

Evolving Legal Services Research Project

RESEARCH DESIGN REPORT

Table of Contents

- 1. Executive Summary..... 2
- 2. Background and Purpose of the Study 6
 - Background 6
 - Report on Phase I – Research Design Phase..... 8
 - Statement of the Problem: Evidence Gap in Canada and Internationally..... 9
 - Purpose of the proposed study 13
- 3. Study Overview 14
- 4. Research Sites..... 14
 - Required Site Criteria 14
 - Other weighted selection criteria..... 15
 - Pilot Site..... 15
 - Sampling Procedures, Sample Size and Additional Sites..... 15
- 5. Research Methodology 16
 - Qualitative Data Collection 17
 - Quantitative Data Collection 18
 - Civil Legal Services Event Index 19
 - Illustrations of the Civil Legal Services Event Index 25

(This document does not include the appendices that were submitted as part of the funding application.)

1. Executive Summary

PART ONE: Background and Purpose of the Study

Origin of the project

Canadian jurisdictions, including Ontario and BC, are increasingly exploring and relying on limited legal assistance programs as a method of providing legal services to people who cannot afford legal services. Increased rationing of publicly-funded legal services has meant that public legal education and information (“PLEI”), either on its own or in conjunction with other unbundled legal services, is required to fill an increasingly larger role in meeting the legal needs of poor people and people with modest means. Yet we know relatively little about the extent to which PLEI is an effective legal service: for what types of clients, for which kinds of legal problems, and in which circumstances, can PLEI provide the most robust assistance.

Community Legal Education Ontario (CLEO) sought and received funding from the Law Foundation of Ontario (“LFO”) to conduct Phase 1 of a research project – the Evolving Legal Services Research (“ELSR”) Project – to explore the effectiveness of PLEI throughout the continuum of legal services delivery in Ontario and British Columbia. CLEO has now completed the Phase 1 deliverables – a comprehensive review of the relevant literature and, building on the literature review, a well-developed research plan for Phase 2.

Statement of the problem

We know that civil justice problems are ubiquitous. We don’t know, however, what types of interventions (including PLEI) can best assist people to effectively navigate the justice system and achieve just and lasting outcomes. In terms of what we know specifically about the effectiveness of PLEI, domestic and international studies to date have largely focused on client satisfaction and/or the reach of the PLEI materials, rather than the impact of PLEI on outcomes.

Put simply, we have “canyons in our knowledge base” regarding the effectiveness of evolving legal services. Studies evaluating the effectiveness of PLEI are “desperately needed”¹ and will both help guide critical resource allocation decisions and assist service providers to better meet legal needs. Two recent national reports on access to justice have emphasized the need to enhance our collective capacity to develop evidence-based best practices through sound research.²

The Evolving Legal Services Research (“ELSR”) Project will start to fill this critical evidentiary gap in Canada. The Project will answer two research questions:

¹Laura K. Abel, “Evidence-Based Access to Justice”, 13 *U. Pa. J. Law and Social Change* 295 (2010), at p. 309.

²Action Committee on Civil and Family Justice, *A Roadmap For Change* (October 2013); CBA Access to Justice Committee, *Reaching Equal Justice: An Invitation to Envision and Act* (Canadian Bar Association: December 2013).

How is PLEI effective in increasing meaningful access to justice and assisting people to address their legal problems?

In what circumstances is PLEI effective when provided primarily on a stand-alone or self-help basis and when is a fuller continuum of legal services including PLEI required?

Purpose

The research will increase our knowledge concerning where PLEI is relied on as a primary form of legal services delivery as well as where PLEI is used in conjunction with other legal services along a continuum of legal services. The study will provide a wealth of qualitative and quantitative data on the factors or characteristics that contribute to PLEI's effectiveness in supporting positive outcomes in a range of circumstances.

PART TWO: Study Overview

The ELSR Project will be led by CLEO working in partnership with the Institute for Social Research at York University, and in collaboration with the Canadian Forum on Civil Justice and the staff of the research sites. The research will be carried out at sites in Ontario and British Columbia that provide PLEI as a stand-alone service or as part of a continuum of legal services.

This three year study will encompass four stages:

- research protocols and survey instruments will be developed collaboratively by members of the research partnership (ELSR team and site staff) and pilot tested at one research site before being finalized
- data will be collected over a 19-month period using a mixed qualitative and quantitative methodology
- collected data will be analyzed
- results will be reported and disseminated

PART THREE: Research sites

The research for this project will be carried out at at least two sites in Ontario and at least one or two in British Columbia. A range of selection criteria has been developed for the sites, including:

- a large number of the legal problems addressed at the site must fall into one of four categories: (1) income security; (2) family breakdown; (3) housing; or (4) discrimination and human rights
- many of the users/clients are low-income Canadians with serious civil legal problems

- failure to resolve these problems has serious consequences for the user/client
- PLEI has been relied on as a means of addressing the needs of its users/clients; PLEI is well developed and widely distributed
- the site is receptive to facilitating an on-site researcher who is able to develop a “thick” description of the practices and legal culture at the site
- the site will have a designated contact person to liaise with researchers from the Evolving Civil Legal Services Research Project

PART FOUR: Research Methodology

Qualitative Data Collection

The qualitative data collection will commence with the ELSR researcher attending the research partner site for a period of six weeks to develop a detailed ethnographic “thick” description of the PLEI service provider. The focus will be on the nature of the PLEI legal service delivery, the user/client base, how users/clients interact with the project site, how the client and their problem flow through the process, the staffing and environment, and the relationship between the PLEI and the other services offered to clients. This information will be used to create a “journey map”, a visual diagram of the typical steps an individual goes through in accessing PLEI services and resolving legal problems at the project site.

