JUSTICE INNOVATION & ACCESS TO JUSTICE PROGRAM

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REPORT

WINKLER INSTITUTE FOR DISPUTE RESOLUTION

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> "We need to see the justice system through the prism of those who have the greatest stake in its success: the Public."
>
> - The Hon. Warren K. Winkler, Former Chief Justice of Ontario and recipient of the Order of Canada.

The Winkler Institute for Dispute Resolution is devoted to justice innovation and excellence in teaching, research and reform-based practical application. Named in honor of retired Ontario Chief Justice Warren K. Winkler, the Winkler Institute is one of Canada's first justice innovation hubs with a mandate to develop and implement fresh, creative ideas and action-oriented pilot projects that improve access to justice by "putting the public first". Our work is guided by a desire to push research and implementation boundaries in the service of exploring and improving all forms of dispute resolution – from formal court and tribunal processes to non-traditional and alternative real and online dispute resolution practices and possibilities.

Visit us at: www.winklerinstitute.ca

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The Justice Innovation and Access to Justice Program:
Training Tomorrow's Lawyers

The legal world is changing. Technology is augmenting – and often disrupting – the way in which legal services are being delivered, increasing globalization, market liberalization and outsourcing are putting traditional job roles and organization at risk, and the pressure to deliver "better, faster, and cheaper" legal services in a time of fiscal austerity are mounting, both in private firms and in the public administration of justice. At the same time, it has been widely recognized in Canada that we are dealing with an access to justice crisis. According to Richard Susskind, these factors, among others, are leading the legal profession – or forcing, the legal profession, depending on your perspective – into an intense period of change; one that will result in the legal world of tomorrow bearing "little resemblance to that of the past."[1]

Although perhaps slow to heed his advice (Susskind has been predicting this change for nearly 20 years), Canadian justice stakeholders are now looking towards the future. Reports such as those produced by the Action Committee on Access to Justice in Civil and Family Matters,[2] The Canadian Bar Association's (CBA) Futures reports,[3] and their recent "Do Law Differently: Futures for Young Lawyers" report,[4] each point to the need for innovation in the legal profession generally, but also in legal education more specifically. Collectively, these reports identify an additional set of skills that new lawyers will need not only to succeed in the profession but to thrive in it. Key among these critical skills:

- The ability to employ an expansive user-centered vision of access to justice

- An entrepreneurial spirit

- Technological proficiency

- Strong emotional intelligence

- Knowledge of how to design services that are more flexible, versatile, efficient and cost-effective. In short, services that are designed for the user.

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[1] Richard Susskind, *Tomorrow's Lawyers: An introduction to your future.* (Oxford: Oxford University Press, 2013) at xiii.

[2] Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change*. (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2013) online: CFCJ <cfcj-fcjc.org>.

[3] The Canadian Bar Association, *Futures: Transforming the Delivery of Legal Services in* Canada. (Ottawa: Canadian Bar Association, 2014) online: CBA <cba.org>.

[4] The Canadian Bar Association and Jordan Furlong. *Do Law Differently: Futures for Young Lawyers*. (Ottawa: Canadian Bar Association, 2016) online: CBA <cba.org>.

Of particular interest to us at Osgoode Hall Law School, is the way in which we prepare the next cohort of lawyers to meet this changing legal world. What new skills will our students need to succeed in this changing legal environment? What tools can we provide them with to help them navigate what will likely be nontraditional career paths? How can we prepare them to not only to feel comfortable using technology, but empowered to embrace it in ways we haven't yet considered? And, finally, how can we ensure that access to justice becomes a core lens through which our students view their legal practice – whether that practice is at large firm in a large city, or is a solo practice in rural Ontario. These are the questions that preoccupy us. They drive us to think innovatively about legal education so that those who graduate from Osgoode do so as agile and creative thinkers with a deep commitment to access to justice that will make them innovators in the new legal marketplace.

Over the past year, the Winkler Institute for Dispute Resolution has worked in collaboration with Osgoode's Experiential Education Office to develop a Justice Innovation and Access to Justice Program (A2J Program) that begins to address some of these questions. The A2J Program, which consists of three innovative courses, offers JD Candidates an opportunity to learn the theory and tools that are needed to promote innovation in the legal field, apply these tools hypothetically in case studies and simulations, build partnerships with community organizations and apply theory to real world access to justice issues.

Significant background research went into designing the Justice Innovation and Access to Justice Program, which was generously funded by York University's Academic Innovation Fund. The content and structure of each course is based on a fusion of theoretical knowledge, research into best practices and experience, feedback from those who have engaged in similar work and the extensive experience of Osgoode Hall Law School in delivering experiential legal education. In what follows we provide some of this background research as well as the syllabi of the three courses that make up the A2J Program. We do so in the hopes that this knowledge sharing will aid the many other legal educators across the country who are working to provide new ways of "teaching law differently".

Nicole Aylwin
Assistant Director,
Winkler Institute for Dispute Resolution

Kim Bonnar
Manager, Experiential Education and Career
Development

Designing the Future of Justice: Introduction to Legal Design
Osgoode Hall Law School
4.0 Credit Course

Course Designer: Nicole Aylwin, Winkler Institute for Dispute Resolution

COURSE DESCRIPTION

Faced with the reality of an increasingly inaccessible justice system that is failing to meet the needs of the public, the pressures of delivering "better, faster, and cheaper" legal services in a time of fiscal austerity, and the need to integrate and leverage new technology, Canadian justice stakeholders – both in the private sector as well as those working in the public administration of justice – have been called on to increase "innovation" and deliver justice that "puts the public first."

In order to answer this call for innovation, there is a significant demand for lawyers that have both the ability to recognize opportunities for innovation and the skills to design services that directly address the needs of justice users.

This course[5] will allow students to develop these skills by focusing on the theory and methodologies of human-centred design and how it can be applied to facilitate innovation in the justice system. Students will gain hands-on experience in designing human-centred legal services by working _directly with community partners_ to develop engaging new solutions to a real-life legal service delivery and access problem. Over the course of 13 weeks, students will:

• Be introduced to the theory of human-centred design – which puts human needs, capabilities and behaviour at the centre of the design process.
• Learn how to identify opportunities for innovation.
• Become comfortable planning and leading design sessions, and applying design tools to unlock solutions to complex legal service delivery and access problems.
• Work collaboratively with non-legal partners to creatively solve complex problems.

The theoretical portion of the course will provide a critical examination of innovation discourse within the legal field, including claims that the profession is resistant to innovation and that improving access to justice depends on innovation in the design of legal services and the

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[5] This course is inspired by and builds off of the work of Margaret Hagan and James Williams, and their Intro to Legal Design course offered at Stanford Law School. The syllabi we present in this report are subject to change. We have published them in their initial iteration, but anticipate changes as the courses are taught and refined.

administration of justice. Students are encouraged to draw their own conclusions regarding questions around the need for innovation in the justice system and the effectiveness of a human-centred design approach to increasing access for currently underserved populations. By the end of the course, students will be poised become leaders in a human-centred approach to legal innovation.

COURSE FORMAT

The course is structured as follows:

1. Students are expected to attend a weekly three-hour workshop-style seminar where they will be introduced to the various tools and methods they will use in design sessions with their community partner.

2. Students will spend 3-5 hours outside of class preparing and leading design sessions with their community partner. The length of each design session will vary depending on the weekly design objective (estimates for each session are provided in the detailed course schedule below) and can be held at any time over the course of the week. That is, the student design team and the community partner will agree on a mutually convenient time for the session each week.

Students can expect to spend a total of 6-8 hours per week on required hands-on course work.

Students are **NOT** expected to independently identify and connect with community partners. Community partnerships will be arranged ahead of time by the course instructor and the Experiential Education Manager.

LEARNING OBJECTIVES

No design knowledge or experience is required as a prerequisite for this course. The course has the following learning objectives. Students will:

• Gain familiarity with design methods and their application to the legal environment.
• Be exposed to a wide variety of design tools and some of the cutting-edge research on the design of legal services.
• Acquire hands-on experience by working directly with a community partner to co-design a new service delivery option, or improve an existing service delivery method.
• Learn how to work collaboratively with a wide range of partners to build solutions that meet the needs of multiple stakeholders (i.e. clients, users, collaborators, etc.).
• Become capable of designing and leading community-based design sessions.

- Write all aspects of a design document, including a design brief, stakeholder map, and a testing and implementation plan.
- Gain an understanding of the current discourse on access to justice, with a focus on how design can help meet the objective of "putting the public first".
- Be able to articulate how design methods can be used to create more accessible legal services that work well for those who cannot afford more traditional legal services.
- Obtain an understanding of how design is currently being integrated into the justice system in the government, private, and public sectors.
- Be able to quickly identify well-designed and poorly-designed legal services.
- Gain a critical perspective on how innovation is being discussed and pursued in the legal field. By the conclusion of the course, students will be able to clarify competing views on how and if innovation is possible in our current justice system and what its value is with regards to improving access to justice.

This course can be used to satisfy the praxicum requirement.

ELIGIBILITY

This course is open to any student in second or third year of the JD program at Osgoode Hall.

EVALUATION METHODS

This course is a practical skills development course. The overall objective of this course is to provide students with the opportunity to plan and lead a 10-week community-based design lab that addresses a justice need of a community partner.

The evaluation methods are designed to support this objective by mixing hands-on learning assignments – where students will develop skills in class before integrating them into the work with their community partners - with reflective practice exercises and a Final Design Process Document (done in teams) that captures the process and outcomes of their design program.

More specifically, students will be asked to complete several hands-on learning assignments throughout the course, many of which will take place in-class. They will also be required to keep a Design Process Journal, which will provide them with the opportunity to reflect both on the theoretical course material and the practice of designing and leading design sessions with their community partner. Other assignments include the preparation of design session planning documents (which count towards the participation grade), a critical assessment of the design of a current legal service, and a final design project.

The Final Design Process Document as well as the weekly design plans are to be completed jointly by the design team. The Design Process Journal and the Legal Services Design Assessment should be completed individually.

All assignments and evaluation methods are described in more detail below.

All assignments are subject to a late penalty **of 2 marks for the first day and 1 mark for each day late thereafter.**

EVALUATION BREAKDOWN

Participation (20%)

Participation is evaluated in several different ways.

1. **Completion of weekly design plans.** Once students begin working with their community partners, each design team will be expected to complete a one-page weekly design plan (a template will be provided). The course instructor must approve the plan each week. Failure to complete the plan or to complete it on time will impact your participation grade.

2. **In-class hands on assignments.** Students are expected to attend class and actively participate in the hand-on activities during class time. **If you are not in attendance in class, it may result in a zero grade or "F" grade for the assignment for that class.**

3. **Professional Conduct towards community partners.** Students are expected to conduct themselves professionally and responsibly in all dealings with their community partners. This means arriving on time for design sessions, promptly responding to communications from community partners, arriving well-prepared to lead design sessions, and building strong and collaborative relationships with all members of your design team.

Legal Services Design Assessment (10%) (2-3 pages)

The purpose of this assignment is for students to adopt and apply the "designer's mind" as a tool for identifying well or poorly-designed legal services. To complete the assignment, students must provide a critical assessment of a current or proposed method for legal services delivery. The assessment must include: an overview of how the service currently works, a critical examination of the design, (which should highlight key problem areas and/or what is working well in the design and why), and commentary on how the service could be improved. The assessment should look carefully at how the service does or does not adhere to human-centred design principles.

Design Process Journal (20%)

Students will keep a Design Process Journal that contains field notes and reflections on the design process with their community partners. Since the Journal is meant to reflect a student's individual experience, there is no set format. That said, the following is a suggested (not exhaustive) list of what could be recorded in the Journal:

• Field notes that will help students remember activities, feelings, behaviors etc., which students can then analyze and use to help inform their design process.
• Observations about the design process and how theory aligns or differs from practice.
• Any challenges or difficulties students and/or their design team encounters, and how those issues were overcome or addressed.
• Ideas for solutions or other observations about the data collected.
• Reflections on building collaborative relationships and co-designing solutions.

In addition to written reflections, students may use their Journal to sketch ideas, create diagrams, or tell stories using photographs or other visual mediums (please only take and use photographs with permission).

The length of the journal entries may vary. Journals will be marked on quality of content, not quantity.

