Provide 3-year start-up funding to a national PLEI umbrella group such as PLEAC.
6. Support an NGO like PLEAC to establish an appropriate methodology for ongoing evaluation and impact assessment of PLEI.
7. Establish a mechanism for sharing Department-produced legal information and research with NGOs to facilitate their production of PLEI materials.
8. Bring PLEI players together to rebuild relationships and forge new partnerships.

8.5 Conclusion

The impact of law on an individual's life is considerable. The law plays an even bigger role in the lives of the poor and otherwise vulnerable who, unassisted, will not know where to turn. As well, the kinds of legal problems faced by vulnerable

⁸³In the Yukon and Northwest Territories, the Department of Justice Canada will fund PLEI through Access to Justice Agreements, currently under negotiation.

people are very meagerly, if at all, served by the kinds of law information resources which are generally available to the public. It is particularly important --from the perspective of access to justice and value for money -- to try to reach those who need legal information the most. For these reasons, this Review has proposed that Justice Canada set criteria for the use of federal PLEI funds which focus on assessing needs, determining gaps and setting priorities in light of those needs and gaps.

A renewed impetus for a policy approach to all Justice Canada programs has been triggered by Justice Canada's Strategic Directions. These directions translate into an opportunity to refocus the Department's involvement in PLEI consistent with modern justice values. Core PLEI providers and partners will also benefit from a targeted policy approach to PLEI priorities. For all the reasons identified earlier (limited resources, the need to target service and set priorities) it is expected that clarity around the Department's PLEI policy will assist both Justice Canada and core PLEI providers in identifying and evaluating their own priorities for PLEI activities.

APPENDIX A

PUBLIC LEGAL EDUCATION PROGRAM REVIEW 1997

TERMS OF REFERENCE

The purpose of the review is to examine the ongoing role and direction the Department of Justice (DOJ) should undertake in relation to its Public Legal Education and Information (PLEI) program including the direction of its own PLEI initiatives and the ways the DOJ should support independent PLEI organizations across the country .

A look at the internal environment

1. The Review will clarify linkages, distinctions and relationships between the PLEI program and other Department of Justice (DOJ) policy, program, and communications activities, including links to other federal Departments.
2. The Review will examine the ways the DOJ should support PLEI organizations across the country and the role the Department should take with its own public legal education initiatives.
3. The Review will advise on the most appropriate future role, activities and partnerships for the Department's PLEI program.

A look at the external environment

4. The Review will include a consultation process with PLEI providers and users which will:
 - a. Assess priorities among the public's needs for PLEI services;
 - b. Identify 'best practices' and mechanisms to clarify and strengthen the relationship between the Department of Justice and PLEI service providers;
 - c. Examine ways to measure the value of DOJ's contribution to PLEI service provider successes;
 - d. Examine ways to assist PLEI service providers in timely access to information about Justice and other government initiatives;
 - e. Determine the contribution to PLEI objectives being made by other-purpose organizations such as schools, media, and law associations.

A look at ACJNet

5. The Review will examine the contribution of the ACJNet computer based legal information network to DOJ priorities. In particular, the review will:

- a) clarify the current and future status of ACJNet vis a vis the Department of Justice
- b) assess the medium to long-term role of ACJNet including;
 - i) identifying the unique contribution of ACJNet to the Department of Justice, to PLEI organizations, and to the public,
 - ii) examining ACJNet's contribution as a vehicle for the delivery of legal information to the public that is not available, or not as usefully and easily accessible from other sources,
 - iii) identifying any gaps in service or information provided by ACJNet which, if addressed, would enhance ACJNet's support to DOJ and to PLEI organizations,
 - iv) examining the potential market for ACJNet services,
 - v) examining the relationship of ACJNet to DOJ's home page
- c) Subject to ACJNet's medium and long-term role:
 - i) identify who might be partners with ACJNet and the extent to which DOJ should support such partnerships
 - ii) Assess ACJNet's funding and governance structure and capacity to obtain non-DOJ and non-governmental sources of funding

APPENDIX B

List of Members of Department of Justice Canada Internal (PLEIRAC) **PLEI Review Advisory Committee**