Clients of the research partner site will be recruited into the study by staff at the research site. ELSR researchers will then obtain client consent and will follow the client (for up to 12-18 months depending on the legal problem) through their journey to resolve their legal problem. This qualitative data collection with clients/users will include a questionnaire and semi-structured interviews. The interviews will generate details about the specific nature of the client/user’s legal problem, their choice of legal service site, their demographic profiles, the depth and scope of the legal services used, the points along the legal continuum that PLEI was accessed, and their perspectives on the procedures and outcomes in resolving their legal problem and the role played by PLEI.

It is anticipated that the case studies will include a variety of experiences with PLEI along the legal services continuum. For example, in Ontario, a woman with a child custody issue may attend at a Family Law Information Centre (“FLIC”) and take no further steps, or she may be referred to (and attend) the LAO Family Legal Services Centre and/or mediation, and/or she may choose to file proceedings or negotiate a resolution on her own. She may access PLEI at one or more points in this journey. The role of PLEI will be studied in all of these different circumstances. The qualitative data collection will focus in particular on demographic/ ethnographic factors and the subjective experiences of the individual research participants.

Quantitative Data Collection

The quantitative methodology involves the creation of a “civil legal services event index” that will score the client’s experience with PLEI, including its effectiveness in helping them to resolve their legal problem. The data for this index will be drawn from the clients/users interviewed in the qualitative interview process.

The purpose of the index is to establish, in addition to the contextually rich qualitative research, a quantitative basis for making assessments about the effectiveness of PLEI, either on its own or in conjunction with other legal services, in a diverse range of circumstances.

The premise is that meaningful access to justice is sometimes achieved by relying on informal, less one-on-one, and generally less expensive legal services -- but sometimes not. The ELSR Project will generate empirical findings that provide information as to the type of circumstances or cases where less-intensive (and generally less expensive) services support or lead to quality outcomes.

A unique and innovative feature of the quantitative data collection is that each case will be reviewed by a subject-area legal expert, who will assess the quality of the process and outcome in each file. Accordingly, the experience of PLEI will be assessed not only in terms of client satisfaction and perception but also through professional review. The indicators or criteria for objectively measuring “quality procedure” and “quality outcome” are explained in the research plan and will be developed further in collaboration with the partner sites.

2. Background and Purpose of the Study

Background

The term “legal services” incorporates a broad continuum of assistance with respect to legal matters. At one end of the spectrum, based on differences around the depth and intensity of legal services, are the most comprehensive models of assistance, perhaps best exemplified by the classic touchstone of full advice and representation services by a lawyer or even broadened to include a multidisciplinary approach in which individuals can access assistance with the non-legal dimensions of their problems. At the other end of the spectrum are models of assistance that rely solely on legal education and information and materials available to the public at large or to targeted groups of the public, often called “public legal education and information” (PLEI). Along the continuum are a very wide range of other possible models of assistance and supports, including unbundled legal and other services some where PLEI is used in conjunction with advice or support provided, in a limited scope, by a lawyer, paralegal or trained non-lawyer.

Access to appropriate and timely legal services including legal information, advice, assistance and representation is key to enabling people to satisfactorily resolve their legal problems. Research shows that the vast majority of individuals will encounter one or more legal problems during the course of their lives and that many are unable to effectively access the required assistance from the justice system.³ The consequences of this unequal access range from mere annoyance to devastation depending upon the interest at stake and the person’s social location.

Public legal education and information (PLEI) plays an important role in assisting people to understand and address the legal dimensions of problems they face. In addition to providing general legal education about the justice system and specific legal issues, traditionally, PLEI plays a limited but critical role in increasing access to justice for persons with a specific legal problem through the provision of information designed to enable them to understand their legal rights, potential remedies and procedural options. PLEI is typically seen to be (and often is) a less expensive type of service for legal service providers, in comparison to many other types of legal services on the continuum of assistance with legal matters and problems.

The trend toward increased rationing of publicly-funded legal services has meant that PLEI is required to fill an increasingly larger role in meeting the legal needs of poor people and people with modest means, as well as being a service available to all. Yet we know relatively little about where PLEI can provide the most robust assistance.

