

**Measuring the Access to Justice Impacts of a Law School Clinical Program**

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## **Executive Summary**

### **Objectives**

This research is conducted in a context where a great deal has been published for numerous decades about the far-from-ideal state of access to justice (A2J) that exists in Canada, but where very little has been reported about how or whether the state of A2J is affected by Canadian law schools' clinical legal education (CLE) programs. CLE programs are typically run as credit courses where law students gain practical skills and experience by delivering free legal information, resources, and representation to members of their communities who may not otherwise be able to access such services. The primary objective of this research is to narrow the gap in knowledge about the A2J impacts of CLE by conducting a case study on one student cohort of the University of Victoria's flagship CLE program, the Law Centre.

This research seeks to elucidate: (1) what impact, if any, the Law Centre has on its clients' ability to access justice; and (2) what impact, if any, the Law Centre has on awareness and commitment to A2J among participating clinical students. While the data from this case study research is site-specific, this report presents recommendations on how the A2J impacts of other Canadian CLE programs may be most effectively studied.

The combined goals of this research are: (1) to understand the A2J impacts of the Law Centre; (2) to develop a working hypothesis of how or if CLE impacts A2J for clients, and affects awareness and commitment to A2J among clinical students; (3) to self-assess the effectiveness of the methods applied in this studies for the purposes of measuring A2J impacts of CLE; and (4) to develop recommendations for how the A2J impacts of CLE may be most effectively measured on a broader scale in the future.

### **Methodology and Methods**

This project employs an instrumental case study methodology to explore the A2J impacts of the Law Centre. The Spring 2017 student cohort of the Law Centre CLE program was studied as a case of all Law Centre cohorts, which together represent a portion of the picture of CLE and A2J in Canada. This was a convenience sample, chosen because the researcher was enrolled as a clinical student in the Law Centre CLE program for that same term. Ultimately, a sample of 11 clinical students acted as participants in this research.

A mixed methods research model was employed for several reasons: (1) a qualitative approach was effective for gathering thick descriptions of participants' experiences; (2) since client interviews were not within the scope of this project, collection of anonymized quantitative data was an appropriate method of gathering a large amount of information about the Law Centre's A2J outputs and outcomes; and (3) the mixed methods approach would allow for triangulation and cross-validation of data where both methods touched on the same subject.

Quantitative data on the Law Centre's outputs and client outcomes was gathered by having participants fill in file reporting forms. Qualitative data on students' A2J-related perceptions and experiences was gathered through pre-term and post-term surveys, and through a focus group

held at the end of the term. Some of the qualitative data also touched on outputs and client outcomes, which was used to triangulate and cross-validate the quantitative file reporting data.

The quantitative data was analyzed at the level of descriptive statistics, primarily using raw numbers, percentages, tables, and graphs. The qualitative data was analyzed using a data reduction technique known as thematic analysis. The thematic analysis method is an iterative process that serves to distil a large volume of quantitative data down to a number of themes which are more easily digested and analyzed.

### **Key Findings**

This research responds to gaps in the literature on the relationship between CLE and A2J in three primary ways. First, it responds to a call for data on the A2J outputs and outcomes associated with CLE. Second, in its coverage of those client-centred outputs and outcomes, this research provides thicker description and deeper insights into the functioning of the justice system by gathering qualitative data. Finally, this research goes further than any existing Canadian literature on the impacts of CLE on clinical students' understanding and commitment to A2J.

The analysis of the findings from this research is summarized in seven working hypotheses, which may form a starting point for future research on the interactions between CLE and A2J: (1) CLE responds well to gaps in A2J at the individual level; (2) the immediate outputs of representational CLE clinics are individual-centric; (3) CLE contributes to positive legal outcomes for clients; (4) CLE has the capacity to ameliorate A2J by responding to non-legal needs; (5) CLE deepens, personalizes, and contextualizes A2J knowledge; (6) CLE enables students to gain new insights into A2J; and (7) CLE impacts clinical students' career plans.

### **Options and Recommendations**

This report makes recommendations to UVic ACE on directions and methods for conducting further research on the A2J impacts of CLE, and to clinical legal educators on potential areas for growth or improvement.

The research-related recommendations made to UVic ACE are: (1) gather outcome information directly from clients; (2) track individual participants with anonymous codenames; and (3) collect data on timelines for clinical files.

The recommendations made to clinical legal educators are: (1) include training on colonialism and reconciliation in CLE orientation; (2) expand routine collection of data for research purposes; (3) introduce services aimed at systemic change; (4) offer options for longer student clinical terms; and (5) increase training on client sensitivity and relationship management.

### **Conclusion**

This research makes significant contributions to the body of knowledge on the relationships between CLE and A2J. The project has two primary limitations: (1) the case study method limits the generalizability of conclusions drawn from the data; and (2) imperfect research methods and

tools limit the analysis that can be conducted on certain pools of data. However, those limitations permitted the development of working hypotheses and recommendations for improved methods for future research. Those two outputs may be the greatest benefits of this research, as they pave the way for conducting more research on the links between CLE and A2J in the future.

## Table of Contents

<b>Acknowledgements</b> .....	<b>1</b>
<b>Executive Summary</b> .....	<b>2</b>
<b>List of Acronyms</b> .....	<b>8</b>
<b>List of Figures</b> .....	<b>9</b>
<b>List of Tables</b> .....	<b>10</b>
<b>1.0 Introduction and Background</b> .....	<b>11</b>
1.1 <i>Project Problem</i> .....	11
1.2 <i>Project Client and Objectives</i> .....	11
1.3 <i>Rationale</i> .....	11
1.4 <i>Background and Context</i> .....	12
1.4.1 <i>Access to Justice</i> .....	12
1.4.2 <i>Clinical Legal Education</i> .....	13
1.4.3 <i>The Law Centre</i> .....	14
1.5 <i>Organization of Report</i> .....	15
<b>2.0 Literature Review</b> .....	<b>16</b>
2.1 <i>Previous Research on A2J Impacts of CLE</i> .....	16
2.1.1 <i>Canadian research</i> .....	16
2.1.2 <i>American research</i> .....	17
2.1.3 <i>International research</i> .....	17
2.2 <i>Data Reported by the Law Centre to the Law Foundation</i> .....	19
2.3 <i>Summary of the Gaps to be Addressed by This Research</i> .....	20
<b>3.0 Research Question and Hypotheses</b> .....	<b>22</b>
3.1 <i>Research Question</i> .....	22
3.2 <i>Hypotheses</i> .....	22
<b>4.0 Methodology and Methods</b> .....	<b>23</b>
4.1 <i>Methodology</i> .....	23
4.2 <i>Methods</i> .....	24
4.2.1 <i>Recruitment, consent, and attrition</i> .....	25
4.2.2 <i>Questionnaires</i> .....	25
4.2.3 <i>File reporting forms</i> .....	26
4.2.4 <i>Focus group</i> .....	27
4.3 <i>Data Analysis</i> .....	28
4.3.1 <i>Operationalization</i> .....	28

4.3.2 Qualitative analysis of questionnaire responses and focus group transcript.....	28
4.3.3 Quantitative analysis of file reporting form data.....	29
4.4 Limitations.....	29
<b>5.0 Findings .....</b>	<b>31</b>
5.1 Quantitative Data on Clinical Legal Practice at the Law Centre.....	31
5.1.1 Subject matters of client files.....	31
5.1.2 File resolution pathways employed.....	34
5.1.3 Data on file outcomes.....	37
5.1.4 File resolution pathways per category.....	37
5.1.5 File outcomes per category.....	40
5.2 Qualitative Data on A2J Perceptions and Impacts among Law Centre Student.....	42
5.2.1 First pass themes.....	42
5.2.2 Thematic frameworks.....	42
5.2.3 Category A – Role of A2J at the Law Centre.....	45
5.2.4 Category B – Limitations of the Law Centre.....	45
5.2.5 Category C – Outputs of the Law Centre.....	46
5.2.6 Category D – Outcomes at the Law Centre.....	47
5.2.7 Category E – Client-level barriers.....	48
5.2.8 Category F – System-level barriers.....	49
5.2.9 Category G – Current state of A2J and how to respond.....	51
5.2.10 Category H – Outputs and outcomes associated with A2J.....	52
5.2.11 Category I – New A2J perceptions, experiences, and knowledge.....	53
5.2.12 Category J – Negative experiences or changes in A2J perceptions.....	54
5.2.13 Category K – Prior exposure to A2J.....	55
5.2.14 Category L – Views on legal careers.....	55
5.2.15 Category M – Personal experiences and impacts.....	56
<b>6.0 Discussion .....</b>	<b>57</b>
6.1 The Law Centre’s A2J Impact on Clients.....	57
6.1.1 File subject matter data.....	57
6.1.2 File resolution pathway data.....	58
6.1.3 Quantitative file outcome data.....	60
6.1.4 Qualitative data relating to client impacts.....	62
6.2 The Law Centre’s A2J Impact on Clinical Students.....	64
6.3 Working Hypotheses.....	66

6.3.1 CLE responds well to gaps in A2J at the individual level.....	67
6.3.2 The immediate outputs of representational CLE clinics are individual-centric. ....	67
6.3.3 CLE clinics contribute to positive legal outcomes for clients. ....	67
6.3.4 CLE has the capacity to ameliorate A2J by responding to non-legal needs.....	67
6.3.5 CLE deepens, personalizes, and contextualizes A2J knowledge. ....	67
6.3.6 CLE enables students to gain new insights into A2J. ....	67
6.3.7 CLE impacts clinical students' career plans.....	67
6.4 Implications for Project Client.....	68
<b>7.0 Recommendations</b> .....	<b>69</b>
7.1 Recommendations for Future Research on the A2J Impacts of CLE .....	69
7.1.1 Gather outcome information directly from clients.....	69
7.1.2 Track individual participants with anonymous codenames.....	69
7.1.3 Collect data on timelines for clinical files. ....	69
7.1 Recommendations for Clinical Legal Educators.....	70
7.1.1 Include training on colonialism and reconciliation in CLE orientation. ....	70
7.1.2 Expand the use of routinely collected data for research purposes. ....	70
7.1.3 Introduce services aimed at systemic change. ....	71
7.1.4 Offer options for longer student clinical terms.....	71
7.1.5 Increase training on client sensitivity and relationship management. ....	71
<b>8.0 Conclusion</b> .....	<b>73</b>
<b>References</b> .....	<b>74</b>
<b>Appendix A: Recruitment Script</b> .....	<b>78</b>
<b>Appendix B: Consent Form</b> .....	<b>80</b>
<b>Appendix C: Pre-term Questionnaire</b> .....	<b>84</b>
<b>Appendix D: Post-term Questionnaire</b> .....	<b>85</b>
<b>Appendix E: Consent Form (Focus Group)</b> .....	<b>87</b>
<b>Appendix F: Focus Group Interview Guide</b> .....	<b>91</b>
<b>Appendix G: File Reporting Form</b> .....	<b>93</b>
<b>Appendix H: First Pass Themes</b> .....	<b>96</b>
<b>Appendix I: First Reorganization Framework</b> .....	<b>100</b>

**List of Acronyms**

A2J	Access to Justice
ACE	University of Victoria Access to Justice Centre for Excellence
CLE	Clinical Legal Education
FLSC	Federation of Law Societies of Canada
LFBC	Law Foundation of British Columbia
LSBC	Law Society of British Columbia
MMR	Mixed methods research
SRL	Self-represented litigant
TA	Thematic analysis

**List of Figures**

Figure 1. Number of files per file category. This chart, based on data from Table 3 and Table 4, provides a visual representation of the breakdown of Law Centre files between key practice area categories..... 34

Figure 2. Number of files per file resolution pathway. This graph provides a visual depiction of the data from Table 5 and Table 6. .... 36

Figure 3. Percentage of files from each file category in which each file resolution pathway was employed. Based on data from Table 9, this chart shows the percentage of the total number of files per file category in which each file resolution pathway was employed. .... 39

Figure 4. Percentage of files from each category of files, in which each file outcome was reported. Based on data from Table 11, this figure presents the percentage of the total number of files within each subject matter category of files, for which each file outcome was reported, grouped by subject..... 41

### List of Tables

Table 1. Law Centre Clinical Program annual statistical report for April 1, 2016 to March 31, 2017. This table contains statistical data reported to The Law Foundation of British Columbia by the Law Centre, with regard to the number of files handled by the Law Centre between April 1, 2016 and March 31, 2017.....	20
Table 2. Number of files per file type. This table indicates the subject matter for each reported file Note: Some files fell under more than one file type, so the “Total” line in this table differs from the 249 files reviewed for this research. ....	32
Table 3. Number of files per file category. This table shows the number of Law Centre files per broad category of file, divided by practice area. Note: Some files fell into more than one category, so the “Total” line in this table differs from the 249 files reviewed for this research. ....	33
Table 4. Percentage of files per file category. Based on the data from Table 3, this table shows the percentage of the actual number of Law Centre files (N = 249) that fell into the various broad categories of files from Table 3. ....	33
Table 5. Number of files per file resolution pathway. This table shows the number of files in which various file resolution pathways were pursued. ....	35
Table 6. Percentage of files per file resolution pathway. This table shows the percentage of the total number of files (N = 249) in which each file resolution pathway was employed. ....	36
Table 7. File outcome data. This table presents data from the section of the file reporting form that asked clinical students to indicate the status of each file, either when the file was closed, or at the time that a transfer memo was written (for files remaining open at the end of the term).....	37
Table 8. Number of files per file resolution pathway employed, arranged by file category. This table shows how many files in each category used each file resolution pathway. ....	38
Table 9. Percentage of files from each category which employed each file resolution pathway. Based on the data in Table 3 and Table 8, this table shows what percentage of files in each category used each file resolution pathway. ....	38
Table 10. File outcomes per category. This table presents the file outcome data gathered from the file reporting forms, arranged by file category. ....	40
Table 11. Percentages of the total number of files per subject matter category, in which each file outcome was reported. This table presents percentages of the total number of files per subject matter category of files, for which each file outcome was reported.....	40
Table 12. Final thematic framework. This table demonstrates the framework of codes that emerged from the thematic analysis process, as well as counts of the number of utterances that can be attributed to each of the final codes.....	44

## **1.0 Introduction and Background**

### **1.1 Project Problem**

Clinical legal education (CLE) programs are typically semester- or year-long credit courses offered by faculties of law, wherein students gain practical skills and experience by delivering legal information, resources, and representation to members of the community. Legal scholars, jurists, public servants, and politicians alike have all identified that Canadians do not experience an ideal level of access to justice (A2J). This project aims to examine what impact, if any, a CLE program may have on improving A2J. Specifically, this project will focus on the A2J impacts on clients and students at the Law Centre, a CLE program run by the University of Victoria Faculty of Law.

### **1.2 Project Client and Objectives**

The client for this research is the University of Victoria Access to Justice Centre for Excellence (UVic ACE). UVic ACE operates out of UVic Law and has a mandate to: (1) “undertake applied research and practical scholarship on access to justice issues”; (2) “through curriculum and program development, enhance student understanding, skills and abilities respecting access issues”; (3) “forge external working relationships with governmental, non-governmental and professional bodies working on the access issue”; and (4) “as a priority, but not an exclusive focus, pursue this mandate with an emphasis on social justice, community engagement and the unmet legal needs of marginalized populations” (UVic ACE, n.d.-b).

Gaining a better understanding of the A2J-related impacts of law school clinical programs fits directly within UVic ACE’s mandate, as it engages the issues of practical scholarship, law student education, building relationships with the local bar, as well as social justice and advocacy for marginalized populations. Gaining a deeper understanding of the A2J impacts of the Law Centre CLE program will also enable the co-founders of UVic ACE to provide vital feedback to their colleagues at the Law Centre about the community, legal, and educational impacts of that program.

### **1.3 Rationale**

On May 13, 2016, UVic ACE responded to provincial and national reports identifying “the lack of empirical research and the inability to measure performance as major impediments to enhancing access to justice in Canada,” by hosting the first session of a two-part research colloquium designed to develop a coordinated provincial and national A2J research agenda (UVic ACE, n.d.-a). The event was attended by 23 participants from a broad range of justice organizations and agencies from British Columbia, including: the British Columbia Ministry of Justice; The Law Society of British Columbia (LSBC); the Law Foundation of British Columbia (LFBC); the courts; and representatives of numerous university law faculties (UVic ACE, 2016).

In a report on the colloquium’s findings released in July 2016, UVic ACE identified promotion of interest in A2J research among UVic Law faculty and students as part of its ongoing role (UVic ACE, 2016, p. 5). A key area for future research identified in that report was improving

justice data as well as coordinated collection and sharing of data on how the justice system is functioning.

As a subset of that research area, the report notes that university legal clinics form a part of the justice system, yet data on their trends, outcomes, and impacts on A2J are not publicly reported or known (UVic ACE, 2016, p. 8). The report also notes a paucity of qualitative data on the functioning of the justice system, with discrete events and “outputs” being measured far more than the impact or effectiveness of those events (UVic ACE, 2016, p. 9). This research project specifically aims to explore the gaps identified in the UVic ACE colloquium report, with regard to the A2J outcomes associated with CLE programs.

## 1.4 Background and Context

**1.4.1 Access to Justice.** While Canadians overwhelmingly believe that the justice system should be accessible by all, many experience significant difficulties in accessing the information, resources, services and processes required to resolve disputes, protect their rights, and participate in shaping laws (Canadian Bar Association, 2013, p. 14; McHale, 2016). Need is prevalent, with roughly 12 million Canadians experiencing one or more legal problems in any given 3 year period (Action Committee on Access to Justice in Civil and Family Matters, 2013, p. 2; Currie, 2007, pp. 10–11). Challenges experienced by many Canadians attempting to access justice include difficulty navigating an overwhelmingly complex legal system, unaffordable legal representation, lack of information, delays, onerous financial guidelines restricting access to Legal Aid, and challenges with enforcing court orders and other remedies (Canadian Bar Association, 2013, pp. 16–18 & 20).

Such barriers lead many Canadians to abandon their legal issues without achieving a satisfactory resolution, while others attempt to resolve them as self-represented litigants (SRL) (Canadian Bar Association, 2013, p. 20; Macfarlane, 2013, pp. 8–9). For those who abandon their legal issues without reaching a desirable outcome, those unresolved issues continue to create serious difficulties in everyday life (Currie, 2007, p. 33).

In situations where individuals choose to represent themselves rather than abandon their issues, the results are still far from ideal. SRLs often experience sub-optimal outcomes due to lack of access to vital information, uncertainty about how to best argue their case and navigate the system, and negative interactions with judges and opposing counsel (Macfarlane, 2013, pp. 9–14). Detrimental consequences of self-representation may include a failure to realize one’s rights, pleading guilty or entering into consent orders without understanding the consequences, and loss of significant financial assets such as one’s home (Doust, 2011, p. 21).

Cost is one often cited barrier to A2J. The average price tag for legal services is steadily increasing, as are trial lengths (Action Committee on Access to Justice in Civil and Family Matters, 2013, p. 4; Santry, 2013). This is particularly problematic, as research indicates that between 42% and 90% of respondents identify cost as a reason for not seeking legal assistance (Action Committee on Access to Justice in Civil and Family Matters, 2013, p. 4; Macfarlane, 2013, p. 39; Ontario Civil Legal Needs Project, 2010, pp. 32, 39–40). Furthermore, although many people indicate that they do not seek legal assistance due to cost, publicly funded Legal

Aid is only available to those individuals of the most modest means, and only for certain types of legal issues; this means that the many individuals who are ineligible for Legal Aid, yet who still experience cost as a barrier to accessing justice, have very limited access to supports and resources (Action Committee on Access to Justice in Civil and Family Matters, 2013, p. 3).

Above and beyond cost, marginalization and stigma exacerbate the complications in accessing justice for many people. The impacts of inadequate access to justice are disproportionately visited upon those who already live in marginalized conditions (Currie, 2007, pp. 14–31). Increasing marginalization is associated with increased experiences of an inability to enforce one’s legal rights, and members of vulnerable groups may not take steps to effectively resolve legal problems and disputes due to perceived and actual barriers (Canadian Bar Association, 2013, pp. 15–16 & 34).

Furthermore, those living in marginalized conditions tend to have more contact with the law and disproportionately face the phenomenon of “cascading” legal issues, wherein experiencing one legal problem is associated with an increased likelihood of experiencing further legal problems, as well as negative health and social impacts (Action Committee on Access to Justice in Civil and Family Matters, 2013, p. 3; Canadian Bar Association, 2013, p. 32).

The prominent concerns relating to access to justice provided above may be grouped into two broad categories, namely: (1) ensuring equal access to legal and non-legal information, resources, services and processes that allow a person to resolve or mitigate the effects of disputes; and (2) recognizing and challenging disparities in the distribution of social power, which are the fundamental root of injustice, and which impact an individual or group’s ability to participate meaningfully in the creation of laws and legal procedures (McHale, 2016). Marrying those two streams of thought together, one way of conceptualizing A2J is to see it as describing the extent to which an individual or a group is empowered to shape the social and legal environment within which their disputes take place and, in turn, to successfully navigate that environment.

**1.4.2 Clinical Legal Education.** Almost all of Canada’s law schools offer CLE programs, which generally offer pro bono legal services to members of the community who may not otherwise be able to afford or access legal representation and advice, and provide clinical education and experience to their students. The most common model for these clinics is the “representational” model, wherein students carry complete conduct of files, under close supervision of a practicing lawyer, and represent clients before courts and tribunals (Ferguson, 2013, p. 466). Most such clinics handle criminal, small claims, and tenancy law, as well as additional areas depending on local need (Ferguson, 2013, p. 466). Some clinics, however, provide only legal information, but no representation or advice.

The particular focus of CLE programs in Canadian law schools varies from clinic to clinic. For instance, the University of Toronto’s David Asper Centre focuses on constitutional rights, while the University of Victoria’s Business Law Clinic focuses exclusively on business law (University of Toronto Faculty of Law, 2017; University of Victoria Faculty of Law, 2017). Other clinics such as the University of Saskatchewan’s “CLASSIC” clinic provide services in a wide range of areas of law, including family, criminal, and civil matters (University of Saskatchewan College

of Law, 2017). Despite these differences, certain common features exist: experiential learning for students; improving A2J; and serving marginalized communities (Buhler, 2013, p. 358).

The number of CLE programs in Canadian law schools is expected to grow in the coming years due to multiple pressures: competency requirements imposed by the Federation of Law Societies of Canada (FLSC); changes to the articling process in Ontario; increasing public awareness of the state of A2J in Canada; law students' desire for experiential education; and criticism of traditional classroom-based learning methods and a focus on academic rather than applied content in legal education (Buhler, 2013, pp. 357–358).

Because CLE is intended to serve a wide range of learning objectives, educators alternatively cite goals of teaching practical lawyering skills, engagement with substantive law, developing experience at handling ethical issues in legal practice, and teaching students about social justice (Buhler, 2013, pp. 358–359; Meghdadi & Nasab, 2011, p. 3015; Vasanthi, 2012, p. 443; Voyvodic & Medcalf, 2004, pp. 102–103). Sensitizing students to social justice is mentioned particularly frequently. Others specifically identify responding to unmet legal need and addressing a growing access to justice crisis as important motivations and benefits of CLE (Greenwald, 2007, p. 569; McFadzean, 2013, p. 415; Meghdadi & Nasab, 2011, p. 3015; Voyvodic & Medcalf, 2004, p. 103). Another more indirect A2J-related motivation and benefit of CLE that has been elucidated in the literature is encouraging law students to shed apolitical and analytically neutral discourses that sometimes dominate traditional legal education, in favour of more contextualized understandings of the reality of poverty, discrimination, and marginalization (Voyvodic & Medcalf, 2004, p. 106).

Academic writers who also work in CLE clinics have offered anecdotal accounts of benefits such as sensitizing students to the realities of low income clients' plights, the inadequacy of existing legal aid systems, and the nature of public interest lawyering (Greenwald, 2007, p. 569). In large part, what remains to be thoroughly examined in the academic literature is a systematic analysis of such impacts on students, and the connections between the work done by CLE students and the A2J gaps in their communities.

**1.4.3 The Law Centre.** The University of Victoria Faculty of Law (UVic Law) has three CLE programs: The Environmental Law Centre Clinic; the Business Law Clinic; and the Law Centre clinical program. The Law Centre provides legal services to individuals who qualify financially for Legal Aid, and who could not otherwise afford legal representation (The Law Centre, 2015). The services range from summary advice and provision of legal information, up to full legal representation in BC Provincial Court and certain uncontested matters before the BC Supreme Court.

UVic Law students who have obtained temporary articles from LSBC provide those legal services under the supervision of practicing lawyers, and in cooperation with a registered social worker, a clinic administrator, full articulated students, and other professionals who are employed at the Law Centre. The Law Centre has three practicing lawyers on staff, and supplements its lawyer coverage by employing a rotation of private bar lawyers from the Victoria legal community. Those private bar lawyers, who may work at the Law Centre anywhere between

several times a week to roughly once a month, practice in a variety of areas of law, with many being either criminal lawyers or family lawyers.

The Law Centre is unique in the sense that it employs a full-time registered social worker. The social worker's role is very broad, and is central to the Law Centre's operation. From providing moral support, referrals to other community agencies, and information on resources to support a client's non-legal needs, straight through to teaching anger management classes to criminally charged clients facing impending sentencing hearings, the registered social worker ensures that clients receive the holistic support they need while grappling with their legal concerns.