- | | |
|---|---|
| <p>1. Ms. Sheila Arthurs
Director
Department of Justice Canada
Federal-Provincial Relations and
External Liaison Division</p> | <p>9. Ms. Karen Laughlin
General Director
Department of Justice Canada
Communications and Executive
Services Branch</p> |
| <p>2. Mr. Mark Berlin
Senior Counsel
Department of Justice Canada
Criminal Law Policy Section</p> | <p>10. Ms. Deborah MacNair
Corporate Counsel
Department of Justice Canada
Office of Corporate Counsel</p> |
| <p>3. Ms. Murielle Brazeau
Acting Team Leader
Department of Justice Canada
Child Support Team</p> | <p>11. Mr. Ajit Mehat
Director General
Department of Justice Canada
Programs Directorate</p> |
| <p>4. Ms. Susan Campbell
Director General
Department of Justice Canada
Diversity and Equality/Access to Justice</p> | <p>12. Ms. Marie Moliner
Director PLEI Review Project
Department of Justice
Ontario Regional Office</p> |
| <p>5. Mr. Ab Currie
Principal Researcher
Department of Justice Canada
Access to Justice and Multiculturalism
Research</p> | <p>13. Ms. Elizabeth Sanderson
Senior General Counsel
Department of Justice Canada
Public Law Policy Section</p> |
| <p>6. Ms. Andrée Delagrave
Director General
Department of Justice Canada
Policy Integration and Coordination Section</p> | <p>14. Ms. Gail Sinclair
Counsel, Public Law
Department of Justice
Ontario Regional Office</p> |
| <p>7. Mr. Doug Ewart
Special Advisor to the Deputy Minister
Department of Justice
Ontario Regional Office</p> | <p>15. Mr. David Stephens
Special Assistant
Department of Justice Canada
Deputy Minister and Deputy Attorney
General's Office</p> |
| <p>8. Mr. Gerry Godsoe
Acting Manager
Department of Justice Canada
Grants and Contributions Unit/PLEI</p> | <p>16. Mr. Robert St. Laurent
Electronic Communications Officer
Department of Justice Canada
Operations and Ministerial Services</p> |
| | <p>17. Mr. Grant Westcott
Chief Information Officer and Executive
Officer,
Corporate Management Sector
Department of Justice Canada</p> |

APPENDIX B (CONT'D)

Ms. Sue Gardner-Barclay -- Back-up for Karen Laughlin
Program Communications Executive
Officer
Department of Justice Canada
Communications and Executive Service Branch

Ms. Elaine Jackson -- Back-up for Sheila Arthurs
Senior Officer
Department of Justice Canada
Inter-Government and External Relations Division

**APPENDIX C
CONSULTATION LISTS - Federal Government**

Department of Justice Canada and other Federal Government Staff

- | | | | |
|----|---|-----|---|
| 1. | Ms. Sheila Arthurs
Director
Department of Justice Canada
Federal-Provincial Relations and
External Liaison Division | 10. | *Mr. Ab Currie
Principal Researcher
Department of Justice Canada
Access to Justice and Multiculturalism
Research |
| 2. | Mr. David Beattie
Director, Virtual Products
SchoolNet, Industry Canada | 11. | Mr. David Daubney
Co-ordinator
Department of Justice Canada
Sentencing Reform |
| 3. | *Mr. Mark Berlin
Senior Counsel
Department of Justice Canada
Criminal Law Policy Section | 12. | Ms. Nancy DeClerq
Legal Counsel
Department of Justice Canada
Public Law Policy Section |
| 4. | Ms. Grace Brickell
Coordinator, Communications and PLEI
Department of Justice Canada
Child Support Team | 13. | *Ms. Andrée Delagrave
Director General
Policy Integration and Coordination
Section
Department of Justice Canada |
| 5. | *Ms. Murielle Brazeau
Acting Team Leader
Department of Justice Canada
Child Support Team | 14. | Mr. Marc Dubois
Access to Justice, Network Clerk
Department of Justice Canada
Public Legal Education and Information |
| 6. | *Ms. Susan Campbell
Director General
Department of Justice Canada
Diversity and Equality/Access to Justice | 15. | Mr. Steve Dulude
Coordinator - Grants and Contributions
Programs
Department of Justice Canada
Child Support Team |
| 7. | Mr. Aaron Caplan
Director
Department of Justice Canada
Application Division | 16. | Ms. Tracey Eisenberg-Carson
Counsel
Department of Justice Canada
Dispute Resolution Project |
| 8. | Ms. Francine Charlebois
Chief, Policy Analysis
Department of Justice Canada
National Crime Prevention Council
Secretariat | 17. | *Mr. Doug Ewart
Special Advisor to Deputy Minister
Department of Justice Canada
Ontario Regional Office |
| 9. | Mr. Ian Cottrell
Infrastructure and Support
Department of Justice Canada
Information Services Division | 18. | Mr. Nick Falcon
Manager
Department of Justice Canada
Evaluation Section |