³ Currie, Trevor Farrow, Lesley Jacobs, David Northrup & Nicole Alywin, *Everyday Legal Problems and Costs of Civil Justice in Canada* (Toronto: Canadian Forum on Civil Justice, Summer 2014) which found, for example, that 48.9% of Canadians have had a serious civil justice problem in the past three years but only 6.5% reached court and forty percent of survey participants were unable to resolve their problem

Although PLEI and other types of legal services delivery programs are subject to regular evaluation in Canada, these evaluations tend to focus on the fact of service delivery and some measurement of client satisfaction. Few studies have attempted to evaluate the **impact** of PLEI on the procedural and substantive outcomes experienced by individuals who receive this form of assistance. And none of these studies have been undertaken in Canada. There are many unanswered questions concerning the circumstances where PLEI works, whether as a primary, stand-alone resource or as a complementary resource in conjunction with other legal services. To what extent is PLEI an effective legal service for different types of clients, for which kinds of legal problems, and in which circumstances?

Community Legal Education Ontario (CLEO) has initiated the Evolving Legal Services Research Project (ELSRP) to begin to fill this evidentiary gap through an empirical investigation of two overarching questions revolving around meaningful access to justice. Access to justice has many dimensions that reflect complex issues in criminal and civil law that are beyond the scope of this study. Meaningful access to justice is understood here narrowly in terms of access to civil legal services that provide quality procedures and outcomes, where quality is determined by an equally weighted consideration of user satisfaction or perception and independent professional judgment and evaluation. Meaningful access to justice includes adjudicative decisions and outcomes as well as non- adjudicative (including informal client-driven) resolutions. The following are the two overarching research questions:

How is PLEI effective in increasing meaningful access to justice and assisting people to address their legal problems?

In what circumstances is PLEI effective when provided primarily on a stand-alone or self-help basis and when is a fuller continuum of legal services including PLEI required?

In Phase 1 of ELSRP, the research team carried out the research and consultations required to develop this research plan designed to answer these questions. This report is the culmination of Phase 1 and sets out the research plan for Phase 2. Phase 1 has also produced (1) a comprehensive review of the relevant research literature and findings, which is attached as Appendix A and described further below, and (2) a report on a proposed methodology, which is attached as Appendix B.

Phase 2 will investigate the experience of members of lower-income people in utilizing PLEI to assist in the resolution of legal problems in six sites in Ontario and British Columbia. The focus areas will be: income security, family breakdown, housing, discrimination and human rights.

Report on Phase I – Research Design Phase

The Research Team and Research Advisory Group (RAG) were established in the Fall of 2012. The RAG consists of 18 people with a wide range of relevant expertise and experience in a range of fields, such as academia, PLEI, legal aid, community-based services, advocacy and judicial decision-making, and government. (See Appendix C for a list of the current members of the research team and RAG.) CLEO set up a website to facilitate communications between the research team and RAG, although email communication was also used. The RAG provided substantive feedback on the draft literature review. Individual members of the RAG were also consulted by the Research Team about methodology on an as needed basis during Phase I.

A detailed literature review was prepared and serves as the foundation for this research design report. The literature review paper analyzes the rapidly growing body of research on the contribution and effectiveness of PLEI and related legal services within the range of service delivery models. It focuses on research and reports that aim to assess effectiveness through rigorous outcome-based evaluation. Over 50 studies are reviewed in the paper. One of the primary focuses is on a critical assessment of the process and methodologies that were used in these evaluations and research. The paper concludes with a reframing of the initial research focus and specific questions and makes preliminary recommendations to enable a conversation about research design, including the selection of methodologies.

The draft literature review was circulated to the RAG for comment in the spring of 2013. It was also presented to approximately 40 people at a workshop on measuring the effectiveness of access to justice initiatives at the Canadian Bar Association's Envisioning Equal Justice Summit in April 2013. The feedback received was integrated into the final version of the literature review (which is the version attached as Appendix A).

A report on a proposed research methodology for the project was also prepared. This report was likewise presented at a workshop on measuring the effectiveness of access to justice initiatives at the Canadian Bar Association's Envisioning Equal Justice Summit in April 2013 (attached as Appendix B).

In Phase 1, the research team also engaged in in-person and phone meetings with potential research partners/sites for data collection in Ontario and British Columbia. These conversations included discussion of the ways in which PLEI is accessed by clients of these sites and how the research methodology will work at the partner sites. The response by research partners to the proposed ELSR Project was enthusiastic. Research partners confirmed the critical need for the evidence base that will be produced by this research.

Statement of the Problem: Evidence Gap in Canada and Internationally

Over the past two decades, broad-scale civil legal needs surveys have revolutionized our understanding of the prevalence of legal problems in Canadian society and the rarity with which people turn to the formal justice system for assistance in resolving problems for which a legal solution exists. We now know that civil justice problems are ubiquitous. We have learned quite a bit about:

- What types of legal issues people experience;
- Factors influencing whether a person experiences legal issues – including the demographic factors at play and the impact of particular legal events on the incidence of future events;
- What people do in response to legal issues – including people who do nothing, those who handle the issue alone and those who seek assistance; and
- The outcome of legal events involving everyday legal problems.⁴

The next frontier for research is to learn about “what works” – what types of interventions can assist people to effectively navigate the justice system and obtain a just and lasting outcome. There is a paucity of empirical evidence on this point in Canada and this lack of evidence is a problem for justice system planners, service providers (PLEI organizations, legal aid programs, other types of legal clinics, pro bono providers, private bar lawyers, and judicial self-help programs) and ultimately people coming to the justice system for assistance with their legal problems.