Each academic term, approximately 14 upper year law students (2L and 3L) are admitted to the Law Centre Clinical Program through a lottery process. The only prerequisite course for admittance into the program is the law of evidence. Accordingly, beyond that one course and the 1L core curriculum, there are no specific requirements for previous work or academic experience in the practice areas that are core to the clinical program. That being the case, a great deal of what Law Centre students learn about clinical practice is obtained through a one-month on-campus orientation course, fondly referred to as "boot camp". That orientation has students running numerous mock trials, engaging in client interviewing skills, and learning from various social agencies and guest speakers on topics such as the intersection between mental health and the law, all before they step foot into the actual Law Centre clinic.

Law Centre students provide legal services in a broad range of legal domains, including but not limited to criminal proceedings, family law, human rights complaints, civil disputes, employment insurance and assistance, and tenancy disputes (The Law Centre, 2015). As is elaborated in more detail below under the heading, "2.2 Data Reported by the Law Centre to the Law Foundation", the Law Centre helped clients with a total of 2,434 files between April 1, 2016 and March 31, 2017. During that period, the largest number of files were criminal in nature, but the clinic delivered services across a broad range of practice areas. The Law Centre also offers public legal education services and referrals to other local resources (The Law Centre, 2015).

## **1.5 Organization of Report**

This report is broken down into seven sections. Following this introduction, section two provides an overview of the extant Canadian, American, and international literature on the A2J impacts of CLE, as well as data that the Law Centre already regularly produces on its outputs. Section three presents the research questions and hypotheses that guided this research, while section four gives a detailed overview of the methodology and methods that were applied to assess those research questions and hypotheses. Next, section five presents the findings from both the quantitative and qualitative branches of this research, while section six analyzes those findings and compares them to the research question, and to the literature discussed in section two. Finally, section seven proposes numerous recommendations stemming from the research findings and analysis, and section eight offers a conclusion on the significance and limitations of this research project.

## 2.0 Literature Review

### 2.1 Previous Research on A2J Impacts of CLE

The literature presented below was obtained by conducting online searches of all of the University of Victoria Library's online and hard copy resources, including: academic journal databases; e-books; master's theses and doctoral dissertations; and hard copy books. Boolean searches were run using terms such as: "clinical legal education"; "law student clinic"; "law school clinic"; "access to justice"; and "social justice".

**2.1.1 Canadian research.** In 2012, two researchers from the University of Saskatchewan College of Law undertook a study on the impacts of law school generally, and CLE specifically, on law students (Anderson, 2013). The primary purpose of their research was to develop a picture of how CLE impacts students' "professional identity development" (p. 429). The authors reported that at that time, no similar research had been carried out in Canada (p. 429). The literature review conducted for this project has confirmed that still seems to be the case.

The authors used a two-staged research approach, which involved questionnaires with Likert scale and open-ended questions, and then semi-structured interviews with prior students of the University of Saskatchewan College of Law's Community Legal Assistant Services for Saskatoon Inner City (CLASSIC) CLE program (p. 429). The questionnaires covered participants' prior law school experience, CLE experience, and current practice experience as lawyers (p. 429). The sample size was 58 participants, and the researchers acknowledged that this small sample size would mean that results could not be generalized to CLE programs outside of the University of Saskatchewan (p. 430).

Anderson and Buhler's research covered a broad range of topics, including: participants' motivations for enrolling in law school and CLE; future participation in *pro bono* practice; the relative impacts of CLE and law school in general in sensitizing students to social justice; and exposure through CLE to systemic issues such as the needs of low-income clients (pp. 443-448). The overall conclusion was that CLE differed positively from the other, more traditional aspects of respondents' experiences as law students (p. 442).

While their research did not have an explicit focus on A2J, it did cover several related topics. For instance, Anderson and Buhler reported that 90% of respondents agreed that CLE emphasized the connection between legal practice and social justice, whereas only 47% drew a link between traditional legal education and social justice (p. 433). Their research also reported that 68% of participants identified using their professional skills and knowledge to serve low-income clients as a motivation for enrolling in CLE (p. 438). The questionnaire also asked a Likert scale-style question on whether CLE made respondents more concerned about A2J, to which 89% responded in the affirmative (p. 447).

Although not explicitly focused on A2J, Anderson and Buhler's research provides a vital and broad-ranging survey of the types of impacts CLE has on students, in comparison to traditional legal education. It is important to note that this research collected all of its data from participants

*after* their CLE experience, rather than employing a pre- and post-test methodology. This limits the extent to which changes can be tracked from the beginning to the end of a participant's CLE experience.

**2.1.2 American research.** Erlanger, Epp, Cahill, and Haines wrote in 1996 about changes that occur in law students' idealism and intentions to work in non-traditional public interest law careers, throughout the course of their legal studies. In data from a Wisconsin-based sample those authors noted that: (1) expressions of interest in non-traditional public interest careers paths prior to starting law school were associated with higher rates of participation in socially-oriented law school programs, such as CLE; and (2) students who took part in such programs were more likely to ultimately take their first legal job in a non-traditional area (p. 861). That data was presented in the context of an argument that support from a subculture of people committed to non-traditional or public interest lawyering is important to the maintenance of those attitudes throughout law school. That data relates to the present research in the sense that public interest lawyering could be conceived of as a method of improving A2J.

**2.1.3 International research.** Ojukwu, Lagi, and Erugo published a report in 2013, detailing an impact assessment of CLE in Nigeria. The report canvassed five "dimensions of change" associated with eight CLE clinics in that nation: (1) understanding among university decision makers; (2) attitude and capacity of legal educators with regard to CLE; (3) clinical law students' professional skills, values, and degree of commitment to social justice; (4) changes for communities that are underserved in terms of accessing justice; and (5) stakeholders' understandings of the role of CLE in addressing A2J. The third and fourth dimensions of change are particularly relevant to the scope of the research presented in this report.

To conduct their impact assessment, those authors employed a number of methods: (1) questionnaires for clinical legal educators, past and present clinical students, and stakeholders; (2) focus groups with clinical legal educators and clinical students; (3) bulk text messaging and telephone calls with past clinical students and their current employers; (4) interviews with clients and their relatives; and (5) analysis of clinical records and key policy documents (p. 15). The authors identify their report as the first rigorous study of its kind into any legal education reform or intervention program in Nigeria (p. 7).

With regard to changes in clinical law students' values and commitment to social justice, 80% of student respondents indicated that their CLE experiences had led to radical and eye-opening changes with regard to social justice and community service (p. 33). Furthermore, 40% of past students surveyed indicated that they were now giving back to the CLE clinics they had studied at, either as legal aid practitioners, or by helping with training new clinical students (p. 34). In addition to aggregate level statistics, the report presents *verbatim* excerpts from some students' responses. For example, one CLE student reported:

"...the experience has changed my perspective of law generally. I can render *pro bono* services for indigent members of our society when I become a lawyer. My experience in visiting the prison and doing street law has spurred my interest in the area of social justice" (p. 33).

With regard to the fourth dimension of change, which has to do with impacts on communities that are legally underserved, the report presented statistics on the numbers of various types of files that students worked on, a bulleted list of certain notable victories, as well as excerpts from the responses of past clients and their relatives (pp. 40-45). Those stories disclosed a theme of gratitude for free services and positive outcomes.

Overall, the report provides a very engaging combination of high-level results on outputs and outcomes, and more personalized and granular data on specific outcomes for individual students and clients. It is clear that the clinics have a positive impact on underserved communities' ability to access justice, and on students' understanding and commitment to social justice.

The most notable limitation of the Ojukwu report is that its data was not collected with a pre- and post-test design, limiting the ability to discern what attitudes and understandings were static, and which changed as a result of respondents' participation in CLE. However, insights into changes that occurred throughout the course of respondents' participation in the CLE programs were gathered through respondents' self-reported accounts, such as in the excerpt quoted above.

A 2015 qualitative study by Oluyemisi Bamgbose also reviewed the role of CLE in improving A2J in Nigeria, particularly for women. As of the date of publication of that article, there were 18 publicly-funded CLE programs at Nigerian universities, that aim to further A2J by responding to the inadequacy of other governmental legal aid programs, and to instill in law students a commitment to public interest lawyering (pp. 380 & 389).

Bamgbose randomly selected client files from the Women's Law Clinic (WLC) CLE program at the University of Ibadan (pp. 389-395), and reviewed the basis for their referral to the WLC, the actions taken by the clinic, the outcome, and any other notable features of the cases. Results were presented in an anecdotal narrative form, and the discussion was primarily descriptive rather than invoking any causal or other explanatory devices.

Professor Bamgbose concluded that by providing culturally appropriate legal services to a group that traditionally has great difficulty in interacting with the justice system in Nigeria, the WLC serves to increase A2J for those that it serves (p. 395-396). That conclusion was based upon findings that the WLC promotes provision of *pro bono* services by lawyers in the community, and collaborates with government and other non-profit organizations (p. 394). The report did not articulate conclusions on the impact on law students' commitment to public interest lawyering.

Meghdadi and Nasab published an article in 2011 about the role of CLE in human rights education in India. Rather than collecting data on the outcomes from practice in any particular CLE clinic(s), the authors summarize their meta-analysis of literature on CLE, as well as some anecdotal observations about the nature of the participants and the work conducted in such clinics to reach their conclusion: CLE clinics are an effective method of increasing education about human rights in the community (p. 3017).

A 2007 note in the Harvard Law Review, with no reported author, wrote about the introduction and expansion of the CLE model in China ("Adopting and Adapting: Clinical Legal Education and Access to Justice in China," 2007). The author deals with the challenging process of

“localizing” an A2J-focused American CLE model to the political, social, and juridical context of China, where the Communist Party exercises a degree of control over the judiciary, making the case-by-case model of improving A2J less effective (pp. 2135, 2140–2148).

The author explains how three main models of CLE have been innovated to fit the realities of A2J in China: (1) a litigation approach which supplements case-by-case work with media campaigns to raise public awareness about human rights issues; (2) a legislative approach wherein CLE students work to draft and propose legislation that would ameliorate conditions for socially disadvantaged populations; and (3) a comprehensive approach wherein CLE students, primarily in rural areas, work on broader issues such as implementation of the rule of law (pp. 2148-2154).

The note is designed to provide an overview of the history and current state of CLE in China, including descriptions of innovative models designed to tailor CLE to the realities of China. In providing those descriptions, the note proposes assumptions about the A2J effects on clients and students. For example, the author writes that the legislative approach “is likely to leave deep impressions on students, laying the foundation for a potential long-term commitment to the access-to-justice issues with which they have struggled.” While the note provides a very interesting account of CLE in China, it does not involve any direct measurement and analysis of the A2J outputs or outcomes of the programs it describes, thus limiting its capacity to draw true conclusions on their effectiveness.

## **2.2 Data Reported by the Law Centre to the Law Foundation**

As a condition of continued receipt of funding, the Law Centre sends periodic reports on its operation to the Law Foundation of British Columbia. Table 1, below, presents data provided to the LFBC by the Law Centre for the period of April 1, 2016 to March 31, 2017. As can be seen below, the Law Centre reports on the number of files it opens for various kinds of legal matters, but does not include data on the tools used to resolve those files, nor on their outcomes.

Case Code	Type of Law	New Files	Summary Advice Files	Total # of Files
4	Contract/Consumer	3	7	10
5	Criminal	254	37	291
8	Debt	43	15	58
14	Employment	36	35	71
9/60/70	Family	74	46	120
15	Housing (includes Residential Tenancy/Co-op)	89	54	143
31	Human Rights - Complainant	47	18	65
32	Human Rights - Respondent	23	3	26
12	Immigration/Refugee		4	4
10/20/26	Income Security (CPP, EI, WCB, Welfare, Disability)	29	25	54
25	Wills/Estates	39	12	51
17	Other (includes Aboriginal/Motor Vehicles/ICBC/ Police Complaints/Personal Injury/)	145	121	266
7	Social Work	128	59	187
1	Small Claims (Provincial and Supreme Court)	49	31	80
SUB TOTAL		959	467	1426
Total number of clients assisted via telephone or drop in				1008
TOTAL				2434

*Table 1.* Law Centre Clinical Program annual statistical report for April 1, 2016 to March 31, 2017. This table contains statistical data reported to The Law Foundation of British Columbia by the Law Centre, with regard to the number of files handled by the Law Centre between April 1, 2016 and March 31, 2017.

### 2.3 Summary of the Gaps to be Addressed by This Research

Gaps remains in the literature with regard to the A2J-related outputs and outcomes that Canadian CLE programs deliver for their clients and clinical students. As noted above under the heading, “1.3 Rationale”, the A2J outcomes of Canadian CLE programs are not publicly reported (UVic ACE, 2016, p. 8), and there exists a paucity of qualitative data on the functioning of the justice

system (UVic ACE, 2016, p. 9). For example, the purely quantitative data reported by the Law Centre does not define the tools used to resolve client files, nor the outcomes of those files.

At this point, relatively little academic research has been published to fill in those gaps in knowledge in Canada. It appears that Anderson and Buhler's work is the only Canadian study of its kind that has been published to date on the A2J-related impacts of CLE. Their research provides crucial insights into how CLE can impact students' sensitization to social justice, provide exposure to the plights of their clients, and influence their future participation in *pro bono* practice.

However, three major questions remain unanswered by Anderson and Buhler's exclusively post-test and student-focused research: (1) how, if at all, do students' awareness and commitment to A2J change from the beginning to the end of a CLE term, and to what experiences do students attribute any such changes? (2) what specific services do CLE clinics employ to improve clients' access to justice? and (3) what outcomes can be traced back to those services?

Some international research has made strides in bridging the gap in knowledge regarding the A2J impacts of CLE programs. For example, the Ojukwu report on the impact assessment of eight CLE programs in Nigeria provides both a model for mixed methods research on A2J and CLE, and presents a combination of individual-level qualitative data and aggregate level quantitative data on A2J outputs and outcomes. The primary gaps in knowledge that remain in the face of this research are: (1) whether the same A2J outcomes exist in Canadian CLE programs; and (2) what additional data can be gathered by employing a pre-test post-test design.

The other international literature discussed above presents either anecdotal accounts of the impacts of selected CLE programs on students and clients, or draws common sense or logical conclusions about those impacts. Those studies provide helpful snapshots of how CLE programs function in certain geographic areas. However, that literature does not present a model for systematic and replicable social science methods for analyzing the impacts of CLE on students and clients.

### **3.0 Research Question and Hypotheses**

#### **3.1 Research Question**

1. In what ways does the UVic Law Centre clinical program impact access to justice?
  - a. What impact, if any, does the UVic Law Centre clinical program have on its clients' ability to access legal or non-legal information, resources, services or processes (formal or informal) that contribute to the mitigation or resolution of disputes and other issues?
  - b. What impact, if any, does the UVic Law Centre clinical program have on awareness and commitment to access to justice among participating law students?

#### **3.2 Hypotheses**

1. The types of activities carried out by Law Centre students, when working on client files, correspond to gaps in access to justice.
2. Participation in the Law Centre CLE program will positively impact students' understanding of, and commitment to access to justice as a part of legal practice.

## 4.0 Methodology and Methods

### 4.1 Methodology

This research employs a case study methodology to explore the A2J impacts of CLE, by examining the Spring 2017 student cohort of the Law Centre CLE program as a case of all Law Centre cohorts, which together represent a portion of the picture of CLE and A2J in Canada. The case was selected based on accessibility, as the researcher had already enrolled as a student in that cohort, prior to developing this research project.

This research is classified as an instrumental case study, rather than an intrinsic or collective case study, because it involves the study of a single case, with the goal of enhancing the understanding of a broader theoretical question taking precedent over explaining the particularities of the selected case (Berg & Lune, 2012, p. 335). Specifically, understanding the unique qualities of the Spring 2017 cohort of Law Centre students takes a back seat to exploring the broader question of how CLE programs in general impact A2J. Exploring the case of that particular cohort is a means to the end of better understanding the larger issue.

Simply defined, case studies may be seen as “a detailed examination of one setting, or a single subject, a single depository of documents, or one particular event” (Bogdan & Biklen, 2003, p. 54). By focusing resources on a single case, this methodology can allow for collection of richer and more nuanced information about the subject (Berg & Lune, 2012, pp. 326 – 327). However, as a non-random sample of a broader class, studying a single convenience-sampled case does not allow for generalization in the sense of universal applicability of findings (Flyvbjerg, 2006, p. 230).

Nonetheless, the goal of this research is not to make generalized findings about all CLE programs in Canada. Instead, the joint goals of this research are: (1) to understand the A2J impacts of the Law Centre specifically; (2) to develop a working hypothesis of how or if CLE impacts A2J for clients, and affects understanding and commitment to A2J among clinical students; (3) to self-assess the effectiveness of the methods applied in this study for the purposes of measuring A2J impacts of CLE; and (4) to develop recommendations for how the A2J impacts of CLE may be most effectively measured on a broader scale in the future.

Happily, the case study method is quite well suited to developing a working hypothesis, which is suitable for the goals iterated above. Rather than being a definitive statement of a scientific finding that is applicable to all other cases of the same category, a working hypothesis is a tentative statement that may be transferred to cases that are sufficiently congruent with the case from which the hypothesis was derived (Lincoln & Guba, 2011, pp. 13 – 15). Additionally, as with other hypotheses, a working hypothesis may serve as a theoretical starting point for future research.

Putting together all of the above, the case study methodology applied in this research allows for: (1) developing a rich and nuanced understanding of the interactions between CLE and A2J in the case of the spring 2017 cohort of the Law Centre; (2) transferability of the resulting working hypothesis to other Law Centre cohorts, which due to similar recent professional education and

the same orientation training, are presumed to be quite congruent; (3) development of a working hypothesis about how CLE affects A2J in cases that are similar to the selected Law Centre cohort; and (4) the basis for a theoretical framework that could be applied to assess the relationship between CLE and A2J in future research.

## 4.2 Methods

This research employed a mixed methods research (MMR) approach, which is a tactic that utilizes a combination of quantitative and qualitative methods to address one research question (Hewson, 2006). Inherent in MMR are certain epistemological conflicts, as quantitative approaches tend to be more realist, whereas qualitative methods often take a more interpretive or phenomenological approach (Yardley & Bishop, 2015, p. 1). Despite these conflicts, MMR offers a number of significant benefits, such as allowing one approach to compensate for weaknesses in the other, to gather a more holistic picture of the subject of inquiry, and to corroborate findings through triangulation (Almalki, 2016, p. 291).

In this research, both quantitative and qualitative methods seemed necessary, for a number of reasons: (1) a qualitative approach seemed most effective for gathering thick descriptions of participants' experiences; (2) since client interviews were not within the scope of this project, collection of anonymized quantitative data seemed to be the most appropriate method of gathering a large amount of information about the A2J outputs at the Law Centre; and (3) the MMR approach would allow for triangulation and cross-validation of data where both methods touch on the same subject (Hewson, 2006). With relation to the last point, an example of triangulation would be if the qualitative data includes students' perception of the type of assistance they provided most often, as that perception could be cross-referenced to quantitative statistics on that same subject.

Generally, the purpose of the quantitative data collection is to identify the ways in which the Law Centre's services impact its clients' access to legal or non-legal information, resources, services or formal and informal processes. That goal aligns with the definition of access to justice outlined below under the "Operationalization" sub-heading. Furthermore, that data is intended to correspond to gaps in existing data identified at the ACE colloquium, and through a review of the existing Law Centre reporting data, both of which are addressed in the Literature Review portion of this report.

In contrast, qualitative methods were used to gather information on the ways in which the UVic Law Centre clinical program impacts awareness and commitment to access to justice among participating law students. The qualitative aspect of this research is of particular value, as it allows insight into the meaning that participants assign to justice-related experiences, and the ways in which those experiences may impact their future engagement with the law and justice (Leitch, 2013, p. 234).

Quantitative data was gathered through file reporting forms filled out by participants for each of the files that they worked on throughout the term. Qualitative data was gathered through a combination of pre- and post-term questionnaires, as well as through a focus group.

**4.2.1 Recruitment, consent, and attrition.** Participants were recruited in the first week of the on-campus classroom-based orientation course for Law Centre. The researcher addressed the entire cohort, and read the recruitment script attached to this report as Appendix A. Consent forms, in the format contained in Appendix B, were distributed to participants in the classroom that day, and more were made available by email, upon request. Ultimately, 11 of the 13 CLE students in the cohort (14 including the researcher) signed up as participants. The researcher did not act as a participant in the research in the sense of filling out questionnaires or file reporting forms.

An ongoing consent model was used for this research, since participant involvement endured for roughly four months. Participants were asked to indicate their ongoing consent by signing additional lines on the consent form, at various times throughout the term. Additional consent was required and was obtained for participants who elected to be involved in the focus group, as described below.

Attrition in the group of participants was minimal. One participant withdrew from the study before submitting the post-term questionnaire or any file reporting forms, both of which are described below. One other participant did not submit a post-term questionnaire response.

**4.2.2 Questionnaires.** This research employed a one-group pre-test and post-test method to gather quantitative data on Law Centre students' experiences with CLE, their perceptions of A2J, and their views on the relationship between A2J and CLE. Surveys were chosen over interviews due to time limitations imposed by the researcher's schedule as a temporary articulated student at the Law Centre, and the timeline for completion of this project. While questionnaires do not allow for the possibility of asking probing questions to expand upon respondents' answers, the open-ended format of the questions used in the questionnaires should elicit deeper responses than simple yes/no, multiple choice, or Likert scale questions.

Students rather than clients were chosen as the sample population for this portion of the research for two primary reasons: (1) interviewing clients involves more complicated ethical considerations than could be appropriately managed within the limited timeframe for this project; and (2) it is valuable to understand ways in which sensitivity and commitment to A2J may be enhanced in future practitioners in the justice system.

The questionnaire in Appendix C was distributed to all 11 participants during the first week of the term, and completed responses were returned before participants began clinical work following the one-month on-campus orientation course. That timing ensured that participants' responses would not yet be influenced by the experience of working as a clinical student at the Law Centre. However, that timing does not control for any influence that may have existed from the one month on-campus orientation course that preceded the actual clinical work.

The second questionnaire, included as Appendix D to this report, was distributed approximately two weeks before the end of the clinical term. Most responses were received before the end of the term, while a handful of participants elected to return their responses a few weeks later, due to not having sufficient time to complete the questionnaire during or immediately after the term.

As can be noted in Appendices C and D, the questions on the pre-term and post-term questionnaires were often similar. The questions are posed in an open-ended format to ensure that no hypothesized responses are pre-supposed or suggested by the wording of the questions. The content and structure of the survey questions is informed largely by the research questions posed in section 4.1 above, as well as previous research on student impacts of other clinical legal education programs (Anderson, 2013).

The pre-test and post-test design was employed with the intention of gathering insights into any changes in participants' perceptions of A2J and its relationship to CLE that occurred during the course of their clinical term. Despite the utility of this type of design for gathering such data, it is necessary to recognize its limitations as a quasi-experimental method. While participation in the clinical term was a variable that changed between the pre-term and post-term questionnaires, this method does not control for other variables, such as other experiences in participants' lives that occurred externally to the Law Centre during that same period.

It is inherent to one-group pre-test post-test designs that certain threats to internal validity, such as maturation, history, and the influence of testing itself, could be at least partly responsible for any observed difference between the pre-test and post-test data (Bell, 2010). Accordingly, the data gathered from this portion of the research is helpful for starting to develop theories and working hypotheses, but it cannot be relied up to deliver conclusive and infallible laws, rules, or empirical conclusions of a causative nature.

Participants had the option to return questionnaire responses via email or in person. As may be noted in Appendices C and D, the questionnaire forms did not ask for the participants' names, or any unique identifier. This was done in order to protect participants' confidentiality and anonymity to a certain degree. However, it also means that it is not possible to track changes in perceptions that occurred for individual participants over the course of the clinical term. Instead, aggregate level pre- and post-term data were compared.

**4.2.3 File reporting forms.** As outlined above in the Literature Review section, the Law Centre reports to its funders on the basic types of assistance and representation provided to clients. For instance, such a report may indicate the number of clients helped with criminal, civil, or family law files in a given period, but not the outcome of the file or the specific type of service provided. The quantitative portion of this research aims to provide richer and more granular data on the nature of services provided to Law Centre clients, as well as the resolution or status of each file at the end of the research period.

For each 4-month semester, the Law Centre enrolls 14 students in the clinical program, and each student has conduct of approximately 40 active files over the course of the term. Each participant was asked to fill out one file reporting form per file, in the format indicated in Appendix G to this report. Each form corresponds to only one file, and each file has only one form, even if the file contains issues that fall under numerous subject matter categories.

With 11 participants, the method was expected to gather data on roughly 440 files. However, each student's file load varied, so the 40 file estimate may not be completely accurate for all students. Additionally, there was some amount of attrition in the sense that at least one

participant dropped out of the study before completing or returning any forms, and some participants reported that they forgot to report one or two files on occasion. Ultimately, data was gathered for 249 files.

The form in Appendix G is designed to capture anonymized data about the nature of each Law Centre clinic file, the nature of the services provided, and any available data about the outcome of the file, either at the time when it is closed, or at the time that a transfer memo is written at the end of the term. The list of file subject matters from which students completing the form were to select was copied directly, formatting and all, from a file closure sheet that all clinical students are required to complete at the time that a file is closed at the Law Centre. The goals in using that format were: (1) to ensure that participants would be very familiar with how to fill that portion of the form out; (2) to make filling out the form as little work as possible, since it would be possible to simply copy the closing form; and (3) to rely on the subject matter expertise of the Law Centre staff who prepared that form, to ensure that all common file subject matters were represented.