- | | | | |
|-----|--|-----|--|
| 19. | Mr. Marc Fortin
Department of Justice Canada
Client Driven Services Secretariat | 29. | *Ms. Elaine Jackson
Senior Officer
Department of Justice Canada
Inter-Governmental and External
Relations Division |
| 20. | Ms. Lucie Frenette
Clerk
Department of Justice Canada
Public Legal Education and Information | 30. | Ms. Mary-Anne Kirvan
A/Coordinator
Department of Justice Canada
Youth Justice |
| 21. | Ms. Sue Gardner-Barclay
Program Communications Executive
Officer
Department of Justice Canada
Communications and Executive Service
Branch | 31. | Ms. Mona Klinger
Counsel
Department of Justice Canada
Programs Directorate |
| 22. | *Mr. Gerry Godsoe
Acting Manager
Department of Justice Canada
Grants and Contributions Unit/PLEI | 32. | *Ms. Karen Laughlin
Director General
Department of Justice Canada
Communications and Executive
Services Branch |
| 23. | Mr. Joey Giovanniello
ACJNet Facilitator
Giovanniello Consulting Services | 33. | Mr. Lionel Levert
Chief Legislative Counsel
Department of Justice Canada
Legislative Service Branch |
| 24. | Ms. Dorothy Hepworth
A/Director General
Department of Justice Canada
Research, Statistics and Evaluation
Directorate | 34. | Mr. Greg MacDougall
Crime Prevention Coordinator
Department of Justice Canada
Operations and Ministerial Services |
| 25. | Ms. Thea Herman
Senior Assistant Deputy Minister
Department of Justice Canada
Policy Sector | 35. | *Ms. Deborah MacNair
Corporate Counsel
Department of Justice Canada
Office of Corporate Counsel |
| 26. | Mr. Ed Hicks
Legislative Counsel and Informatics
Coordinator
Department of Justice Canada
Legislative Services Branch | 36. | Mr. Tom McMahon
Counsel
Department of Justice Canada
Human Rights Law Section |
| 27. | Ms. Meg Horn
Policy Analyst
Deputy Minister's Office
Yukon Justice | 37. | *Mr. Ajit Mehat
Director General
Department of Justice Canada
Programs Directorate |
| 28. | Mr. Doug Hull
Director General
Science Promotion and Academic
Affairs
Industry Canada | 38. | Ms. Carole Morency
Counsel
Department of Justice Canada
Family, Children and Youth Section |

- | | | | |
|-----|---|-----|---|
| 39. | Mr. Richard G. Mosley
Assistant Deputy Minister
Department of Justice Canada
Criminal Policy | 45. | *Mr. David Stephens
Special Assistant
Department of Justice Canada
Deputy Minister and Deputy Attorney
General's Office |
| 40. | Ms. Mireille Provost
Program Manager
Department of Justice Canada
Grants and Contributions Unit | 46. | Mr. Tom Sterritt
Policy Advisor
Department of Justice Canada
Sentencing Reform |
| 41. | Mr. Glenn Rivard
General Counsel
Department of Justice Canada
Family, Children and Youth Section | 47. | Ms. Ainalem Tebeje
Department of Canadian Heritage
Citizen Participation Initiative
Citizen and Community Part. |
| 42. | *Mr. Robert St. Laurent
Electronic Communications Officer
Department of Justice Canada
Operations and Ministerial Services | 48. | Mr. Michel Vallée
Director
Department of Justice Canada
Renewal Secretariat |
| 43. | *Ms. Elizabeth Sanderson
Senior General Counsel
Department of Justice Canada
Public Law Policy Section | 49. | *Mr. Grant Westcott
Chief Information Officer and
Executive Director Corporate
Management Sector
Department of Justice Canada |
| 44. | *Ms. Gail Sinclair
Counsel
Department of Justice
Public Law
Ontario Regional Office | 50. | Ms. Veronica Wilson
Law Information Analyst
Department of Justice Canada
Public Legal Education and Information
Program |

*** Members of PLEIRAC, the Justice Canada Committee overseeing the PLEI Review**

APPENDIX D

CONSULTATION LIST - External

PLEI providers, intermediaries, Law Foundation officials and other experts

- | | | | |
|----|---|-----|---|
| 1. | Ms. Nora N. Angeles
Community Worker
Toronto, Ontario | 10. | Ms. Thelma Costello
Executive Director and Tax
Commissioner
Department of Business and
Consumers Services
Halifax, Nova Scotia |
| 2. | Ms. Penny Bain
Legal Consultant
Vancouver, British Columbia | 11. | Ms. Andrée Coté, LL.B., LL.M.
Educator and Researcher on Women's
Rights
Toronto, Ontario |
| 3. | Mr. David Baker
Staff Lawyer
Advocacy Resource Centre for the
Handicapped
Toronto, Ontario | 12. | Mr. Rick Craig
Executive Director
Law Courts Education Society
Vancouver, British Columbia |
| 4. | Mr. Jonathan Batty
Staff Lawyer
Advocacy Resource Centre for the
Handicapped
Toronto, Ontario | 13. | Mr. Wesley Crichlow
Chair
African Canadian Legal Clinic
Toronto, Ontario |
| 5. | Ms. Susan Bazilli
Legal Director
METRAC
Toronto, Ontario | 14. | Mr. Yvon Dandurand
Director, Policy Development and
Human Rights
International Centre for Criminal Law
Reform and Criminal Justice Policy
University of British Columbia |
| 6. | *Mr. Jim Beaton
Past President
Public Legal Education Network of
Alberta
Edmonton, Alberta | 15. | *Ms. Susan Dennehy
Program Manager
Yukon Public Legal Education
Association
Yukon College
Whitehorse, Yukon |
| 7. | Ms. Jo-Anne Boulding
Staff Lawyer
Muskoka Legal Clinic
Bracebridge, Ontario | 16. | *Mr. Alan Diduck
Executive Director
Community Legal Education
Association (Manitoba)
Winnipeg, Manitoba |
| 8. | Mr. Glenn M. Chenier
ACJNet Facilitator
Nepean, Ontario | 17. | *Ms. Deborah Doherty
Executive Director
Public Legal Education and Information
Service of New Brunswick
Fredericton, New Brunswick |
| 9. | Judge David Cole, Provincial Division
Scarborough Court House
Scarborough, Ontario | | |