The ELSR Project will investigate the effectiveness of PLEI in various contexts ranging from helping people to address their legal problems (such as where PLEI is used by a tenant to assist in negotiating with a landlord about repairs) to serving as one component of legal services leading to engagement with the formal justice system, courts and administrative tribunals. The emphasis of the project, however, will be on studying the effectiveness of PLEI in contexts where there is a possibility that the formal justice system will be engaged. In Ontario this would include, for the purposes of this project, the Ontario Social Benefits Tribunal, Landlord Tenant Board, Human Rights Tribunal and family law matters in the Ontario Court of Justice or Superior Court of Justice.

International Studies and Evaluations of PLEI

A number of studies have established that representation is a significant variable affecting a claimant’s chances for success in eviction, custody, and debt collection cases, as well as administrative proceedings.⁵ In a meta-analysis of over 14,000

⁴ See: Melina Buckley, *Evolving Legal Services: Review of Current Literature* (December 2013) at pp. 6-12 and sources cited therein. [Appendix A to this report]

⁵ See e.g. Russell Engler, “Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed”, 37 *Fordham Urb. L.J.* 37(2010), at p. 41 and extended discussion in *ELS Literature Review*.

civil cases in the United States, Rebecca Sandefur found that individuals who received representation were generally more likely to have a favorable outcome in the formal justice system than individuals who did not have representation.⁶ Several randomized studies also have demonstrated that representation leads to better outcomes.⁷

One of the difficulties in this research is that while we know that the presence of counsel can dramatically affect case outcomes, that factor is only one variable. As Russell Engler notes, other key variables include the substantive law, the complexity of the procedures, the individual judges, and the overall operation of the forum.⁸ To date, no studies have evaluated these additional factors in a more comprehensive way.

Fewer studies have evaluated the impact of PLEI alone or in conjunction with other forms of limited scope assistance in helping people to achieve positive outcomes. Often programs offer a wide range and combination of services, making it difficult to compare models or generalize findings. Evaluations to date have shown that people who access these other types of legal services are better prepared for a hearing, but these evaluations do not generally capture what actually happens to the individual so we do not know if these limited scope forms of assistance generate better outcomes. In fact, one of the few studies of limited scope services concluded that one-time negotiation assistance from a lawyer or a lawyer's assistance with drafting pleadings did not lead to better outcomes when compared to those who did not have these forms of assistance.⁹ Similarly, a British randomized study found that those who received debt advice were not more likely to have resolved their debt problems compared with those who did not receive advice.¹⁰

The leading study on the effectiveness of legal advice provided through telephone hotlines was completed in 2002 in the United Kingdom and resulted in more nuanced findings.¹¹ The key findings included conclusions regarding

⁶ Rebecca Sandefur, "The Impact of Counsel: An analysis of the empirical evidence" 9 *Seattle Journal for Social Justice* 51 (2010).

⁷ Carroll Seron et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 *Law and Society Review* 419 (2001); D. James Greiner, Cassandra Wolos Pattanayak, and Jonathan Hennessy, "The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future (draft March 2012).

⁸ Russell Engler, "Reflections on a Civil Right to Counsel and Drawing Lines: When Does Access to Justice Mean Full Representation by Counsel, and When Might Less Assistance Suffice?" 9 *Seattle Journal for Social Justice* 97-138 (2010).

⁹ Jessica K. Steinberg, "In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services" 18 *Georgetown Journal on Poverty Law & Policy* 453 (2011).

¹⁰ P. Pleasence and N. Balmer, "Changing fortunes: results from a randomized trial of the offer of debt advice in England and Wales" 4 *Journal of Empirical Legal Studies* 651-673 (2007).

¹¹ Jessica Pearson and Lanae Davis, *The Hotline Outcomes Assessment Study Final Report - Phase III: Full-Scale Telephone Survey* (London, UK: Center for Policy Research, November 2002).

outcomes, the characteristics of people who were best able to successfully utilize the advice provided and in which situations, and some insight into the types of barriers to using advice and why advice was not successfully followed. In their recent paper on telephone hotlines and the Internet as alternatives to face-to-face legal services, Roger Smith and Alan Paterson compare several studies and draw a number of conclusions about hotlines as a means of providing legal advice. They highlight the fact that hotlines vary substantially and “cannot really be measured against each other.”¹² They also suggest that studies show: “The benefit of the hotline expands with the depth of services offered. The best results are obtained when the hotline is the ‘front end’ of a system that can extend through assistance to full representation.”¹³