The list of file resolution pathways on the form was developed as a result of pre-term discussions with the Law Centre's director about the general types of services that students typically tend to provide. The intent in recording file resolution pathway was to gather data that would bridge the gap identified in the Literature Review section above, wherein data has previously been collected on the types of files handled by the Law Centre, but not on the specific services delivered per type of file. The goal was that such data would enhance knowledge about the A2J impacts of CLE by exploring the actual services and types of assistance provided.

The concise list of file outcomes on the form was added with the goal of gathering any available data about the actual results of files handled by Law Centre students. "Other" categories were included, so that students could explain atypical outcomes. The outcomes section is divided into two columns, with the left column intended to capture data about Law Centre-assisted outcomes, with the right column gathering data about outcomes in cases where the Law Centre could not resolve the file. The goal of the right hand column data was to understand where gaps remain, in terms of areas of law where the Law Centre alone is not the answer.

**4.2.4 Focus group.** A focus group was conducted after the post-term questionnaires were distributed, because focus groups are known to be an efficient way to collect information from multiple participants at one time, by having a moderator facilitate a dialogue between a small group of participants, on a topic chosen by the researcher (Berg & Lune, 2012, p. 164; Morgan, 2006, p. 122). As can be noted in Appendix F, many of the focus group prompts were similar to the questions posed on the pre- and post-term questionnaires. This was done in order to overcome some of the limitations of questionnaires, with regard to not being able to probe for further elaboration as one can in an interview.

The focus group interview guide was designed and employed in a semi-structured format, rather than as a completely fixed and inflexible agenda. That being the case, focus group members were free to naturally explore tangential thoughts together or to pose questions to one another. The semi-structured approach is designed to ensure that crucial questions and topics are

discussed, while allowing for flexibility and deeper exploration of the views brought to the surface by participants (Berg & Lune, 2012, pp. 112–116).

Focus group participants were recruited by way of an email sent to all research participants approximately 3 weeks prior to the end of the clinical term. Focus group participants volunteered of their own accord and were then required to read and complete the additional consent form and confidentiality agreement attached as Appendix F to this report. Five participants in the broader project volunteered to take part in the focus group session. That group size was ideal, as academic research on focus groups indicates that no focus group cohort should be larger than 8 participants, because smaller groups tend to allow for more natural conversation and more effective facilitation by the moderator (Berg & Lune, 2012, p. 165).

The focus group session was conducted in a classroom on the University of Victoria campus, and had a duration of approximately 1.5 hours. Audio of the session was recorded using an iPhone 7, and was later manually transcribed into an Excel spreadsheet by the researcher.

### **4.3 Data Analysis**

**4.3.1 Operationalization.** For the purposes of preliminary data analysis, the term “access to justice” or “A2J” will be defined as it was in section 2.1 above:

“A2J may be seen as describing the extent to which an individual or a group is empowered to shape the social and legal environment within which their disputes take place and, in turn, to successfully navigate that environment”

That definition is not expected to be rigid or final in the analysis of results from this research. Instead, it is the intention that various other definitions of the term may emerge from the qualitative data gathered through the questionnaires and the focus group.

**4.3.2 Qualitative analysis of questionnaire responses and focus group transcript.** The qualitative data from the questionnaire responses and the focus group transcript was analyzed using the technique of thematic analysis (TA). Bearing some similarities to the methodology of grounded theory, TA is an inductive method that allows the researcher to identify, analyze, and interpret patterns arising from raw data, rather than imposing a pre-conceived theory onto the data (Clarke & Braun, 2017, p. 297).

Despite their similarities, TA differs from grounded theory in that the former is primarily a method of data reduction used to distil themes from a large mass of data, whereas the latter goes further to complicate and enrich the data to build more complex theories (“Thematic Coding and Analysis,” 2008). Since this research was designed to fill in gaps in knowledge rather than to test or build a complex academic theory, TA seemed to be a very appropriate method.

While no strict theory is imposed on the data, the TA process typically begins with a rough list of themes or codes which the researcher anticipates finding within the data (“Thematic Coding and Analysis,” 2008). TA is an iterative process wherein the researcher passes over the data multiple

times, first labelling units of data with the preliminary codes and themes, then refining the themes and relabelling data on subsequent passes (Clarke & Braun, 2017, p. 297).

In applying TA to the qualitative data in this research, the researcher organized the questionnaire responses and each utterance from the focus group transcript into Excel spreadsheets. The researcher then took successive passes over the spreadsheets, labelling each utterance with preliminary codes and themes, then passing over again multiple times to refine and modify themes, and then relabel. Rudimentary models of themes and codes from each group of data were generated through the TA process, and are included in the findings section below.

Once lists of themes were determined for each set of data, the themes were compiled into an overarching framework that bridged all sets of data together. The framework was reworked until each theme from each phase of data would fit into it, in a logical and coherent manner. Thematic charts were then created, which organized each utterance from each phase, according to the themes under which they fit. Each utterance was identified as to the part of the study in which it originated, such as pre- or post-term questionnaire, or focus group. This allowed the researcher to identify the types of responses that fit under each theme for each step in the research process, and to note any changes in the themes that occurred across the span of the study.

**4.3.3 Quantitative analysis of file reporting form data.** Data gathered from the forms attached as Appendix G have been reported and analyzed at the level of descriptive statistics, which is the realm of statistical analysis that includes percentages, means, ratios, rates, tables, charts, and graphs. The use of inferential statistics would not be appropriate in the context of this research because, among other reasons, the participants were recruited as a convenience sample, rather than through random sampling (Healey & Prus, 2016, p. 145).

The results from the file reporting forms were collated into a master Excel spreadsheet by using a custom-built Microsoft Access database. The data in the master table was reorganized into various tables and charts which appear throughout this report. The resulting descriptive statistics displayed in the form of raw numbers, percentages, tables, and charts permit for development of theories about the relationship between CLE and A2J, and for building working hypotheses to be tested in future research on other CLE programs.

#### **4.4 Limitations**

The following limitations of this research are addressed for multiple reasons: (1) to accurately state what conclusions can and cannot be drawn from this research; (2) to provide context for choices that were made about research design; and (3) to identify avenues for future research. Some of these limitations have already been addressed in more detail in the sections above.

First, the compressed time frame of this research did not make client interviews practical, so ethical approval to do so was not sought or obtained. Accordingly, the only data about client experiences and outcomes is in the form of qualitative data on clinical students' impressions, as well as quantitative data on the actual legal work done for clients. Gathering first-hand accounts from clients would be an excellent avenue for future research on the topic of the A2J impacts of CLE.

Next, as discussed above, the nature of this research does not allow for generalizability in the scientific sense of the word. Since the sample is small and not randomly selected, and because the research design is not truly experimental, it is not possible to definitely generalize to all cohorts of Law Centre students, or to all CLE programs in Canada. However, as is also discussed above, this case study research does allow for the creation of working hypotheses which can be transferred to other contexts that are sufficiently similar to this Law Centre cohort, and which can be used as a starting point for future social science research on this topic.

Finally, the length of the research period also limits the conclusions that may be drawn. The researcher elected to follow one cohort of Law Centre students for the four-month period that the researcher would be enrolled in that CLE program with them. Since the study does not follow the participants after that term, the researcher cannot collect data on whether, or how, any A2J-related impacts of the CLE program persist over time.

## 5.0 Findings

The sections below present the data gathered through the file reporting forms, the pre- and post-term questionnaires, and the focus group. Aside from provision of additional information on the processes through which data presented below was distilled, all commentary on the data will be reserved for the Discussion section.

### 5.1 Quantitative Data on Clinical Legal Practice at the Law Centre

The subsections that follow present the quantitative data derived from the file reporting forms returned for each file. The focus of the quantitative data is on the A2J-related outputs and outcomes of the Law Centre's services.

**5.1.1 Subject matters of client files.** The 11 participants involved in this study returned a total of 249 file reporting forms (N = 249), in the format provided in Appendix G. Each file had only one form, and each form corresponded to only one file. Throughout the term, some participants indicated to the researcher that they had missed filling out a file reporting form for a small number files, so there is an unknown yet presumably minimal amount of missing data.

In the tables below data is broken down according to the subject matter of each file. Some files were identified as having more than one subject matter. Accordingly, the total number of files identified in the tables below will be greater than 249, because the total line in the tables represents the total number of occurrences in which a file was recorded as possessing one of the characteristics listed in the table.

Table 2, below, sets out the number of files per file type. The file types in the left column correspond to the options that participants could select on the file reporting form.

File Type	Number of Files
Employment Insurance	1
Labour / Employer / Employee	6
Landlord & Tenant / Co-op Housing	24
Pensions - Private	2
Divorce	17
Enforce Child Support Order	2
Initial Child Support Order	2
Vary Inter-Jurisdictional Support	1
Vary PC Child Support Order	5
Vary PC Custody / Access Order	1
Vary PC Spousal Support Order	6
Vary SC Child Support Order	3
Civil Disputes - Small Claims	29
Civil Disputes - Supreme Court	1
Civil Rights	3

File Type	Number of Files
Consumer	3
Criminal	74
Debtor / Creditor	25
Immigration	2
Income Tax	1
Miscellaneous	3
Motor Vehicles / ICBC	1
Prison Law	7
Real Estate	1
Victims of Crime / Criminal Compensation	4
Wills / Estates	8
Workers' Compensation	1
Human Rights	18
Other Subject Matter	29
<b>Total</b>	<b>280</b>

*Table 2.* Number of files per file type. This table indicates the subject matter for each reported file  
Note: Some files fell under more than one file type, so the “Total” line in this table differs from the 249 files reviewed for this research.

There was a space provided next to the check box for “Other Subject Matter” on the file reporting form, where participants could elaborate on the file’s subject matter. All but one form where “Other Subject Matter” was selected provided some description in that space. Descriptions included:

- obtaining birth certificate / adding parent to birth certificate;
- obtaining Indian status;
- parentage test;
- name change;
- passport application for child;
- Supreme Court appeal preparation;
- committee application;
- help obtaining ID;
- bankruptcy;
- criminal record suspension / fingerprint record destruction;
- retrieving seized property;
- long term disability application;
- complaint to regional health authority;
- power of attorney;
- insurance issue;
- municipal bylaw issue;
- contract review; and
- CRA fraud allegation.

For ease of comparison across groups, and to facilitate visual representation of the data in the figures to follow, the file types in Table 2 have been combined into broader practice area categories, and re-tabulated in Table 3, below.\*

<b>File Category</b>	<b>Number of Files</b>
Criminal	78
Family	37
Civil	81
Human Rights	18
Residential Tenancy	24
Other	42
<b>Total</b>	<b>280</b>

*Table 3.* Number of files per file category. This table shows the number of Law Centre files per broad category of file, divided by practice area. Note: Some files fell into more than one category, so the “Total” line in this table differs from the 249 files reviewed for this research.

Table 4, below, presents the data from Table 3 in the form of percentages of the actual number of files (N = 249) that fell under each of the categories from Table 3. Since the percentages are based on the actual number of Law Centre files, rather than the total from Table 3, the “Percentage of Files” column totals greater than 100%. This is because some files were reported to fall under more than one file category.

<b>File Category</b>	<b>Percentage of Files</b>
Criminal	31%
Family	15%
Civil	33%
Human Rights	7%
Residential Tenancy	10%
Other	17%

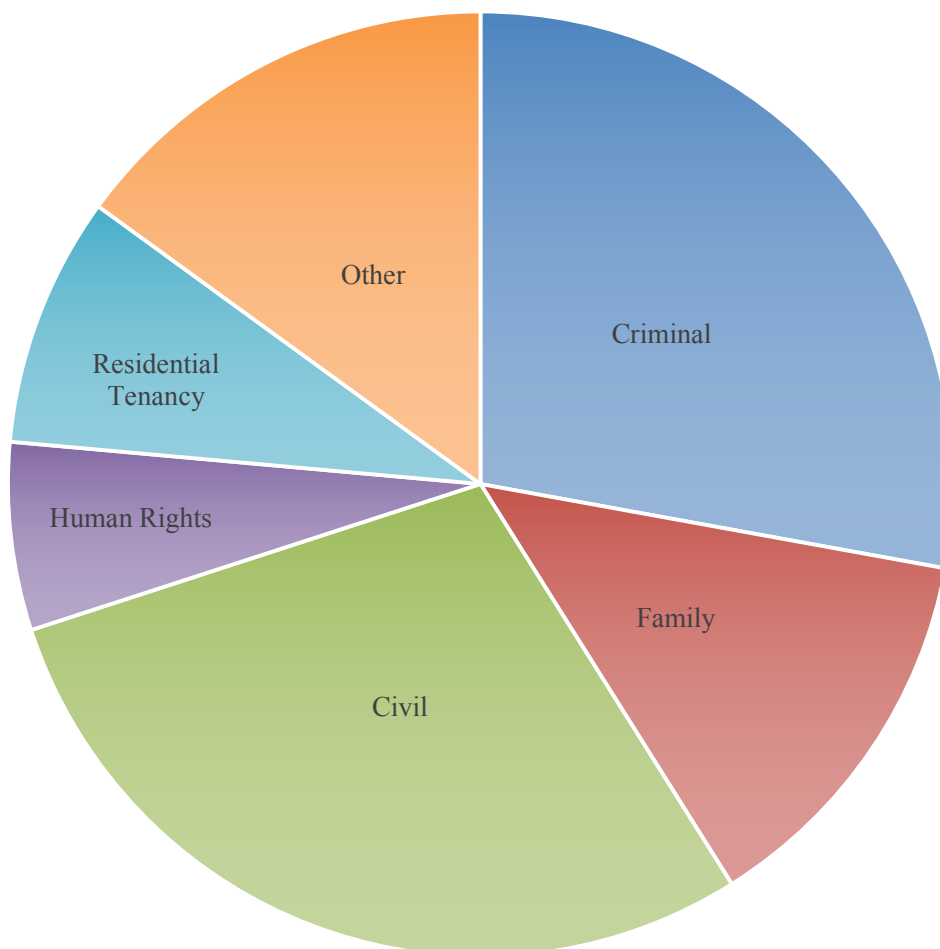
*Table 4.* Percentage of files per file category. Based on the data from Table 3, this table shows the percentage of the actual number of Law Centre files (N = 249) that fell into the various broad categories of files from Table 3.

Figure 1, below, provides a visual representation of the data from Table 3 and Table 4.

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\* The “Criminal” category in Table 3 includes the “Criminal” and “Victims of Crime/Criminal Compensation” categories from Table 2. The “Civil” category in Table 3 includes the following categories from Table 2: Employment Insurance; Labour/Employer/Employee; Pensions – Private; Civil Disputes – Small Claims; Civil Disputes – Supreme Court; Civil Rights; Consumer; Debtor/Creditor; Motor Vehicles/ICBC; Real Estate; Wills/Estates; and Workers Compensation. The “Other” category in Table 3 includes the following categories from Table 2: Immigration; Income Tax; Miscellaneous; Prison Law; and Other Subject Matter.

Number of Files per File Category



*Figure 1.* Number of files per file category. This chart, based on data from Table 3 and Table 4, provides a visual representation of the breakdown of Law Centre files between key practice area categories.

**5.1.2 File resolution pathways employed.** The categories under the “File Resolution Pathway” column in Table 5 below correspond to selections on the file reporting form, in Appendix G, relating to the tools and services used to resolve each file. The range of selections on the form was determined before the clinical term commenced, following a discussion with the Law Centre clinical director, who provided information to the researcher about the types of work clinical students typically do.

An “other” category was provided so that students could indicate if their actions expanded beyond the set choices provided. Next to the tick box for “other” on the form, students were provided with a space to specify the nature of the “other” file resolution pathway employed. Several of the pathways presented in the left-hand column of Table 5 were not presented as discrete choices on the file reporting form, but were responses that occurred with sufficient frequency in the space provided to specify “other” pathways employed, that the researcher decided that they merited their own row in the table. Accordingly, those responses do not form

part of the 17 files for which Table 5 indicates that “other file resolution pathway[s]” were employed, but are instead represented in the emergent categories such as “Research” and “Drafting and/or Filing Documents”.

<b>File Resolution Pathway</b>	<b>Number of Files</b>
Summary Advice	94
Representation in Provincial Court (Remand)	51
Representation in Provincial Court (other than remand)	28
Support / Preparation for Supreme Court	21
Representation Before Admin Tribunal	5
Referral to other agency / organization	24
Research	10
Help Filling Out Forms	68
Negotiation with Crown / Other Party	75
Writing Letters on Behalf of Clients	13
Drafting and/or Filing Documents	10
Other File Resolution Pathway	17
<b>Total</b>	<b>416</b>

*Table 5.* Number of files per file resolution pathway. This table shows the number of files in which various file resolution pathways were pursued.

The data provided by students for the nature of file resolution pathways employed for the remaining 17 files in the “Other File Resolution Pathway” category include:

- discussing client goals;
- referring a client to the private bar;
- helping to enlist community support before sentencing;
- complying with document disclosure requirements;
- obtaining and interpreting an insurance policy;
- consulting with client regarding debt and credit strategies;
- providing social work help; and
- helping a client to interact with a court cashier.

Table 6, below, uses the data from Table 5 to present the percentage of the actual number of Law Centre files reported upon (N = 249) in which each file resolution pathway was employed. The purpose of this data is to demonstrate how Law Centre students went about trying to assist their clients, as a function of the actual number of files that participants worked on.

Figure 2, below, visually represents the data from Table 5 and Table 6. The grey bars to the right of the pie graph visually demonstrate the relative proportions of files in which representation in provincial court was with regard to a criminal remand matter (i.e. first appearances, arraignment, and seeking adjournments), or other provincial court matters (i.e. family law matters, small claims matters, and non-remand criminal matters such as sentencing hearings, bail variations, and consent adjournments).

File Resolution Pathway	Percent of Files
Summary Advice	38%
Representation in Provincial Court (Remand)	20%
Representation in Provincial Court (other than remand)	11%
Support / Preparation for Supreme Court	8%
Representation Before Admin Tribunal	2%
Referral to other agency / organization	10%
Research	4%
Help Filling Out Forms	27%
Negotiation with Crown / Other Party	30%
Writing Letters on Behalf of Clients	5%
Drafting and/or Filing Documents	4%
Other File Resolution Pathway	7%

Table 6. Percentage of files per file resolution pathway. This table shows the percentage of the total number of files (N = 249) in which each file resolution pathway was employed.

Number of Files per File Resolution Pathway

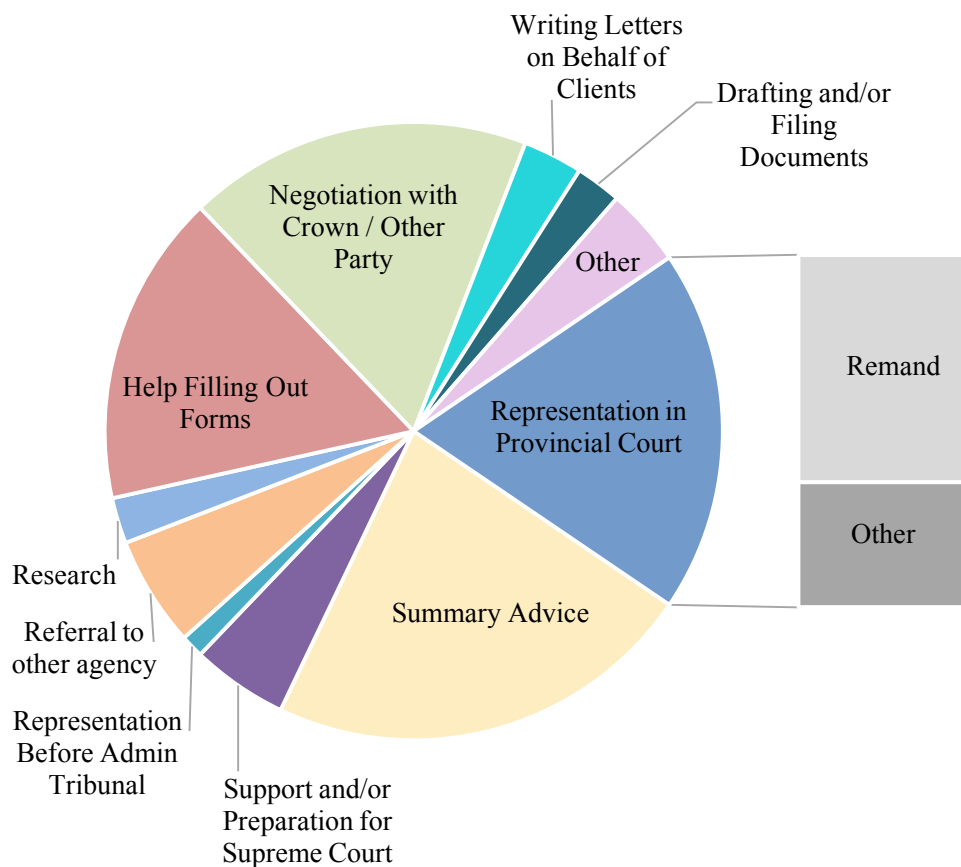


Figure 2. Number of files per file resolution pathway. This graph provides a visual depiction of the data from Table 5 and Table 6.

**5.1.3 Data on file outcomes.** The file reporting form contained a section with tick boxes, where participants were instructed to indicate the outcome of the file, either at the time that it was closed, or at the time that transfer memos were written for files that remained open at the end of the term. The purpose of that section was to go beyond measuring outputs, and gather information on the outcomes and impacts CLE on A2J for clients. Data from that section of the form is presented in Table 7, below.

The largest number of files fell under the category, “Issue Continuing/Ongoing”. The researcher had verbally instructed participants to tick this box if the file was being transferred at the end of the term, rather than closed. Out of a total of 249 file reporting forms that were returned by 10 participants, 145 indicated that the file was still ongoing or continuing.

File Outcome	Number of Files
Negotiated Outcome	25
Court Order	20
Referral	10
Summary Advice Only	6
Other Law Centre Resolution	11
File Closed, unresolved	32
File Closed, resolved	38
Issue Continuing / Ongoing	145
Unknown Outcome	27
Other Outcome	4

*Table 7.* File outcome data. This table presents data from the section of the file reporting form that asked clinical students to indicate the status of each file, either when the file was closed, or at the time that a transfer memo was written (for files remaining open at the end of the term).

Two of those 145 files were identified as both “file closed, unresolved” and “issue continuing/ongoing”. The researcher had intended that those options would be mutually exclusive, such that “file closed, unresolved” might be selected only where a client file had been closed before a resolution was reached, whereas “issue continuing/ongoing” might be selected only where the Law Centre file remained open, because the issue was unresolved.

For 17 files, participants selected the “File Closed, resolved” box, but did not select any other outcome, such as “Court Order”, “Referral”, “Summary Advice Only”, “Other Law Centre Resolution”, or “Other Outcome”. Accordingly, precise data on the nature of the outcome was not collected for 17 files that were closed as resolved during this term.

For two of the files where the “File Closed, unresolved” box was ticked, the “Issue Continuing / Ongoing” box was also selected. This demonstrates that the “Issue Continuing / Ongoing” category was not used exclusively as an identifier for files that remained open at the end of the term, and were thus transferred to future Law Centre students.

**5.1.4 File resolution pathways per category.** Table 8 below presents data on file resolution pathways employed, arranged by file subject matter. Based upon the data in Table 8, and data on the total number of files per category from Table 3, Table 9 below presents the

percentage of files within each subject matter category of files, in which each file resolution pathway was employed. That is to say that the 23% figure that appears at the intersection of the categories “Summary Advice” and “Criminal” indicates that summary advice was delivered to clients in 23% of the criminal files for which data was returned on the file reporting forms.