- | | | | |
|-----|--|-----|--|
| 18. | Ms. Gail Dykstra
Director & Publisher in Government Relations
Micromedia Limited
Toronto, Ontario | 28. | Ms. Nancy Hannum
Director of Legal Recourse Centre
Legal Services Society of British Columbia
Vancouver, British Columbia |
| 19. | Mr. Jonathan Eaton
Research Assistant, UNITE
Toronto Star Columnist (Job Law)
Don Mills, Ontario | 29. | Ms. Susan Hare
Lawyer
West Bay First Nation, Ontario |
| 20. | Mr. Lewis Eisen
Computer, Training and Consulting
for Legal Profession
Ottawa, Ontario | 30. | *Mr. Gordon Hardy
Executive Director
The People's Law School
Vancouver, British Columbia |
| 21. | Mr. Timothy Farr
Director General of Communications
Group
Department of Solicitor General
Ottawa, Ontario | 31. | Ms. Judith Keene
Staff Lawyer
Clinic Resource Officer
Toronto, Ontario |
| 22. | *Ms. Maria Franks
Executive Director
Public Legal Education Society of Nova Scotia
Halifax, Nova Scotia | 32. | Ms. Vuyiswa Keyi
Executive Director
Women's Health in Women's Hands
Toronto, Ontario |
| 23. | *Ms. Lois Gander
Treasurer
University Extension Centre
Studies Program
University of Alberta
Edmonton, Alberta | 33. | Ms. Joanna Kuras
Clinic Funding Manager
Ontario Legal Aid Plan
Toronto, Ontario |
| 24. | *Mr. Paul Gerhart
Public Legal Education Program
Continuing Studies
Lethbridge Community College
Lethbridge, Alberta | 34. | Ms. Lee Lakeman
Regional Representative
Canadian Association of Sexual Assault Centres
Vancouver, British Columbia |
| 25. | Mr. Bill Greenaway
Executive Director
Manitoba Law Foundation
Manitoba, Alberta | 35. | Ms. Ada MacDonald
Co-ordinator
Rittenhouse - A New Vision
Toronto, Ontario |
| 26. | Mr. Jimmy Groat
Community Legal Worker
Aboriginal Legal Services of Toronto
Toronto, Ontario | 36. | Prof. Rod MacDonald
University of McGill
Faculty of Law
Montreal, Quebec |
| 27. | Ms. Moosha Gulycz
Senior Consulting Associate
Coopers & Lybrand
Toronto, Ontario | 37. | Mme France Mainville
Barreau du Québec
Montreal, Quebec |
| | | 38. | Ms. Maryam Majedi
Manager
Crown Counsel Victim Witness Services
Ministry of Attorney General
Vancouver, British Columbia |

- | | | | |
|-----|--|-----|---|
| 39. | *Ms. Mary Marrone
Executive Director
Community Legal Education Ontario
Toronto, Ontario | 50. | Mr. Rory O'Brien
Phd Candidate
University of Toronto
Toronto, Ontario |
| 40. | Ms. Kristen Marshall
Staff Lawyer
Community Legal Education Ontario
Toronto, Ontario | 51. | Ms. Barbara Palace
Acting Executive Director
Community Legal Education
Association (Manitoba)
Winnipeg, Manitoba |
| 41. | Mr. Allan McChesney
Justice and Democracy Consultant
Ottawa, Ontario | 52. | Dr. Nick Papadopoulos
Consultant
Ottawa, Ontario |
| 42. | Mr. Bruce McKay
Executive Director
Legal Services Board
Yellowknife, Northwest Territories | 53. | Ms. Margaret Parsons
Executive Director
African Canadian Legal Clinic
Toronto, Ontario |
| 43. | Mr. John McKinnon
Counsel
Injured Workers' Consultants
Toronto, Ontario | 54. | Ms. Nancy Paul
Acting Executive Director
Public Legal Information Association
of Newfoundland
St. John's, Newfoundland |
| 44. | Ms. Jill McNall
Community Legal Worker
Willowdale Community Legal Services
Willowdale, Ontario | 55. | Ms. Patti Pearcey
Executive Director
British Columbia Coalition for Safer
Communities
Vancouver, British Columbia |
| 45. | Mr. Joel Minion
Librarian
Legal Resource Centre
Vancouver, British Columbia | 56. | Ms. Sherry Phillips
Program Director
Lawrence Height Community Centre
Toronto, Ontario |
| 46. | Ms. Ruth Morris
Education Director
Rittenhouse - A New Vision
Toronto, Ontario | 57. | Ms. Pat Pitsula
Deputy Executive Director
Law Foundation of British Columbia
Vancouver, British Columbia |
| 47. | Ms. Eileen Morrow
Co-ordinator of OAITH
Ontario Association of Interval and
Transition Houses
Toronto, Ontario | 58. | Ms. Kim Pittaway
Consulting Editor
Chatelaine
Toronto, Ontario |
| 48. | Ms. Marg Munro
Manager
Publications Ontario
Management Board Secretariat
Toronto, Ontario | 59. | Prof. Daniel Poulin
Project Manager
Centre de recherche en droit public
Université de Montréal
Faculté de droit
Montreal, Quebec |
| 49. | Dr. David Osborne
Assistant Superintendent of Schools
Coquitlam School District #43
Coquitlam, British Columbia | | |