More instruction regarding how to effectively maintain a Design Process Journal will be provided in class. The journal will be graded twice throughout the semester. Once on week 7, and again at the conclusion of the course. The grades will be split evenly between the two assessments (i.e. 10% week 7 and 10% Conclusion).

Final Design Process Document (50%)

The major deliverable in this course is the Design Process Document. The Design Process Document is the complete record of the design process used by the design team to co-create a solution to the problem identified by their community partners, as well as a description of the final solution (including specifications on how the solution will work and be implemented).

More information on the final assignment will be provided in class, along with a template for the final Design Process Document.

COURSE READINGS

The required readings in this course are mostly composed of secondary literature. The intent of the reading is for students to: (1) obtain a solid understanding of design methods and their application in the legal field, and; (2) grapple with particular issues around access to justice, innovation, and design from different fields of scholarship.

CLASS SCHEDULE

Week	Session & Readings	In-Class Activities/Guests	Activities with community partner
1	**Introduction to Design Thinking.** What is it? How does it work? Design thinking and various schools of design (i.e. UX, participatory design, human-centred design). Design process, methods, and the double-diamond design process model.	**Rapid Design Workshop.** Students run through an abbreviated design process cycle.	
2	**Access to justice (A2J), innovation and design.** A2J challenges in Canada and internationally. The intersection of A2J and innovation. Design in public service sectors as a means for innovation.		
3	**Design to improve access to legal services and administration of justice.** Current legal service	**Guest speakers:** Potential Guest speakers from Idea Couture (www.ideacouture.com), a	

	delivery models and innovations. How can design thinking build better services that address access to justice challenges? Identifying and learning from "well-designed" or "poorly-designed" systems. How can we help organizations evaluate service effectiveness?	strategic innovation and design firm. Guest speakers will discuss what makes good and bad design, and provide examples of value-based design from their work in healthcare services. **Assignment:** Legal Services Design Assessment discussed.	
4	**Designing services for clients, with clients.** Students form design teams of 3 – 4 students. Teams and community partners are matched.	Community partners visit the class and introduce students to the problems they would like to address. Meet and greet with community partners. Small group discussions where students can learn more about community partner problems.	
5	**Identifying Needs and Understanding the problem.** User-research and qualitative research methods. Best practices (i.e. ethics) for gathering qualitative data about user needs, wants, frustrations, feelings, etc.	**Hands-on Assignments:** Students will practice research methods in class. Students will prepare a plan for conducting user-research with their community partner (i.e. will indicate which methods they will use, how they will capture the data, etc.).	Students work with community partner to understand their situation. Apply design methods to begin mapping needs, frustrations, opportunities, challenges, etc. Estimated Length of Session: 2.5hrs.

Techniques:

- User interviews
- The "Five Whys"
- Participatory design (learning from the "perfect experience")
- Ethnographic studies (e.g. deep dive journeys, self-documentation).

6	**Mapping the Ecosystem & Stakeholders.** How does the current process work? Who are the stakeholders (primary, secondary)? Looking at adjacent problems.	**Assignment Due:** Legal Services Design Assessment.	**Students work with community partner to map the stakeholders.** Estimated Length of Session: 1.5hrs.
7	**Making sense of the data and framing the problem.** Articulating the problem. Turning raw data into organized and usable findings. Presenting findings in ways that quickly communicate "take-aways" and key insights. Using visual design to communicate ideas.	Students will practice identifying key themes, categories, "buckets", etc. using: - Empathy maps - User personas - Use cases They will learn how to organize the data to examine the problem systemically and identify areas of opportunity using: - P.O.I.N.T. - Swim lane diagrams - Process maps - Venn diagrams Students will choose which	Present visual map of findings to community partners. Get feedback and make changes in real time with partners. Estimated Length of Session: 1hr.

		techniques are appropriate for organizing their data, and create a visual representation to present to their community partners.	
8	**Design Brief & Planning.** The design brief: • What's realistic? • What limits are there? (i.e. time, cost, materials, environmental resources, human resources, physical resources, knowledge & abilities, etc.). Specifications; i.e. what's required? • How will we measure success?	**Hands on Assignment:** Students will outline their plan on how to co-create a design brief in collaboration with community partners.	Create a design brief with community partners. Estimated Length of Session: 2hrs.
9	**Brainstorming & Ideation.** Basic principles of ideation, including divergent and convergent thinking processes.	Ideation session involving both students and community partners.	
10	**Prototyping and Testing.** What goes into a prototype? Prototyping to think. Testing prototypes and measuring success.	Students will practice prototyping in class and develop draft testing plans.	Students lead a prototyping session with their community partner and discuss a draft testing plan. Estimated Length of Session: 2-3hrs.

11	**Iterating & Prototyping to verify and implement.** • Why iterate? • How can we use feedback? • When and how to pivot? • How to polish a prototype for verification (i.e. making sure it works, looking at details).		Students present polished prototypes to community partners for final review and changes. Estimated Length of Session: 1.5hrs.
12	**Implementation.** Creating a feasible implementation plan.		Work with community partner to create and finalize an implementation plan. Estimated Length of Session: 1.5hrs.
13	Final Presentations.	Community partners and students present their final designs at an open house at Osgoode Hall Law School.	

COURSE SPECIFIC POLICIES

Deferral Procedures: The guidelines and procedures for granting examination deferrals on compassionate, medical and equitable grounds are set out in the Academic Rules. All students who wish to have the deadline for their final paper extended must follow the Faculty's policies.

Penalties for Late Work: Please refer to Evaluation Methods section above for the late penalties that apply to each assignment.

Technology in the Classroom: Given the nature of this course, you are required to bring a laptop to class. Many of the hands-on assignments you will be asked to complete in class require the use of technology. If bringing a laptop computer to class is not possible, please speak to the instructors privately to discuss alternative solutions.

Missed Classes: Class attendance and participation are important elements of this course. If a student misses a class, they are responsible for finding out what was missed and for taking the necessary steps to contact the instructors regarding missed content. If there is a class assignment in the missed class, the student will receive an "F" grade for that assignment at the discretion of the instructor.

ADDITIONAL OSGOODE AND YORK POLICIES

Academic Honesty and Integrity: Osgoode students are required to maintain high standards of academic integrity and are subject to the York Senate Policy on Academic Honesty and the relevant Osgoode Academic Rules. The Senate Policy can be found at http://www.yorku.ca/secretariat/policies/document.php?document=69   The York University academic integrity website can be found at: http://www.yorku.ca/academicintegrity

The Senate Policy and Osgoode Academic Rules are also found in the Student Handbook, which is available on the MyOsgoode website, under the Documents and Publications tab.

Religious Observance: York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates relating to examinations or assignments for this course pose such a conflict for you, please bring this to the attention of the Assistant Dean, Students, Mya Rimon, within the first three weeks of class.

Students with Disabilities: York University has a range of resources to assist students with physical, mental, psychiatric and learning disabilities in achieving their educational objectives. Students with disabilities requiring accommodation in the classroom or in the examination or evaluation process are encouraged to identify themselves to York's Counselling & Disability Services office (N110, Bennett Centre for Student Services or 416-736-5297) or Osgoode's Office of Student Services as soon as possible. All requests for accommodation will be kept confidential. Requests for examination accommodation must be approved by the Assistant Dean, Students, Mya Rimon.

Other York University Policies: Further information concerning relevant York University academic policies, such as the Ethics Review Process for research involving human participants is available on the Senate Committee on Academic Standards, Curriculum and Pedagogy webpage (see Reports, Initiatives, Documents) – http://www.yorku.ca/secretariat/senate/committees/ascp/index-ascp.html

Access to Justice and Innovation
Osgoode Hall Law School
3.0 Credit Course

Course Designer: Nicole Aylwin, Winkler Institute for Dispute Resolution

COURSE DESCRIPTION

Almost half of all adult Canadians will experience at least one civil or family justice problem over any given three-year period. Unfortunately, very few Canadians will be able to afford to resolve these types of legal problems. Getting legal help is expensive. It is not abnormal for legal fees to amount to hundreds of dollars an hour. If you do need to go to court, a relatively short proceeding can cost tens of thousands of dollars. Legal aid is only available for those with a very low income, and even then, not for many types of everyday legal problems. Faced with the reality of an increasingly inaccessible justice system that is failing to meet the needs of the public, several major national policy reports have called on Canadian justice stakeholders to address the access to justice (A2J) "crisis" in Canada.

Running parallel to this national call to improve A2J is a call for increased innovation in the civil and family justice system. Innovation, it is argued, will lead to improved access and a more efficient and sustainable system. Innovation is now being called on to help fix everything from the often slow and costly administration of justice, to the growing demand for the legal market to provide clients with "more for less".

The purpose of this course is to introduce students to A2J challenges facing Canadians. It will provide them with an experiential learning experience that exposes them to the current research and thinking on innovation, the various methods of innovation being experimented with in the justice system, and the opportunity to consider how these methods may be used to improve access to justice. Students will be encouraged to bring a critical eye to discourses of innovation and A2J in order to address such questions as:

- What goals are we trying to achieve through innovation?
- What are the prerequisites or conditions for innovation in the justice system?
- Do current conversations on innovation in the justice system offer real opportunities for addressing access to justice?

This course will provide students with opportunities to answer these questions, not only thought the engagement with current academic and grey literature, but also through direct interaction with users of the justice system and leaders in innovation both inside and outside the legal field.

COURSE FORMAT

This course consists of a three-hour weekly seminar. While the majority of the seminar classes will take place at Osgoode, students may occasionally be required to participate in "learning journeys" that require students to meet at off-campus locations during the scheduled course time. These sessions will be identified well in advance.

Throughout the course, students will also be required to interact with different justice stakeholders – including members of the public – in order to gain a better understanding of the experiences of justice system users. Students may be asked to complete assignments that require meeting with justice system stakeholders and/or organizing stakeholder events that take place outside of class time.

LEARNING OBJECTIVES

This course has the following learning objectives. By the end of the course, students will be able to:

• Clearly articulate the access to justice challenges facings Canadians in the civil and family justice system.
• Critically discuss justice innovation discourses and assess their relevance for improving access to justice in Canada.
• Identify key justice innovation initiatives underway at the provincial, national and international level.
• Demonstrate the capacity to integrate multidisciplinary perspectives and real life experiences into the analysis of access to justice problems.
• Plan a multidisciplinary forum that uses techniques and methods from the fields of social innovation, design, public innovation, and others, to improve dialogue and generate action on an access to justice issue.
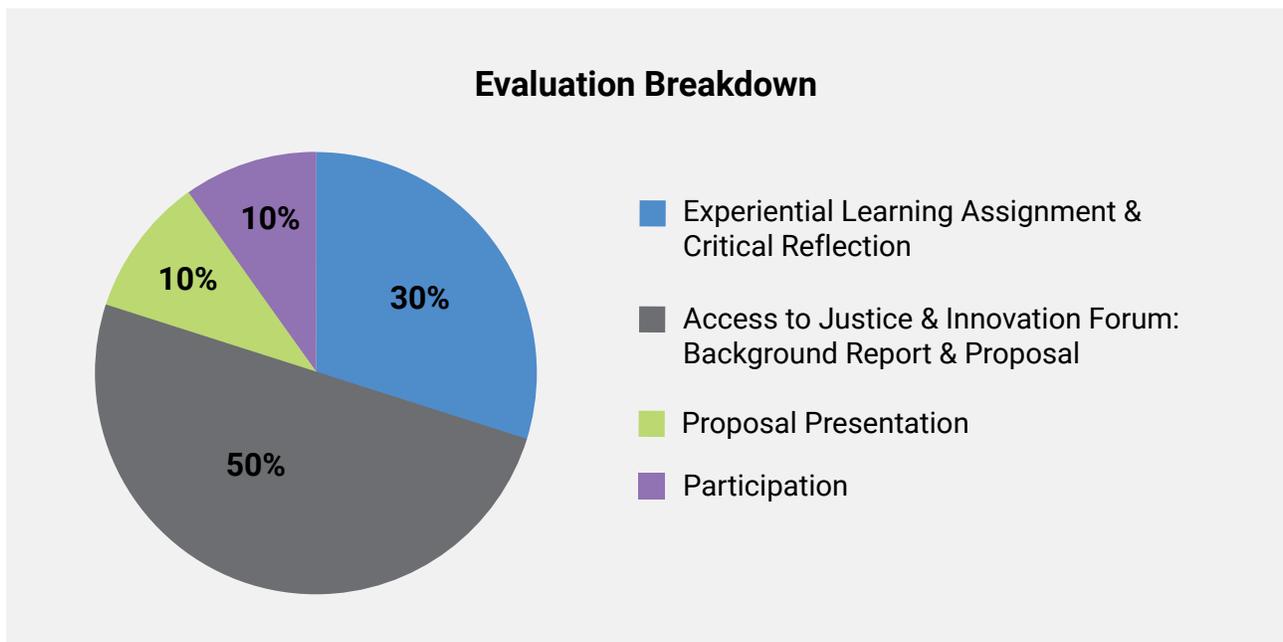
ELIGIBILITY

This course is open to any student in second or third year of the JD program at Osgoode Hall.