	Criminal	Family	Civil	Human Rights	Residential Tenancy	Other
Summary Advice	18	12	47	6	12	17
Representation in Provincial Court (Remand)	51	0	0	0	0	0
Representation in Provincial Court (Other)	21	3	3	0	1	1
Support / Preparation for Supreme Court	5	7	5	1	2	3
Representation Before Admin Tribunal	0	0	0	1	4	1
Referral to other agency / organization	11	0	8	0	3	5
Research	0	0	0	0	0	3
Help Filling Out Forms	5	19	22	11	6	16
Negotiation with Crown / Other Party	41	2	22	2	7	9
Writing Letters on Behalf of Clients	0	1	9	0	1	3
Drafting and/or Filing Documents	0	5	4	2	0	1
Other File Resolution Pathway	4	3	13	3	3	6

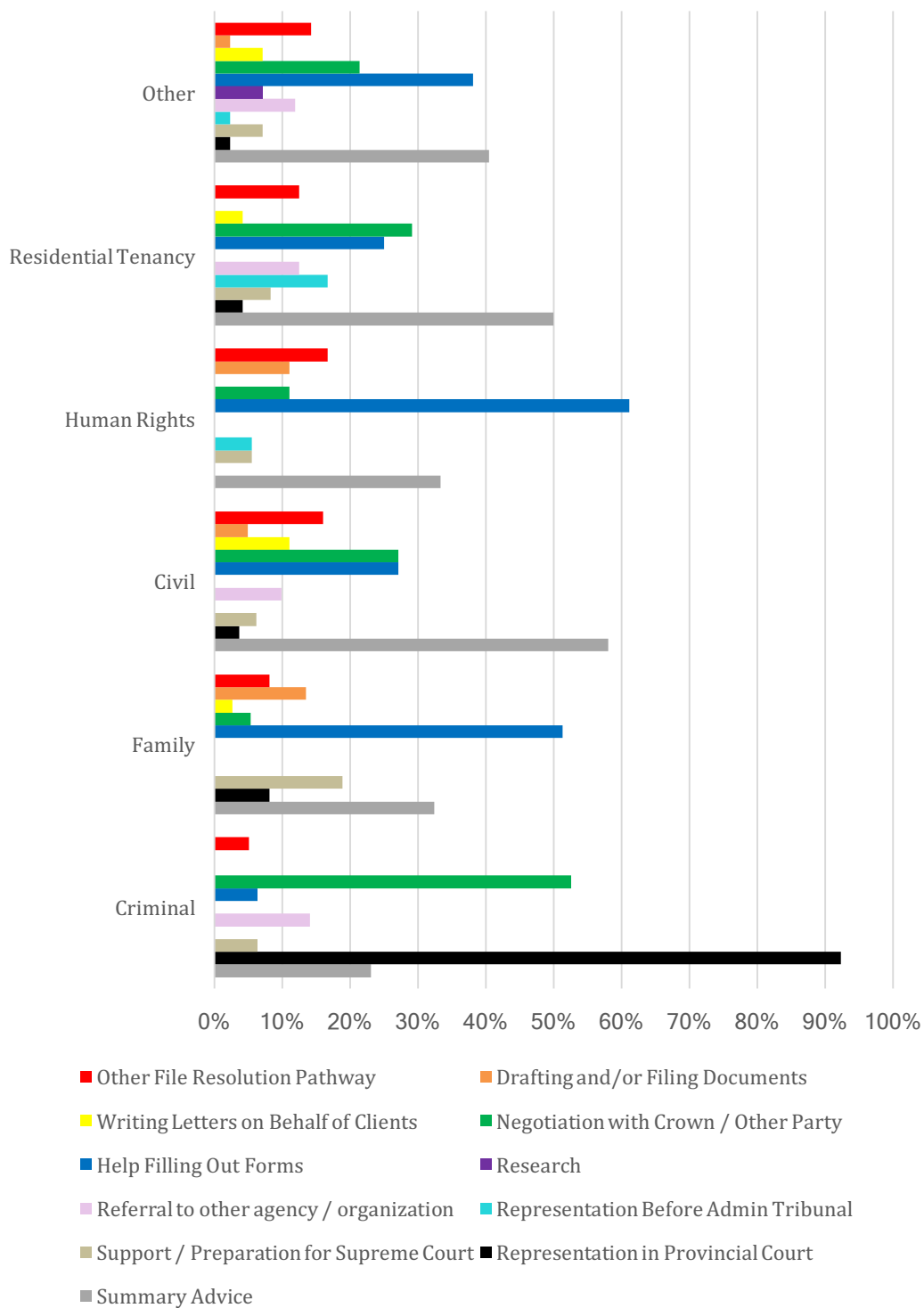
Table 8. Number of files per file resolution pathway employed, arranged by file category. This table shows how many files in each category used each file resolution pathway.

	Criminal	Family	Civil	Human Rights	Residential Tenancy	Other
Summary Advice	23%	32%	58%	33%	50%	40%
Representation in Provincial Court (Remand)	65%	0%	0%	0%	0%	0%
Representation in Provincial Court (Other)	27%	8%	4%	0%	4%	2%
Support / Preparation for Supreme Court	6%	19%	6%	6%	8%	7%
Representation Before Admin Tribunal	0%	0%	0%	6%	17%	2%
Referral to other agency / organization	14%	0%	10%	0%	13%	12%
Research	0%	0%	0%	0%	0%	7%
Help Filling Out Forms	6%	51%	27%	61%	25%	38%
Negotiation with Crown / Other Party	53%	5%	27%	11%	29%	21%
Writing Letters on Behalf of Clients	0%	3%	11%	0%	4%	7%
Drafting and/or Filing Documents	0%	14%	5%	11%	0%	2%
Other File Resolution Pathway	5%	8%	16%	17%	13%	14%

Table 9. Percentage of files from each category which employed each file resolution pathway. Based on the data in Table 3 and Table 8, this table shows what percentage of files in each category used each file resolution pathway.

Figure 3, below, represents the data from Table 9 in bar graph form. It demonstrates how the use of various file resolution pathways is distributed within each category of file subject matter.

**Percentage of Files from Each Category of Files, in Which Each File Resolution Pathway Was Employed**



*Figure 3.* Percentage of files from each file category in which each file resolution pathway was employed. Based on data from Table 9, this chart shows the percentage of the total number of files per file category in which each file resolution pathway was employed.

**5.1.5 File outcomes per category.** Table 10 below breaks down the file reporting data from Table 7, according to the subject matter of the files. As will be elaborated in the section below, entitled “6.0 Discussion”, it is important to bear in mind the limitations and cautions mentioned above, under the subheading entitled, “6.1.3 Data on file outcomes”.

	Criminal	Family	Civil	Human Rights	Residential Tenancy	Other
Negotiated Outcome	17	0	3	1	4	1
Court Order	13	3	2	1	2	1
Referral	5	0	4	0	0	1
Summary Advice Only	1	0	1	0	3	1
Other Law Centre Resolution	5	0	8	0	0	1
File Closed, unresolved	9	1	13	3	5	6
File Closed, resolved	13	2	15	1	3	6
Issue Continuing / Ongoing	35	31	49	13	10	25
Unknown Outcome	9	5	7	2	1	7
Other Outcome	0	0	2	1	1	1

Table 10. File outcomes per category. This table presents the file outcome data gathered from the file reporting forms, arranged by file category.

Based upon the data in Table 10, and data on the total number of files per category from Table 3, Table 11 below presents the percentage of the total number of files within each subject matter category, for which each file outcome was reported. As these percentages are based on the data from Table 10, the same limitations and caveats discussed above apply.

	Criminal	Family	Civil	Human Rights	Residential Tenancy	Other
Negotiated Outcome	22%	0%	4%	6%	17%	2%
Court Order	17%	8%	2%	6%	8%	2%
Referral	6%	0%	5%	0%	0%	2%
Summary Advice Only	1%	0%	1%	0%	13%	2%
Other Law Centre Resolution	6%	0%	10%	0%	0%	2%
File Closed, unresolved	12%	3%	16%	17%	21%	14%
File Closed, resolved	17%	5%	19%	6%	13%	14%
Issue Continuing / Ongoing	45%	84%	60%	72%	42%	60%
Unknown Outcome	12%	14%	9%	11%	4%	17%
Other Outcome	0%	0%	2%	6%	4%	2%

Table 11. Percentages of the total number of files per subject matter category, in which each file outcome was reported. This table presents percentages of the total number of files per subject matter category of files, for which each file outcome was reported.

Figure 4, below, visually presents the percentages reported in Table 11. Each bar represents the percentage of the total number of files within a given subject matter category (i.e. criminal or family), for which each file outcome was reported.

Percentage of Files from Each Category of Files, in Which Each File Outcome Was Reported

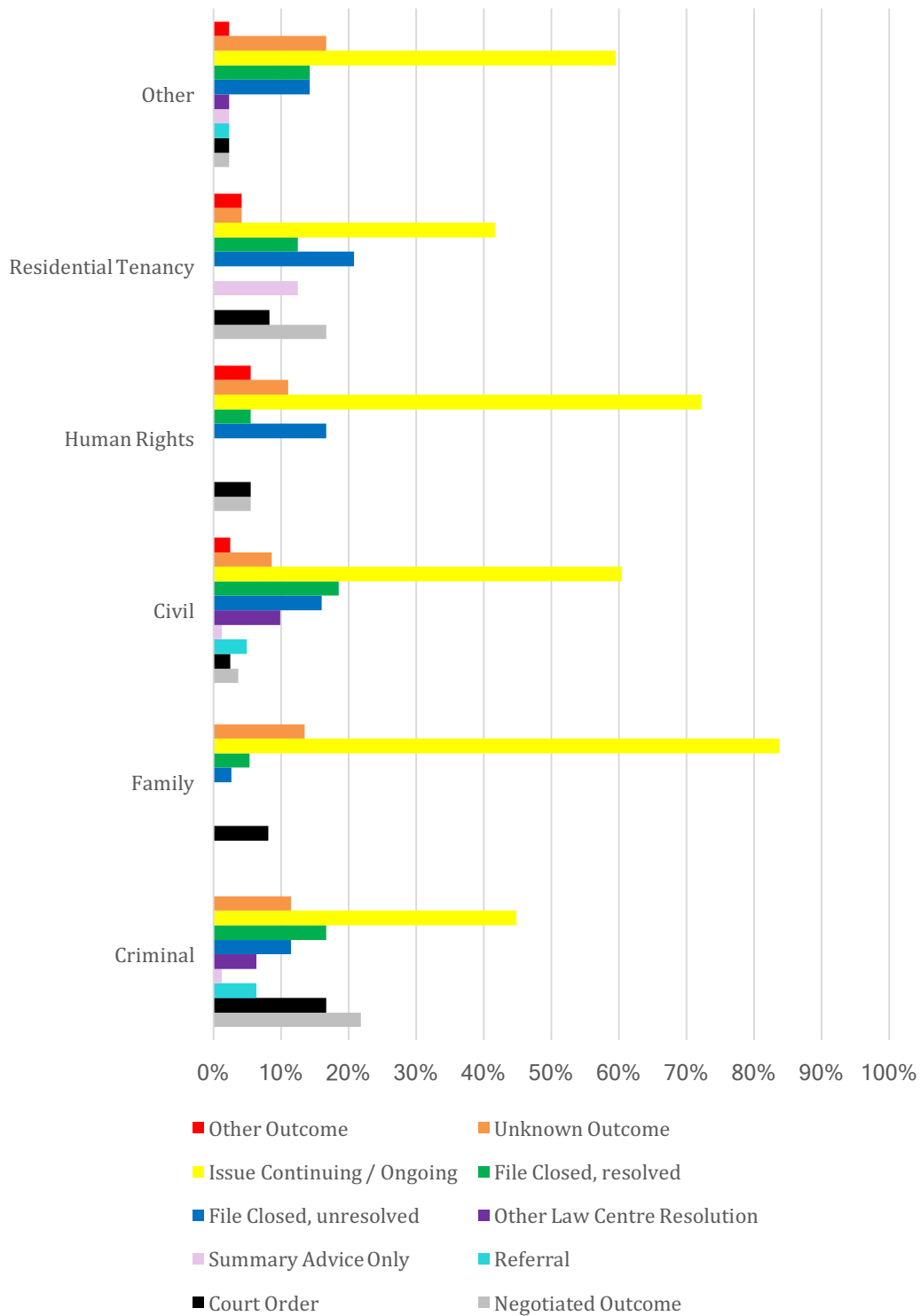


Figure 4. Percentage of files from each category of files, in which each file outcome was reported. Based on data from Table 11, this figure presents the percentage of the total number of files within each subject matter category of files, for which each file outcome was reported, grouped by subject.

## 5.2 Qualitative Data on A2J Perceptions and Impacts among Law Centre Students

The subsections below present the data that was collected from the pre- and post-term questionnaires, and the focus group transcript. While commentary on the significance and meaning of the data below will be reserved for the Discussion section, the subsections below include some commentary on the processes through which the qualitative data was distilled down to the format in which it is presented.

**5.2.1 First pass themes.** The first stage in the thematic analysis process involved an identification of key words, phrases, or rough themes and codes in each batch of qualitative data. The full list of these 276 first-pass “themes” can be found in Appendix H: First Pass Themes. As can be seen in the table in that appendix, this first pass data is very rough, with many codes overlapping with one another, and with no structure or order.

Due to the breadth of subjects covered, and the variety in responses, the researcher did not start with a preliminary list of themes, such as is sometimes the process in thematic analysis. Instead, all of the first-pass themes emerged through the process of reviewing and analyzing the data.

**5.2.2 Thematic frameworks.** The tables discussed under this subheading present the frameworks of themes and categories that emerged from the qualitative data, through the thematic analysis process described above, under the heading, “4.3 Data Analysis”.

The table in Appendix I: First Reorganization Framework presents the framework that emerged from the first reorganization of all of the qualitative data from the questionnaires and focus group. This “first reorganization framework” was created by printing out all 276 first-pass “themes” and manually arranging them into stacks of like items. The printed slips were rearranged several times, until the framework in “Appendix I: First Reorganization Framework” emerged. That first framework was created by comparing the content of the first-pass themes themselves to the research questions, and the questionnaire and focus group prompts.

After creating the first reorganization framework, the researcher passed over all of the qualitative data again to count how many utterances applied to each theme. That is how the numbers under the “Count” column in the first reorganization framework table were determined. The purpose of that exercise was to assess the fit of that thematic framework against the raw data, and to determine how the framework might be refined. The goal of refining the framework was to create a more concise representation of the data that responds to the research questions posed.

For example, themes with high counts remained unchanged, while themes with lower counts were combined with similar themes, unless doing so would risk loss of uniquely discrete themes. Duplicative or redundant themes were also combined. Some themes that were deemed too vague were entirely eliminated in the framework revision process. The entire section on student motivations for attending law school and the Law Centre was also removed, as it was posed as a “warm-up” on the questionnaires, rather than to collect data relevant to the research questions.

During the pass over the qualitative data in which the count described in the preceding paragraph was conducted, the researcher also made notes about additional themes that needed to be added

in order to ensure a more complete representation of the data. Table 12 below presents the final thematic framework that emerged from that process, as well as new counts that demonstrate how many utterances corresponded to each theme in a subsequent pass over the data.

In order to account for the possibility that the inclusion of focus group transcript data along with questionnaire response data could skew the counts, due to a theme being counted once in a focus group participant's questionnaire response, and a second time in their focus group statements, two count columns are provided in Table 12. The first column counts the occurrences of each theme in only the questionnaire responses, and the second column counts occurrences of each theme in both the questionnaire responses and focus group utterances. The count was not separated in the same manner in the development of the First Reorganization Framework.

<b>Final Thematic Framework</b>			
<i>Category or Theme</i>	<i>Code</i>	<i>Count (questionnaires only)</i>	<i>Count (with focus group)</i>
<b><i>Research Question 1(a): Law Centre's A2J Impacts on Clients</i></b>			
<b>Role of A2J at the Law Centre</b>	<b>A</b>	<b>31</b>	<b>32</b>
Law Centre positively impacts A2J/A2J is central goal	A1	31	32
<b>Limitations of the Law Centre</b>	<b>B</b>	<b>19</b>	<b>34</b>
Temporary articulated student limited scope of practice	B1	5	7
Limited ability to make systemic impacts	B2	6	11
The Law Centre cannot help every person in need	B3	7	8
Progress on some client files is limited	B4	1	8
<b>Outputs of the Law Centre</b>	<b>C</b>	<b>34</b>	<b>46</b>
Front line individual-level representation & advocacy	C1	16	19
Legal information; Tools & direction; Education re: law	C2	13	18
Holistic supports for clients' non-legal needs	C3	5	9
<b>Outcomes at the Law Centre</b>	<b>D</b>	<b>15</b>	<b>28</b>
Improved legal outcomes/progress on client legal issues	D1	8	11
Meaningful personal impacts for clients	D2	7	17
<b><i>Research Question 1(b): Law Centre's A2J Impacts on Students</i></b>			
<b><i>Law Centre Students' Conceptions of A2J</i></b>			
<b>Client-level barriers</b>	<b>E</b>	<b>62</b>	<b>71</b>
Intersectionality; Diverse needs; Multiple barriers	E1	4	5
Physical health; Mental health; Addictions	E2	12	13
Basic human needs (shelter, food, etc.)	E3	7	10
Understanding, familiarity, capacity, or skill re: legal issues	E4	12	14
Literacy, language, and education	E5	7	8
Stigma and marginalization; Lack of privilege	E6	1	2
Discomfort around seeking help	E7	1	1
Socioeconomic status and poor finances	E8	18	18
<b>System-level barriers</b>	<b>F</b>	<b>61</b>	<b>72</b>
Multiple overlapping and compounding barriers	F1	1	2
Unaffordability of legal representation	F2	17	17
Expenses imposed by the system (i.e. filing fees)	F3	6	7
System/processes are complicated, frustrating, adversarial	F4	12	15

<b>Final Thematic Framework</b>			
<i>Category or Theme</i>	<i>Code</i>	<i>Count (questionnaires only)</i>	<i>Count (with focus group)</i>
Demand > supply for affordable/accessible resources	F5	17	18
Power and resource imbalances	F6	2	5
Delays; Time-consuming	F7	4	6
Colonialism	F8	2	2
<b>Current state of A2J and how to respond</b>	<b>G</b>	<b>23</b>	<b>29</b>
Current state of A2J is crisis; Worsening problem	G1	4	8
Systemic change needed; Responsibility to help	G2	11	13
Changes to billing practices/legal service delivery needed	G3	5	5
Increase in family law issues	G4	3	3
<b>Outputs and outcomes associated with A2J?</b>	<b>H</b>	<b>35</b>	<b>40</b>
Access to legal representation, information, advocacy, advice	H1	6	7
Fair outcomes	H2	2	2
Help navigating and understanding the system	H3	3	3
Access to alternative dispute resolution & other resources	H4	6	8
Interact with courts/justice system/regulatory systems	H5	16	16
Support with non-legal needs	H6	2	4
<b><i>What Students Say They Learned about A2J</i></b>			
<b>New A2J perceptions, experiences, and knowledge</b>	<b>I</b>	<b>39</b>	<b>66</b>
Gained real world experience via experiential learning	I1	10	16
Strengthened/affirmed existing A2J awareness/knowledge	I2	3	7
"Hit home"; Made theory seem real; Felt personal	I3	2	6
Theory/practice divide between law school & CLE	I4	6	10
Gained new insights and perspectives re: status of A2J	I5	18	27
<b>Negative experiences/changes in A2J perceptions</b>	<b>J</b>	<b>5</b>	<b>7</b>
Negative perceptions or experiences with clients	J1	3	4
Dissuaded from doing A2J work in the future	J2	1	1
Negative impact on views of lawyers' A2J impacts	J3	1	2
<b><i>Law Centre Student Personal Experiences and Impacts</i></b>			
<b>Prior exposure to A2J</b>	<b>K</b>	<b>11</b>	<b>16</b>
Specific courses or optional lectures on A2J or ADR	K1	4	5
A2J discussed in other non-A2J or ADR-specific classes	K2	6	6
Prior work or volunteer experience	K3	5	5
<b>Views on legal careers</b>	<b>L</b>	<b>20</b>	<b>27</b>
Lawyers can help improve & avoid exacerbating A2J crisis	L1	5	5
Law Centre positively impacted view of role of A2J in career	L2	2	6
A2J is part of/central to the student's career plan	L3	13	16
<b>Personal experiences and impacts</b>	<b>M</b>	<b>7</b>	<b>7</b>
Felt appreciated; Proud of helping; A2J provided motivation	M1	5	5
Broke down preconceptions and stereotypes	M2	1	1
Positive impact on student's own life	M3	1	1

Table 12. Final thematic framework. This table demonstrates the framework of codes that emerged from the thematic analysis process, as well as counts of the number of utterances that can be attributed to each of the final codes.

While the differences between the first reorganization framework and the final framework may seem minimal, the phase of thematic analysis between those two frameworks reduced the number of themes from 75 to 55. Ultimately, the thematic analysis process permitted reduction of 22,039 words worth of qualitative data down to 55 key themes. This serves the goals of reducing data to a format that is more easily digested and understood, which is a central purpose of the thematic analysis approach.

Although the total number of codes was reduced, several new codes were introduced into the final framework, in order to capture data that was not represented in the first reorganization framework. Ultimately, the more reasonable number of codes in Table 12 made it much less unwieldy for the researcher to go back and label each utterance with the one or more codes that fit, a process which enabled the creation of the thematic charts described below.

Once the final framework of thematic categories and codes was settled, the researcher labelled each utterance in a master Excel chart with the codes from Table 12 that applied to each utterance. The researcher then used Excel's filter function to generate thematic charts, which show each utterance that falls under each code (i.e. A1, B1, B2, etc.). The following subsections present data on themes and trends within each category, and where relevant, any differences between trends in pre-term and post-term responses.

The initial expectation for the qualitative portions of the research was that responses would focus primarily on students' experiences and perhaps changes in views or depth of understanding about A2J. While those topics are certainly thoroughly canvassed, the subsections below will demonstrate a significant portion of the responses also cover perceptions about outputs and outcomes for clients. As will be elaborated in the Discussion section, this data may serve to triangulate the quantitative output and outcome data gathered through the file reporting forms.

**5.2.3 Category A – Role of A2J at the Law Centre.** Comments on the A2J impacts of the Law Centre are overwhelmingly positive, hence the emergence of theme A1, "The Law Centre positively impacts A2J/A2J is central to TLC". In both pre-and post-term responses falling under code A1, the following notions were prevalent: the Law Centre plays a pivotal role in facilitating A2J in the community that it serves; the Law Centre positively impacts A2J through provision of a variety of legal and non-legal services; and the Law Centre serves to bridge a gap in A2J in Victoria, with many clients having no option other than the Law Centre. Multiple participants expressed views that A2J is the entire purpose of the Law Centre.

**5.2.4 Category B – Limitations of the Law Centre.** Responses on the limitations of the Law Centre's role in addressing A2J were grouped into four primary categories: (B1) the limited scope of practice of temporary articulated students; (B2) a limited ability to make systemic impacts; (B3) an inability to help each and every person in need; and (B4) limitations on the progress on certain clinical files.

With regard to the limited scope of practice of temporary articulated students at the Law Centre, both pre- and post-term responses indicated that a gap in A2J remains for individuals who cannot afford legal representation for matters falling outside of scope of practice accorded to temporary

articled student by LSBC, yet who do not qualify for Legal Aid. Post-term responses offered more insight into the nature of such gaps, referring to specific categories of matters such as contested divorces in BC Supreme Court, and “game changers” in the legal system, such as appellate-level constitutional cases like *Carter v Canada (Attorney General)*, 2015 SCC 5 [*Carter*]. With regard to the latter, some responses indicated a desire for Law Centre Students to be able to contribute to larger-scale cases tackling systemic issues in the justice system, in addition to individual-level file work.

In both pre- and post-term responses, participants indicated an impression that while Law Centre services are very impactful on the individual level, they would be unlikely to turn the tides of a much larger systemic crisis in terms of A2J. One focus group participant posited that “access to justice is essentially a bullet wound, and Law Centre is a Band-Aid, trying to treat that”. There was no discernible shift in this viewpoint between pre- and post-term responses.

Participants referred in both pre- and post-term responses to a perception that the Law Centre cannot, on its own, help every person in need. While many responses touching on that topic did not offer specifics, three insights into the causes of this limitation emerged: (1) the restricted scope of practice of temporary articled students; (2) financial limits to qualify for free services; and (3) a general sense that no matter how many people the Law Centre assists, there will always be many more in need.

Eight post-term responses indicated a view that progress on some client files is limited by factors that include: time-consuming processes for resolving legal issues; high student turnover; litigation files, particularly those in the criminal realm, demanding more urgency and time than solicitor work; the variances in the work ethics of individual temporary articled students; high workload and limited student capacity; and the short length of the term during which each cohort of temporary articled students is available to work at the Law Centre.

Some responses suggested changes that could be made at the Law Centre to address some of those limitations. For instance, some focus group participants discussed the possibility of an option for students to choose to do a longer clinical term, which would count for more academic credits and result in a special notation on a student’s transcript. That change would be intended to decrease the delays caused by student turnover and short clinical terms.

**5.2.5 Category C – Outputs of the Law Centre.** Three broad themes emerged from participants’ responses about the outputs produced by the Law Centre: (C1) front-line individual-level legal representation and advocacy; (C2) legal information, education, tools, and direction; and (C3) holistic supports for clients’ non-legal needs. In terms of quantity of responses, about 2/5 came from the pre-term period and 3/5 from the post-term period. The weighting toward a higher number of responses in the post-term period was most pronounced for the “holistic support” theme discussed above, with 2 responses in the pre-term period and 7 in the post-term period.

With regard to theme C1, responses in the pre-term period typically used vague and general terms such as provision of “legal services”, with the occasional reference to words like representation and advice. Post-term responses provided a greater degree of specificity in terms

of the kinds of front-line representation and advocacy provided, referring to specific services such as courtroom advocacy, trial preparation, and negotiation with Crown.

Responses under theme C2 indicate that the Law Centre provides not only “traditional” legal representation and advocacy, but also assists people by: helping them to understand their legal situation and its possible implications and outcomes; providing information, forms, and guidance to individuals who were did not qualify for representation by the Law Centre (i.e. over income cut-off guidelines); providing direction to clients who have difficulty navigating the legal system; and educating clients about their legal rights. One focus group participant stated:

“we guide them. We give them agency to do their own actions, so that they’re not felt to be that they’re little kids who are told what to do or something, that they’re given the respect that they deserve, but... we’re there to be information seekers for them.”

Responses falling under category C3 either specifically used the word “holistic”, or otherwise captured the idea that the Law Centre provides services that attend to clients’ non-legal needs, in addition to their legal ones. For instance, participants indicated that either they, or the Law Centre’s staff social worker, assisted clients with attending to basic needs such as shelter. The very fact that the Law Centre offers the services of a full-time registered social worker was also referred to as a holistic support.