Canadian Studies and Evaluations of PLEI

In Canada, most publicly funded legal services are subject to some form of evaluation, usually as a requirement for continued funding. At the same time, limited funds and expertise are available to undertake this important work. An annotated bibliography on evaluations of PLEI concluded that: “there are very few reports that directly evaluate PLEI programs, services or materials.”¹⁴

In most cases, evaluation takes the form of “counting events and activities and measuring client satisfaction.”¹⁵ In Canadian evaluations, the counting aspect of evaluation is often referred to as the “reach” of PLEI materials and in particular whether the materials reach the particular target audience. A recent Australian literature review on the concept of “effective” legal services concluded that:

*Such activity counts can be acceptable as valid proxy measures of outcome effectiveness, but only when reliable evidence is already available which shows that those activities do, in fact, reliably deliver the desired outcomes. Such evidence is often scarce in the Australian legal assistance sector.*¹⁶

In many cases, PLEI and other types of limited scope legal services have not been designed to replace legal representation. These types of interventions are rather developed to meet other types of outcome goals such as increasing knowledge of legal rights and responsibilities, increasing knowledge of appropriate procedures for redressing rights and fulfilling responsibilities, assisting an individual to decide what to do in relation to their legal problem and to be aware of the availability of legal advice, assistance and dispute resolution services and how to access them, as well as attaining greater understanding of the court processes with which they

¹² Roger Smith and Alan Paterson, “Face to Face Legal Services and Their Alternatives: Global Lessons from the Digital Revolution” (November, 2013) at p. 26.

¹³ *Id.*, at p. 84.

¹⁴ Lindsay Cader, “Evaluation of Public Legal Education and Information: An Annotated Bibliography” (Department of Justice Canada, 2003).

¹⁵ Erol Digiusto, “Effectiveness of public legal assistance services – A discussion paper” (Law and Justice Foundation of New South Wales, Justice Issues Paper 16, October 2012), at p. 4.

¹⁶ *Id.*, at p. 4.

might need to comply.¹⁷

Canadian PLEI providers have used a number of methodologies to evaluate the services they provide.¹⁸ Evaluations are designed to measure the effectiveness of the PLEI materials relative to the objectives of their PLEI materials or services and generally do not seek to evaluate the impact of the materials on legal or social outcomes.¹⁹ Often the issue is framed in terms of whether an individual found the materials to be “helpful”, although in some cases specific feedback on how to improve materials is sought.²⁰

“Canyons in our Knowledge Base”: The Challenges and Importance of Measuring the Effectiveness or Impact of PLEI

One of the main problems in designing and carrying out outcome-based evaluations is the difficulty in developing measures of “outcome” or indeed deciding what constitutes an outcome. Very few studies have even attempted it. It is not possible to demand “victory” in order to demonstrate that legal assistance has been effective. There will always be winners and losers. The measure of outcome is by definition a relative one, “the likelihood of obtaining a better result” with or without the legal service.²¹

Broader and more inclusive approaches to measuring outcome are a priority. Outcomes can be measured both against client goals and objective measures of fairness or just results. Quite recently, studies have been carried out in other countries using outcome templates to measure the effectiveness of legal services.²² A contextual understanding of the legal situation, the capacity of the individual, and purpose of the service is critical to measuring effectiveness. True outcome evaluation should be longitudinal – which require substantial resources and face the difficulty of attrition rates of study participants over time. The most promising avenue appears to be a mix of subjective client-defined goals and objective/factual/evaluation potential outcomes.

The research to date shows that studies must be based on a contextualized definition of meaningful and effective access for a particular type or set of legal problem within a set procedural framework.

Existing research and studies provide some important insights into the relative effectiveness of different types of legal services and the extent to which they

¹⁷ *Id.*, at p. 4.

¹⁸ See “A Snapshot of Evaluations from PLEI Groups in Canada” (Compiled by PLEI Coordination and Resource Unit in 2010 and updated).

¹⁹ *Ibid.*

²⁰ Evaluation Report for FLEW Project Phase II (Catalyst Research and Communications, January 24, 2011) at p. 16

²¹ Steinberg, *supra*, at p. 501.

²² See for example: M. Smith and A. Patel, *Using Monitoring Data: Examining Community Legal Advice Centre Delivery* (London: Legal Services Commission, 2010); Dr. Liz Curran, *We Can See There’s a Light at the End of the Tunnel Now – Demonstrating and Ensuring Quality Service to Clients* (Legal Aid ACT, 2012).

provide meaningful access to justice. To sum up the statement of the problem, we have “canyons in our knowledge base” regarding the effectiveness of evolving legal services. These types of studies are “desperately needed”²³ and will both help guide critical resource allocation decisions and assist service providers to better meet legal needs. Two recent national reports on access to justice have emphasized the need to enhance our collective capacity to develop evidence-based best practices through sound research.²⁴

Purpose of the proposed study

The proposed study will increase our knowledge concerning where PLEI is relied on as the only form of legal services delivery as well as where PLEI is used in conjunction with other limited scope legal services. The study will provide a wealth of qualitative and quantitative data on the factors or characteristics that contribute to PLEI’s effectiveness in supporting positive outcomes in a range of circumstances.