EVALUATION METHODS

The overall objective of this course is to provide students with an experiential understanding of the access to justice issues facing Canadians and the knowledge to critically assess how innovation in the justice system can and is being used to address accessibility issues. To support this objective, the course combines hands-on learning assignments with reflective practice and critical writing assignments.

EVALUATION BREAKDOWN

Evaluation Breakdown

- 30% — **Experiential Learning Assignment & Critical Reflection**
- 50% — **Access to Justice & Innovation Forum: Background Report & Proposal**
- 10% — **Proposal Presentation**
- 10% — **Participation**

All assignments are subject to a late penalty **of 2 marks for the first day late and 1 mark for each day late thereafter.**

Experiential Learning Assignment & Critical Reflection (30%)

Students are required to complete an experiential learning assignment where they will be asked to work collaboratively with a justice stakeholder group that faces significant access to justice challenges. Upon completion of the experiential portion of the assignment, students will be required to write a 1200 word reflective paper that draws together their academic knowledge of A2J challenges their stakeholder group faces with the experiential knowledge they have gained through working with the justice stakeholders. Students may wish to consider how their experience has changed their understanding of the academic texts, comment on any tensions they now observe between theory and practice, and generally reflect

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on how their experience has influenced their understanding of the issue at hand. The purpose of the paper is to help students develop a sense of critical awareness and self-reflexivity, and to provide them with the opportunity to consider how a "user perspective" can enhance our understanding of access to justice issues.

Students may **choose from one of two** experiential learning journeys.

Option 1: Bring a Self-Represented Litigant to School Day

Students who choose this option will be required to help organize "Bring a Self-Represented Litigant to School Day" (SRL Day) at Osgoode. The purpose of the day is invite local SRLs to visit the law school so that they can share their stories and experience, and attend a law class. It is also an opportunity to build awareness among law students of the experiences and realities facing SRLs, and the impact this has on the justice system.

The instructor will pair students with one or two SRLs from the Toronto area. Once paired, students will be required to coordinate the visit of the SRLs (i.e. check in with professors to ensure that SRLs are welcome in class, show SRLs around the law school, introduce them to colleagues, make them feel comfortable, include them in your day, and learn about their experiences). Students are also required to organize a lunchtime panel at Osgoode on the topic of: "What SRLs would like law students and future lawyers to understand about the SRL experience", featuring the SRLs that have joined us for the day.

Option 2: Understanding Youth Justice Needs and Technology

Working with the students from the Osgoode Mediation Clinic's Youth Division, students will help host a roundtable discussion on the justice needs of youth and how technology could be used to meet their needs. The goal of the roundtable is to learn from youth about how they would like to "access justice", what their needs are with regards to conflict resolution, and what role they would like to see technology play in conflict prevention, resolution, and avoidance. Students will also organize a lunchtime panel on "What youth want lawyers and future lawyers to know about their justice experience" that will take place at Osgoode.

Access to Justice & Innovation Forum: Background Report & Proposal (50%)

Working in teams of 2-3, students must choose an access to justice focus area (e.g. rural and remote access to justice, access to justice and legal education, access to justice and technology, etc.) and prepare a background report on the issue and a proposal for a one day "Access to Justice & Innovation Forum" that takes up the issues identified in the background report.

The assignment is comprised of two major parts:

1. **Background Report**: Students will prepare an in-depth report on the access to justice issue they have selected. The report should provide a literature review that lays the foundation

for a critical discussion on various parts of the access to justice issue they have chosen to address. That is, the report should ultimately provide an overview and critical look at user needs, key issues, gaps in service, the current status quo, etc., as well as a critical consideration of current innovate initiatives (at the provincial, national and international level) that seek to address the A2J issue in a creative way.

2. **Forum Proposal:** In the second part of the assignment students will prepare a detailed proposal for a one-day Access to Justice and Innovation Forum (Forum). The purpose of the Forum is to generate a dialogue and innovate ideas that address the key issues identified in the Background Report. The proposal should clearly articulate the focus/topic of your Access to Justice and Innovation Forum, provide a brief description of the topic (something that could be publically circulated to generate excitement and interest in the proposed Forum), identify the multi-disciplinary stakeholders that will be invited to attend, provide a detailed agenda that includes commentary on what methods you will use to ensure the Forum inspires generative dialogue and action on the issue, and contain a list of anticipated outcomes.

More information on the report and proposal requirements will be provided in class.

Proposal Presentation (10%)

Students will prepare a 10 minute presentation on the Access to Justice and Innovation Forum they envision. Presentations should include a brief discussion of the access to justice problem their proposed Forum will address, an overview of the proposed agenda, and how the Forum will promote innovation in this area. Creative presentations are strongly encouraged. The presentation is your chance to convince your fellow students that your topic should be the focus of an Innovation Forum hosted by the Winkler Institute for Dispute Resolution.

After the presentations, students will vote to select the topic for an Access to Justice & Innovation Forum to be held by the Winkler Institute for Dispute Resolution, The Canadian Forum on Civil Justice and Osgoode Hall Law School.

Participation (10%)

Participation will be evaluated in two ways.

1. **Hands-on Assignments.** Over the course of the semester, students will be assigned several hand-on assignments to be completed either in class or by a set due date. For example, students may be asked to visit small claims court to observe user experience, interview a clinic staff member who is working in rural and remote areas, or interview family and friends about their views on access to justice and everyday legal problems they have experienced. Failure to complete these assignments or complete them on time will impact your participation grade. **If you are not in class when a hands-on activity takes place, it may result in a zero grade or "F" grade for the assignment for that class.**

2. **Class participation and engagement.** This course is designed to encourage intellectual debate on access to justice and innovation. As such, student participation and thoughtful consideration of the course material is the essential ingredient to the success of the course. Therefore, it is imperative that students come to class each week having completed all of the assigned readings and any relevant experiential assignments. Each week, students must demonstrate they are familiar with the required readings and are able to discuss them in relation to the themes of the course. If you are not in class, you cannot earn participation grades, although in some circumstances it may be possible to make alternative arrangements. If you need to make alternative arrangements, please speak to me privately. Please also be advised that coming to class late and engaging in non-course related activities during class time (i.e. being on Facebook, texting etc.) will negatively affect your participation grade.

COURSE READINGS

All required and recommended readings are included in the class schedule below. For additional readings on Innovation and Access to Justice, please download the Access to Justice and Innovation Annotated Bibliography published by the Winker Institute for Dispute Resolution.

CLASS SCHEDULE

Week	Session & Readings
1	**The Landscape of Access to Justice in Civil and Family Matters: A New Paradigm?** • Action Committee on Access to Justice in Civil and Family Matters. *Access to Civil & Family Justice: A Roadmap for Change* (2013), online: Canadian Forum for Civil Justice <http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf>. • Canadian Bar Association Access to Justice Committee. *Reaching Equal Justice: An Invitation to Envision and Act* (2013), online: Canadian Bar Association <http://www.cba.org/CBA-Equal-Justice/Resources/Reports-Discussion-Papers>. • Farrow, Trevor C W. "What is Access to Justice?" (2014) 51:3 *Osgoode Hall Law Journal* 957, online: Osgoode Digital Commons <http://digitalcommons.osgoode.yorku.ca/ohlj/vol51/iss3/10>.

2 Access to Justice as a Complex Problem: What Makes A2J so Difficult to Fix?

- Westley, Frances et al. *Getting to Maybe: How the World is Changed* (Toronto: Vintage Canada, 1993) at 3-83.
- Hassan, Zaid. "The Perfect Storm of Complexity" in the *Social Labs Revolution: A New Approach to Solving our Most Complex Challenges* (San Francisco: Berrett-Koehler Publishers, 2014) at 17-29.
- Barendracht, Maurits et al. "Towards Basic Justice Care For Everyone: Challenges and Promising Approaches" (2012) at 64-84, online: HiiL Innovating Justice <http://www.hiil.org/data/sitemanagement/media/TrendReport_Part1_020412_DEF %282%29.pdf>.
- MacEwen, Bruce. "You Can't Argue with 100 Years of Success: Navigating Beyond the Inflection Point" (2013), online: Canadian Bar Association<http://www.cba.org/CBA-Legal-Futures-Initiative/Reports/You-Can't-Argue-with-100-Years-of-Success-Navigati>.

3 Innovation & Putting the Public First: A New Hope for A2J?

- CBA Legal Futures Initiative. "Futures: Transforming the Delivery of Legal Services in Canada" (2014), online: Canadian Bar Association<http://www.cba.org/CBA-Legal-Futures-Initiative/Reports/Futures-Transforming-the-Delivery-of-Legal-Service>.
- Fodden, Simon. "Voices of change: Canadian social media and other writings on the future of legal practice" (2013), online: Canadian Bar Association <http://www.cba.org/CBA-Legal-Futures-Initiative/Reports/Voices-of-Change-Canadian-Social-Media-and-Other-W>.
- Aylwin, Nicole. "Justice Innovation: Emerging Conversations" *Windsor Yearbook of Access to Justice*. (forthcoming)

4 Old Problems, New Solutions: How Do We Overcome the "Implementation Gap"?

- Kahane, Adam. *Solving Tough Problems: An Open Way of Talking, Listening, and Creating New Realities* (San Francisco: Berrett-Koehler, 2007).
- Hassan, Zaid. "Starting a Social Lab: Seven How To's" in *The Social Labs Revolution: A new Approach to Solving our Most Complex Challenges* (San Francisco: Berrett-Koehler Publishers, 2014) at 125- 138.
- Aylwin, Nicole. "Creating the Conditions for Justice Innovation: How (NOT) to solve Complex Problems" (2014), online: Slaw <http://www.slaw.ca/2014/12/19/creating-the-conditions-for-justice-innovation-how-not-to-solve-complex-problems/>.
- Hughes, Patricia. "Advancing Access to Justice Through Generic Solutions: The

Risk of Perpetuating Exclusion" (2013) 31:1 Windsor Yearbook of Access to Justice 1.

5

Innovation in Legal Design and Service Delivery: How Can We Put the Public First?

- Hagan, Margaret. "Law by Design: Creative Approaches to Legal Services" (2014) (Video), online: ReInvent Law Channel <http://vimeo.com/90931395>.
- Design Commission. *Meeting Needs, Saving Money, Humanizing Services, Engaging Citizens: Restarting Britain 2, Chapter 1* (London: Design Council, 2013), online: Design Council <http://www.policyconnect.org.uk/apdig/sites/site_apdig/files/report/164/fieldreportdownload/designcommissionreport-restartingbritain2-designpublicservices.pdf>.
- Di Russo, Stefanie. "A Brief History of Design Thinking: How Design Thinking Came to 'Be'" (2012), online: I Think Therefore I Design <https://ithinkidesign.wordpress.com/2012/06/08/a-brief-history-of-design-thinking-how-design-thinking-came-to-be/>. (There's a great video on the neuroscience of design at the end of this post - not mandatory, but fascinating if this is a topic of real interest to you).

In-class Hands-on Assignment: Mini-design Workshop

6

Everyday Legal Problems and the Cost of Justice: Does it Cost More To Do Less?

- Currie, Ab. "The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians" (Ottawa: Department of Justice Canada, 2009), online: Department of Justice Canada <www.justice.gc.ca>.
- Trevor Farrow, et. al. "Everyday Legal Problems and the Cost of Justice in Canada" (Canadian Forum on Civil Justice, 2016).

Recommended:

- Genn, Hazel. "Introduction" in Paths to Justice: What People Do and Think About Going to Law: The Results of a National Survey in England and Wales (Oxford: Hart Publishing, 1999) at 1-20.
- Albiston, Catherine R. and Rebecca L. Sandefur. "Expanding the Empirical Study of Access to Justice" (2013) Wis. L. Rev. 101, online: Berkeley Law <http://scholarship.law.berkeley.edu/facpubs/1905>.