Holistic outputs also included the concept of supporting clients through an entire legal process instead of just helping with one discrete task, and then leaving the client to fend for him or herself. One focus group participant stated:

“One of the things I think Law Centre does well is, when we have a client who may, let’s say, otherwise get services from duty counsel, I think that if we take on their case instead, we’re able to provide... more ongoing and... comprehensive support to that person, whereas the role of duty counsel is perhaps to just give information to that person, based on a very brief interaction. So, for example, in criminal law, if an accused saw duty counsel, duty counsel might plead them out on the same day and speak to sentencing the same day. Whereas with Law Centre, if we have an accused client, we... are going to try to advocate that the person’s charges be dropped, that they be a participant in alternative measures, or we have the capacity to set it down for trial.”

**5.2.6 Category D – Outcomes at the Law Centre.** Responses relating to the outcomes achieved at the Law Centre were grouped into two broad themes: (D1) improved legal outcomes and progress on clients’ legal issues; and (D1) meaningful personal impacts for clients. The latter theme incorporates impacts for clients that went beyond the legal issues with which they presented at the Law Centre.

All but one of the responses falling under theme D1 came from the post-term period. The one pre-term response indicated a view that client outcomes would be better with Law Centre assistance than if they represented themselves. Improved client outcomes and file progress which participants attested to perceiving in the post-term responses included: better outcomes at

sentencing; favourable pre-trial resolutions, such as stays; ideal trial outcomes, including acquittals; and negotiated outcomes and settlements in residential tenancy and human rights files.

Post-term responses under category D1 were also more specific with regard to the basis for participants' beliefs that clients were better off with Law Centre representation, as compared to those who self-represent, or who only have access to a limited amount of advice from duty counsel. The focus group participant quoted above in reference to theme C3 explained a perception that charges for the types of criminal matters with which the Law Centre can assist tend to be amenable to resolution without proceeding to trial, with sufficient advocacy and negotiation. In that participant's view, Law Centre clients accordingly had better outcomes for criminal trials than those individuals who only have limited advice from duty counsel, as the former receives the benefits of advocacy and negotiation with Crown, whereas the latter may not.

Every response falling under theme D2 came from the post-term data. Participants cited observations of positive non-legal client outcomes including: reduced anxiety; improved sense of agency; success in finding shelter; and benefits from just having someone to listen to their story. One focus group participant stated:

“...we give them a voice... they're not just another number in the system... [W]hen we contact them, we call them by name and ask how they're doing, give them options, and help them to feel like they're a person again, and not just another person that the system has taken in and held hostage because of court proceedings”

On the other hand, a few responses indicated a perception that the non-legal impacts of the Law Centre's services were only pronounced for some clients, while other clients did not seem as appreciative of the impacts.

**5.2.7 Category E – Client-level barriers.** Participants' insights into the definition and state of A2J are peppered all throughout the pre- and post-term data. Responses relating to perceptions of the types of barriers to accessing justice that clients face were grouped into eight themes that recurred throughout the data: (E1) diverse needs and multiple barriers; (E2) physical health, mental health, and addictions; (E3); basic human needs; (E4) levels of understanding, familiarity, or capacity to deal with legal issues; (E5) literacy, language, and education; (E6) stigma, marginalization, and lack of privilege; (E7) discomfort around seeking help; and (E8) socioeconomic status and poor finances. Many responses invoked more than one of these themes in the same utterance.

Broadly, and unless otherwise stated below, the most consistent difference between pre- and post-test data for each of the themes under category E was that post-term responses included more specific examples, rather than generalized statements. For instance, a post-term response may discuss why a lack of familiarity with complex legal processes hinders a person's access to justice, rather than simply saying that it does.

With regard to diverse needs and multiple barriers, responses indicated a recognition that clients were dealing with many legal and non-legal challenges at one time, and that the barriers often

compounded and worsened one another. One response formally acknowledged the concept of intersectionality within marginalized groups.

Physical health, mental health, and addictions were a prevalent theme in both pre- and post-term data. Participants typically listed these barriers as part of a longer list of obstacles that clients face in accessing justice, without delving into much detail as to their precise nature or impacts. However, several responses indicated perceptions that the legal system is not built to be accessible to people living with such barriers, and that despite receiving legal support and resources, legal problems may recur for individuals for whom barriers of that nature persist.

Appearing in both pre- and post-term data, responses touching on basic human needs included observations or expectations that: many Law Centre clients do not have stability in terms of housing, food, finances, and health care; access to justice means helping people to meet their basic human needs, on top of legal needs; and it is difficult for clients to focus on legal issues when basic human needs are unmet.

Responses that fell under theme E4 came equally from the pre- and post-term data, and suggested that the accessibility of the legal system depends on individual clients' level of familiarity and understanding of how the law works, and their capacity to develop such an understanding. Participants indicated that self-represented litigants are naturally disadvantaged in legal proceedings, as compared to a represented party, due to that lack of familiarity with complex processes.

A specific example given in a post-term response was that those with familiarity with the process are at a relative advantage to the uninitiated, because they know exactly what key phrases a court is waiting to hear in a submission. Accordingly, some participants expressed a belief that improving access to justice requires making processes simpler and more understandable for people with different capacities and backgrounds.

Under theme E5, participants identified literacy, education, and language as potential barriers to access to justice, with no notable differences between pre- and post-term data. Responses invoking those concepts typically did not provide details on how those factors would affect a person's ability to access justice. The same holds true with regard to responses falling under theme E6, which relates to stigma, marginalization, and lack of privilege. In retrospect, theme E7 could likely have been collapsed into theme E6, as it only includes one response, which relates a perception that some individuals may be unlikely or uncomfortable with seeking legal help, as they are accustomed to being mistreated or marginalized.

Theme E8, which includes issues of socioeconomic status and poor finances, is the most prevalent of the "personal barrier" themes, with 18 responses. The theme is much more prevalent in pre-term data, and quite simply tends to include references to clients having limited financial means, which prevents them from affording the legal supports they may require or desire.

**5.2.8 Category F – System-level barriers.** Seventy-two responses in both pre- and post-term data make reference to systemic barriers to accessing justice, which fall into the following

categories: (F1) multiple overlapping and compounding barriers; (F2) unaffordability of legal representation; (F3) expenses imposed by the system, such as filing fees; (F4) complicated, frustrating, and adversarial processes; (F5) insufficient supply of affordable or otherwise accessible resources; (F6) imbalances in terms of power and resources; (F7) significant delays, and time-consuming processes; and (F8) colonialism

While many responses listed numerous systemic barriers to A2J at once, only two responses specifically referred to ways in which multiple barriers overlap with one another and compound each other's effects. For instance, one post-term questionnaire response alluded to a situation where overly complicated and time-consuming criminal law processes, combined with an unreasonable probation condition, could result in an additional breach charge.

Unaffordability of legal representation was one of the most prevalent themes in all of the qualitative data, and roughly two thirds of responses falling under this category came from the pre-term responses. Quite simply, these responses identify high prices for legal representation as a factor that prevents people from accessing justice.

The vast majority of responses falling under theme F3 came from the post-term data. Those responses identify costs associated with the legal systems and processes themselves as barriers, in addition to fees charged by legal professionals. While one pre-term response makes reference to filing fees, the post-term responses are more nuanced in terms of the examples that are given. For instance, one post-term questionnaire response made reference to a realization that for many people, an \$80 fee to register a lien on someone's property may be high enough to prevent them from pursuing even an avenue of recourse with a very high chance of success.

Responses from both the pre- and post-term data sets made reference to complicated, frustrating, and adversarial processes as barriers to A2J. While, in terms of numbers of responses, the data falling under theme F4 is rather equally distributed between the pre- and post-term data, the post-term responses are again more nuanced, and rich with specific examples. By way of example, one focus group participant stated:

“...before coming, before starting Law Centre, I knew there were applications you could make to waive fees, but what really hit home, [is] that there's a barrier to even get that done, right? I mean, having a client fill out financial statements for a small claims, for an Application to the Registrar, is a barrier, because, if they're doing it on their own, sometimes, while they try to make the form as simple as possible, it can be confusing for an individual.”

With regard to theme F5, an equal number of responses in the pre- and post-term data sets made reference to demand outstripping supply for affordable or accessible resources to support people with legal issues, and non-legal issues that may be related to their legal issues. Many made reference to cuts to Legal Aid, while a few responses made specific references to other services for which demand exceeds supply, such as support for family law issues, residential tenancy matters, and social programming for criminally-charged individuals facing sentencing hearings.

All responses noted as referring to resource and power imbalances as a systemic barrier to A2J came from the post-term data set. Participants made reference to parties such as Crown counsel, landlords, or spouses benefitting from power imbalances in negotiation and other dispute-resolution or adjudicative processes. One focus group participant noted their view that the effects of power and resource imbalances may be exacerbated by the behaviour of certain powerful and well-resourced parties, such as Crown counsel:

“I think the crisis is compounded by the fact that... I've come across a lot of criminal files where the Crown has approved the charge, where I think they could have easily not approved it. From my perspective, they shouldn't have approved it. They were such minor issues with no ongoing... concern, in terms of safety to the public or whatnot.. [T]hey could have, before even charging the individual, or approving the charge... diverted the individual perhaps... I have come across... charges that are so petty, that should not have gone through. And I think that has an effect of possibly increasing the crisis of access to justice, because, again, I mean, we're a free service and we can only take perhaps so many clients.”

Several responses in the pre- and post-term data sets identified delays and time-consuming processes as barriers to A2J. Primarily, the responses referred to court delays, while some post-term responses also identified waitlists for supports such as social work programming as problematic.

Only two responses, both from the pre-term period, made references to colonialism and its generational effects. Neither response provided specifics as to the ways in which colonialism is seen as impacting A2J.

**5.2.9 Category G – Current state of A2J and how to respond.** Themes falling under category G deal with participants' perceptions of the current state of A2J, as well as any references they made to ways in which that state could be improved. The themes falling under this category include: (G1) the current state of A2J is crisis, and the problem is getting worse; (G2) a paradigm shift is required to correct the crisis state of A2J, and lawyers have a responsibility to help; (G3) billing practices and legal service delivery models must change; and (G4) the crisis includes a notable increase in family law issues.

The number of responses identifying the state of A2J in Canada as a “crisis” is roughly equal between pre- and post-term data sets. Some of those responses refer to specific issues, such as demand for affordable or accessible legal services outstripping supply, while others make broader statements that generally conclude that the entire justice system is “broken”.

Responses falling under theme G2 tend to indicate that no small step or single *pro bono* clinic will rectify the A2J “crisis”, but that a broader systemic change is required instead. Some responses also opine that lawyers all have a responsibility to participate in that paradigm shift, as well as in the grassroots level efforts, such a provision of free legal services.

All found in the pre-term data set, responses referring to the necessity of changing billing practices and legal service delivery models provide specific examples of steps practitioners could

take to assuage the A2J crisis. Respondents seemed to be of the view that lawyers must deliver services differently, in order for the profession to remain relevant.

Finally, responses that are covered by theme G4 are those which identify individuals with family law matters as a growing group of people with insufficient access to justice. One respondent shared a view that a growth in the number of people with family law matters could create a shift in Canadian legal practice, with regard to the sorts of legal support that is sought by the low-middle class.

**5.2.10 Category H – Outputs and outcomes associated with A2J.** The responses captured by category H are those which shine some light on what respondents identified as ideal outcomes associated with access to justice. That is to say, this category contains the responses which might respond to the question, “what do participants think clients actually seek to access?” The themes that make up this category are: (H1) access to legal representation, information, advocacy & advice; (H2) fair outcomes; (H3) help navigating and understanding the system; (H4) access to alternative dispute resolution and other resources; (H5) interaction with courts, the broader justice system, and other regulatory systems; and (H6) support with non-legal needs.

Theme H1 is quite straightforward, with responses in the pre and post-term data sets indicating that one notable aspect of A2J is access to legal representation, information, advocacy, and advice. There was no noticeable shift in the content of these responses throughout the study period.

Only two responses made reference to fair or just outcomes, with one pre-term response indicating that “just results” are not part of A2J, while one post-term response indicated that people should have access to fair results through the justice system, regardless of their personal characteristics.

One pre-term and two post-term responses fell under theme H3, by making reference to access to assistance in navigating legal or regulatory systems as an aspect of A2J. Despite the small number of responses, this theme was preserved because the idea that “mere” assistance in navigating a complex system could improve access to justice is notably different from the idea that full legal representation is required to improve access to justice.

While many responses referred to access to adjudicative court processes as accessing justice, the responses that fall under theme H4 see A2J as encompassing access to alternative means of resolving legal disputes and issues. The responses falling under this theme are evenly distributed between the pre- and post-term data sets, both in terms of quantity of responses, and in terms of content.

The most prevalent theme under category H5 is the idea that interaction with courts, the broader justice system, and other regulatory systems is a key aspect of A2J. There is no discernible difference in terms of content or quantity of responses falling under this theme, between the pre- and post-test periods.

References to support with basic human needs as a tenet of A2J came exclusively from post-term responses. Theme 6 is represented quite well by the following statement from a focus group participant:

“I think... access to justice doesn't just mean like the legal stuff. I think it is very obvious being in Law Centre, that people are dealing with bigger issues than just legal issues. So, access to justice I think, is also access to resources in the community that can help them to deal with their more important problems, and also with their legal issues.”

**5.2.11 Category I – New A2J perceptions, experiences, and knowledge.** While in the sections above, differences between pre- and post-term data were noted where appropriate, the responses that fall under the themes in category I are ones where participants have explicitly indicated some new perception, experience, or knowledge relating to A2J.

The themes grouped under category I include: (I1) gained real world experience through experiential learning; (I2) strengthened or affirmed existing awareness or knowledge of A2J; (I3) made theory and prior learning “hit home”, seem real, or feel personal; (I4) noticed theory versus practice divide between law school and CLE at the Law Centre; and (I5) gained new insights and perspectives regarding the status of A2J.

Responses falling under theme I1 relate accounts of: gaining lived experience in the sense of seeing the difficulties that people face in accessing the legal system; gaining a realistic understanding of what it means to work with clients with multiple barriers to accessing justice; learning about the A2J “crisis” from within; and seeing that the justice system is a “game”. One focus group participant articulated their experience of seeing from a first-hand perspective how difficult the legal system can be to navigate:

“...it is just experiential, hands-on learning... how we learn about access to justice, how we're instructed about it through Law Centre, because we come up against those barriers. We come up against those frustrations with each file, being like, why is it so hard? Why isn't it simpler? Why are there so many forms that we have to do? Why can't I help my client?”

Seven post-term responses indicated that the CLE experience at the Law Centre reinforced for participants the knowledge or theory about A2J that they had acquired beforehand, either through law school classes, or their own work, volunteer, or life history. Despite those references to renewal or confirmation of existing theoretical knowledge, many responses under theme I2 also related specific examples of new insights, thus also falling under theme I5.

In the six responses falling under theme I3, all of which were from the post-term data set, participants expressed that in addition to renewing or confirming existing ideas about A2J on an intellectual level, the CLE experience at the Law Centre made the realities of their clients' A2J challenges “hit home” on a more personal level. Responses told stories of sadness felt upon seeing the realities of systemic violence experienced by clients, feeling a chord struck when

recognizing the extent of power imbalances between Crown counsel and criminally accused clients, and feeling empathy for clients when witnessing the demands of their lives.

In ten responses from both the pre- and post-term data sets, participants expressed that a perceived theory versus practice divide between traditional law classes and CLE at the Law Centre was either a motivation for enrolling in the Law Centre, or was a factor that they appreciated about their CLE experience. One focus group participant summarized their thoughts on the theory versus practice divide:

“...in a classroom setting you can teach us all you want about how access to justice is impacting the current demand for legal services, but then when it comes to actually going to the Law Centre and working, you experience it first-hand. You see, you put a face to it. So, it's just the theory and practice divide. But it teaches the same thing, as far as I'm concerned at least.”

The 27 responses falling into theme I5 are those where participants identified a specific new insight into A2J that they gained during their time at the Law Centre. Examples include:

- that the scope of the A2J problem in BC is larger than previously thought;
- that some problems can be resolved fairly easily through a conversation between a legal representative and the other party;
- how small fees can be big barriers for some people;
- that A2J is inadequate not only for the most desperate people, but actually for most people;
- that one unresolved legal issue may lead to new and overlapping legal issues;
- how a person's non-legal challenges, such as addiction, may impact their ability to maintain the benefits of legal resolutions in the long-term, particularly in the criminal context;
- how seemingly simple issues can seem insurmountable for some unrepresented people;
- how few resources there are for people who cannot afford legal representation, or otherwise face barriers to accessing justice;
- the large numbers of people that access the Law Centre's services;
- the extent to which lawyers in offices like the Law Centre serve a dual role as a counsellor for their clients;
- how disadvantaged a person would be in negotiating with other lawyers, if that person does not know the legal jargon;
- that Crown counsel approves charges which seem petty and amenable to resolution via alternative measures;
- how delays are accepted as the norm; and
- how procedurally complex it is for clients to get fee waivers for court proceedings.

**5.2.12 Category J – Negative experiences or changes in A2J perceptions.** While the majority of responses relayed positive experiences and insights, a number of participants disclosed neutral or negative changes in their perceptions or experiences with A2J. Although only seven responses fall into category J, three discrete themes were preserved, because they are

notably different: (J1) negative perceptions or experiences with clients; (J2) dissuaded from doing A2J work in the future; and (J3) negative impact on views of lawyers' impacts on A2J.

Four responses indicated that participants had negative experiences with clients, including: finding that some clients acted unforgiving, absent, or entitled; some clients seeming less worried than the student about their legal issues; unreasonable expectations and a lack of gratitude; and some clients who seemed uncooperative. One such response endeavoured to explore the reasons behind some of those experiences, and hypothesized that a lot of those clients' frustrations are directed towards the justice system, but that Law Centre students just happen to be the ones to bear the brunt of it.

One response indicated that negative experiences with some clients turned that participant off from doing similar work in the future. Two responses disclosed that the participants' experiences at the Law Centre diminished their view of the impact that lawyers can have on improving A2J, due to non-legal barriers that limit clients' ability to achieve optimal legal outcomes, and due to systemic problems that individual advocacy seem unlikely to fix. With regard to the latter point, one focus group participant stated:

“I'm very jaded at the system. There is no such thing as justice... the system is broken, and all we can do is work within the confines of the broken system, and I guess do what we can and, uh... But... I'm pretty sure that we're screwed. And you can quote me on that.”

**5.2.13 Category K – Prior exposure to A2J.** Sixteen responses specifically referred to ways in which participants had previously been exposed to the concept or reality of A2J: (K1) five responses referred to specific law school courses or optional lunchtime lectures on A2J or alternative dispute resolution; (K2) six responses indicated that A2J had been a theme that was woven through units in other law school courses; and (K3) five responses indicated that A2J had been prevalent in prior work or volunteer experience. No elaboration on those responses is required here, as the themes K1 – K3 are sufficiently explicit to summarize their contents.

**5.2.14 Category L – Views on legal careers.** Twenty-seven responses made reference to participants' views on legal careers, including general views on the links between legal careers and A2J, as well as their own future careers. The themes falling under this category include: (L1) lawyers can help improve, and avoid exacerbating the A2J crisis; (L2) the Law Centre positively impacted participants' view of the role of A2J in their career; and (L3) A2J is identified as part of, or central to the participant's career plan.

Responses falling under theme L1 disclose participants' views that lawyers have the capacity to either improve or worsen the state of A2J in Canada. Most responses focused on individual-level actions such as the provision of *pro bono* representation. The responses highlighting the potential for lawyers to exacerbate the A2J “crisis” did not provide specifics.

Five post-term responses, which make up theme L2, indicated that participants either felt a new or a strengthened resolve to make addressing A2J a part of their careers, as a result of

participating in CLE at the Law Centre. A focus group participant expressed how the Law Centre impacted their resolve to work with marginalized clients:

“I came to law school because of what I had seen in previous work with access to justice and wanted to... try and learn more so I could help people navigate the system... [G]oing through Law Centre has affirmed more in my mind that I want to have that, that I want to be able to contribute back to the community, that I want to work with populations that have barriers, because they're at more risk, and that's what I find fulfilling... So it has affirmed that access to justice will have a huge role in my future career.”

Under theme L3, 16 responses from both the pre- and post-term data sets indicate that A2J will form a portion of participants' careers, without explicitly stating whether the Law Centre impacted those plans.

**5.2.15 Category M – Personal experiences and impacts.** Seven responses spoke to the personal impacts that participants felt as a result of their experience as Law Centre students. The themes under this category are as follows: (M1) felt appreciated, proud of helping, and felt motivated by improving A2J; (M2) broke down preconceptions and stereotypes; and (M3) positive impact on student's own life. The number of responses under this category are small enough, and the themes' descriptions are specific enough, that no further elaboration is required here.

## 6.0 Discussion

The four main objectives of this section are to (1) interpret the results presented in the findings section above; (2) compare those results to the research questions set out for this project, and to the existing literature; (3) present working hypotheses that can be drawn from the findings; and (4) identify implications for the project client, UVic ACE.

To set context for the analysis to follow, it is helpful to be reminded of the four joint goals of this research, as set out under the heading, “4.1 Methodology”: (1) to understand the A2J impacts of the Law Centre; (2) to develop working hypotheses of how or if CLE impacts A2J for clients, and affects awareness and commitment to A2J among clinical students; (3) to self-assess the effectiveness of the methods applied in this studies for the purposes of measuring A2J impacts of CLE; and (4) to develop recommendations for how the A2J impacts of CLE may be most effectively measured on a broader scale in the future.

### 6.1 The Law Centre’s A2J Impact on Clients

The findings discussed in the following subsections respond to the first branch of the research question: What impact, if any, does the UVic Law Centre clinical program have on its clients’ ability to access legal or non-legal information, resources, services or processes (formal or informal) that contribute to the mitigation or resolution of disputes and other issues?

**6.1.1 File subject matter data.** Quantitative data reported on the number of files per file category demonstrates that the Law Centre’s scope of practice is broad, and illustrates the existence of legal need in a wide range of domains. Roughly an equal number of files were worked on in the realms of criminal and civil law, with family law representing the next largest group. On their own, these findings on the distribution of files by subject matter confirm but do not expand upon the existing data that the Law Centre reports to the LFBC.

The finding that family law is the third largest practice area in terms of numbers of files is consistent with reports in literature on A2J, including the Action Committee report, that need for accessible family law services is a growing priority. The idea that provision of free or affordable legal services for family law is a growing area of concern was also reflected in several questionnaire and focus group responses.

It is interesting to see that the number of files is roughly equal between the criminal and civil domains, both in the data gathered through this research, and in the data that the Law Centre reports to the LFBC. That is not to say that the amounts of time that students spend on different types of files is also equal. Instead, this equality in the number of files is juxtaposed against qualitative data that indicates that student time spent working on files is unevenly distributed between categories. In some questionnaire and focus group responses, participants shared perceptions that criminal files sometimes get more work than some civil files, particularly those involving “solicitor” work like drafting wills. Those responses attributed the disparities in student time spent to pressing deadlines and court dates for criminal litigation matters.

**6.1.2 File resolution pathway data.** As outlined in the literature review section above, many Canadians have difficulties accessing the information, resources, services and processes required to resolve disputes, protect their rights, and participate in shaping laws. The quantitative data gathered on file resolution pathways demonstrates that the Law Centre's services respond to many of those categories of needs. For instance: information is provided through summary advice, which is the most frequently reported file resolution pathway; resources are provided through referrals and provision of social work help; and assistance with dispute resolution processes is given in the form of negotiation, correspondence, preparation, and representation in court.

Representation in Provincial Court was the second most frequently employed file resolution pathway, with 51 files involving criminal remand appearances, and 28 involving other appearances at that level of court. An additional 21 files involved preparation for Supreme Court, and 5 involved representation before an administrative tribunal. These numbers on representation and support for adjudicative dispute resolution processes are an important finding, considering that all of the Law Centre's services are free, and that A2J literature identifies as serious issues inadequate access to affordable representation in court, and suboptimal outcomes for self-represented litigants.

The file resolution pathway data identifies an important limitation in the Law Centre's provision of A2J-related services. The data does not contain any indication that the Law Centre's services assist clients to "participate in shaping laws" or otherwise address issues at a more systemic level. Each of the file resolution pathways that were reported, including those provided in the free-form "other" box on the file reporting form, were focussed on the level of individual clients, rather than addressing systemic change.

By way of example, the reported activities of Law Centre students, working in the context of a clinic subscribing to the representational model, do not include engaging in appellate public interest litigation such as the *Carter* case, which a focus group participant mentioned under theme B2. That is not to say that CLE clinics in general are not able to address issues of that nature. Clinics operating on other models, such as the University of Toronto's David Asper Centre mentioned under the heading, "1.4 Background and Context", are specifically designed to provide support for systemic reform, through public interest litigation, research, and education. Quite simply, different models provide different benefits.

Furthermore, perhaps obviously the activities captured in this data assist large numbers of clients with their own individual legal issues, but the work cannot on its own be expected to provide a solution to systemic issues like court delays, complex processes, and expensive filing fees. The absence of any pathways aimed at triggering systemic change is consistent with other questionnaire and focus group responses under theme B2, where several participants indicated that a key limitation of the Law Centre is that it is not designed to address such large-scale reform.

That finding is significant, as it is widely recognized that major systemic changes to the culture and institutions of the justice system are required to properly address the current "crisis" state of A2J (Action Committee on Access to Justice in Civil and Family Matters, 2013, p. iv).

Participants in this research echoed that sentiment in their questionnaire and focus group responses, opining that a paradigm shift is required to correct the crisis state of A2J.