In recent decades, PLEI has been used to serve a number of important functions as part of the continuum of legal services in Canada. Those functions range from helping to support an engaged civil society, to helping prevent or minimize the severity of legal problems, to helping people understand and take next steps with respect to legal problems that they have encountered, to supporting community organizing and law reform efforts.²⁵ This study focuses on PLEI that is intended to help people resolve their legal problems by gaining an understanding of their legal rights and related legal process issues, and taking some or all steps in the process on their own.

While recognizing the importance of all functions played by PLEI, the ELSRP will primarily consider people who have an identified legal problem and are taking active steps to initiate or respond to a formal legal process. For greater clarity, this group includes persons who access PLEI and perhaps other limited scope legal services and support but who may not ultimately engage any formal legal processes, for example where negotiated resolutions are arrived at without proceedings being filed or where persons who have accessed PLEI and/or PLEI in conjunction with other limited scope legal services do not, for various reasons, take any further steps or action.

²³ Laura K. Abel, “Evidence-Based Access to Justice”, 13 *U. Pa. J. Law and Social Change* 295 (2010), at p. 309.

²⁴ Action Committee on Civil and Family Justice, *A Roadmap For Change* (October 2013); CBA Access to Justice Committee, *Reaching Equal Justice: An Invitation to Envision and Act* (Canadian Bar Association: December 2013).

²⁵ The role and interplay of various components of PLEI – such as knowledge, skills, confidence and attitudes – have long been recognized. The term “legal capability” is sometimes used to acknowledge this full complement of roles.

3. Study Overview

The ELSRP will be led by CLEO working in partnership with the Institute for Social Research at York University, and in collaboration with the Canadian Forum on Civil Justice and the staff of the research sites. The research will be carried out at six sites in Ontario and British Columbia that provide PLEI as a stand-alone service or in conjunction with other limited scope legal services.

This three year study will encompass four stages:

- During the first stage (7 months), the research protocols and survey instruments will be developed collaboratively by members of this research partnership and pilot tested at one research site before it is finalized.
- The second stage is the data collection phase over a 19-month period. Data will be captured using a mixed qualitative and quantitative methodology described in greater detail below.
- The data generated will be analyzed during the third stage.
- The final stage of the project will be reporting the results. In addition to these four stages, the research team will also share the research protocols and instruments with other potentially interested research sites outside of Ontario and British Columbia with a view to the continuation of this research in other locations.

4. Research Sites

The research for this project will be carried out at three (or perhaps more, depending on funding) sites in Ontario and three in British Columbia.²⁶

Required Site Criteria

All of the sites for the project must meet the following six criteria:

- A large number of the legal problems addressed at the site must fall into one of four categories: (1) income security; (2) family breakdown; (3) housing; or (4) discrimination and human rights.
- Many of the users/clients are low-income Canadians with serious civil legal problems
- Failure to resolve these problems has serious consequences for the user/client.
- PLEI has been relied on as a means of addressing the needs of its

²⁶ This research design plan is based on an optimum number of six sites; however, we are seeking funding for three initial sites, the minimal number needed to collect sufficient data for the proposed study. The budget lists costs for additional potential sites; we will seek funding for these sites once core funding is confirmed.

users/clients: PLEI is well developed and widely distributed.

- The sites are receptive to facilitating an on-site researcher who is able to develop a “thick” description of the practices and legal culture at the site.
- The sites have a designated contact person to liaise with researchers from the Evolving Civil Legal Services Research Project.

Other weighted selection criteria

Additional criteria to be given weight in the selection process include:

- The site has been relying on some PLEI being delivered on a stand-alone or self-help basis and/or in conjunction with other limited scope legal services.
- The sites have experience with user consent processes that will allow for arms-length confidential scoring of the procedural and outcome quality.
- The sites have experience and mechanisms in place that enable parties to participate in satisfaction surveys.
- The sites will be committed to the longitudinal nature of the research project.

Pilot Site

One of the sites in the Greater Toronto Area will be selected for a three month pilot of the project. The research team selected this site based on its judgment of how well it meets the selection criteria identified above.

Sampling Procedures, Sample Size and Additional Sites

This project involves purposeful sampling oriented towards clients with specific sorts of problems – income support, family breakdown, housing, discrimination and human rights – who utilize PLEI provided at the particular sites for legal services where this project is carried out. The target sample size for each site is 100 to 150 events involving individuals who consent to participate in the study. The idea of an event in this context is meant to express the point that someone who has a legal problem that potentially engages the justice system is on a journey and that the focus of the research is on that journey or event, not some isolated encounter on that journey.