7

Self-Represented Litigants: The New Normal?

- MacFarlene, Julie. *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants: Final Report* (Toronto: Treasurer's Advisory Group on Access to Justice, 2013), online: Law Society of Upper Canada <https://representingyourselfcanada.files.wordpress.com/2014/05/nsrlp-srl-research-study-final-report.pdf>.
- "The National Self Represented Litigants Project" (2016), online: <http://representingyourselfcanada.com>. Please look around at some of the research and material available on this website.
- "Self Represented Litigants Network" (2016), online: <http://www.srln.org>. Please look around at some of the research and material available on this website. Note this is a US site.

Guests/In-Class Hands-on Assignment

The SRLs that attended SRL Day at Osgoode will visit the class. The SRLs, along with the students who helped organize SRL Day, will share their reflections on the day and lead us in a discussion on SRLs, A2J, and Innovation.

8

Rural and Remote Access to Justice: What innovations do we need to improve rural service delivery?

- Aylwin, Nicole and Lisa Moore. *Rural and Remote Access to Justice, A Literature Review* (2016), online: Canadian Forum on Civil Justice <http://boldnessproject.ruralandremoteaccesstojustice.com/wp-content/uploads/2016/01/Rural-Remote-Lit-Review_newcoverpage.pdf>.
- Community Legal Education Ontario. "Connecting Communities Project", online: CLEO <http://www.cleo.on.ca/en/projects/connecting-communities>.

9

Technology and Access to Justice: Can We and Should we deliver Justice Online? (Special Focus on Youth Justice & Access Issues)

- Robertson, Cassandra Burke. "The Facebook Disruption: How Social Media May Transform Civil Litigation and Facilitate Access to Justice" (Arkansas Law Review, Forthcoming; Case Legal Studies Research Paper No. 2012-5) (Cleveland: Case Western Reserve University, 2012), online: SSRN <http://ssrn.com/abstract=2002999>.
- Hagan, Margaret. "Living in the United States: A Guide for Immigrant Youth" (2013), online: Open Law Lab

- <http://www.openlawlab.com/2013/05/20/illustrated-guide-for-immigrant-youth/>.
- Hagan, Margaret. "Expungment.io app for youth" (2014), online: Open Law Lab <http://www.openlawlab.com/2014/05/03/expungement-io-app-for-youth/>.

Recommended:

- Smith, Roger. "Digital Delivery of Legal Services to People on Low Incomes" (2014), online: The Legal Education Foundation <http://www.thelegaleducationfoundation.org/digital-report>.

Guests/In-Class Hands-on Assignment

Our youth community partners and students from the Osgoode Mediation Clinic will join the class. Together, along with the students who helped organize the round-table and panel on Youth, Technology and A2J issues, they will share the results of the roundtable and lead us in a discussion on A2J, technology, and youth justice.

10

Access to Justice and Disability: Universal Design to Increase Access?

- Steinfeld, Edward and Jordana Maisel. *Universal Design: Creating Inclusive Environments* (New Jersey: John Wiley & Sons Inc., 2012).

Recommended:

- Hamraie, Aimi. "Designing Collective Access: A Feminist Disability Theory of Universal Design" (2013) 33:4 Disability Studies Quarterly, online: <http://dsq-sds.org/article/view/3871/3411>.

Guests

Students from Osgoode's Disability Intensive and some of their clients will visit the class to share their experiences.

11

Alternative Business Structures (ABS): Good or Bad for Access to Justice?

- Law Society of Upper Canada. "Alternative Business Structures" (2015), online: <http://www.lsuc.on.ca/ABS/>. The website contains the most recent reports and decisions by the LSUC on allowing ABS as a delivery method for legal services. Please make sure you read the most recent report to Convocation. The ABS section begins on p. 110 of the report.
- Alternative Business Structures Working Group. *Alternative Business Structures and the Legal Profession in Ontario* (Discussion Paper) (Toronto: Law Society of

Upper Canada, 2014), online: Law Society of Upper Canada <http://www.lsuc.on.ca/uploadedFiles/abs-discussion-paper.pdf>.
- Wiseman, David. "Alternative Business Structures and Access to Justice…for Whom?" (2014), online: Slaw <http://www.slaw.ca/2014/08/28/alternative-business-structures-and-access-to-justice-for-whom/>.
- Kowalski, Mitch. *ABS in Ontario Killed by the Foul Stench of Protectionism* (2015), online: Slaw <http://www.slaw.ca/2015/09/28/abs-in-ontario-killed-by-the-foul-stench-of-protectionism/>.

There are many, many, many commentaries on ABS on Slaw and on social media, more generally. There is also quite a bit of reporting and commentary on the topic from the UK and Australia (two jurisdictions that actually allow ABS). There is a lot of information out there for you to access as you prepare for the debate.

In-Class Hands-on Assignment

- ABS and Access to Justice Debate. Prior to the class you will be asked to choose either the pro/con position on ABS. You are expected to come to class ready to defend your position.

12 Diversity and Legal Education: Does it Matter for Access to Justice?

- Bhabha, Faisal. "Towards a Pedagogy of Diversity in Legal Education" (Osgoode Legal Studies Research Paper Series, Paper 1) (Toronto: Osgoode Hall Law School, 2014), online: Osgoode Digital Commons <http://digitalcommons.osgoode.yorku.ca/olsrps/1>.
- Girard, Eric C. "What I learned at law school: The poor need not apply" (17 November 2013), online: Globe and Mail <http://www.theglobeandmail.com/life/facts-and-arguments/what-i-learned-at-law-school-the-poor-need-not-apply/article15443887/>.
- Hewlett, Sylvia Ann, Melinda Marshall, and Laura Sherbin. "How Diversity Can Drive Innovation" (2013), online: Harvard Business Review <https://hbr.org/2013/12/how-diversity-can-drive-innovation>.

13 Access to Justice and Innovation Forum Presentations

COURSE SPECIFIC POLICIES

Deferral Procedures: The guidelines and procedures for granting examination deferrals on compassionate, medical and equitable grounds are set out in the Osgoode Student Handbook. All students who wish to have the deadline for their final paper extended must follow the Faculty's policies.

Penalties for Late Work: Please refer to Evaluation Methods section above for the late penalties that apply to each assignment.

Technology in the Classroom: Given the nature of this course, you are required to bring a laptop to class. Many of the hands-on assignments you will be asked to complete in class require the use of technology. If bringing a laptop computer to class is not possible, please speak to the instructors privately to discuss alternative solutions.

Missed Classes: Class attendance and participation are important elements of this course. If a student misses a class, they are responsible for finding out what was missed and for taking the necessary steps to contact the instructors regarding missed content. If there is a class assignment in the missed class, the student will receive an F for that assignment at the discretion of the instructor.

**Legal Information Technology
Osgoode Hall Law School
3.0 Credit Course**

Course Instructors: Darin Thompson, Monica Goyal & Nicole Aylwin[6]

COURSE DESCRIPTION

The legal markets of numerous countries are entering a period of intense change in which traditional job roles and organizational structures are at risk. In addition to market liberalization and outsourcing, some of the most profound changes involve the introduction of information technology to augment (and even disrupt) legal service delivery. At the same time, access to justice problems are widely recognized to be at a crisis level. Courts, lawyers and governments are beginning to consider the potential of technology to make legal and justice services more widely available to the public.

The goal of this course is to introduce students to the legal marketplace of the future, and to empower them to participate in or lead the transformation of legal service delivery. It does NOT require a technical background.

The course will emphasize the value of information technology from a design (rather than from a technical) standpoint. A major component involves instruction on how to build and deliver new forms of legal practice that provide better results for clients, improve accessibility, enhance productivity, and democratize the practice of law.

Learning methods will include experimentation with information communication technologies. Some content will be delivered asynchronously. Some lectures may be delivered remotely, and attended from the place of a student's choice. One or more intensive workshops may also be included to convey a realistic design experience. Students will also be required to participate in hands-on learning workshops, which will be during class.

The theoretical portion of the course covers a variety of topics, including critical analyses of legal information technologies. Students are encouraged to draw their own conclusions regarding current topics such as the potential for automation to either support or replace lawyers or for the potential for technologies to facilitate access to justice.

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[6]Osgoode Hall Law School, Adjunct Professor James Williams collaborated with Darin Thompson and Monica Goyal to design the original Legal IT course syllabus and to teach the Legal IT course in 2015. This syllabus has since been refined and updated to reflect the addition of Nicole Aylwin as a co-instructor and to respond to student feedback received through official course surveys and the evaluation of the course that was conducted for this project.

The practical portion of the course provides hands-on experience with legal technologies (e.g., online dispute resolution, automated document assembly). One or more individual writing assignments will also be required.

The course culminates in a final project and presentation: a chance for students to utilize basic application design and project management methods through the design of their own law or justice applications. The application design is a group project that will require you to work with other classmates. Each group will conceptualize and describe its own novel legal application. Examples from Spring 2015 can be viewed at http://goo.gl/71auF9.

LEARNING OBJECTIVES

No advanced technological knowledge or experience is required as a prerequisite for this course. The course has the following learning objectives:

- Gain familiarity with existing forms of legal technology: students will be exposed to a wide variety of legal IT tools, as well as upcoming approaches and frontiers of current research and development.
- Acquire hands-on experience: students will work directly with a number of legal technology tools.
- Understand the issues involved in using information technology in legal settings: students will gain an understanding of these issues, which include constraints imposed by business processes, geography, time zones, interactors, other information systems, security requirements, privacy laws, interchange formats, standardized vocabularies, cultural norms, and the like.
- Elucidate the capability of technology to facilitate access to justice: students will be able to articulate how legal information technology allows individuals who cannot afford traditional legal services to access information.
- Learn how to brainstorm and prototype new tools: students will develop ideas for new information technologies using storyboards, wire framing and other techniques. Students will obtain the ability to identify opportunities for deploying information technology in legal settings.
- Gain insight into directions of the legal market: by the conclusion of the course, students will be able to elucidate competing views on the future of the legal industry in light of technological developments.
- Obtain a critical perspective on legal information technology: students will be able to critique legal information technology. They will come to their own conclusions (developed through coursework) on what is inherently the domain of human beings, and what is amenable to automation.

TEACHING METHODS AND EXPECTATIONS

The course will involve several forms of interaction.

- First, instructors will lecture in-person or remotely through a video-conferencing system, running the course as a seminar with an opening lecture. Some real time lectures / seminars will be facilitated by video.
- Second, instructors will deliver 'flipped' classroom lectures in which students will watch an introductory video, and then attend class to work on problems.
- Third, students will participate in a variety of exercises, using York's computing facilities or their own personal computers. These exercises may include mind mapping, entity relationship diagrams, requirements elicitation, online dispute resolution, using practice management software, and performing automated document generation.

Students are expected to participate actively during the course. Final projects and exercises may be done in small groups, but all writing assignments are to be done individually.

This course can be used to satisfy the praxicum requirement.

ELIGIBILITY

This course is open to any student in the second or third year of the JD program at Osgoode Hall. It may also be open to engineering students from the Lassonde School of Engineering. Law and engineering students will be graded in separate pools for purposes of the Osgoode ranking scheme.

EVALUATION METHODS

This course is a practical skills development course in a very particular aspect of legal practice. Assignments include, hands on learning assignments (some of which will take place in the class), two critical writing pieces that provide students a chance to reflect on course material as it is covered in class, and a final project. In addition, students will complete multiple exercises that range from online dispute resolution to document automation.

Evaluation Breakdown

- 20% for hands-on assignments
- 30% for critical reflection pieces
- 50% for the final project

With the exception of the final project and the critical reflection pieces, dates for the milestones inherent in this process will be discussed in class, and posted on the course website.

All final papers (and projects, if possible) must be submitted to the Online Drop Box.

Hands-on Assignments: 20%

The course will involve hands-on assignments that give students practical experience in using and designing legal information technology. Some of these assignments will be conducted in the classroom, and **if you are not in attendance in the class, it may result in a zero grade or "F" grade for that assignment.** For instance, the class may:

• set up a 'content management system' such as a wiki, or WordPress website and/or posts
• experiment with legal process mapping
• use graph visualization software to view a case network
• write a simple automated document generation tool
• participate in an online dispute resolution exercise
• create a mind map

Critical Reflection Pieces: 30%

1. Students will be required to write a 1200 word critical piece on one of the course's weekly topics. You are required to sign up for the topic you wish to write about in the first week of the course. Spaces for each weekly topic will be limited. It is the responsibility of the student to ensure they sign up for a topic. If you have a specific topic you wish to write on, we suggest signing up early as no additional spots will be added.