60. Mr. Dan Préfontaine
Chief Executive Officer
International Centre for Criminal
Law Reform and Criminal Justice Policy
University of British Columbia
61. Ms. Gisèle Proulx
Industry Canada/SchoolNet
Virtual Products
Ottawa, Ontario
62. Ms. Vera Radyo
Executive Director
AMSSA - Affiliation of Multi-cultural
Society and Service Agencies of B.C.
Vancouver, British Columbia
63. Ms. Martha Rans
Staff Lawyer
British Columbia Teachers' Federation
Vancouver, British Columbia
64. Mr. Peter Ringrose
Executive Director
Law Society of Newfoundland
St. John's, Newfoundland
65. Prof. Joanne St. Lewis
University of Ottawa
Law School
Common Law Section
Ottawa, Ontario
66. Mr. Bruno Scheire
Manager
Government Action and Institution
Change
Department of Canadian Heritage
Multiculturals and Programs
67. Ms. Vicki Schmolka
Lawyer, Plain Language Writer
Kingston, Ontario
68. Ms. Jackie Sealy-Burke
Lawyer
Toronto, Ontario
69. *Ms. Ann Sherman
Executive Director
Community Legal Information
Association of Prince Edward Island
Charlottetown, Prince Edward Island
70. Ms. Andrea Smart, LL.B
Administrator, Royal Trust
Toronto, Ontario
71. Prof. Valerie Steeves
Director of Tech. and Human Rights
Projects
Project Manager
Human Rights Research and Education
Centre
University of Ottawa
72. Ms. Cheryl Stephens
The Precedent Group
Vancouver, British Columbia
73. *Mr. Doug Surtees
Co-Director
Public Legal Education Association of
Saskatchewan
Saskatoon, Saskatchewan
74. Ms. San San Sy
National Coordinator for ACJNet
Legal Studies Program, Faculty
Extension
University of Alberta
Edmonton, Alberta
75. Ms. Sandy Thomas
President
Canadian Association of Black Lawyers
Department of Justice
Ontario Regional Office
Toronto, Ontario
76. Ms. Linda Thomson
Executive Director
Parkdale Community Information
Centre
Toronto, Ontario
77. Mr. Robert Tuzi
Education Co-ordinator
Credit Counselling Service of
Metropolitan Toronto
Toronto, Ontario
78. *Mme Manon Vaillant
Société québécoise d'information
juridique
Montreal, Quebec

79. Ms. Susan Vandervoort
Consultant
Metro Action Committee on Public
Violence Against Women and Children
Toronto, Ontario
80. Ms. Judith Wahl
Executive Director
Advocacy Centre for the Elderly
Toronto, Ontario
81. *Ms. Heidi Wells
Executive Director
Public Legal Information of
Newfoundland
St. John's, Newfoundland
82. Ms. Juanita Westmoreland-Traoré
Dean of Windsor Law School
University of Windsor
Windsor, Ontario
83. Ms. Tracy Williams-Shreve
Consultant
Toronto, Ontario

*** The asterisk denotes 'core PLEI
funded in part by Justice
Canada.**

APPENDIX E

CONSULTATION LIST- Provincial/Territorial PLEI Governmental Officials

1. Mr. Phil Arbing
Provincial Advisor Corrections and Criminal Justice
Department of Community Affairs and Attorney General
Charlottetown, Prince Edward Island
2. Ms. Elaine Gunter
Chief Legislative Counsel
New Brunswick Department of Justice
Fredericton, New Brunswick
3. Ms. Fern Jeffries
Executive Director
Policy and Communications Branch
Ministry of the Attorney General
Victoria, British Columbia
4. Mr. Howard Kushner
Legal Services
Yukon Department of Justice
Whitehorse, Yukon
5. Mr. Mark Leach
Counsel, Policy Branch
Ontario Ministry of the Attorney General
Toronto, Ontario
6. *Me Pierre Legendre
Secrétaire de la Justice
Bureau du sous-ministre Ministère de la Justice
du Québec
1200, Route de l'Église
Sainte-Foy, Québec
G1V 4M1
***contacted but not consulted**
7. Ms. Michele McKinnon
Communications Director
Nova Scotia Department of Justice
Halifax, Nova Scotia
8. Ms. Mona Pearce
Director, Legal Information Services
Newfoundland Department of Justice
St. John's, Newfoundland
9. Mr. Ron Perozzo
Associate Deputy Attorney General
Manitoba Department of Justice
Winnipeg, Manitoba
10. Ms. Betty Ann Pottruff
Director, Policy Planning and Evaluation
Saskatchewan Department of Justice
Regina, Saskatchewan
11. Mr. Donald Revell
Chief Legislative Counsel
Toronto, Ontario
12. Mr. Bill Scigliano
Director of Corporate Issues
Ministry of Attorney General
Policy and Communications
Victoria, British Columbia
13. Mr. Nowland Steed
Director of Constitutional Law
Alberta Department of Justice
Edmonton, Alberta