While change at the systemic level may not be a prime focus for clinical students' work at the Law Centre, data from this research indicates very clearly that the clinic's services extend well beyond the discrete legal issues with which clients present. For instance, clients were referred to other services in 24 cases, and numerous file reporting forms indicated that social work help was provided. The theme of going beyond the legal issue to address clients' basic human needs was resoundingly prevalent in the questionnaire and focus group data, with many participants touting the clinic's holistic approach as one of its most unique and valuable features.

These findings demonstrating that the Law Centre provides holistic supports for non-legal issues are important because A2J literature concludes that a person's non-legal issues such as stigma, marginalization, and unmet basic human needs may further impede their ability to access justice (Action Committee on Access to Justice in Civil and Family Matters, 2013, p. 3; Canadian Bar Association, 2013, pp. 15–16, 32 & 34)).

Table 9 and Figure 3 present findings that are novel to the body of Canadian literature on the A2J impacts of CLE. They allow us to see not only what the outputs of the Law Centre are, in terms of the types of services rendered, but also the relationships between particular categories of legal issues, and the services used to resolve them. This may shed some light on the types of services that are required by individuals experiencing each of those kinds of legal issues, thus expanding on the body of knowledge about where A2J needs exist. It also responds to a gap in the state of knowledge about the specific ways in which CLE programs respond to A2J needs.

Certain findings represented in Figure 3 stand out more than others. First, it is interesting to note that representation in Provincial Court was one of the least commonly employed file resolution pathways for all file types other than criminal. That it is used so frequently in the criminal context is unsurprising, as remand court appearances, sentencing hearings, and probation condition variation applications are regular parts of the administration of criminal matters. However, it is interesting to note that most of the services delivered by Law Centre students are outside of the courtroom.

Similarly, it is interesting to note that "help filling out forms" is in the top 3 file resolution pathways, in terms of frequency of reported use, for all file categories other than criminal law. That so many clients required the services of the Law Centre to carry out administrative steps such as filling out forms correlates well with the notion from A2J literature that the processes of navigating the justice system can be complex and overwhelming for self-represented litigants.

It is interesting to note that certain file resolution pathways were reported to have been used in 0% of cases for certain file categories. For instance, the pathways of "research" and "writing letters on behalf of clients" were not reported to have been used in any criminal cases. However, the researcher is aware from having been a clinical student in the same cohort as the participants that letters were often written to Crown counsel in criminal files to negotiate outcomes such as the use of alternative measures. Furthermore, the researcher is aware, through conversations with fellow clinical students during the term, that research was conducted on relevant case law

for many criminal files. These absences in the data suggest that participants may have selected just what they viewed as being the primary file resolution pathways employed for a file, rather than each and every pathway employed.

One notable limitation in the file output data is that information about client eligibility for other services was not systematically gathered. Many responses in the questionnaires and the focus group disclosed impressions that Law Centre was the only resource available to many clients. However, this could not be confirmed because this project did not involve direct collection of data on clients' finances, or other factors that may affect their eligibility to access other resources such as Legal Aid. Accordingly, while this research can demonstrate what services the Law Centre *does provide*, it cannot conclusively state what service needs would be left unmet without the Law Centre.

This gap in the data exists because the UVic Human Research Ethics Board (HREB) did not grant permission to collect personal data from clients' files, such as their income and financial status, for research purposes. This leaves an important avenue for future research where HREB approval to collect client demographic data could be obtained.

**6.1.3 Quantitative file outcome data.** Data reported above, in the section entitled "5.1 Quantitative Data on Clinical Legal Practice at the Law Centre", indicate that mutual understanding did not exist between the researcher and participants, and within the pool of participants, as to the meaning of each file outcome selection option on the file reporting form.

For example, when asked for clarification by a small number of participants during the term, the researcher had indicated that the "Issue Continuing / Ongoing" file outcome category should be selected for files that remained open at the end of the term, when transfer memos were being written. However, on some forms where that category was selected, the "File Closed, unresolved" box was also ticked. This indicates that not all participants shared the understanding that the "Issue Continuing / Ongoing" category should only be used for files that remained open, and were transferred to a future student.

Upon reflection, this confusion seems to have resulted from a number of factors. First, the "Issue Continuing / Ongoing" tick box was presented in a column labelled, "Issue resolved (by client, i.e. self-rep)". When the form was conceived, the researcher had intended for outcomes under that column to reflect situations where the Law Centre did not provide a resolution. The "Issue Continuing / Ongoing" box had actually originally been meant to capture situations where the Law Centre could not, for some reason or another, provide a resolution, and the student filling out the form knew that the issue continued to persist for the client, despite the Law Centre's inability to facilitate a resolution.

Accordingly, the researcher's instructions to participants during the term about when to select the "Issue Continuing / Ongoing" box conflicted with the researcher's original intentions, and with guidance provided by the column heading on the file reporting form. The column containing selections for outcomes where the Law Centre could not provide a resolution should have been more clearly labelled as such, and should have been more clearly separated from the other column, entitled "Issue Resolved by the Law Centre".

The “Issue resolved (by client, i.e. self rep)” column also contains an option labelled “Unknown Outcome”. When the file reporting form was devised, the researcher envisioned that option would be used to indicate situations where the Law Centre could not provide a resolution, and the student was unsure of the outcome, such as whether the client’s issue persisted, or if the client had been able to seek some sort of resolution on their own. The option would have been applicable to situations where clients fell out of contact with their Law Centre representative, without providing an update on their situation.

However, there apparently existed some degree of confusion around the meaning of that file outcome category as well. One file reporting form indicated both that the outcome was unknown, and that a negotiated outcome had been achieved. For almost all of the files where “Unknown Outcome” was selected, the “Issue Continuing / Ongoing” box was also selected. While in a logical sense those two categories do not seem mutually exclusive, the researcher had intended the former to be used where the student truly had no insight into the client’s status, and the latter to be used where the student knew for a fact that the client’s issue persisted.

Furthermore, for 17 files, participants selected the “File Closed, resolved” box, but did not select any other outcome, such as “Court Order”, “Referral”, “Summary Advice Only”, “Other Law Centre Resolution”, or “Other Outcome”. While those selections do not present any inherent contradiction, precise data on the nature of the outcome was not collected for those 17 files that were closed as resolved during the term.

Clearly, the file reporting form should have provided more explicit instruction as to when each outcome option should be selected. That would have served to provide clear guidance to participants, and it would have reminded the researcher throughout the course of the research of what the original intentions had been for each category.

Ultimately, a conclusion must be drawn that the layout of the file reporting form, along with verbal instructions provided by the researcher during the data collection phase, created a situation where file outcome data was collected in a non-uniform manner. Unfortunately, these complications place some limits on the analysis that can flow from the file outcome data. The following discussion will, however, elaborate on certain insights which can still be derived from that imperfect body of data.

It was only two files marked as continuing/ongoing that were also marked as closed and unresolved. Thus it is reasonable to conclude that the remaining 143 files marked as continuing or ongoing were still active files that were transferred to a clinical student in the next Law Centre student cohort. This finding sheds light on how long it takes for a legal issue to be resolved by a temporary articulated student at the Law Centre. A majority of files (57%, where N = 249) were not resolved in one four-month term.

This data indicates that even where individuals have the support of a temporary articulated student, and the lawyers, social worker, clinic administrator, and other resources of the Law Centre, long waits for resolutions are not unusual. This finding supports the A2J literature that identifies delays and time consuming processes as a significant barrier to accessing justice. It also

correlates with qualitative data from the focus group and questionnaires, where participants indicated progress on some files is limited by factors such as time-consuming processes, high student turnover, litigation files demanding more attention and urgency and time than solicitor work, and a high workload combined with limited student capacity.

Unfortunately, the file reporting form did not provide a space to collect data on how long the file had been open before the file reporting form was completed. Thus, it is not possible from the dataset for this research to determine whether a given file had only been opened two weeks before the end of the term, or whether it had been opened two or three terms prior, and had still not been resolved. This would be useful data to collect in future research.

The remaining data on file outcomes presented in Table 7 is also useful in the sense that it represents a small step towards filling the gap in knowledge about how CLE clinics contribute to A2J as part of the justice system. In its post-colloquium report, UVic ACE noted that in the existing literature, discrete events and outputs are measured far more than their impacts or outcomes (UVic ACE, 2016, p. 9).

The data in Table 11, Table 9, Figure 3, and Figure 4 disclose an interesting connection between file outcomes, file resolution pathways, and file subject matter. First, the “issue continuing / ongoing” category is reported less in criminal and residential tenancy matters, compared to all other categories of files. Referring back to Table 9 and Figure 3, criminal matters had by far the largest reported usage of representation in provincial court, while residential tenancy had the highest reported usage of representation before administrative tribunals. This connection between higher rates of representation in adjudicative processes and lower rates of files remaining “ongoing” at the end of the term, correlates with qualitative findings under theme B4, which indicate that progress on some files is limited because litigation files, particularly those in the criminal realm, demand more urgency and time than solicitor work.

These findings are important because they suggest that certain types of files may receive different types or levels of attention from students, and consequently are resolved more quickly than other types of files. While these disparities are likely due to the inherent urgency and demands of certain types of files, it nonetheless signals to clinical legal educators that perhaps it would be worthwhile to determine whether something could be done to ensure that no one type of file is privileged at the expense of any other type.

In fact, a conversation on that precise topic emerged during the focus group session. Participants discussed in a very cursory fashion certain possibilities to rectify the disparity identified above. One such idea was to designate certain portions of the clinical term as exclusively dedicated to catching up on oft-overlooked solicitor work, such as the drafting of wills. However, that idea was quickly dispensed with, as participants realized that it would be impractical, if not impossible, since deadlines for the more time-consuming and urgent litigation files are externally imposed.

**6.1.4 Qualitative data relating to client impacts.** The discussion above is largely focused on the quantitative data from file reporting forms, with qualitative results occasionally

referenced for cross-validation. The paragraphs that follow will expand on qualitative data from the focus group and questionnaires.

As noted above under the heading, “1.3 Rationale”, the post-colloquium report published by UVic ACE notes a paucity of qualitative data on the functioning of the justice system, with discrete events and “outputs” being measured far more than the impact or effectiveness of those events (UVic ACE, 2016, p. 9). The qualitative findings from this research are significant, if for no other reason, because they directly address that gap.

One of the most important contributions that the qualitative data makes to knowledge about the Law Centre’s A2J impacts for clients is that it identifies major limitations in that arena. Whereas the quantitative data on outputs and outcomes primarily focuses on what *was* done for clients, the qualitative data under Category B elucidates where impacts were limited, and offers insights as to why that is the case. For instance, the limited scope of practice accorded to temporary articled students by LSBC is identified as a factor that limits the Law Centre’s ability to assist a range of clients who do not qualify for Legal Aid, but whose issues fall outside of that scope.

Of course, it would certainly be possible for any person to reason that temporary articled students’ restricted scope of practice would logically place limits on what CLE programs can do to ameliorate A2J, without needing to engage in qualitative research on the subject. However, the value in the findings from this research is that participants confirmed that those limitations are not just theoretical or possible, but are regularly experienced in practice.

These insights into the Law Centre’s limitations and the reasons therefor are very important findings, as they relate directly to a gap in knowledge identified in UVic ACE’s post-colloquium report: Although CLE programs form part of the justice system, data on their A2J impacts are not publicly reported or known (UVic ACE, 2016, p. 8). Data on limitations help to delineate the boundaries within which the A2J impacts of CLE programs may be expected to exist.

Furthermore, although certain of the limitations identified in the qualitative data are linked to broader systemic issues that one CLE program alone would be unlikely to change, some of the responses suggest operational changes that the Law Centre could implement to increase its own potential to impact A2J. For instance, some participants suggested an option for students to have a longer clinical term, thus reducing delays associated with student turnover. These findings are important, as they suggest changes that could have tangible impacts, some of which changes are more realistic, and some of which are more impractical.

The qualitative data is also valuable in that it serves to triangulate and enrich the output and outcome findings from the quantitative file reporting data. This is particularly true of data falling under categories C and D. The qualitative data on file outcomes from category D are particularly important in this research, given the limitations of the quantitative data on outcomes, as discussed in the preceding section.

Triangulation occurs in the sense that outputs and outcomes were studied by both qualitative and quantitative methods, and in the sense that similar themes emerged in both datasets. For instance, qualitative findings under theme C1 identify that the Law Centre’s outputs are

primarily focused on individual-level support and representation, rather than systemic change. This is a finding that also emerged from a consideration of the quantitative data on file outputs, as discussed in the preceding section.

The quality of insights into the Law Centre's A2J outputs and outcomes was enriched by the qualitative data in the sense that participants were able to offer thick descriptions of what they experienced and observed, instead of just ticking a box on a form. For instance, the focus group transcript excerpt shared under theme C3 in the findings section, which explained a perceived difference in outcomes between Law Centre services and those of duty counsel, provides much more insight into the impacts of the Law Centre's holistic approach than can be gathered through a tick box and a two-word notation in the "other" field on the file reporting form.

As mentioned above, the qualitative data on file outcomes under category D is particularly important because it serves to cross-validate and fill gaps in the problematic set of quantitative data on outcomes. For instance, responses under theme D1 provide specific examples of positive outcomes for Law Centre files, such as acquittals and stays in the criminal realm, and negotiated outcomes and settlements in residential tenancy and human rights files. Although anecdotal in nature, that data expands on the rather sparse findings about specific file outcomes that came from the file reporting forms.

Furthermore, an entirely separate category of outcomes emerged from the qualitative dataset that was not present in the quantitative data: meaningful personal impacts for clients (D2). Had outcomes been only measured with the file reporting forms, numerous important findings would not have emerged, such as perceptions that the Law Centre's services helped to reduce clients' anxiety, improve their sense of agency, fulfill basic human needs like shelter, and simply make clients feel heard and respected.

Those findings are particularly important because outcomes like reduced anxiety, increased sense of agency, and fulfilment of basic human needs directly respond to issues of marginalization. That matters because, as outlined above under the heading "1.4 Background and Context", marginalization is associated with decreased agency in dealing with legal issues, and ultimately decreased access to justice, and worse legal outcomes (Canadian Bar Association, 2013, pp. 15–16 & 34).

## **6.2 The Law Centre's A2J Impact on Clinical Students**

This section deals with data that responds to the second branch of the research question: What impact, if any, does the UVic Law Centre clinical program have on awareness and commitment to access to justice among participating law students?

All of the findings relating to changes in clinical students' awareness and commitment to A2J come from the qualitative data. Certain themes in that dataset, such as those under Category I, capture responses where participants explicitly identified new perceptions, experiences, and knowledge related to A2J. Other insights into changes in participants' understandings and commitment to A2J throughout the clinical term were gathered by comparing pre- and post-term data at an aggregate level.

With regard to aggregate level changes in participants' A2J-related knowledge, the most prominent overarching finding is that in the post-term period, participants were better able to transcend generalized or theoretical statements, offer much more nuanced insights, and identify specific examples to illustrate the A2J concepts that they were discussing. For example, the responses identifying complicated, frustrating and adversarial processes as a barrier to A2J (theme F4) were distributed roughly equally between pre- and post-term data, in terms of frequency. However, post-term responses included more specific examples, such as one participant who reported seeing first hand that even the process of filling out an application to waive fees can be a major barrier for a self-represented litigant.

The idea that participants' existing notions about A2J become more personal, fulsome, and contextualized through their CLE experiences is echoed in the findings reported under theme I3. In responses under that theme, participants explicitly stated that their Law Centre experience made theory and prior learning "hit home" and feel personal. That finding is important because it demonstrates that while traditional classroom-based legal education and CLE programs may teach some of the same things, the learning from CLE appears to resonate on a deeper level.

Insights into CLE's potential to make learning about A2J more personal and rooted in real-life experience also speaks to the Law Centre's ability to achieve two goals of CLE identified in literature on clinical pedagogy: sensitizing students to social justice, and contextualizing students' understandings of poverty, discrimination, and marginalization (Voyvodic & Medcalf, 2004, p. 106).

Several other themes under category I dealt with new A2J-related perceptions, experiences, and knowledge acquired by CLE students. Ultimately, those findings indicate that the CLE experience at the Law Centre goes beyond bringing existing theoretical concepts to life, but also exposes students to brand new ideas and insights about the realities of A2J.

Despite the new or deeper understandings discussed above, the responses under certain themes were relatively consistent between the pre- and post-term data sets. For instance, the idea that mental health and addictions are prevalent barriers to accessing justice for many people was discussed roughly equally in both pre- and post-term responses, in terms of both frequency and depth of treatment.

This indicates that law students who have not yet had, or may never have, the opportunity to participate in CLE are still being sensitized to certain aspects of A2J in some way. This may offer some insight into the effectiveness of traditional classroom-based legal education at raising awareness of A2J. On the other hand, it may simply be the case that certain ideas that remained static throughout the CLE term are just common sense, such as the concept that finances can be a barrier to accessing legal services.

In addition to identifying *changes* in clinical students' understanding or commitment to A2J that may occur throughout the course of their participation in a CLE program, the qualitative data also serves to more generally provide an indication of the actual level of knowledge about A2J that these students will ultimately take with them into their careers.

Another important finding from the qualitative data is that several participants indicated that their CLE experience has had a positive impact on their views of the role of A2J in their careers. For example, in responses under theme L2, some participants stated that as a result of their CLE experience, they felt either a new or a strengthened resolve address A2J as part of their careers.

This finding is important because it suggests that an outcome of CLE programs is a potential increase in the number of legal professionals providing the services needed to address gaps in A2J. However, since responses under this theme came from only a few participants, it is not possible to generalize this finding to other participants, much less to other CLE programs.

On the other end of the spectrum, responses under category J detailed negative experiences with clients, disillusionment with regard to lawyers' potential to positively impact the state of A2J, and in one case, a negative shift in desire to work to address A2J in the future. Although there were a limited number of responses falling under this category, this is still an important finding. Noting the possibility that in some circumstances, and for some clinical students, participating in CLE may actually negatively impact attitudes towards A2J alerts clinical legal educators about an area in which they may wish to develop more programming.

For instance, one focus group participant suggested that although the Law Centre's staff social worker taught a session for clinical students on stress management, more could be done to educate students on working with clients who live with complex barriers or difficulties, and on how to manage client expectations and workload. That participant was of the opinion that such training could be particularly beneficial for clinical students who have limited legal work experience, or who have not previously worked or volunteered with clients who live with multiple barriers.

Finally, one limitation in the qualitative data on student impacts is that aside from instances where participants explicitly identify new insights that they have gained into A2J through their CLE experience, changes in understanding and commitment to A2J from the beginning to the end of the clinical term can only be tracked on an aggregate level. That is because participant names were not recorded on questionnaires.

Additional insights into the precise changes in A2J knowledge and commitment that occurs throughout a CLE term could be gained if the dataset made it possible to directly compare a given participant's pre- and post-term responses. One way to enable that individual-level analysis in future research on the A2J impacts of CLE would be to assign each participant a unique codename that they could write on their questionnaire responses, and which could be used in the focus group transcript.

### **6.3 Working Hypotheses**

This section summarizes the working hypotheses that can be drawn from the discussion in the preceding sections. As outlined above in the section entitled, "4.1 Methodology", the instrumental case study method applied in this research is not conducive to drawing absolute scientific conclusions, but rather to developing working hypotheses. Instead of being a definitive

statement of a finding that is applicable to all other cases of the same category, a working hypothesis is a tentative statement that may be transferred to cases that are sufficiently congruent with the case from which the hypothesis was derived (Lincoln & Guba, 2011, pp. 13 – 15).

Thus, when a working hypothesis below makes a broad statement about CLE in general, it must be interpreted with the caveat that it can only apply to CLE programs, students, and clients whose characteristics are highly congruent with those that were studied in this research. The working hypotheses below are not intended to be conclusive, but are meant to serve as the starting point for future research on the relationships between CLE and A2J.

**6.3.1 CLE responds well to gaps in A2J at the individual level.** The types of files clinical students work on, and the types of services they provide, help individual clients to access the information, resources, services and processes they require to resolve disputes, and protect their rights.

**6.3.2 The immediate outputs of representational CLE clinics are individual-centric.** The immediate outputs and outcomes of the services provided in representational CLE clinics are geared to address the needs of individual clients, rather than broader systemic issues that perpetuate existing gaps in A2J, such as court delays.

**6.3.3 CLE clinics contribute to positive legal outcomes for clients.** By providing the information, resources, support and advocacy that many self-represented litigants are lacking, CLE clinics contribute to positive legal outcomes for their clients.

**6.3.4 CLE has the capacity to ameliorate A2J by responding to non-legal needs.** By helping clients to respond to their basic human needs, and other underlying non-legal issues that may be causing, perpetuating, or exacerbating their legal issues, CLE programs empower their clients to focus on remedying the legal problems they present with.

**6.3.5 CLE deepens, personalizes, and contextualizes A2J knowledge.** By providing students with first-hand experience with delivering legal services to communities and individuals that experience multiple barriers to accessing justice, CLE programs make existing knowledge about A2J “hit home”, feel personal, and become situated within their real life context.

**6.3.6 CLE enables students to gain new insights into A2J.** Above and beyond contextualizing and confirming existing knowledge, CLE programs enable clinical students to develop brand new insights into A2J, for instance by exposing students to areas of need, or barriers to A2J, of which they were previously unaware.

**6.3.7 CLE impacts clinical students’ career plans.** Participation in CLE is an impactful and memorable experience that has the capacity to affect clinical students’ career plans, including reorienting them towards or away from addressing A2J in their future practices.

#### **6.4 Implications for Project Client**

Ultimately, the two main implications of this research for the project client are: (1) data has been gathered and analyzed to narrow gaps in knowledge identified in UVic ACE's post-colloquium report; and (2) a research framework for assessing the A2J impacts of CLE has been developed and tested.

The findings, discussion, and working hypotheses presented above respond directly to two gaps in knowledge about the A2J impacts of CLE, as identified by UVic ACE, in that organization's post-colloquium report: (1) a lack of empirical research on the A2J-related impacts of CLE; and (2) a paucity of qualitative data on the functioning of the justice system (UVic ACE, 2016, pp. 8–9).

As a test-run of a new research framework that could be used to gather similar data on other CLE programs across the country, this project identified certain research methods and tools that worked well, and others that could be improved upon. Some of the challenges flowing from imperfections with the research tools and methods were outlined in the discussion section above, and specific recommendations on how to improve them are outlined in the recommendations section below.

## 7.0 Recommendations

This section draws on the contents of the findings and discussion sections above to propose recommendations on how to make use of the data and insights produced through this research. Recommendations are offered to UVic ACE for how to conduct future research on the A2J impacts of CLE, and to clinical legal educators on how to integrate findings from this research into their teaching and practice.

### 7.1 Recommendations for Future Research on the A2J Impacts of CLE

In early discussions about this research project, representatives from UVic ACE indicated that they wished to have a model for gathering data on the A2J impacts of CLE programs across the country. This subsection proposes several recommendations for how to best go about conducting further research on that topic, based on what was learned through this research, what went well, and what could be tweaked to achieve more optimal results.

**7.1.1 Gather outcome information directly from clients.** All of the data gathered in this research was collected from the perspective of CLE students, rather than from that of clients. This was due to not having sought or obtained Human Research Ethics Board approval to interview clients, or collect their personal data from their clinical files. Accordingly, the data on outcomes experienced by clients is once-removed, as it is actually clinical students' perceptions of those outcomes.

Clients and their relatives were directly interviewed in the research conducted on Nigerian CLE programs by Ojukwu *et al*, and the data gathered from clients was very compelling. It would be worthwhile in future Canadian research on the A2J impacts of CLE to seek ethical approval to gather data directly from clients, and to record their personal demographic data from their files.

**7.1.2 Track individual participants with anonymous codenames.** Aside from responses in which participants explicitly identified changes that occurred in their understanding and attitudes towards A2J throughout the term, changes could only be tracked at the aggregate level, by comparing themes in pre-term and post-term data. This analytical limitation arose because students' names were not recorded on their questionnaire forms, in order to protect their anonymity and confidentiality.

An alternative method of protecting anonymity, while facilitating the tracking of individual-level changes throughout the course of the clinical term would be to assign each participant an anonymous codename. The participants would then write those codenames on their questionnaire responses, and they would be used in focus group transcripts.

**7.1.3 Collect data on timelines for clinical files.** The data from this research offers insights into how many files remain unresolved at the end of the clinical term, and how those unresolved files are distributed between various categories of files. However, no data was gathered to indicate whether the file had been opened that same term, or if it had already been open for months or years prior. Collecting data on how long a file had been open before the file

reporting form is filled out would help to gather a better picture of how long it takes files to be resolved.

It would also be worth considering collecting data on key dates for each file. For instance, a form could be used to track the date a client first came for an interview, when initial pleadings were filed, when the first court date occurred, and so on. This could help to identify where delays are most prevalent. Delays are a significant area of concern in the A2J literature.

## 7.1 Recommendations for Clinical Legal Educators

These recommendations are mostly tailored to the Law Centre, as it is the only CLE program directly studied in this research. However, these recommendations could be easily tailored to suit other CLE programs as well.

**7.1.1 Include training on colonialism and reconciliation in CLE orientation.** Calls to action numbers 27 and 28 of the report of the Truth and Reconciliation Commission of Canada (TRC) call for increased education for law students about cultural competency and the relationship between Aboriginal people and the law (Truth and Reconciliation Commission of Canada, 2015a, p. 3). Lack of sensitivity and cultural and historical knowledge among lawyers has also been associated with residential school survivors not receiving appropriate legal services (Truth and Reconciliation Commission of Canada, 2015b, p. 168).