   Your paper will be **due prior to the start of class the week the topic is discussed**. Should you fail to hand in the paper by the start of class a **late penalty will apply (penalty of 2 marks for the first day and 1 mark for each day late thereafter).**

2. In addition to the 1200 word piece, students will be required to draft a 500 word version of their critical reflection piece in a style and format suitable for publishing on the web. This shorter piece should be free of jargon, and written in a simple, conversational tone. It must also include at least one visual representation of an argument or concept included in the post, using a video, mind map, infographic, or powerpoint slide(s). The shorter web version will be posted on one or more websites and made available to the public.

   This 500 word piece + visual **is due 2 weeks after the graded copy of your 1200 word critical reflection piece is handed back to you.** This will allow you time to incorporate any feedback from the instructors into your shorter piece.

Final Project: 50%

The major deliverable in the course is a conceptual design project. This consists of two components which encourage creative thinking and applied orientation:

- A conceptual design document for a creative design or prototype for a legal informatics or justice administration application (e.g., software system, mobile phone application); and,
- A 10 minute presentation at week 9 on the final project.

The project component is intended to stimulate creativity, and thus the design/prototype may take many different forms. More information on the final assignment will provided in class.

The final project is a group project. It **MUST** be completed in a group (2 or more students). Final projects that are completed independently will not be accepted and will receive a grade of zero.

GRADING

This course will adhere to the Osgoode Grading Profile as set out in the Academic Rules of Osgoode Hall Law School.

Hands on Assignments*:* All hands-on assignments will be marked by Monica Goyal

Critical Reflection Pieces: Critical reflection pieces will be graded by Darin Thompson and Nicole Aylwin. Each critical reflection piece will be read and independently graded by both Aylwin and Thompson. The two marks will then be averaged to produce the final grade for the assignment.

Final Project: All three instructors will participate in the grading of the final projects. Each instructor (Goyal, Thompson, Aylwin) will mark all final projects independently. The three marks will then be averaged to produce the final project grade for each student.

COURSE SCHEDULE

This is a preliminary course schedule, which is subject to change.

Week	Title
1	Housekeeping / Application Design 1 **Tomorrow's Lawyers**, Richard Susskind, Chapters 1 through 7. *Online Article* : Morgan, Thomas D. "It's not your parents' profession anymore: The changing course of legal careers" (Summer 2010), *GW law school* (magazine of George Washington University), online: <www.gwu.edu/~magazine/archive/2010_law_summer/feature2.html>. Munneke, Gary A. "Legal Skills for a Transforming Profession", (2001) 22:1 Pace L Rev 105. *News Flash* –Evans, Pete. "Let law firms be sold to non-lawyers, Canadian Bar Association says", *CBC News* (14 August 2014), online: <www.cbc.ca>. *Journal Article* – Ribstein, Larry E. "Practicing Theory: Legal Education for the 21st Century", (2011) 96 Iowa L Rev 1649.
2	Design Thinking/Design Workshop *Journal Article* –Rostain, Tanina; Roger Skalbeck & Kevin G Mulcahy, "Thinking Like a Lawyer, Designing Like an Architect: Preparing Student for the 21st Century Practice" (2013) 88 Chicago-Kent L Rev 743. *Video* – Hagan, Margaret. "Law By Design: Creative Approaches to Legal Services," video (Reinvent Law, 2014) online: <http://vimeo.com/90931395>.
3	Access to Justice & Technology The Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, October 2013), online: <http://www.cfcj-fcjc.org/sites/default/files/ docs/2013/ AC_Report_English_Final.pdf>.

Smith, Roger. "Digital Delivery of Legal Service for People on Low Incomes: Summary and Recommendations" (2014), The Legal Education Foundation, online: <www.thelegaleducationfoundation.org>.

Dolin, Ron. "UPL, Technology and Access to Justice" (30 April 2015), *Think Outside the Bar* (blog), online: <www.radicalconcepts.com/285>.

Nakamura, Lisa. "New Survey Results: British Columbia is Online" (29 September 2015), *Civil Resolution Tribunal*, online: <www.civilresolutionbc.ca>.

Right Hon. Beverley McLachlin, P.C., "The Legal Profession in the 21st Century" (Remarks delivered at the 2015 Canadian Bar Association Plenary, Calgary, 14 August 2015), online: <www.nationalmagazine.ca>.

4 Legal Practice of the Future

Journal Article – Kirgis, Paul F. "The Knowledge Guild: The Legal Profession in an Age of Technological Change – Review of Richard Susskind,'The End of Lawyers? Rethinking the Nature of Legal Services'" (2010) St John's Legal Studies Research Paper No 1656910.

Blog Post – Furlong, Jordan. "An Incomplete Inventory of NewLaw" (13 May 2014), *Law 21* (blog), online: <www.law21.ca/2014/05>.

Journal Article – Grossman, Maura R. & Gordon V. Cormack, "Technology-Assisted Review in E-Discovery Can Be More Effective and More Efficient Than Exhaustive Manual Review" (2011) 11:3 Richmond JL & Tech 1.

Case – Monique da Silva Moore, et al. v. Publicis Group SA, et al, 11 Civ. 1279 (USDC).

5 Process mapping

Process mapping workshop – In class.

6 UX Design

Di Russo, Stefanie. "A Brief History of Design Thinking: How Design Thinking Came to "be"", (8 June 2012) *I Think, I Design* (blog), online: <www.ithinkidesign.wordpress.com/2012/06/08/>.

The Design Commission, *Meeting Needs, Saving Money, Humanizing Services, Engaging Citizens: Restarting Britain 2,* ch 1 at 13ff.

Steen, Marc. "Tensions in human-centred design" (2011) 7:1 CoDesign 45.

Faguy, Yves. "Law by Design (April-May 2014) *CBA National* (blog), online: <nationalmagazine.ca>.

Optional:
Boyle, Kari. "What does a "user-centred approach" really mean?," (13 March 2015), *SLAW* (blog), online: <slaw.ca>.

7

Introduction to Online Dispute Resolution

Book Chapter – Katsh, Ethan. "ODR: A Look at History," in Mohamed S Abdel Wahab, Ethan Katsh & Daniel Rainey, eds, *Online Dispute Resolution: Theory and Practice – A Treatise on Technology and Dispute Resolution* (Eleven International Publishing, 2012), ch 1 at 21ff, online: <ombuds.org>.

Book Chapter – Rabinovich-Einy, Orna & Ethan Katsh. "Lessons from Online Dispute Resolution for Dispute Systems Design in Mohamed S Abdel Wahab, Ethan Katsh & Daniel Rainey, eds, *Online Dispute Resolution: Theory and Practice – A Treatise on Technology and Dispute Resolution* (Eleven International Publishing, 2012), ch 3 at 51ff.

Article – Rule, Colin & Chittu Nagarajan. "Crowdsourcing Dispute Resolution over Mobile Devices", online: <colinrule.com>.

Article – Edwards, Lilian & Ashley Theunissen, "Creating Trust and Satisfaction Online: How important is ADR? The UK eBay Experience" (Paper delivered at the 21st BILETA Conference: Globalization and Harmonization in Technology Law, Malta, April 2006), online: <bileta.ac.uk>.

Blog post – Thompson, Darin. "Social and Emotional Interactions in Online Dispute Resolution", *Continuing Legal Education Society of British Columbia* (blog), online: <www.cle.bc.ca>.

8

Intelligent, Learning & Decision Support Technologies

Article – Aron, Jacob. "Optical Illusions Fool Computers into Seeing Things" (11 December 2014), *New Scientist, online:* <www.newscientist.com/article/dn26691>.

Journal Article – Surden, Harry. "Machine Learning and Law" (2014) 89:1 Washington L Rev 87.

Blog post – Friedmann, Ron. "Automating Legal Advice: AI and Expert Systems" (27 January 2016), *Prism Legal* (blog), online: <www.prismlegal.com>.

9

Pre-presentation & App Design Working Session

10

Practice Management, Cloud Computing & Law Society Perspectives on Technology and Innovation

Ha-Redeye, Omar. "Clouds on the Horizon, But Not Necessarily Storms," (Paper Presented at *Small and Solo in the Cloud": Hot Topics for Sole and Small Firms,* Ontario Bar Association Institute, Westin Harbour Castle Conference Centre, 5 February 2015), online: <http://papers.ssrn.com>.

Additional commentary:

- Ha-Redeye, Omar. "Implicit Authorization in Ontario of Cloud Computing" (8 February 2015), *SLAW* (blog), online: <www.slaw.ca>.
- Lagerquist, Jeff. "Lawyers gradually getting their heads in the cloud" (13 August 2014), *Financial Post,* online: <business.financialpost.com>.

Ministry of the Attorney General, "What's New? Changes to the Rules of Civil Procedure and Forms in effect January 1, 2015" (2014), online: <www.attorneygeneral.jus.gov.on.ca>.

Law Society of Upper Canada, *Rules of Professional Conduct* (adopted June 22, 2000), online: <http://www.lsuc.on.ca/lawyer-conduct-rules/>.

Law Society of Upper Canada, *Practice Management Guidelines*, online: <http://www.lsuc.on.ca/with.aspx?id=2147490535>.

Kowalski, Mitch. "Some Ethical Considerations for Lawyers Using the Cloud and Operating Virtual Law Offices," (2012) *Mitchell E. Kowalski* (blog), online: <http://docplayer.net/8005459-Some-ethical-considerations-for-lawyers-using-the-cloud-and-operating-virtual-law-offices.html>.

Clio whitepapers

1. *The Ethics and Security of Cloud Computing*, online: <http://files.goclio.com/marketo/ebooks/Clio_Security_Ethics_of_Cloud_Computing.pdf>. <http://landing.goclio.com/The-Ethics-and-Security-of-Cloud-Computing-Web.html>.

2. *Choosing a Practice Management Software*, online: <http://files.goclio.com/marketo/ebooks/choosing_a_practice_management_system.pdf>.

11 Project Management / Lean

Kalogerou, Byron S. & Dennis J. White, "How Practitioners Can Apply Legal Project Management to M&A: New Tools for New Times", *Business Law Today* (August 2014, American Bar Association), online: <www.americanbar.org>.

Rubin, Sandra. "Project Paralysis", *Lexpert* (1 May 2011), online: <http://www.lexpert.ca/article/project-paralysis/?p=&sitecode=>.

Damon, Lisa J. "Applying Lean Six Sigma Methods to Litigation Practice", *Practical Law* (December 2013/January 2014) 28, online: <www.seyfarth.com>.

Ries, Eric. "To Get To The Root Of A Hard Problem, Just Ask "Why" Five Times" (21 May 2012), *co.design* (blog, Fast Company & Inc), online: <www.fastcodesign.com>.

Ries, Eric. "Eric Ries: 10 Classic Strategies For A Fast, User-Focused Company Reboot" (6 April 2012), *co.design* (blog, Fast Company & Inc), online: <www.fastcodesign.com>.

12 Culture and Implementation

MacEwen, Bruce. "You Can't Argue with 100 Years of Success: Navigating Beyond the Inflection Point" (Canadian Bar Association, June 2013), online: <www.cba.org>.

Tung, Kenneth. "The legal profession's Kodak moment?", (2015) 13:1 Lexology 29.

13 Application Presentations

COURSE SPECIFIC POLICIES

Deferral Procedures: The guidelines and procedures for granting examination deferrals on compassionate, medical and equitable grounds are set out in the Academic Rules. All students who wish to have the deadline for their final paper extended must follow the Faculty's policies.

Penalties for Late Work: Please refer to the Evaluation Methods section above for the late penalties that apply to each assignment.

Technology in the Classroom: Given the nature of this course you are required to bring a laptop to class. Many of the hands on assignments you will be asked to complete in class require the use of technology. If bringing a laptop computer to class is not possible, please speak to the instructors privately to discuss alternative solutions.

Missed Classes: Class attendance and participation are important elements of this course. If a student misses a class they are entirely responsible for finding out what was missed and for taking the necessary steps to contact and connect with the instructors regarding the content that was missed. If there is a class assignment in the missed class, the student will receive an automatic F for that assignment at the discretion of the instructor.