5. Research Methodology

As was noted above, the focus for this study is on PLEI as a way to provide meaningful access to justice – access to civil legal services that provide quality procedures and outcomes, where quality is determined by an equally weighted consideration of user satisfaction or perception and professional judgment and evaluation – for Canadians with serious legal problems, particularly those that may affect their basic human needs, such as housing and income support. There have been no significant research projects on PLEI in Canada that have engaged meaningful access to justice in this sense – in large part, because of the difficulties of measuring quality procedures and outcomes. Based on the review of literature, the proposed methodology for this study is one that measures meaningful access to justice by integrating multiple perspectives – users, providers, and arms-length professionals.

The research methodology will be mixed, combining both qualitative and quantitative data collection. This mixed methodology is designed to access multiple perspectives on PLEI.

The research methodology is also collaborative, meaning that the survey instruments and questions will be developed in consultation with the project sites and in response to the form of PLEI and other legal services provided at the sites. The research protocols will similarly be developed collaboratively with the research sites.

The qualitative and quantitative data collection will occur simultaneously through surveys or interviews with clients and through observation of the research sites by the research team. The survey responses will yield rich qualitative data and will also be scored (as explained below) for the purposes of the quantitative analysis. In addition to scoring the client responses to the surveys/interviews, the quantitative data collection will also include an objective assessment (and scoring) of the process and outcome in each case.

The quantitative data will then be entered into an index, which can be used flexibly and creatively to explore the various factors which impact on PLEI's role in supporting meaningful access to justice. The qualitative data will inform and enrich the analysis of the quantitative data.

Relationship between qualitative and quantitative data

An example of how the qualitative data will inform the quantitative analysis is as follows. The research project will study the experiences of tenants facing eviction. Some tenants will access only PLEI and others will access limited scope legal services as well as PLEI, such as tenant duty counsel support in

mediating their case with the landlord or in preparing their evidence for the eviction hearing. The quantitative data collection and analysis may demonstrate that in eviction proceedings, clients who access both PLEI and tenant duty counsel support on the day of the eviction hearing achieve worse, the same or better outcomes than clients who only access PLEI through website tip-sheets. Coded data collected in the quantitative survey can then be used to “dig behind” and better understand these aggregate results, to determine whether this is true for all clients, or whether factors such as English as a first (or second/third) language and demographics (urban/rural) play a role in these outcomes.

The quantitative survey data can also be assessed against the qualitative data with respect to the experiences/satisfaction of the clients. In this eviction proceeding example, assume that the qualitative data may indicate that clients felt no better supported or heard in cases where the legal services accessed included tenant duty counsel as well as PLEI, despite objectively better outcomes having been obtained. If such a disconnect between client satisfaction and objective outcome were revealed, this would generate interesting and important research and policy questions. In this way, the qualitative data and the quantitative survey data (which may include a wide variety of coded demographic and other information) may be combined in flexible and creative ways to enrich the index.

Qualitative Data Collection

The qualitative data collection will include:

[i] A detailed ethnographic “thick” description of the PLEI service provider based on on-site observation. At each of the six research sites, a researcher functioning in a participant observer role will, over a six-week period, undertake a detailed ethnography of the site designed to make visible the practices at each site. The focus in particular will be on:

- the nature of the legal service delivery
- the user/client base
- how users/clients interact with the provider
- how the client and their problem flow through the process
- the staffing and environment, and
- the relation between the PLEI provided and the other services it offers to clients.

Ethnographic research of this sort follows well-established principles and protocols. It allows the researcher to integrate administrative data extracted from the site as well as detailed interviews with the on-site service providers

and administrators. This information will be used to draw up a “journey map”: a visual diagram of the typical steps an individual goes through in accessing PLEI services and resolving legal problems at a particular site.²⁷

The rationale for these individual thick descriptions of site practices is an appreciation that in the context of PLEI, there is no standardization in the delivery models of legal services in Ontario or British Columbia. Service providers have often developed their own protocols, which reflect their history and the particular community of users/clients they serve. This is reflected in differences between sites with regard to practices like queuing, in-take, note-taking, record keeping, referrals and so on. These differences will be reflected in data analysis involving case study comparisons.

[ii] A questionnaire and semi-structured interviews with client/users. The interviews conducted by on-site participant observer researchers will generate details about the specific nature of the client/user’s legal problem, their choice of legal service site, their demographic profiles, and their perspectives on the procedures and outcomes in resolving their legal problem and the role played by PLEI. These interviews will complement the client surveys that constitute part of the quantitative methods. The client surveys will also include profiles of the clients – age, employment status, family status, etc. – that will be cross-tabulated.

Quantitative Data Collection

The quantitative methodology involves the creation of a “civil legal services event index” that will score the client’s experience with PLEI, including its effectiveness in helping them to resolve their legal problem.²⁸ The data for this index will be drawn from the clients/users interviewed in the qualitative interview process. In addition, each case study will be reviewed by an objective expert who will assess the quality of the process and outcome in each case file. As will be explained further below, the indicators or criteria for objectively measuring “quality procedure” and “quality outcome” will be developed by the research team in phase 2, in consultation with the partner sites.