APPENDIX F**VOLUME 2 - 1997 PLEI REVIEW REPORT- BACKGROUND PAPERS**

1. Highlights of Consultation
2. Responses to ACJNet PLEI Review Electronic Conference
3. Public Legal Education and Information (PLEI) Provided by PLEI Intermediaries, by Allan McChesney
4. Informing Canadians about Their Rights and Duties under International Law: Provided by Allan McChesney

APPENDIX G

CONSULTATION ON THE FUTURE OF PLEI - PLANNING DOCUMENT PUBLIC LEGAL EDUCATION AND INFORMATION - FEBRUARY 12, 1990 AT PAGE 2

PLEI DEFINED

In 1988, the Department of Justice developed the following operational definition of public legal information in order to facilitate its own policy development, research, consultation and program administration, and to communicate evolving departmental objectives and their limits to others:

Public Legal Information refers to an activity which seeks in a systematic way to provide people not trained in the law with the opportunity to obtain information about the law and the justice system in a form that is timely and appropriate to their needs.

This definition provides those with whom the Department consults with a point of departure for discussions from which may come an expanded or a narrowed definition. However, throughout this document the Department has used the more popular term Public Legal Education and Information (PLEI) because it is in wide usage in this field.

HISTORICAL CONTEXT

Public legal information activities in Canada evolved in the late 1960s and early 1970s from a concern about both the lack of access to legal information by disadvantaged groups and the limitations of non-lawyers in dealing with legal matters. In the mid-1970s, influenced by other developments such as the consumer and public interest movements, the focus shifted to providing all citizens with easily accessible legal information, as the more general need for appropriate and usable explanations of laws, protections and justice procedures, was recognized. One of the first milestones in the recognition of the law's inaccessibility was the Law Reform Access to the Law by Martin Friedland. In a review of the comprehensibility and accessibility of legal information in Canada in 1974, Friedland found that even in large centres such as Toronto and Vancouver, neither statutes nor layman's explanations of the law were available.

The contribution of provincial-territorial law foundations to the support of PLEI services must be recognized. Without their major financial contribution to these services from the earliest development of programs, it is doubtful that PLEI in Canada would have advanced to its present maturity. Furthermore, the legal profession, organizations of lawyers, and individual practitioners have for years given freely of their time, talent and financial resources to support PLEI programs.

APPENDIX H

Department of Justice Canada Strategic Directions

- (1) Integrating justice policies with the government's broad policy agenda, in order to deal with complex issues comprehensively and systematically
- (2) Working towards an integrated justice system that is cost-effective, citizen-centred, and linked to the community
- (3) Implementing a balanced approach to criminal justice
- (4) Working toward a more equitable and accessible justice system that responds to the needs of a diverse population
- (5) Strengthening public confidence and trust in the justice system
- (6) Providing leadership on international justice issues through proactive and coherent policy and operations approaches

APPENDIX I

People's Law School Vancouver, British Columbia

Guidelines for Needs-Based Programming May 15, 1997

What is *needs-based* programming? Given the many and sometimes competing demands from the various segments of the public of BC, we have put together some questions that program staff should ask themselves before planning and implementing an event.

These are suggested probes as to whether a requested event or topic can be considered needs-based. You should ask yourself:

1. Will this event address needy people disadvantaged by modest or low income, disability, gender, age (youth or old age), lack of English-language skills, and other disadvantages, or people who will experience hardship in paying for professional advice in obtaining this information?
2. Is this topic one which would be relevant to needy people, or people who will experience hardship in paying for professional legal advice?
3. Is this event taking place in a community or neighbourhood where needy or lower income people are likely to attend?
4. Is this legal information freely or inexpensively available to the group from some other source?
5. Are the members of this group - or their family members or friends - vulnerable due to age, infirmity, disease or some other condition which can be construed as needy?
6. How does this group's need rate on a scale of severity of need? Are there groups who clearly have more severe needs? If so, it is reasonable for you to go ahead?
7. Does your co-sponsor share our understanding of needs-based programming? Are they connected with needy groups or people who work with needy groups? If not, you are likely to be unable to continue working with them.
8. Is the format of your event conducive to the conditions of a needy group? Will its members feel comfortable in a public library or community centre? If not, you will likely have to seek an alternative format.

9. Is there a preventative component to the event? That is, will it have a crime prevention component, or will it help to prevent other kinds of illegal or anti-social behaviours, such as sexual harassment, human rights violations, traffic violations, alcohol & drug abuse, etc.?
10. Is the event geared towards students or youth? Children and youths have special needs because of their age and vulnerability, as well as their future role in society. It is critical for society to prepare tomorrow's adults with the skills they will need to function as responsible private citizens and as participating members of a democratic society based on the rule of law.