Discussion of Final Grades: The policies of the law school dictate that a student has the right to request a discussion of his or her final grade. For this purpose, students are encouraged to use the contact information listed below. These discussions may occur in person at the law school, or over voice/skype if a face-to-face meeting is impractical.

Feedback: Students are encouraged to seek feedback during the course. The structured process that guides the production of the final research paper will allow ample opportunities for feedback and review.

Contact Information: Students are encouraged to contact the course instructors by email at the addresses given on the first page of this syllabus. If the matter is particularly urgent, students should put "urgent" in the email's subject field.

COURSE MATERIALS

The required readings in this course are mostly composed of secondary literature. The intent of the instructors is for students to: (1) obtain a solid overview of the developing technology in law in Canada, and; (2) grapple with particular issues by reading relevant journal articles and cases from a variety of jurisdictions and perspectives.

Required Materials (in addition to those listed above)
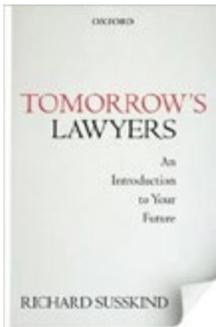
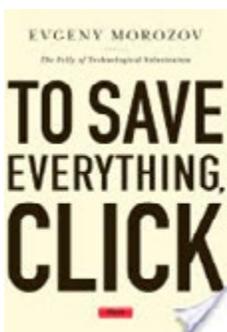|	
	Tomorrow's Lawyers, by Richard Susskind. Tomorrow's Lawyers is a definitive guide to this future--for young and aspiring lawyers, and for all who want to modernize our legal and justice systems. It introduces the new legal landscape and offers practical guidance for those who intend to build careers and businesses in law. Susskind identifies the key drivers of change, such as the economic downturn, and considers how these will shape the legal marketplace. He then sketches out the new legal landscape as he envisions it, highlighting the changing role of law firms and in-house lawyers, as well as the advent of virtual hearings and online dispute resolution. He also suggests solutions to major concerns within the legal profession.

Additional required readings will be assigned throughout the course. Links to these readings will be posted on Moodle in advance of the class.

Recommended Materials

	The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies, Erik Brynjolfsson & Andrew McAfee.
	To Save Everything, Click Here, Evgeny Morozov.

	The Lean Startup, Eric Ries

OPTIONAL MATERIALS

It is the instructor's' view that the ability to write and conduct research are essential for success in law and other professions. The books listed below are but a sample of the materials available to help you learn these fundamental skills. We view this course as an opportunity to practice these skills.

Based on our experience, we encourage students to purchase one or more of the recommended books listed below.

- Garner, Bryan. Legal Writing in Plain English: A Text with Exercises, University of Chicago Press, 2001.
- Volokh, Eugene. Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review, 4th edition, Foundation Press, 2010.
- Black, Nikki. Cloud Computing for Lawyers, ABA.

ADDITIONAL OSGOODE AND YORK POLICIES

Academic Honesty and Integrity: Osgoode students are required to maintain high standards of academic integrity and are subject to the York Senate Policy on Academic Honesty and the relevant Osgoode Academic Rules. The Senate Policy can be found at http://www.yorku.ca/secretariat/policies/document.php?document=69   The York University academic integrity website can be found at http://www.yorku.ca/academicintegrity

The Senate Policy and Osgoode Academic Rules are also found in the Student Handbook, which is available on the MyOsgoode website, under the Documents and Publications tab.

Religious Observance: York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates relating to examinations or

assignments for this course pose such a conflict for you, please bring this to the attention of the Assistant Dean, Students, Mya Rimon, within the first three weeks of class.

Students with Disabilities: York University has a range of resources to assist students with physical, mental, psychiatric and learning disabilities in achieving their educational objectives. Students with disabilities requiring accommodation in the classroom or in the examination or evaluation process are encouraged to identify themselves to York's Counselling & Disability Services office (N110, Bennett Centre for Student Services or 416-736-5297) or Osgoode's Office of Student Services as soon as possible. All requests for accommodation will be kept confidential. Requests for examination accommodation must be approved by the Assistant Dean, Students, Mya Rimon.

Other York University Policies: Further information concerning relevant York University academic policies, such as the Ethics Review Process for research involving human participants is available on the Senate Committee on Academic Standards, Curriculum and Pedagogy webpage (see Reports, Initiatives, Documents) – http://www.yorku.ca/secretariat/senate/committees/ascp/index-ascp.html

Justice Innovation and Access to Justice Program
Environmental Scan: Technology, Innovation and Access to Justice in Legal Education

Prepared By: Stephanie Kolla, JD student, Osgoode Hall Law School

The Justice Innovation and Access to Justice Program at Osgoode Hall Law School proposes three unique learning opportunities that will provide students with the necessary skillset and leadership to leverage innovation and technology in the creation of legal services addressing access to justice issues in Canada. The emphasis of the Justice Innovation and Access to Justice Program is on experiential learning. One of its main objectives is to provide students with the practical and leadership skills required to be active participants in the development of creative and innovative solutions that improve access to justice.

In developing these courses at Osgoode, we surveyed the current course offerings at Canadian and American law schools that offer access to justice, innovation, and legal technology courses with a focus on experiential education. In surveying this educational landscape, we set out to learn from these already established courses and programs. The factors we considered include: the course content, the overall structure of the course, and how the course fits within the broader law school curriculum. Our objective was to identify the skills, knowledge, and learning objectives student's can expect to develop in these courses.

As will be evident, Canadian law schools are lagging behind their American legal education counterparts, who are currently offering courses that are focused on experiential learning and solutions-based problem solving in the area of access to justice. There are also a number of programs at American law faculties that are integrating technology and innovation in legal education to promote the research, development, and design of access to justice solutions.

This memo begins with an introduction and overview of the proposed course offerings for the Justice Innovation and Access to Justice Program at Osgoode Hall Law School. Next, we examine a few courses or programs offered at Canadian law schools that are providing students with an introduction to access to justice issues, and a strong foundation for considering barriers and solutions. Following this, we have identified a number of programs or courses from American universities that are integrating a more experiential and interdisciplinary approach that weaves technology, innovation and creative design to provide students with the skills and experience necessary to rethink legal service delivery. These skills will, in turn, prepare students with varying career interests, to participate and lead changes in industry practices. Finally, this memo summarizes both the important skills and objectives, as well as the key components of the newly designed Justice Innovation and Access to Justice Program at Osgoode Hall.

I. Justice Innovation and Access to Justice Program at Osgoode: Course Descriptions

Before considering what other law schools are offering in the field of access to justice and technology, it is important to know what the Justice Innovation and Access to Justice Program is proposing to offer. Three complimentary courses that examine and provide experiential learning in the areas of access to justice and innovation are proposed. The courses are described below (in no particular order).

The first course, **Access to Justice & Innovation,** will focus on examining the current access to justice problem and will expose students to innovation theories and methods that can be used to study complex social problems. Students will gain unique hands-on experience through designing a social forum that addresses an access to justice need.

The second course, **Legal Information Technology,** introduces students to the legal marketplace of the future, and empowers them to participate in or lead the transformation of legal service delivery.

This course emphasizes the value of information technology from a design (rather than from a technical) standpoint. A major component of this course involves instruction on how students can build and deliver new forms of legal practice that provide better results for clients, improve accessibility, enhance productivity and democratize the practice of law.

The third course, **Designing the Future of Justice: Introduction to Legal Design**, introduces students to the theories and methodologies of human-centred design, and how they can be applied to facilitate innovation in the justice system. Students in this course will gain hands-on experience in designing human-centred legal services by working *directly with community partners* to develop engaging and new solutions to real-world legal service delivery and access problems. By the completion of the course, students will be poised become leaders in a human-centred approach to legal innovation.

The Justice Innovation and Access to Justice Program proposes to bridge theoretical considerations with real solutions through an experiential learning program that can affect real change in the Canadian legal system. The experiential nature of the Justice Innovation and Access to Justice Program provides students with the unique skillset required to become leaders in addressing and developing practical solutions to the access to justice crisis in Canada.

II. Current Access to Justice, Innovation, and Technological Programs offered at Canadian Law Schools

Most, if not all, law schools in Canada offer various courses that address access to justice or systemic issues in law by virtue of their subject matter, but do not necessarily consider access to justice as a topic in and of itself. Courses under this type of general heading could include those that address discrimination, gender, ethics and professionalism, critical race theory, and immigration, amongst others. Some universities, including both the University of British

Columbia and Ottawa University, offer a specialization in social justice for JD students. However, while these programs offer a good foundation in social justice, equality, ethics, and access to justice issues, they do not focus on or address access to justice as a systemic issue.

Experiential learning programs that are currently addressing access to justice at Canadian universities are most often tied to a community legal clinic. Of course these types of clinics are important players in legal education, and serve an important demographic of the population. While these clinics offer a real and practical service to under-served communities, their focus is not on actively addressing the larger systemic and social issues that account for the lack of access to justice in Canada. Further, since these types of courses and programs are offered at most law schools across Canada, they will not be the focus of this memo. Instead, this memo concentrates on courses and programs that go beyond a basic introduction to access to justice education, focusing specifically on courses that attempt to identify, design and implement solutions through the use of technology, design, and innovation.

i. **<u>Law Schools in Canada Do Not Offer Experiential Programs that Utilize Innovation and Technology to Develop Practical Solutions to Issues of Accessing Justice</u>**

In Canada, there is a noticeable gap in legal education for programs that combine experiential learning opportunities with technological solutions and innovative design to develop practical solutions to issues of access to justice. Currently, there is no program in Canada that is directly focusing on exploring how these tools and skills can be utilized either to shift the delivery of legal services, streamline the filing of documents, or implement other Internet-based solutions, to achieve greater access to justice. Most of the courses in Canada do not provide students with the skills needed to become leaders in innovating legal services. However, there are a few notable programs or courses in Canada that provide a solid foundation in the theory of, and in identifying barriers to, access to justice. These foundational courses provide a solid starting point from which to develop a more practical and experiential learning opportunity for students to develop the requisite skills and leadership.

a. **Windsor University:** *Projects for Justice*

The ***Projects for Justice*** course at **Windsor University** are collaborative group projects where students focus on identifying, understanding and critically thinking about real life barriers to justice. The course is modeled as a "think tank" in which students research and prepare an essay explaining a particular barrier to justice, and then propose solutions to that barrier. This course is a complimentary course to the first-year *Access to Justice* course, which examines the role that law, legal institutions, and lawyers, play in social change relating to access to justice.

These two courses, *Projects for Justice and Access to Justice* offer an important foundational framework for thinking about barriers to justice and complex systemic and social issues in the legal market. While the program does require students to present possible solutions it does

not go further in an attempt to implement those solutions. This is the next logical step in developing an experiential-based course on access to justice: designing, testing and implementing solutions.

b. University of Toronto: *Centre for Innovation Law & Policy*

The **Centre for Innovation Law & Policy** at the **University of Toronto** offers a regular workshop series that explores the relationship between law and technology. The workshops consider issues in intellectual property, privacy, defamation, globalization, and social justice, to name a few. The Centre's focus is mainly on intellectual property and innovation. There is some focus on access to justice and social issues, however, this is not the main component of the Centre's course offerings. The Centre offers an **Intensive Course in Legal Innovation** that contemplates alternatives to the current institutionalization of the law and the delivery of legal services. The course considers, for example, how law may be reinvented to better respond to a world of rapid innovation.

c. University of Ottawa: *Access to Justice*

The **University of Ottawa** offers a first-year thematic course on access to justice and an upper-year practicum **Access to Justice** course. The goal of the first-year course is to introduce law students to the key components of the access to justice crisis in Canada. Students develop an understanding of the concept of access to justice, identify possible barriers, and consider and analyze proposals for improving access to justice. The upper-year practicum course provides students with a more experiential learning component. The course is a hybrid of clinical-type, practice-oriented activity, combined with directed research. Students have an opportunity to both provide assistance to people living with low-incomes and residential tenancy housing problems, in addition to their research on related legal and law reform issues. An important objective of the course is for students to develop their understanding of the concept and reality of the access to justice issue, and the social context of law and legal needs.

d. University of Saskatchewan: *Access to Justice and Institutions of Justice*

The **University of Saskatchewan** offers a couple of programs that explore the topic of access to justice, and some have an additional practical component. The **Access to Justice and Institutions of Justice** course consists of both a seminar and an experiential component. The seminar addresses issues of access to justice and critically examines the response by the legal profession, governments, legal institutions, and communities. The seminar focuses on the roles of legal actors and institutions by situating the issue of access to justice through its social, political, and economic context. The course examines perspectives from community lawyering writers and critical Indigenous scholars about the nature of, and solutions to, the problems of access to justice.