Furthermore, due to a long legacy of use as a mechanism for subjugation and assimilation, settler law has come to be seen by many Aboriginal people as a tool of government oppression, rather than as a means of accessing justice or protecting one's rights (Truth and Reconciliation Commission of Canada, 2015b, p. 202). Laws imposed by colonial forces have also served to suppress Indigenous legal orders and methods of seeking justice that are inherent to those systems (Truth and Reconciliation Commission of Canada, 2015b, pp. 202–207). Those are only two of many ways in which colonialism has been implicated in creating barriers to accessing justice for Aboriginal people.

Despite the significance of the issues discussed above, colonialism was only mentioned twice in responses falling under category F, which has to do with systemic barriers to A2J. Colonialism did not come up as a theme under any other category in the qualitative data.

Given the fact that colonialism was not widely identified as an aspect of A2J by participants in this research, it may be beneficial for CLE program such as the Law Centre to integrate a unit on the relationship between A2J and colonialism in the orientation training. Such training would serve to address the TRC calls to action mentioned above, and could sensitize clinical students to a very important aspect of A2J in Canada.

**7.1.2 Expand the use of routinely collected data for research purposes.** CLE clinics already routinely collect personal information about their clients, which could be very useful for research purposes. For instance, the Law Centre collects financial eligibility data, as well as other demographic data, for every client that applies for services. In the context of this research, that financial eligibility data would have been very helpful for helping to determine whether

clients would also be eligible for other services outside of the Law Centre, or whether the Law Centre was truly their only option, as was indicated in some participants' perceptions.

One option for expanding the use of this data that is already routinely collected for research purposes would be to add a consent on the client intake form for anonymized data to be collected and used for research purposes. That would ensure that the data is readily available to researchers conducting further research on CLE and A2J. Clinical legal educators would need to be sure to get the appropriate approvals from their university human research ethics boards before making any such change.

**7.1.3 Introduce services aimed at systemic change.** This research indicates that CLE programs that run on the representational model, such as the Law Centre, have a limited capacity to address systemic issues that affect A2J. A significant reason for this limitation is likely that the demands of delivering individual-level services to large numbers of clients is already very taxing on the clinics' limited resources.

However, systemic level changes are identified by prominent jurists and academics as a crucial aspect of responding to the current state of A2J. Clinics may wish to consider adding to their gamut of services a parallel program that takes on broader advocacy and reform projects, where resources permit.

**7.1.4 Offer options for longer student clinical terms.** Delays and time-consuming processes have been identified in the literature as a significant barrier to accessing justices. In this research, participants identified the frequent turnover of students and the short clinical terms as a factor that limits the progress on some files, and prevents files from being resolved quickly.

As suggested by one focus group participant, one way to remedy this issue would be to offer students the option to take a longer CLE term that would endure for eight months or a year, rather than four months. In order to recognize this additional commitment, students could receive a special notation on their degree parchment, indicating that they had specialized in clinical legal education during their time as a law student.

In considering a change of this nature, it is necessary to consider that the Federation of Law Societies of Canada (FLSC) outlines certain requirements for accreditation of Canadian law school programs. For instance, those guidelines set out a requirement for law programs to consist primarily of in person learning involving student-teacher interaction (Federation of Law Societies of Canada, 2011, s. C(1)(1.2)). Any changes to the length of student clinical terms would need to be compatible with FLSC accreditation requirements.

**7.1.5 Increase training on client sensitivity and relationship management.** Some participants in this research indicated that they had negative experiences with some clients, who they described as unforgiving, entitled, or absent. Other students expressed frustration with feeling like they cared more about their clients' issues than their clients did. One response indicated that the CLE experience had turned the participant off from working on A2J related issues in the future.

Those outcomes are certainly not ideal, and some are antithetical to the goal of increasing students' commitment to A2J through CLE. In order to mitigate the risk of those negative student experiences and outcomes, it would be advisable to ensure that sufficient training and support are provided in the areas of client sensitivity and relationship management.

Client sensitivity training could help clinical students to understand the circumstances in their clients' lives that may make them act or appear absent or disinterested in their legal issues. Training and support on client relationship management could help students, and particularly those with limited prior work experience, to negotiate the challenging situations inherent to lawyer-client relationships.

## 8.0 Conclusion

This research contributes to the state of knowledge on the relationships between Canadian CLE programs and A2J. First, it responds to a call for data on the A2J outputs and outcomes associated with CLE, by collecting and cross-validating quantitative and qualitative data on those topics. Second, in its coverage of those client-centred outputs and outcomes, this research provides deeper insights and thicker description into the functioning of the justice system by gathering qualitative data. Finally, this research considers previously unexplored impacts of a Canadian CLE program on clinical students' understanding and commitment to A2J.

Despite those contributions, this research has several notable limitations. First, due to its design as an instrumental case study, the data is not conducive to conclusions that can be generalized to all other Canadian CLE programs. Instead, the analysis of the data from this research permitted the development of seven working hypotheses, which can be transferred to a certain extent to CLE programs, students, and clients that are substantially similar to those that were studied here.

The second notable limitation is that as a first test-run of a framework for systematically analyzing the A2J impacts of CLE in Canada, the methods and tools that were employed in this project were sometimes imperfect. Certain of these imperfections limited the analysis that could be conducted on datasets that were flawed in unexpected ways. However, the limitations imposed by those imperfections were minimal, and the process of identifying and analyzing them helped to produce recommendations for how to better conduct similar research in the future.

Ultimately, perhaps the most useful products of this research are the directions for future research that are borne out of the project's limitations. The working hypotheses provide a starting point for developing a theoretical framework to test and refine through future studies, while the recommendations provide guidance for perfecting the methods and tools to be used in doing so.

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### **Appendix A: Recruitment Script**

Hello everyone. As some of you may already know, I am working on completing my master's degree in public administration concurrently with my law degree. The final stage of my master's degree is to complete a capstone project that addresses an issue or research need for a client. My client for my capstone project is the UVic Access to Justice Centre for Excellence, which is run by several UVic law faculty members, including Jerry McHale and Michelle Lawrence. My research is on the access to justice impacts of law school clinical education programs. Glenn Gallins has agreed on behalf of the Law Centre that I may conduct my research in the Law Centre program this term.

Working under the supervision of Jerry McHale and Michelle Lawrence, and with the input of Glenn Gallins, I will aim to explore the access to justice impacts of the Law Centre on the community it serves, and on the students that participate in this clinical course. I am speaking to you today to ask you for your participation in this research.

Participation would entail responding to two short questionnaires, and noting some key features of your clinical cases on a reporting form throughout the term. The questionnaires would take an estimated 20 minutes each, and filling in the clinical file reporting forms would take less than 5 minutes per day that you're at the law centre. Some of you may also choose to participate in a focus group at the end of the term, in order to explore the themes that are present in questionnaire responses, in some more depth. The focus group would likely take two to three hours.

Anticipated benefits of this research for the community and the state of knowledge include developing a better understanding of the ways in which clinical legal education benefits individuals who face barriers to accessing justice. Anticipated benefits to you as participants include the opportunity to reflect on the impacts of your clinical legal education experience this term.

All of the research protocols used for this project have been approved by Jerry McHale, Michelle Lawrence, Glenn Gallins, and the UVic Human Research Ethics Board. You are under absolutely no obligation to participate in this research. Your grades, standing, and relationships with me, Glenn Gallins, Jerry McHale, and Michelle Lawrence will not be affected in any way, whether you decide to participate or not. Glenn Gallins will never be told whether or not you decided to participate in this research. If you decide to participate, you will be free to withdraw from the research at any time, or decline to answer any question, without penalty.

There are numerous safeguards in place to protect the confidentiality and anonymity of participants, including the use of pseudonyms in transcripts, storage of all questionnaire responses and reporting forms in locked cabinets accessible only by myself and Jerry McHale, no publication of personally identifying information in the final report or any other documents, and destruction of all questionnaire responses and other data two years after the research is complete.

As you are all aware, when you are enrolled in law centre, that is the only law course you take for the entire term. None of us are in any other law courses at this time. Accordingly, none of us who are enrolled in law centre this term are currently in a student-teacher relationship with Jerry McHale or Michelle Lawrence.

In a moment I will distribute consent forms and will be happy to answer any questions about the research, or what participation entails. At any point throughout the course of the research, you are also welcome to contact me, Jerry McHale, Michelle Lawrence, or the Human Research Ethics Board with any questions you may have about the research.

You may return completed and signed consent forms to me directly, or to Jordan Forbes at the front office of the law building. If you decide not to participate, you are not required to return the form.

At the end of the project, I will make the results of the project available to all participants so you may see what you have contributed to. The more people participate, the more we can contribute to the state of knowledge on access to justice. I look forward to working with you.

## Appendix B: Consent Form

### Consent to Participate in Research Study

- Research Study:** Access to Justice Impacts of a Law School Clinical Program
- Researcher:** Alexander F. D. Stirling, JD/MPA Candidate, Faculty of Law and School of Public Administration, University of Victoria
- Supervisor:** M. Jerry McHale, QC, Professor, Faculty of Law and School of Public Administration, University of Victoria
- Second Reader:** Dr. Michelle Lawrence, Assistant Professor, Faculty of Law, University of Victoria
- Client:** M. Jerry McHale, QC, and Dr. Michelle Lawrence, Co-founders  
UVic Access to Justice Centre for Excellence

**Project purpose:** The purpose of this research study is to ascertain the impacts of law school clinical programs, with regard to access to justice. This research is important because many Canadians experience an inadequate level of access to justice, and research and information gaps exist with regard to the impacts of law school clinical programs on delivering access to justice-related benefits to the communities that they serve. A gap in research also exists with regard to the impact of participation in law school clinical education on law students' experiences and perceptions of access to justice.

**Your choice to participate:** Your participation is sought by reason of your involvement as a law student involved in providing pro bono legal representation through a law school clinical program. Participation in this research is entirely voluntary, and you are not under any obligation to participate. If you do decide to participate, you may withdraw from participation in the research at any time or decline to answer any question, without penalty. Your grades, standing, and relationships with Alexander Stirling, Glenn Gallins, Jerry McHale, and Michelle Lawrence will not be affected in any way, whether or not you decide to participate. Glenn Gallins will never be informed of which students did or did not participate in this research.

**The nature of your participation:** This research will take place over the course of the spring academic term (January to April, 2017), while you are enrolled as a Law Centre student. The research will take place on the University of Victoria campus, and at the Law Centre office at 225-850 Burdett Avenue, Victoria, BC, V8W 0C7. Your participation would involve responding to two survey questionnaires, and filling out client file reporting forms throughout your term as a law Centre student, for use in the research study. You may also decide to participate in a focus group, which would take place towards the end of the semester. If you decide to participate in a focus group, you will be asked to sign an additional confidentiality and consent form, and will be provided with further information about the focus group process at that time.

**Compensation:** No compensation will be offered to participants in this research project, with the exception of participants who take part in a focus group. Focus group participants will receive a \$25 gift card as consideration for their participation. Consideration is offered to focus group participations because it involves a more significant time commitment than participation in the other aspects of this research.

**Benefits of this research:** Participants may benefit from reflecting on their learning and experiences as students in a clinical legal education program. Through this reflection, participants may have the opportunity to better understand the nature of their role as a legal professional in impacting access to justice in their communities. Society stands to benefit from a greater understanding of access to justice needs in the community, and ways in which existing clinical legal education programs impact them. Greater understandings of the aspects of clinical legal education that have more profound impacts on access to justice will inform development of pedagogy for similar programs in the future, and thereby increase the potential for positively impacting access to justice in other communities across the country. The access to justice impacts of law school clinical education programs have been identified in scholarly publications as a specific gap in the body of knowledge on access to justice. This research will serve to address precisely that gap.

**Risk and inconvenience:** Considering that recording data on clinic files, and reflection on the learning taking place are already regular aspects of participating in this clinical legal education course, this research does not introduce any new types or magnitudes of potential for harm. Inconveniences to participants will include only modest investments of their own time. Questionnaires and focus group participation will require participants to invest a small amount of their personal time. Filling in file reporting forms will require a very modest investment of participants' time, and a small addition to the procedure of keeping accurate records for their files.

**Researchers' relationships with participants:** The principal investigator, Alexander Stirling, is a classmate and fellow Law Centre student of participants in this research. In order to ensure that Law Centre students do not feel pressured to participate in this research, students have the option of returning consent forms to Jordan Forbes in the main office of the law building, rather than to the principal investigator in person. The supervisor and second reader (who are also the clients) for this research are professors in the law school where participants are enrolled. However, Law Centre students do not enrol in any other courses while in the Law Centre clinical program. Accordingly, participants are not in student-teacher relationships with the researchers during the course of the research.

**Withdrawal of participation:** Participants may withdraw from participation in the research at any time or decline to answer any question, without penalty. If you decide to withdraw from this research, your data will not be used in the analysis and will be immediately destroyed. If you have participated in a focus group and some of your data is thus linked to group data, it will be used in only a summarized or aggregate form, with no personally identifying information about you.

**Ongoing consent:** By signing this agreement you are providing your initial consent to

participate in this research. Your ongoing consent will be confirmed at subsequent steps in the research process. To affirm your ongoing consent to participate, you will be asked to sign a separate line on this same agreement when you participate in the second questionnaire. To further affirm your ongoing consent to participate, you will be asked to sign another separate line on this agreement when you hand in your file reporting forms. If you decide to participate in a focus group, you will be asked to sign a separate focus group consent form and confidentiality agreement.

**Anonymity and confidentiality:** The researcher will maintain all identifying information in confidence and shall not disclose that information to any third party unless required by law. Participant confidentiality with regard to questionnaire response forms will be protected by: (1) the completed questionnaire responses being kept in a secure location only accessible by the principal investigator (Alexander Stirling) and supervisor (Jerry McHale); (2) all completed questionnaire responses being destroyed two years after the completion of the research; (3) omission of personally identifying information such as participant name when the data from questionnaire response forms is aggregated with other data; and (4) only publishing anonymized and aggregate level data. Participants who take part in focus groups will be provided with additional information regarding the confidentiality and anonymity surrounding that participation prior to consenting to participate in focus groups. A separate confidentiality form and consent form will be signed by focus group participants.

Participants are drawn from a small population of individuals enrolled in law centre. This may naturally impose some limits on the confidentiality and anonymity of participants. For instance, although all data will be reported in only anonymized or aggregate forms, Law Centre students may try to guess which responses were provided by which of their classmates. By way of example, reports from this research may report findings in a format such as, “only two participants discussed \_\_\_\_\_ in their questionnaire responses.” Despite the steps taken by the researcher to publish only aggregate level or anonymized data, other law centre students may, in reading the report, attempt to guess how their colleagues responded.

**Dissemination of research results:** Results from this research will be disseminated in the following ways: (1) a master’s project defence presentation; (2) on the internet (for instance on the publicly accessible “UVicSpace” site where most master’s projects are published); and (3) a copy of the final report will be made available to all participants, the client, and the Law Centre director.

**Disposal of data:** The researcher will retain a copy of any documents provided by you in the course of the research, for a period of two years following completion of the research study. All such documents will be destroyed promptly thereafter. In the interim, the researcher will store these materials in hard copy or in electronic format on a secure hard drive. Hard copies and hard drives will be housed in a secure location accessible by only the principal investigator (Alexander Stirling) and the supervisor (Jerry McHale). As discussed above, should you decide to withdraw from participation at any point in the study, your data will not be used in the analysis and will be immediately destroyed. If you have participated in a focus group and some of your data is thus linked to group data, it will be used in only a summarized or aggregate form, with no personally identifying information about you.

**Questions or concerns:** If at any time you have questions or concerns about this research, you may contact the principal investigator, Alexander Stirling, in person, by telephone at (250) 858-6573, or by email at [alestirl@uvic.ca](mailto:alestirl@uvic.ca). You may contact the supervisor, M. Jerry McHale, QC, by email at [mjmchale@uvic.ca](mailto:mjmchale@uvic.ca), or by telephone at (250) 721-7647. You may contact the second reader, Dr. Michelle Lawrence, by telephone at (250) 721-8894, or by email at [mlawr@uvic.ca](mailto:mlawr@uvic.ca). Alternatively, you may contact the University of Victoria Human Research Ethics Office by telephone at (250) 472-4545, or by email at [ethics@uvic.ca](mailto:ethics@uvic.ca).

**Consent:** Your signature below indicates that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project:

\_\_\_\_\_  
Participant                      Name                      Date

\_\_\_\_\_  
Witness                      Name                      Date

**Ongoing consent – Second questionnaire:** Your signature below indicates that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researchers, and that you continue to consent to participate in this research project:

\_\_\_\_\_  
Participant                      Name                      Date

\_\_\_\_\_  
Witness                      Name                      Date

**Ongoing consent – Submission of file reporting forms:** Your signature below indicates that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researchers, and that you continue to consent to participate in this research project.

\_\_\_\_\_  
Participant                      Name                      Date

\_\_\_\_\_  
Witness                      Name                      Date

### Appendix C: Pre-term Questionnaire

#### Pre-term Law Centre Student Questionnaire

- Research Study:** Access to Justice Impacts of a Law School Clinical Program
- Researcher:** Alexander F. D. Stirling, JD/MPA Candidate, Faculty of Law and School of Public Administration, University of Victoria
- Supervisor:** M. Jerry McHale, QC, Professor, Faculty of Law and School of Public Administration, University of Victoria
- Second Reader:** Dr. Michelle Lawrence, Assistant Professor, Faculty of Law, University of Victoria
- Client:** M. Jerry McHale, QC, and Dr. Michelle Lawrence, Co-founders  
UVic Access to Justice Centre for Excellence

**Instructions:** Please answer these questions in a Microsoft Word document, and email them to Alexander Stirling at [alestirl@uvic.ca](mailto:alestirl@uvic.ca). Please use “Law Centre Questionnaire 1” as the subject line of the email. Please use your UVic email account, and not any other personal email account that may use an American server, such as Gmail or Hotmail. Alternately, you may elect to print your responses and return them to Alexander Stirling in person.

**Date to return responses:** Please return your completed responses by end of day on Friday, February 3, 2017.

Questions:

1. What were your motivations for enrolling in law school?
2. What were your motivations for enrolling in the Law Centre clinical program?
3. What is your current understanding of the term, “access to justice” (A2J)?
4. How do you understand the state of access to justice in the community served by the Law Centre (i.e. Victoria, or BC, or Canada more generally)?
5. What, if any, barriers to accessing justice do you understand in the community served by the Law Centre (i.e. Victoria, or BC, or Canada more generally)?
6. What role, if any, has A2J played in your legal education up to this point?
7. What role, if any, do you see A2J as having in your practice as a clinical student at the Law Centre?
8. What role, if any, do you see A2J as having in Canadian legal practice in general?
9. What role, if any, do you imagine A2J might have in your own future career?
10. What impact, if any, do you believe that your work as a clinical student at the Law Centre may have on the A2J needs and experiences of your clients?

**Appendix D: Post-term Questionnaire**

**Post-term Law Centre Student Questionnaire**

- Research Study:** Access to Justice Impacts of a Law School Clinical Program
- Researcher:** Alexander F. D. Stirling, JD/MPA Candidate, Faculty of Law and School of Public Administration, University of Victoria
- Supervisor:** M. Jerry McHale, QC, Professor, Faculty of Law and School of Public Administration, University of Victoria
- Second Reader:** Dr. Michelle Lawrence, Assistant Professor, Faculty of Law, University of Victoria
- Client:** M. Jerry McHale, QC, and Dr. Michelle Lawrence, Co-founders UVic Access to Justice Centre for Excellence

**Instructions:** Please type your answers to these questions and return them by email to [alestirl@uvic.ca](mailto:alestirl@uvic.ca), or in person to Alexander Stirling. You are also asked to sign the second line on your “Consent to Participate in Research Study” form at this time, to indicate your ongoing consent to participation in this research study.

**Questions:**

1. What is your current understanding of the term, “access to justice” (“A2J”)?

Your response (type in box below):

2. How, if at all, did your time as a Law Centre clinical student impact your understanding of the term, “access to justice”?

Your response (type in box below):

3. How do you see A2J as it affects the community served by the Law Centre? (i.e. nature, scope, consequences for clients)

Your response (type in box below):

4. What impact, if any, did your experience as a Law Centre clinical student have on your understanding of how A2J impacts the community served by the Law Centre?

Your response (type in box below):

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5. What role, if any, do you see A2J as having in your practice as a clinical student at the Law Centre?

Your response (type in box below):

6. What impact, if any, did your experience in Law Centre have on your awareness of A2J issues in the community of Greater Victoria, or on a broader scale?

Your response (type in box below):

7. What impact, if any, do you believe that your work as a clinical student at the Law Centre has had on the A2J needs and experiences of your clients?

Your response (type in box below):

8. What, if any, particular actions or outcomes from your Law Centre files do you believe impacted your clients' ability to access justice (please remember not to provide specific client details, so as to protect privilege and confidentiality)?

Your response (type in box below):

9. What impact, if any, has your experience as a Law Centre clinical student had on your view of the role of A2J in your future legal career?

Your response (type in box below):

10. What impact, if any, has your experience as a Law Centre clinical student had on your understanding of lawyers' roles in addressing A2J?

Your response (type in box below):

11. Do you have any final comments about access to justice, or your experience as a Law Centre clinical student?

Your response (type in box below):

## Appendix E: Consent Form (Focus Group)

### Focus Group Consent Form and Confidentiality Agreement

- Research Study:** Access to Justice Impacts of a Law School Clinical Program
- Researcher:** Alexander F. D. Stirling, JD/MPA Candidate, Faculty of Law and School of Public Administration, University of Victoria
- Supervisor:** M. Jerry McHale, QC, Professor, Faculty of Law and School of Public Administration, University of Victoria
- Second Reader:** Dr. Michelle Lawrence, Assistant Professor, Faculty of Law, University of Victoria
- Client:** M. Jerry McHale, QC, and Dr. Michelle Lawrence, Co-founders UVic Access to Justice Centre for Excellence

**Project purpose:** The purpose of this research study is to ascertain the impacts of law school clinical programs, with regard to access to justice. This research is important because many Canadians experience an inadequate level of access to justice, and research and information gaps exist with regard to the impacts of law school clinical programs on delivering access to justice-related benefits to the communities that they serve. A gap in research also exists with regard to the impact of participation in law school clinical education on law students' experiences and perceptions of access to justice.

**Your choice to participate:** your participation is sought by reason of your involvement as a law student involved in providing pro bono legal representation through a law school clinical program. Participation in this research is entirely voluntary, and you are not under any obligation to participate. If you do decide to participate, you may withdraw from participation in the research at any time or decline to answer any question, without penalty. You are not obligated to participate in this focus group, even if you have participated in other aspects of this research. Your grades, standing, and relationships with Alexander Stirling, Glenn Gallins, Jerry McHale, and Michelle Lawrence will not be affected in any way, whether or not you decide to participate. Glenn Gallins will never be informed of which students did or did not participate in this research.

**The nature of your participation:** This focus group is part of the research project taking place over the course of the spring academic term (January to April, 2017), while you are enrolled as a Law Centre student. The focus group will take place either on the University of Victoria campus, or at the Law Centre office at 225-850 Burdett Avenue, Victoria, BC, V8W 0C7. You may have already responded to two survey questionnaires, and filled out client file reporting forms throughout your term as a Law Centre student, for use in the research study. The focus group is designed to allow the researcher and participants to explore the topics covered in the individual questionnaires, in greater depth. This will provide an opportunity for participants to reflect on their experiences and for the researcher to gain a more nuanced understanding of those

experiences. The focus group will take approximately two to three hours and will occur outside of regular Law Centre clinical hours. Focus group sessions will be audio recorded.

**Compensation:** Focus group participants will be offered gift cards valued no higher than \$25 each for their participation in the focus group. This compensation is offered in recognition of the fact that Law Centre clinical students have very busy schedules, and offering two to three hours of their time for a focus group represents a generous time commitment. If a participant begins to participate in a focus group but decides to withdraw at any point, or does not wish to answer any particular questions, they will still receive this compensation. There is no penalty whatsoever for deciding to withdraw or to not respond to any particular questions.

**Benefits of this research:** Participants may benefit from reflecting on their learning and experiences as students in a clinical legal education program. Through this reflection, participants may have the opportunity to better understand the nature of their role as a legal professional in impacting access to justice in their communities. Society stands to benefit from a greater understanding of access to justice needs in the community, and ways in which existing clinical legal education programs impact them. Greater understandings of the aspects of clinical legal education that have more profound impacts on access to justice will inform development of pedagogy for similar programs in the future, and thereby increase the potential for positively impacting access to justice in other communities across the country. The access to justice impacts of law school clinical education programs have been identified in scholarly publications as a specific gap in the body of knowledge on access to justice. This research will serve to address precisely that gap.

**Risk and inconvenience:** Considering that recording data on clinic files, and reflection on the learning taking place are already regular aspects of participating in this clinical legal education course, this research does not introduce any new types or magnitudes of potential for harm. Inconveniences to participants will include only modest investments of their own time. Questionnaires and focus group participation will require participants to invest a small amount of their personal time. Filling in file reporting forms will require a very modest investment of participants' time, and a small addition to the procedure of keeping accurate records for their files.

**Researchers' relationships with participants:** The principal investigator, Alexander Stirling, is a classmate and fellow Law Centre student of participants in this research. In order to ensure that Law Centre students do not feel pressured to participate in this research, students have the option of returning consent forms to Jordan Forbes in the main office of the law building, rather than to the principal investigator in person. The supervisor and second reader (who are also the clients) for this research are professors in the law school where participants are enrolled. However, Law Centre students do not enrol in any other courses while in the Law Centre clinical program. Accordingly, participants are not in student-teacher relationships with the researchers during the course of the research.