If your answer to any of these questions indicates that the topic or event does not qualify as needs-based, you should reconsider the event. You should weigh this answer against other answers which suggest that it is needs-based.

APPENDIX J

ACJNet PLEI Review Conference

ACJNet Conference - Public Legal Education And Information Review '97, Question 1 - Client Service 2/3, July 18, 1997.

The long and the short of it is, there are no absolutes in evaluating PLE. So, at this stage in our development I think the most useful evaluations have been fairly small scale efforts which have been qualitative, formative or peer-based.

Qualitative evaluations include anecdotal feedback, focus groups, field-testing and the like - the kinds of evaluation that let people tell us as much as possible about the impact of our activities on them or others they know. It may not be particularly "scientific" but these stories are a rich source of insights into what we are doing, why people need PLE, the benefits of our work, and how we can do it better. We then take that information and weave it into what we do next.

It would be great if we could get this type of qualitative feed back on the broader impact of PLE. But we're barely 25 years old. Still, it's not too early to begin documenting our development and reflecting on how far have we come in 25 years. This is a much different type of evaluation than we typically do. It is even harder to get the time to do it! In fact, I have been trying for some years now, to put together a history of PLE in Canada - to identify its origins, key points in its development, and shifts in its form and function. But unless this work gets done, we will not be able to get a broader perspective on the contribution PLE is making in this country.

The second type of evaluation that has been useful to us, I think, is formative evaluation. In many ways it is the most practical for us - it makes the whole project go much better and we often don't have the resources to do proper summative evaluation. In any event, in PLE we are constantly searching for better ways to do our work. One of the best strategies I think we have found (but a very value laden one!) is to work WITH our clients from as early a stage in a project as possible (preferably before a project is even proposed) so that they have as great an influence on both the final product and any processes as possible. At the LSP we generally undertake projects jointly with an agency representing the "target" group, often at their instigation. Where that's not appropriate, we work with advisory committees which include (or represent) prospective clients. If we can, we use focus groups to help us as the project develops and we field test resources if at all possible. We find that not only do we learn from the users about their needs and how to better meet them, but they learn about the law in the process of participating in the project development. As they learn, their ability to contribute is enhanced, making the whole consultation process that much more valuable. Certainly, the project is enriched immeasurably. Where appropriate we also make use of expert critics in the formative stages of projects.

And finally, for now, the third type of evaluation that has been critical is peer review. Sometimes we have undertaken specific activities to get feed back from each other on projects. Other times, the exchange is much more informal and spontaneous. However, through provincial and national PLE associations we share our experiences

with each other. Over time, this learning becomes synthesized into a better understanding of our profession and improvements in our practice.

So, where does this leave us? I think the qualitative, formative, and peer-based evaluation of PLE that has gone on to date has played a major role in the considerable improvement in our practice. It would be great in the future to have the resources to more fully document these efforts and to begin to undertake more substantial evaluations and particularly to do longitudinal studies!

APPENDIX K

EXTRACT - Description of National PLEI Policy

The scope of a national PLEI policy was canvassed at length in 1992 in a paper reviewed by the National PLEI Policy Working Group. That paper proposes a national PLEI policy which would achieve the three following goals:⁸⁴

- A. Educational Goal: To help people understand the law and the Justice System, and the relationship between the law and society, so they can participate more fully in society.
- B. Informational Goal: To inform people about specific laws and specific aspects of the Justice System, so they can make informed decisions.
- C. Strategic Goal: To promote Public Legal Education and Information, and to improve the effectiveness of PLEI delivery.

The existence of a national PLEI policy could go some way towards putting to rest the chronic debates about the roles, responsibilities, and activities of funders and core PLEI providers. However, the development of a national PLEI policy and strategy is not one which the Department can move forward unilaterally. This is primarily because, in terms of funding dollars, the Department does not have a large enough role to dictate the scope of such a policy. There are many other players who know PLEI better and contribute more resources to PLEI. The Department is not well-connected to the outside world and the people who know PLEI best are the practitioners, intermediaries and other major funders such as the Law Foundations across Canada. These are the people and organizations who ought to, and need to play a key role in developing such a policy, if they deem it a priority. The federal government has clear role in providing co-ordination in support of the policy and in facilitating consultation with provincial and other partners, such as Law Foundations and the Council of Ministers of Education. However, without core PLEI provider dedication and their own sense of ownership, a national PLEI policy will not progress.

⁸⁴Focus on Current Purposes of Public Legal Education and Information in Canada - A Discussion Paper for the National PLEI Policy Working Group (Alderson Paper) - July 1992.