The seminar includes an experiential component where students have the option to elect a placement at a court, tribunal, or community organization, or to engage in a hands-on research

project with the **Dean's Forum on Access to Justice,** a research initiative focused on addressing and designing a process of action to the issues of access to justice.

The Access to Justice and Institutions of Justice course attempts to provide students with a solid understanding of the key debates and issues, and also the various rationales behind access to justice initiatives. This course encourages students to think critically about the limits of legal institutions, and the ability of its participants to address access to justice concerns and to consider alternatives. The final product of the seminar, which is also required by those students that opted for the experiential component, consists of a research essay assignment.

Students at the University of Saskatchewan also have the opportunity to participate in the **Community Legal Assistance Services for Saskatoon Inner City (CLASSIC).** In conjunction with legal advocacy and legal advice services, CLASSIC is designing a Systemic Initiatives Program (SIP), which works in partnership with community organizations to tackle the systemic inequities that create legal problems. SIP projects empower marginalized community members, address barriers to accessing justice, and seek policy and law reform. Unfortunately, there is no further information on projects yet undertaken.

III. <u>Law Schools in the United States that Currently Combine Access to Justice and Technological Innovative Solutions to Legal Services</u>

Law schools in the United States are currently offering and are designing courses that bridge technology, design, and innovation, with access to justice through experiential programs designed to affect real change in the legal community. These courses examine the concept of access to justice, identify and explain barriers, but also provide students with skills in e-discovery, legal research, and document automation and design methods, including lean design and human-centred design. As well, some of the programs provide students with the opportunity to develop an online application that specifically addresses or offers a solution to an access to justice issue identified by students, or in collaboration with a community organization. Many of these programs bring together professionals from a broad range of disciplines to develop real and practical solutions that can be implemented across the legal industry.

a. Michigan State University: *Legal Research & Development*

The **Legal RnD** program at **Michigan State University** describes itself as "dedicated to improving legal-service delivery and access across the legal industry." This program brings together professionals from a broad range of disciplines to find solutions to improve legal-service delivery. The program works with a number of industry partners including legal aid organizations, legal practitioners, firms, and courts to research and develop services that have been lacking in the legal industry.

The curriculum begins by introducing students to the current landscape of legal service operations and delivery. The introductory course; **Delivering Legal Services: New Legal Landscape,** aims to provide a theoretical context for students to understand the existing processes, and to consider where legal service operations may be heading in the near future. Students learn project management, data, and research skills. Since law is a service industry, the program incorporates research and developments from the broader world of service delivery innovation. The goals of the course are to provide students with a solid theoretical and skill foundation to pursue in-depth studies in legal service delivery, legal analytics, design skills, and legal entrepreneurship.

Other courses in the program include, **Quantitative Analysis for Lawyers,** which introduces students to modes of quantitative thinking to prepare them for a technology infused law practice. **Legal Analytics** trains students to efficiently manage, collect, explore and analyze various forms of data with the purpose of extracting knowledge from data for various stages of legal proceedings. The primary goal of the **Litigation (Data, Theory, Practice and Process)** course is for students to learn how to leverage data, theory and process to obtain better results in litigation, while learning the skills to become effective litigators. **Entrepreneurial Lawyering** assists students in understanding the changes to the economic, technological, and globalization disruptions facing the legal profession. Concepts such as virtual law practices and the use of technology, along with free and low-cost resources and tools, encourage entrepreneurial-minded students to identify ways to leverage leading-edge technology to launch a practice. Finally, the **Designing Legal Services** course focuses on design thinking and methodologies that can address challenges involved in the business of law.

The goal of the Legal RnD program at Michigan State is to utilize innovation through legal research and technology to increase access to justice services. The program focuses on leveraging technology to improve the process of legal service delivery.

b. **Illinois Institute of Technology, College of Law:** *Centre for Access to Justice & Technology*

The **IIT Chicago-Kent College of Law** established the **Centre for Access to Justice & Technology (CAJT)** to make justice more accessible by promoting the use of the Internet and technology in the teaching, practice and public access to the law. CAJT manages the **Access to Justice (A2J) Author,** a software tool that delivers greater access to justice for self-represented litigants by enabling non-technical authors from the courts, clerk's offices, legal services programs, and website editors to rapidly build and implement customer friendly web-based interfaces for document assembly.

The CAJT also conducts the semester-long **Justice and Technology Practicum,** which explores the use of technology in law practice and legal services, and considers alternative legal services delivery models, e-lawyering, unbundling and self-represented litigant assistance. Students work on client service and drafting projects with the CAJT. The experiential nature of the course provides students with experience in assisting self-represented litigants and providing legal information to low-income individuals by designing

and developing automated court forms, web-based legal education materials, and developing plain language user interfaces for Web based document assembly. Throughout the semester, each student researches a real life justice problem, engages with self-represented litigants struggling to gain access to justice, and builds a document assembly tool using the A2J Author software. The course is organized to help students frame the justice problem and understand how barriers to justice affect self-represented litigants.

Other notable courses offered at IIT Chicago-Kent include:

Litigation Technology, which teaches students how to integrate technology into trial presentations, which students then integrate into the trial advocacy portion of the course.

Electronic Discovery, which emphasizes hands-on learning with e-discovery software and provides a theoretical understanding of the dominant computer algorithmic techniques used in e-discovery and the legal, ethical, and technological problems of each of these techniques.

   c. **Georgetown University: *Technology, Innovation, and Law Practice and Tackling the Civil Access to Justice Crisis***

Georgetown Law offers a few courses that incorporate technology and innovation and access to justice but does not offer a concentrated list of courses or dedicated programs similar to Michigan State or IIT Chicago-Kent. There are two notable courses offered at Georgetown.

The **Technology, Innovation, and Law Practice: An Experiential Seminar** is a practicum course that exposes students to technologies in the practice of law. Students utilize innovative software platforms to enhance access to justice, capture legal expertise, interface with clients, manage litigation and transactional processes, and increase the efficiency and quality of legal services. The practical component of the course places students in a legal service organization to develop a platform, application, or automated system that increases access to justice and/or improves the effectiveness of legal representation. The goal of the course is for students to have built a functional app that is adopted and used by a legal service organization.

In 2014, apps that were developed included:

   Unemployment Hearing Coach, which provides guidance on how to prepare for a hearing and assists claimants and employers in understanding their rights.

   Pennsylvania Children's Medicaid Appeals Advisor, which provides legal services to low-income consumers, the elderly, and persons with disabilities who are having trouble accessing publicly funded healthcare coverage or services.

   The Den: New York City Debt and Eviction Navigator, which targets legal services for the elderly and aim to diagnose whether the senior has a landlord/tenant or consumer debt

problem and offers remedial self-help steps and contact information for legal services providers.

The ***Tackling the Civil Access to Justice Crisis (Fieldwork Practicum)*** has two components: a seminar portion and a fieldwork practicum. The seminar introduces students to the nature and extent of the access to justice crisis in the United States. The fieldwork practicum places students with an organization that is engaged in research and development initiatives to address this crisis. Some initiatives developed through this program include: revising unauthorized practice of law rules to permit non-lawyers to help address unmet legal needs; revising legal ethics rules to promote limited scope representation; providing new forms of assistance to those who represent themselves in litigation, or in their handling of other legal matters; reforming court rules and procedures to create a fairer environment for pro se litigants; and, identifying ways to de-legalize matters, consistent with due process, that can be better handled in a non-adversarial fashion.

d. Stanford University: *Legal Technology and Design: Legal Design Lab*

The ***Legal Design Lab at Stanford Law School***, in collaboration with d.school, brings together an interdisciplinary team working at the intersection of human-centred design, technology, and law, to build new legal products and services. The lab is focused on training students in legal design, developing new models of user-friendly, accessible, and engaging legal services, and researching how innovation can be brought to the study and practice of law.

The **Intro to Legal Design** course brings together law students, engineers, and business students, and exposes them to the essentials of design thinking and service design. Students then take this knowledge and apply it to real-world problems affecting law firms, legal aid groups, and other legal organizations. The course is partnered with various legal organizations to provide practical, hands-on experience in tackling legal service design challenges. Students utilize a mix of innovative and practical skills to learn how to use human-centred design to solve complex service challenges.

Projects at the Legal Design Lab have included:

Navocado, utilizes open-source platform to create and publish better guides to legal processes, with a visual flowchart triage & a smart checklist process-guide. The guides are interactive, tech enabled, and user friendly.

Court Messaging Project, is a tool for courts or legal services groups to send automated messages to their clients. The goal of the project is to make the court system more navigable and to improve people's sense of procedural justice. The tool allows for a court or legal administrator to take clients' info from their current case management system, and enrol the client in a messaging flow customized to their needs. The client receives an automated series of messages with reminders and tips for their upcoming obligations — to make sure that they stay on track with their legal process and are prepared for all the requirements.

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e. **University of Notre Dame:** *Legal Technology & Informatics Law*

The **Legal Technology & Informatics Law** course at the **University of Notre Dame** was developed by Ron Dolin, one of the co-founders of the Legal Technology and Design program at Stanford. Legal informatics provides a computational perspective of law and considers where legal information resides and how it is manipulated and transmitted. The course introduces students to the practical and ethical issues relating to legal technologies and their potentially innovative effect on the practice of law. The course exposes students to ways in which technology is being paired with legal functions such as: e-discovery, legal research, and document automation, to name a few. Further, students incorporate visualization and data analysis in legal research to assist in the prediction of dispute outcomes. The course is designed to familiarize students with theoretical issues in legal technology and to prepare students to practically use, develop, and evaluate legal technology to enhance the broader legal system.

f. **Loyola College of Law:** *Loyola Law Tech*

The **Technology and Legal Innovation Clinic** is situated within the Stuart H. Smith Law Clinic and Center for Social Justice at Loyola University in New Orleans. The clinic explores the use of technology in the practice of law. The clinic offers a clinical seminar: **Technology and Legal Innovation.** The goal of the seminar is to introduce students to the latest thinking about how technology is transforming the legal profession. Although the students learn many currently relevant technological skills, the main thrust of the seminar is training students in the process of 'computational reasoning": the practice of breaking real-world problems into manageable algorithms that a computer can understand and process. One outcome of the course is that students design and implement tech-related projects aimed at assisting legal practitioners and increasing access to justice.

Projects include:

LABook Series, which is a series of apps that collect the Louisiana Criminal, Civil Code, and Civil Procedure laws into small, mobile-first apps.

JuJu – Juvenile Justice Calculator, which is a tool to help lawyers advocate for less restrictive and expensive sentences in juvenile cases. Using publicly available data, the app calculates the difference between two proposed sentences.

IV. The Justice Innovation and Access to Justice Program at Osgoode Hall Law School

The Justice Innovation and Access to Justice Program proposes to build on the solid foundational courses offered at Canadian law schools including the **Access to Justice** foundational course at Ottawa University and the **Projects for Justice** at Windsor University. Many of the Canadian programs surveyed above provide students with the skills to identify and analyze access to justice issues and barriers. From this foundation, the Justice Innovation and

Access to Justice Program proposes to integrate more practical, experiential and hands-on learning opportunities for students to research, develop, test, and implement technological, design based, and innovative solutions. The courses and programs from the United States law schools highlight a number of important skills and overall learning objectives for students to develop and implement.