**Withdrawal of participation:** Participants may withdraw from participation in the research at any time or decline to answer any question, without penalty. If you decide to withdraw from this research, your data will not be used in the analysis and will be immediately destroyed. If you

have participated in a focus group and some of your data is thus linked to group data, it will be used in only a summarized or aggregate form, with no personally identifying information about you.

**Anonymity and confidentiality:** The researcher will maintain all identifying information in confidence and shall not disclose that information to any third party unless required by law. Participants who take part in focus groups will be identifiable by other focus group participants who are present. Accordingly, focus group participants are hereby encouraged not to share in the focus group any information that they wish to keep private. Confidentiality and anonymity of focus group participants and their data will be protected to the greatest extent possible in numerous ways: (1) audio recordings of focus groups will be stored in encrypted files accessible by only the principal investigator (Alexander Stirling) and will be destroyed immediately after they are transcribed; (2) all transcripts, digital, and hard-copy records will be destroyed 2 years after the conclusion of the research, and until that time they will be stored in a secure location accessible by only the principal investigator (Alexander Stirling) and the supervisor (Jerry McHale); (3) all focus group participants will be required to read and sign this combined consent form and confidentiality agreement prior to participation in focus groups; (4) pseudonyms will be used in all focus group transcripts rather than participants' names; (5) participants are asked to indicate at the bottom of this form whether they consent to being quoted in the report by pseudonym, or not individually quoted at all; and (6) only anonymized or aggregate level data will be reported or published.

Participants are drawn from a small population of individuals enrolled in Law Centre. This may naturally impose some limits on the confidentiality and anonymity of participants. For instance, although all data will be reported in only anonymized or aggregate forms, Law Centre students may try to guess which responses were provided by which of their classmates. By way of example, reports from this research may report findings in a format such as, "only two participants discussed \_\_\_\_\_ in their questionnaire responses." Despite the steps taken by the researcher to publish only aggregate level or anonymized data, other Law Centre students may, in reading the report, attempt to guess how their colleagues responded. Furthermore if a student consents on this form to being directly quoted by pseudonym, fellow students may try to guess who is being quoted.

**Dissemination of research results:** Results from this research will be disseminated in the following ways: (1) a master's project defence presentation; (2) on the internet (for instance on the publicly accessible "UVicSpace" site where most master's projects are published); and (3) a copy of the final report will be made available to all participants, the client, and the Law Centre director.

**Disposal of data:** The researcher will retain a copy of any documents provided by you in the course of the research, for a period of two years following completion of the research study. All such documents will be destroyed promptly thereafter. In the interim, the researcher will store these materials in hard copy or in electronic format on a secure hard drive. Hard copies and hard drives will be housed in a locked cabinet accessible by only the researcher and the supervisor (Jerry McHale). As discussed above, should you decide to withdraw from participation at any point in the study, your data will not be used in the analysis and will be immediately destroyed.

If you have participated in a focus group and some of your data is thus linked to group data, it will be used in only a summarized or aggregate form, with no personally identifying information about you.

**Questions or concerns:** if at any time you have questions or concerns about this research, you may contact the principal investigator, Alexander Stirling, in person, by telephone at (250) 858-6573, or by email at [alestirl@uvic.ca](mailto:alestirl@uvic.ca). You may contact the supervisor, M. Jerry McHale, QC, by email at [mjmchale@uvic.ca](mailto:mjmchale@uvic.ca), or by telephone at (250) 721-7647. You may contact the second reader, Dr. Michelle Lawrence, by telephone at (250) 721-8894, or by email at [mlawr@uvic.ca](mailto:mlawr@uvic.ca). Alternatively, you may contact the University of Victoria Human Research Ethics Office by telephone at (250) 472-4545, or by email at [ethics@uvic.ca](mailto:ethics@uvic.ca).

**Your commitment to confidentiality:** As a focus group participant, you will be expected to protect the confidentiality and anonymity of yourself and other participants. You are encouraged not to share in focus groups any information that you wish to keep private from other focus group members. You agree to hold in confidence any and all information about other participants' experiences and contributions to this research study which is disclosed, or made available to you directly or indirectly, or is information you otherwise receive incident to your participation in this focus group session.

The researcher may publish documents that contain quotations by me under the following conditions:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	I agree to be quoted directly if a made-up name (pseudonym) is used.

**Consent and commitment to confidentiality:** Your signature below indicates that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project. Your signature below also indicates that you agree to hold in confidence any and all information about other participants' experiences and contributions to this research study which is disclosed, or made available to you directly or indirectly, or is information you otherwise receive incident to your participation in this focus group session.

Participant Signature	Participant Name	Date
Witness Signature	Witness Name	Date

## Appendix F: Focus Group Interview Guide

### Measuring the Access to Justice Impacts of a Law School Clinical Program Focus Group Interview Guide

**Date:** April 27, 2017

**Time:** 12:00 PM – 2:00 PM

**Location:** Room 142, Fraser Building, University of Victoria Faculty of Law

#### Introductory Points

- The purpose of today is to have a group discussion, to go into more details about your thoughts and experiences regarding the relationship between access to justice, and the clinical term that we just finished at the Law Centre. You will notice that many of the questions I ask to guide the focus group today are the same as, or are quite similar to, the questions from the questionnaires you have already filled out.
- You are all encouraged to speak freely, and we will see where the conversation takes us. I may intervene from time to time to ensure that we get to all of the topics that are on the agenda for today, to be sure that we're focused, and to make sure that everyone has an opportunity to speak.
- Since I am tape recording this, and will need to transcribe it word-for-word later, I'd ask that only one person speak at a time.
- Although I was also a Law Centre clinical student this term, I won't be adding to the discussion today, but will be acting as a moderator.
- The recording of this focus group session will be transcribed and made available to people who are not part of Law Centre's solicitor-client relationship with clients, so it is imperative not to disclose any privileged information.
- I may take some written notes, to help me remember my thoughts when I go to transcribe the interview.
- In the written transcript of the interview, I will be using pseudonyms for everyone. I will only quote directly from this transcript if you have indicated permission for me to do so on the focus group consent form.
- Once you have provided me with your signed focus group consent and confidentiality form, I will provide you with a \$25 gift card to thank you for taking the time to participate today. Please remember that you are welcome to step away at any time, and you don't have to stay to the end to keep the gift card.

#### Questions

1. What does the term "Access to Justice" mean to you?
2. How, if at all, did your time as a Law Centre clinical student impact your understanding of the term, "access to justice"?
  - a. For aspects of your understanding of A2J that have changed while you were at the Law Centre, what do you think it was that led to that change?

- b. For any aspects of your understanding of A2J that remained stable throughout your time at Law Centre, what do you think it is that made those understandings or views persistent?
3. How do you see A2J as it affects the community served by the Law Centre? (i.e. nature, scope, consequences for clients)
  - a. Who is the community served by the Law Centre?
  - b. What do you see as the A2J needs of the community served by the Law Centre?
  - c. What does Law Centre do well in addressing the A2J needs of that community?
  - d. How could Law Centre improve in addressing the A2J needs of that community?
4. What impact, if any, did your experience as a Law Centre clinical student have on your understanding of how A2J impacts the community served by the Law Centre?
5. What impact, if any, did your experience as a Law Centre clinical student have on your understanding of A2J on a broader scale?
6. What role, if any, do you see A2J as having in your practice as a clinical student at the law Centre?
7. What impact, if any, do you believe that your work as a clinical student at the Law Centre had on the A2J needs and experiences of your clients?
8. What impact, if any, has your experiences as a Law Centre clinical student had on your view of the role of A2J in your future legal career?
9. What impact, if any, has your experience as a Law Centre clinical student had on your understanding of lawyers' roles in addressing A2J?
10. What do you think works well in terms of addressing A2J at the Law Centre?
11. If you could change anything about the Law Centre, to improve its access to justice impact, what would that be?
12. How do you think the Law Centre clinical program does in educating students about access to justice?
  - a. What works well?
  - b. What could be improved?
    - i. How would you improve it?
13. Are there any other themes, or ideas related to A2J at the Law Centre that you would like to discuss?

### Appendix G: File Reporting Form

Law Centre Student Name: \_\_\_\_\_

Law Centre File Number: \_\_\_\_\_

**FILE IDENTIFICATION INFORMATION:** YOUR NAME, AND THE LAW CENTRE CLIENT FILE NUMBER, ARE TO BE RECORDED ON THIS FIRST PAGE OF THIS FORM, ONLY FOR THE PURPOSES OF HELPING YOU KEEP THE PROPER REPORTING FORM WITH THE PROPER FILE THROUGHOUT THE TERM. AT THE END OF THE TERM, PRIOR TO SUBMITTING THIS FORM TO THE PRINCIPAL INVESTIGATOR (ALEXANDER STIRLING) YOU WILL REMOVE THIS FIRST PAGE OF THIS FORM AND SECURELY DESTROY IT (I.E. BY SHREDDING). YOU WILL ONLY SUBMIT TO THE PRINCIPAL INVESTIGATOR THE REMAINING PAGE(S) OF THIS FORM, WHICH DO NOT INDICATE YOUR NAME OR THE CLIENT FILE NUMBER.

**SECURE STORAGE OF THIS FORM:** UNTIL SUCH TIME AS YOU HAVE REMOVED AND SECURELY DESTROYED THIS FIRST PAGE OF THIS FORM, YOU WILL KEEP THIS FORM IN THE SAME SECURE LOCATION WHERE THE CORRESPONDING CLIENT FILE IS KEPT.

**Research Study:** Access to Justice Impacts of a Law School Clinical Program  
**Researcher:** Alexander F. D. Stirling, JD/MPA Candidate, Faculty of Law and School of Public Administration, University of Victoria  
**Supervisor:** M. Jerry McHale, QC, Professor, Faculty of Law and School of Public Administration, University of Victoria  
**Second Reader:** Dr. Michelle Lawrence, Assistant Professor, Faculty of Law, University of Victoria  
**Client:** M. Jerry McHale, QC, and Dr. Michelle Lawrence, Co-founders UVic Access to Justice Centre for Excellence

**Confidentiality and Anonymity:** To protect the confidentiality and anonymity of client information, please do not record any privileged or personally identifying information about clients on this form, other than their Law Centre file number, the general subject matter of their file, and the general outcomes and actions taken with regard to their file. To further protect client confidentiality and anonymity, as well as your own personal information as the Law Centre student named on this form, the following protections will be put in place: (1) once provided to the researcher, this form will be kept in a secure location accessible only by the researcher and supervisor; (2) the researcher will retain a copy of any documents provided by you in the course of the research, for a period of two years following completion of the research study, and all such documents will be destroyed promptly thereafter; (3) personally identifying information such as student name and file number will be omitted when the data from this form is aggregated with other data; and (4) only anonymized data will be published or reported.

**NO PERSONALLY IDENTIFYING INFORMATION ON THIS PAGE OR SUBSEQUENT PAGES:** Please record the client file number and your name only on the first page of this form. Do not record any such information on this page or any subsequent pages of the form.

**File Subject Matter(s) (check all that apply):**

<p>Administrative Law / Tribunal</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> CPP / Old Age Pension</li> <li><input type="checkbox"/> Employment Assistance (welfare)</li> <li><input type="checkbox"/> Employment Insurance</li> <li><input type="checkbox"/> Labour/Employer/ee</li> <li><input type="checkbox"/> Landlord &amp; Tenant/Co-op Housing</li> <li><input type="checkbox"/> Other Administrative</li> <li><input type="checkbox"/> Pensions – private</li> </ul> <p>Family Law</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adoption</li> <li><input type="checkbox"/> Divorce</li> <li><input type="checkbox"/> Enforce Custody/Access Order</li> <li><input type="checkbox"/> Enforce Child Support Order</li> <li><input type="checkbox"/> Initial Child Support Order</li> <li><input type="checkbox"/> Initial Custody/Access Order</li> <li><input type="checkbox"/> Initial Spousal Support Order</li> <li><input type="checkbox"/> Property Division</li> <li><input type="checkbox"/> Restraining Order</li> <li><input type="checkbox"/> Separation Agreement</li> <li><input type="checkbox"/> Vary Inter-jurisdictional Support</li> <li><input type="checkbox"/> Vary PC Child Support Order</li> <li><input type="checkbox"/> Vary PC Custody/Access Order</li> <li><input type="checkbox"/> Vary PC Spousal Support Order</li> <li><input type="checkbox"/> Vary SC Child Support Order</li> <li><input type="checkbox"/> Vary SC Custody/Access Order</li> </ul>	<p>Other</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Civil Disputes – small claims</li> <li><input type="checkbox"/> Civil Disputes – supreme court</li> <li><input type="checkbox"/> Civil Rights</li> <li><input type="checkbox"/> Consumer</li> <li><input type="checkbox"/> Contract</li> <li><input type="checkbox"/> Criminal</li> <li><input type="checkbox"/> Debtor/Creditor</li> <li><input type="checkbox"/> Immigration</li> <li><input type="checkbox"/> Income Tax</li> <li><input type="checkbox"/> Mental Health</li> <li><input type="checkbox"/> Miscellaneous</li> <li><input type="checkbox"/> Small Business</li> <li><input type="checkbox"/> Motor Vehicles/ICBC</li> <li><input type="checkbox"/> Prison Law</li> <li><input type="checkbox"/> Real Estate</li> <li><input type="checkbox"/> Schools/Education</li> <li><input type="checkbox"/> Victims of Crime/Criminal</li> </ul> <p>Compensation</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Wills/Estates</li> <li><input type="checkbox"/> Workers' Compensation</li> </ul> <p><input type="checkbox"/> Human Rights</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Other _____</li> <li><input type="checkbox"/> Other _____</li> </ul>
--	--

**File Resolution Pathway(s) Employed (check all that apply):**

	Summary Advice		Referral to other agency/organization
	Representation in Provincial Court (remand)		Representation in Provincial Court ( <u>other than</u> remand)
	Support/Preparation for Supreme Court		Help filling out forms
	Representation before Admin. Tribunal Which one(s)?		Negotiation with Crown/other party
	Other (specify):		Other (specify):
	Other (specify):		Other (specify):

**File Outcome(s) (check most appropriate response):**

**Note to Law Centre Student:** Please indicate the outcome(s) that best describes the status of this file at the time you closed this file or, if the file was not closed at the end of your term, at the time you wrote your transfer memo

Issue resolved by Law Centre (select below)		Issue resolved (by client, i.e. self-rep)	
	Negotiated outcome		File closed, unresolved
	Court order		File closed, resolved
	Referral		Issue continuing/ongoing
	Summary Advice Only		Unknown outcome
	Other LC resolution (specify):		Other outcome (specify):

**Appendix H: First Pass Themes**

Table of First Pass Themes in Thematic Analysis Process	
Social justice	Difficult clients
Self-improvement	Negative outcomes
Challenge	Overwhelming process
Help people	Legalese
Personal fulfilment	Basic needs not met
Understand law	TLC not a complete solution
Personal experiences	Front line response
Learn about legal protections	Universal need for A2J
Correct power imbalances	Existing problems get worse without access to justice
Personal interest	A2J is limited
Protect environment	Help clients who don't want help
Financial security	Can't help everyone
Help victims of crime	Many areas of law
Sustainable career	Diverse needs
Independence	Empathetic
Connection to undergrad studies	Saw limits
Lifelong dream/interest	Proud of helping
Create systemic change	Court system is a game
Aboriginal advocacy	Broke down stereotypes
Protect human rights	Saw clients' perspectives
Intellectually engaging	Reinforced importance of A2J
Professional/Practical/hands-on learning/skills/experience	Crucial function
Different from classroom/academic setting	Ungrateful clients
Positive reputation of TLC	Unreasonable expectations
Public service	Positive impact of TLC on A2J
Increasing access to legal services	Learned from within the A2J crisis
Personal challenge	Advocacy
Law school too academic	Navigating the system
Interacting with real people	Insight
Financial cost	Tangible impacts
Court resolutions	A2J central to TLC
Lack of resources	No other resources/options aside from TLC
Individual literacy	Put learning in perspective
Individual skill	A2J good motivation when file work is hard
Access to professional advice and information	Understand clients' barriers and experiences
State of legal system	First-hand knowledge
Representation	Saw lack of resources
Access to courts	Funding
Access to legal information	Complicated issues
Understand the system	Volume of people accessing services

Interact with the justice system	Low understanding of legal issues
Access to the legal system	Understand the scale of A2J crisis better
Fair results	Practical understanding
Legal representation	Underlying issues
Ability to self-represent	Advocate
Time	Explain
Affordability	Meaningful work
Understandable legal services	Improved outcomes
Ease of resolving disputes	Limited systemic impact
Court	Life changing
Alternative dispute resolution	Meaningless for some clients
Little help availability	Felt appreciated
Literacy	Felt unappreciated
Legal help	Limited progress on some client files
Plain language	Alleviated anxiety
Providing legal services	Identifying issues
Navigating the legal system difficult for self-reps	Giving clients agency
Financial barriers	Negotiate
Reduced legal aid	Explaining realistic expectations
Demand outstrips supply (pro bono legal services)	Closure
Limited knowledge about A2J	Support with basic needs
Unrepresented	Limited individual ability to help with big crisis
Unequipped	Strengthened resolve to work with clients with a barriers
Resources	A2J central to career
Limited funding	Work at systemic and individual level
Self-representation	TLC changed life
Delays	TLC changed perspectives
Cost	See new ways to give back in career
Legal assistance	Renewed awareness of A2J
Addictions	Turned off from doing A2J work in the future
Housing	Would like to supervise at TLC
Health	Saw importance of giving back
Social pressures	No impact on understandings of A2J
Language	Lawyers must avoid exacerbating A2J crisis
Mental health	Counseling
Intersectionality	Responsibility of lawyers to contribute
Capacity to understand law/legal issues	Learned more at TLC than in any classroom
Education	Legal resources
Familiarity with process	Marginalization
Physical health	Technicalities
Unlikely to seek help	Rules

Afraid to seek help	Goes beyond legal issues
Socioeconomic status	Primary human needs
Colonialism	Navigating court processes
Cognitive ability	Lawyer-client interaction
Stigma	Someone to talk to
Optional lecture on A2J or ADR	No change in understanding of A2J
Specific course on A2J or ADR	Made it palpable
Volunteer experience	Confirmed what was learned in theoretical courses
Prior experience	Resource imbalances
Theme of A2J woven through other classes	Services hard to access for people with multiple barriers
A2J central to legal education	Puts clients' experiences in perspectives
Summer law work (A2J)	Crown charge approval process exacerbating A2J crisis
A2J affected career plans	New learning about A2J @ TLC
Incomplete solution to A2J	Made it more personal instead of theoretical
Bridge a gap	Existing knowledge strengthened
Central/only role is A2J (TLC)	Saw how things actually are in practice
Holistic response to client needs	Litigation receives more resources than solicitor work
Real world experience with A2J	Limits of TLC
Adversarial court system	No systemic change
Change billing practices	Limitations in scope of practice of temporary articulated students
Crisis	Provide respect
Divide between self-reps and represented clients	Give people a voice
Hard to navigate for self-reps	Just listening makes an impact
Affordability of representation	Shield for clients
Increasing awareness of A2J	Provide direction
Rise in self reps	Limitations with student turnover
Central issue	Client sense of entitlement (some)
Decreasing demand for lawyers	Affirms theory learned in school
Worsening problem	Theory versus practice divide
Need to be paid to help with A2J	Experiential hands-on learning
Central role in career	Experiencing first-hand how hard it is to navigate the legal system
Systemic issue	Law school does not teach sufficiently on procedure
Paradigm shift	Learned justice is a game
Pro bono work	More pro bono
A2J part of career	Negative effect on views of lawyers' impact on A2J
Applied learning	Our generation to make paradigm shift

Improve lives	Legal education to become more skills-based
Provide information	Affirmed plan to give back
Large collective impact	Tools
Better than self-rep	Multiple barriers
Help navigate system	Lived experience
Individual impact	Better outcomes
Root causes of legal challenges	Understanding clients' problems
Community support	"Hit home"
No change to A2J	Hard to understand without legal knowledge
Limited assistance	Fee waiver process not easy
Won't change systemic issue	Power imbalance
Systemic change needed	Poor outcomes
Navigate regulatory systems	Frustrating processes
Equal assistance in navigating court	Realistic understanding
Non-legal issues	Real clients
Access to advocates	Complex system
Equality	Practical exposure
Access to alternative dispute resolution	Go beyond theory
Numerous determinants	Appreciate size of crisis
Meaningful access to legal system	Saw simple ways to resolve/improve
Complexity	Negative view of A2J

**Appendix I: First Reorganization Framework**

First Reorganization Framework		
Category or Theme (themes indented)	Code	Count
Research Question 1(a): Law Centre's A2J Impacts on Clients		
Role of A2J at the Law Centre	A	15
The Law Centre positively impacts A2J	A1	10
Central/only role of the Law Centre is A2J	A2	5
Limitations	B	26
Limited scope of practice of temporary articulated students	B1	6
Limited ability to make systemic impact on A2J crisis	B2	7
Short student terms and resulting turnover limits continuity	B3	3
The Law Centre cannot help every person in need	B4	7
Progress on some client files is limited	B5	3
Outputs	C	42
Interpersonal: Counselling/Listening; Empathy; Respect	C1	2
Holistic response to clients' needs, not just legal	C2	8
Legal information; Tools & direction; Education about law	C3	15
Front line legal individual-level representation & advocacy	C4	17
Outcomes	D	32
Improved outcomes, as compared to self-representation	D1	7
Meaningful impacts; Improved lives; Less stress/anxiety	D2	9
Gave clients agency and a voice	D3	5
Helped clients get closure	D4	2
Bridged a gap in access to justice	D5	4
Collectively make a positive impact	D6	3
Clients have direction and next steps	D7	2
Research Question 1(b): Law Centre's A2J Impacts on Students		
Law Centre Students' Conceptions of A2J		
Client-level Barriers	E	66
Physical health; Mental health; Addictions	E1	13
Diverse needs; Multiple barriers	E2	8
Basic human needs (shelter, food, etc.)	E3	7
Understanding, familiarity, capacity, or skill re: legal issues	E4	7
Literacy, language, and education	E5	11
Stigma and marginalization; Lack of privilege	E6	3
Discomfort around seeking help	E7	2
Socioeconomic status and poor finances	E8	15
System-level Barriers	F	41
Multiple overlapping and compounding barriers	F1	4
Legal representation inaccessible (financially)	F2	8
System/processes are complicated, frustrating, adversarial, overwhelming, & difficult to navigate	F3	12
Demand > supply for free/cheap/accessible resources	F4	5
Power and resource imbalances	F5	7

Delays; Time-consuming	F6	4
Colonialism	F7	1
State of Crisis and how to respond	G	20
Current state of A2J is crisis; Worsening problem	G1	9
Systemic change/paradigm shift needed; Responsibility to help	G2	8
Changes to billing practices and legal service delivery	G3	3
What do clients need and seek?	H	39
Legal representation/Advocacy	H1	7
Fair outcomes	H2	2
Help navigating and understanding the system	H3	6
Access to alternative dispute resolution	H4	3
Advice, information, and resources (legal)	H5	8
Interact with courts/justice system/other regulatory systems	H6	11
Support with non-legal needs (i.e. basic human needs)	H7	2
What Students Say They Learned about A2J		
New A2J Perceptions, Experiences, and/or Knowledge	I	47
Saw clients' perspectives first-hand	I1	7
Saw how things happen in practice; First-hand experience	I2	4
Real world experience; Interacted with real people and stories	I3	4
Strengthened/affirmed existing awareness/knowledge of A2J	I4	5
Practical, hands-on, experiential, applied learning	I5	1
"Hit home"; Made theory/learning seem real; Felt personal	I6	8
Theory versus practice divide between law school and CLE	I7	6
New insights into A2J crisis (i.e. scale, who is affected, etc.)	I8	12
Neutral or Negative Change in A2J Perceptions/Knowledge	J	11
No impact on understanding of A2J	J1	2
Negative perceptions or experiences with clients	J2	7
Negative impact on views of lawyers' impacts on A2J	J3	1
Dissuaded from doing A2J work in the future	J4	1
Law Centre Student Personal Characteristics and Experiences		
Motivations for Being in Law School or the Law Centre	K	22
Sustainable career; Financial security	K1	2
Personal challenge; Meaningful work; Personal fulfilment	K2	3
Personal interest; Intellectually engaging	K3	5
Past experiences in own life	K4	1
Connection to undergrad studies	K5	3
Positive reputation of the Law Centre	K6	3
Social justice; Help victims of crime; Protect environment	K7	5
Prior Exposure to A2J	L	18
Specific courses on A2J or ADR	L1	3
Volunteer experience	L2	4
Summer law work or other prior work experience	L3	3
Optional lecture on A2J or ADR (i.e. lunchtime lecture)	L4	3
A2J discussed in other classes	L5	5
Career Plans	M	24

Lawyers can help improve, and not exacerbate A2J crisis	M1	5
Law Centre changed (+/-) view of role of A2J in career	M2	4
Access to justice is part of/central to career	M3	10
Learned ways to contribute to A2J/Volunteer/ <i>Pro bono</i> work	M4	5
Personal Experiences and Impacts	N	12
Felt appreciated; Proud of helping	N1	5
Improving A2J provides motivation when work is hard	N2	1
Gained insight and perspectives; Broke down preconceptions	N3	5
TLC changed my life	N4	1