BIBLIOGRAPHY

Materials Obtained through the Department of Justice Canada PLEI Program

1. Funding Sources of the Non-Government Organizations of the PLEI Network - Meg Horn and Marc Dubois - January 1997
2. ACJNet Annual Report 1996
3. A Report of the Rationale, Objectives and Possible Future Directions for the Public Legal Education and Information (PLEI) Program - Lykos International Inc. Michael Konecny, September 12, 1996
4. Department of Justice Canada
Public Legal Education and Information Program - A New Vision for PLEI, by Alderson-Gill and Associates, June 30, 1995
5. Amendments to the Criminal Code and the Canada Evidence Act with Respect to Persons with Disabilities - Report on Stakeholder Positions - May 1995 - (Criminal and Social Policy Sector)
6. Program Review I Report - August 1994 - M. Vallée - page 213 - 260
7. Legal Literacy and Justice - Towards a National Strategy for Public Legal Education and Information - March 29, 1994
8. Report of the Sub-Committee on Access to the Law "An ounce of information is worth a pound of prosecution" (Choices for the Future Task Force on Legislative Services) Department of Justice Canada - February 1994
9. Plain Language Strategy - Memoranda 1992/1993
10. Management of the Public Legal Education and Information Function in the Department of Justice, September 30, 1992
11. Focus on Current Purposes of Public Legal Education and Information in Canada - A Discussion Paper for the National PLEI Policy Working Group (Alderson Paper) - July 1992
12. National Public Legal Education and Information (PLEI) Policy Consultation Package - July 1992

13. Report on Subcommittee on Support Network of CLIC Law for the Layman Committee - 1979
14. National PLEI Policy Working Group - Memo Internal - PLEI Programs Law Information Section - November 22, 1991
15. Role of Plain Language and Public Legal Education (Memorandum) - September 11, 1991
16. Creating a Plain Language Zone - A Manager's Handbook - Joanne Godin - October 16, 1991
17. Plain Language Strategy - Memorandum February 28, 1992
18. National PLEI Policy Working Group - October 25, 1991
19. National PLEI Policy Consultation Meeting - Minutes of March 7-8, 1990 meeting held in Ottawa
20. Focus Groups on Legal Education and Information Needs; Prepared for the Department of Justice Canada by Gallup Canada Inc.; March 1990. Document WD 1991-la, p.14
21. Department of Justice - "Planning Document - Public Legal Education and
22. PLEI - Department of Justice - An Evaluation Study - Bureau of Review Report - August 1988
23. Survey of Public Attitudes Toward Justice Issues in Canada, February 26, 1987 Environics Research Group Ltd.
24. A Survey of Canadian PLEI Providers, 1986 - D.H. Access Research Associates Inc. - Research and Statistics Section DOJ

Additional material considered:

25. Report of the Ontario Legal Aid Review: "A blueprint for publicly funded legal
26. Accessing Justice; A Submission by Ontario Community Legal Clinics - March 31, 1997

27. How does PLEI differ from government communications material. - Surtees - 1996 - Saskatchewan
28. A Plan for Criminal Justice Public Legal Education/Information in Prince Edward Island - July 1996 - Prepared by Julie Devon Dodd
29. Quelques notes sur l'éducation juridique populaire, Les Franco-Ontariennes et les droits à l'égalité garantis à l'article 15 de la Charte canadienne des droits et libertés, 2 décembre 1995 - par Andrée Coté, LL.B, LL.M
30. Legal Literacy: A Tool for Women's Empowerment - 1995 - Margaret Schuler and Sakuntala Kadirgamar-Rajasingham
31. Current Issues - a Discussion Paper about the Criminal Justice System in P.E.I. 1995
32. Criminal Justice Survey 1995 - A Prince Edward Island Study of Public Opinion Related to Criminal Justice
33. 2020 Vision - Justice into the 21st Century - A Review of the Criminal Justice System - P.E.I. - Final Report and Proposals - October 1995
34. 2020 Vision - Justice into the 21st Century - A Review of the Criminal Justice System - P.E.I. - Summary Reports - October 1995 - Prepared by Julie Devon Dodd
35. Background Report - Criminal Justice in P.E.I. 1995 - prepared by Julie Devon Dodd
36. Micromedia's Government Information Catalogue - 1995-96
37. PLEI - Review - 1993 - Ministry of Attorney General - British Columbia
38. Bibliography on Popular Education - A Select Bibliography - October 1, 1996 by ICAE in web:edu.popular
39. A Brief History of NAPE (North American Popular Educators) February 15, 1993 by J. Hurst
40. PLEI in Ontario - A Preliminary Enquiry - Canadian Law Information Council 1984 - Marion E. Lane - Research Co-ordinator
41. Community Partnership, Judge Tony Palmer - British Columbia

42. International Review of Public Legal Education and Information; by C.H.S. Jayewardene and T. Pelpola
43. Legal Literacy: Towards a Working Definition - CLIC Paper #11 on PLEI by Michael E. Manley-Casimir and Wanda E. M. Cassidy - Simon Fraser University
44. Rapports de recherche sur la vulgarisation de l'éducation et de l'information juridiques - Rapport no. 2; par Francois-Xavier Ribordy, Simon Laflamme et Benoit Cazabon effectuée pour le Ministère de la Justice du Canada