Key skills include the ability to:

- Develop an understanding of the concept of 'access to justice', and how it is defined and interpreted.
- Identify and explain barriers to justice; identifying how certain users/organizations use the legal system.
- Understand and critically analyze proposals for improving access to justice.
- Analyze a legal problem in terms of access to justice, barriers to justice and proposals for improving access to justice.
- Understand which parts of the traditional business model of law firms can be improved or innovated.
- Learn how to leverage data, theory and process to be more effective litigators.
- Become exposed to virtual law practices, free, and low-cost resources and tools to identify ways to leverage technology to launch a legal practice.
- Learn how to break down real-world problems into manageable algorithms that can be understood and processed by a computer.
- Design and develop automated court forms, web-based legal education materials, and develop plain language user interfaces for Web based document assembly.
- Understand what design is; how to design; and understand different orders of design (information design, product design, service design, organizational design and system design).
- Understand what the state of legal service innovation is and how each order of design may be used to reimagine how law is practiced and legal services are provided.
- Develop a project management plan.
- Learn best practices for interviewing and obtain a familiarity with a range of qualitative ethnographic and experiential modes of gathering information.
- Make process maps and utilize other diagnostic tools.
- Develop knowledge of prototyping tools, including drawing techniques, role-playing and improvisation skills, and new software tools.
- Take raw ideas and shape them into testable design; going from a rough prototype to a polished product.
- Develop knowledge of engineering processes, working with developers and designers to turn an idea into a product.
- Become familiar with business plans, market analysis, product-market fit, and engineer-based design reviews.
- Learn how to pitch a product by building storytelling and presentation skills.

Key objectives and questions to answer include:

- What is design and how can it be useful to legal services?
- How can we use design to help legal organizations operate better and provide improved services to their clients?
- How do we understand the challenge areas and conduct user research into these areas?
- How do we map our findings and synthesize our findings into a design brief?
- How do we identify ideas to possibly address challenges and how do we test our ideas?
- How do we go from design concept to a full service design?
- How do we ensure our design product is viable and feasible?
- How do we go from a prototype to a pilot and how can we pitch our pilot effectively?

The Justice Innovation and Access to Justice Program will offer a combined theoretical component with a hands-on practical approach. The courses will provide students with entrepreneurial tools that can be incorporated in a range of legal settings including large firms, in-house counsel and solo practices. The courses will provide students with the skills to be active participants in identifying and designing innovative solutions. The focus of the Justice Innovation and Access to Justice Program is on practical and experiential learning to ensure students have the ability to envision and affect change in the shifting legal landscape.

The Justice Innovation and Access to Justice Program

Transforming Legal Education

Developing the Critical Skills Needed to Meet the Changing Legal Environment and Future Need for Legal Services in Canada

As the Canadian population grows and changes, users of future legal services will also change. The legal services we provide will need to effectively serve a public that is global, more diverse, technologically knowledgeable, and expecting more affordable justice. Currently, existing legal structures and models underserve many Canadians. It is important for the Canadian legal profession to remain relevant, viable, and confident in the face of such change. Recent reports, including the *Canadian Bar Association's Futures Report* and the *Action Committee's Final Report,* have underscored the importance of training future lawyers with the critical skills required to meet the future need for legal services.

Key among these critical skills is recognizing the expansive user-centred vision of access to justice: where access to the justice system means a consistent focus on the broad range of legal problems experienced by the public – not just those that are adjudicated by courts. Central to this understanding of the justice system is that it must look at everyday legal problems from the point of view of the people experiencing them. In light of this broader understanding of access to justice, the *CBA Futures Report and Action Committee Final Report* have identified skills that will be necessary for people in legal training to develop, in order to meet the needs of clients who are seeking more flexibility, versatility, efficiency, and cost-effectiveness in their legal services.

The Winkler Institute for Dispute Resolution and Osgoode's Justice Innovation and Access to Justice Program aims to develop these critical skills through the law school curriculum by introducing three new courses on access to justice and innovation at Osgoode Hall Law School. These courses will combine experiential education, e-learning, community based learning, and will be the first of their kind at a law school in Canada. This document provides an overview of the critical skills discussed in the *CBA Futures Report and Action Committee Final Report* that have guided the development of the Justice Innovation and Access to Justice Program courses. For detailed information on each course and how they will address the skills outlined below, refer to the attached chart.

ACCESS TO JUSTICE AND DIVERSITY

The reports mentioned above have underscored that law schools should incorporate modules, courses, and research agendas focused specifically on access to justice, diversity, and pluralism.

Students should be exposed to the needs of all individuals, groups, and communities, including immigrants, other marginalized and vulnerable groups, and rural communities. According to the *Action Committee Final Report,* this involves:

- Increased skills based learning modules focused on consensual dispute resolution, alternative dispute resolution, and other non-adversarial skills.
- Research and promotion of different ways of delivering legal services that provide affordable and accessible services to the public, as well as meaningful professional experience for lawyers.
- Interdisciplinary collaboration between those inside and outside the legal field to innovate and think forwardly, as well as identify what currently works and does not work in the justice system.

Legal education should emphasize "**translational knowledge**" which is the ability to turn knowledge of legal concepts, regulatory processes, and legal cultures into actual problem solving ability in practice.

Additionally, skills learned in law school should include an appreciation of the importance of "putting the public first". This means becoming attuned to legal needs as defined by the user, and recognizing the implementation gap between the everyday legal problems that are pervasive in the lives of Canadians and the availability of legal services to address these problems.

The three new courses at Osgoode Hall Law School will focus on current access to justice issues and introduce students to the concept of a "public-centred" justice system. The courses will provide students with the opportunity to use the knowledge gained in the classroom to solve problems in legal service delivery, design, and effects, in collaboration with community partners and relevant stakeholders.

ENTREPRENEURSHIP AND MANAGEMENT

Different segments of the profession have identified the various skills they would like new graduates to learn beyond legal theory and substantive law, many of which are entrepreneurial

and management skills. According to the *CBA Futures Report,* these include:

- Business skills, including business development
- Financial acumen and negotiation
- Financial management
- Law office management
- Project and process management

Developing these types of skills will also require adopting a new perspective on risk management, which allows lawyers to remain agents for identifying risks while also being agents for identifying solutions with a mindset for experimentation.

Lawyers have also expressed that their colleagues of the future will need practical experience and excellent communication skills, and they will also be required to embody both cultural competence and emotional intelligence.

The new courses aim to encourage students to critically assess the current system and identify what works and what needs improvement. Students will be exposed to alternative methods of management and service delivery, and will be exposed to tools like process mapping and project management.

INNOVATION AND TECHNOLOGY

Several reports have identified technological literacy as a crucial skill for future lawyers serving the Canadian public. The technological literacy that will be required not only includes the ability to effectively and responsibly use technology, but also understand the effects of the public use of technology for legal services, and recognize the spaces technology can fill in modern society.

Technology is rapidly expanding the availability of information to the public; data management and analysis capabilities; and communication tools. New lawyers will therefore need to respond to their clients' resulting expectations of more choice and flexibility of legal services, alternate billing and delivery arrangements, and greater speed, convenience, and participation in the legal process. Technological literacy also includes the skill of using technology to improve the efficiency of business functions and learning processes.

These ongoing changes in our society mean that tomorrow's lawyering will look radically different from today's. As such, the *CBA Futures Report* anticipates the emergence of new practice areas in Canada involving an intersection of law and technology, with a focus on innovation. In particular, the following job descriptions will be increasingly common, and thus legal education will need to respond accordingly.

Knowledge Engineers: To build online legal advice systems and document drafting systems and organize and represent legal knowledge of those systems.

Legal Support System Managers: To develop and deliver tools to clients to help them undertake their legal work, such as workflow systems, document management systems, and intranet for in-house departments.

Legal Project Managers: To formally bring the discipline of project management to the legal process of deals and disputes.

Online Dispute Resolution: Which presents new roles for lawyers as e-advocates, e-arbitrators, e-neutrals and e-mediators.

Legal Risk Managers: To provide new tools, techniques, and systems for identifying, quantifying, monitoring, hedging, and reducing their clients' legal risk.

Legal Management Consultants: Working on a preventative basis to offer advice on strategy and operations to large legal departments.

The new courses at Osgoode Hall Law School will provide students with a critical perspective on how innovation is being discussed and pursued in the legal field, and will teach students how to identify opportunities for innovation. Students will also gain familiarity with existing forms of legal technology, as well as upcoming approaches and frontiers of current research and development.

The Justice Innovation and Access to Justice Program

Providing Law Students with the Critical Skills Needed to Meet the Changing Legal Environment and Future Need for Legal Services in Canada

COURSES ➔ SKILLS ⬇	Legal Information Technology	Designing the Future of Justice: Introduction to Legal Design	Access to Justice and Innovation
Access to Justice	Introduces students to the ways in which legal information technology allows individuals who cannot afford traditional legal services to access information.	Students gain an understanding of the current discourse on access to justice, and insight into the value of innovation with regards to improving access to justice.	Introduces students to the complex access to justice problem, including the concept of everyday legal problems and the cost of unmet legal needs.
Diversity and pluralism		This course will focus on how design methods can be used to create more accessible legal services that work well for those who cannot afford more traditional legal services.	Students are exposed to case studies focused on the issue of access to justice for specific groups, including Aboriginal peoples, persons with mental health disabilities, persons living in poverty, and those living in remote and rural areas.
Putting the public first	Provides instruction on how to build and deliver new forms of legal practice that provide better results for clients, improve accessibility, and democratize the practice of law.	Introduces students to the theory of human-centred design, which puts human needs, capabilities, and behavior at the center of the design process.	Students will be introduced to the concept of a "public-centred" justice system. They will learn from guest speakers with experience in the current system, including self-represented litigants.

Interdisciplinary collaboration	This course is open to both law students and engineering students from the Lassonde School of Engineering. Additionally, students are required to collaborate on an exercise with a student from another university and another student from the clinical mediation program.	Students will work with community partners to creatively solve and co-design solutions to an access to justice problem experienced by the community.	Students are required to prepare an action plan for convening an innovation forum on the access to justice issue they have defined. This will include identifying key relevant stakeholders, developing action items, and determining ways to encourage discourse among the diverse stakeholders about the issues.
Innovation	Students will develop ideas for new information technologies using storyboards, wireframing and other techniques. The final project is a conceptual design project, which involves designing a novel legal information or justice administration application.	Allows students to gain a critical perspective on how innovation is being discussed and pursued in the legal field, and teaches students how to identify opportunities for innovation.	Students will learn innovative approaches to building a social lab to address access to justice issues.
Technological literacy	Students gain familiarity with existing forms of legal technology as well as upcoming approaches and frontiers of current research and development.		
Risk management	Students obtain the ability to identify opportunities for	Students are required to provide a critical assessment of a	

Risk management (cont.)	deploying information technology in legal settings, as well as obtain a critical perspective on legal information technology to make determinations of what is inherently the domain of human beings and what is amenable to automation.	current method of legal services delivery, including an overview of how the service works, a critical examination of the design, a determination of key problem areas and/or what is working well and why, and commentary on how the service could be improved.	
Communication skills	An oral presentation is required of the students' work on the conceptual design project to the class.	Students are expected to communicate professionally and responsibly with community partners. Moreover, students must work collaboratively in non-legal environments encouraging them to further develop their ability to communicate legal ideas in clear ways.	Students develop communication skills through interviewing stakeholders and subject matter experts on the access to justice issue they have identified. They are required to present key findings from their research.
Practical experience	Students work directly with a number of tools, including e-discovery, online dispute resolution, practice management software, data mining, and visualization.	Students gain practical experience by working outside of the classroom to prepare and lead design sessions with their community partner.	Students will have opportunities to interview self-represented litigants about their experiences within the system. Students will also spend one morning at Small Claims Court.

"Translational knowledge" – turning knowledge into problem-solving ability	Students apply the technological, legal, and design knowledge, as taught in the course, to creatively solve a legal services delivery problem.	Students are tasked with solving a real life access to justice problem. The course requires students to keep a design journal, providing them the opportunity to reflect both on the theoretical course materials, and the practice of designing and leading design sessions with their community partner, thus gaining insights into effective problem solving techniques.	Students will apply theory to identify and define an access to justice problem, conduct a literature review and environmental scan, and interview key stakeholders.
Business management skills, including financial management and project and process management	Students are exposed to practice management software aimed at increasing efficiency, the basics of project management, process mapping, and the use of a business model canvas.		
Different ways of delivering legal services	Prepares students for the legal marketplace of the future and empowers them to participate in the transformation of legal service delivery.	Students work with a community partner to co- design a new service delivery option, or improve an existing service delivery method.	

Consensual and alternative dispute resolution, including online dispute resolution	Students participate in an online dispute resolution exercise		
Online legal advice systems and document drafting systems	Students are introduced to simple automated document generation tools.		
Workflow systems and document management systems	Students are required to set up a "content management system" such as a wiki or WordPress website. Students will also work with commercial grade eDiscovery software.		