The purpose of the index is to establish, in addition to the contextually rich qualitative research, an innovative quantitative basis for making assessments about the effectiveness of legal services that serve to address the civil legal needs of low income Canadians.

²⁷ Journey mapping has been used extensively by the corporate sector and more recently by public service providers. See for example: *Housing Customer Service Mapping* (Teignbridge District Council South Devon, 2010) <http://www.teignbridge.gov.uk/index.aspx?articleid=15416>; Customer Journey Mapping: An introduction (Prepared by Oxford Strategic Marketing for the Customer Insight Forum, Government of the United Kingdom) <http://www.customerserviceexcellence.uk.com/UserFiles/File/Customer-Journey-Mapping-4-pages-FINAL.pdf>

²⁸ As noted above, “resolving” a legal problem is understood broadly to include negotiated and informal resolutions which do not engage the legal system, including a decision to take no further steps.

The index is an innovative and dynamic research tool that can be further built upon for future research projects on meaningful access to justice in Canada, for example, research on other legal services including full representation, so as to create an even larger comparative index.

Civil Legal Services Event Index

The ELSRP tests the relationship between the depth and intensity of service (along the legal services continuum) and the process quality and outcome for the client.

The premise is that meaningful access to justice is sometimes achieved by relying on informal, less one-on-one, and generally less expensive legal services -- but sometimes not. The ELSRP is oriented towards generating empirical findings that provide information as to the type of circumstances or cases where less-intensive (and generally less expensive) services may be more or less effective. The cost of service is not the focus of this study, rather the focus is on depth and intensity of service. However, it is acknowledged that underlying much of the research in this area is a concern that the provision of more informal and less expensive legal services designed to reach a large number of people may involve a significant trade-off in terms of procedural quality and outcome.²⁹ The ELSRP will test this assumption in terms of depth and intensity of service.

Framing an index which generates information about the relationship between the depth and intensity of legal services and the quality in terms of process and outcome, involves thinking about and scoring three distinct aspects of the legal services event. These three aspects are referred to in this study as the “three pillars” of the Civil Legal Services Event Index³⁰:

1. Depth and Intensity of Service Pillar;
2. Process Quality Pillar; and

²⁹ This idea of framing the issue as a trade-off between informality and price, on the one hand, and quality of service, on the other, and finding the appropriate balance stems from the efforts to frame in the United States the right to counsel in civil cases. See in particular Russell Engler, “Reflections on a Civil Right to Counsel and Drawing Lines: When Does Access to Justice Mean Full Representation by Counsel, and When Might Less Assistance Suffice?,” *Seattle Journal for Social Justice*, Vol. 9 (2010), 97-138.

³⁰ The three pillars we identify are very similar to those developed by the Hague Institute for the Internationalisation of Law (Hiil) for measuring access to justice. (For more discussion, see the Methodology paper by Lesley Jacobs appended to this report.) The Hiil approach has influenced the Index developed here and we have readily borrowed from their approach. See their website: <https://www.measuringaccesstojustice.com/>. It should be noted, however, three important differences, all of which are fundamental to the design of the research methodology for the ELSRP: (1) Hiil bases scores of procedural quality purely on the perceptions of users; (2) Hiil bases scores of outcome quality purely on the perceptions of users; and (3) the ELSRP index does not differentiate legal services based on cost but rather depth and intensity of services. Hiil differentiates legal services based primarily on cost, albeit a much more expansive understanding of the cost of justice. Their approach on price is much more similar to the framing of this issue by the Canadian Forum on Civil Justice in their SSHRC CURA The Cost of Justice Project, available at <http://www.cfcj-fcjc.org/cost-of-justice>

3. Outcome Quality Pillar

Before explaining these three pillars and how they will be measured, it is first necessary to explain what is meant by a legal services “event.” An “event” for the purposes of the index encompasses an individual’s “encounters” with legal services when he or she faces a pressing legal problem. The idea is that the legal problem creates a need to encounter a legal service. The event is focused on meeting that need. The legal problem may be denial of a disability benefit or child custody issues following family breakdown. The Civil Legal Services “event” refers to the steps or journey taken by that individual to address this civil legal problem and the legal services they “encounter” in so doing.

For example, an individual with a family law problem may go to a legal information website, which in turn directs that individual to the Family Law Information Centre (“FLIC”) housed in his or her local courthouse. The person may attend the FLIC and then be referred to community resources or to the Legal Aid Ontario Family Services Centre. All of these “encounters” with the legal system comprise one event, with varying depth and intensity of service depending on the steps taken by the individual and the services accessed or available. All civil legal services events scored in this study will include a legal services encounter with PLEI.

The index will group events by area of law, thus generating data on the effectiveness of PLEI on its own or in conjunction with other legal services in the context of substantive areas of law, such as family, income support, housing/eviction, etc. This grouping will provide insight into how and when PLEI works best to support meaningful access to justice within specific areas of law and also across areas of law. For example, the ELSRP research results may indicate that PLEI is effective as a stand-alone service in supporting quality outcomes for persons facing maintenance and repairs issues but is generally only effective in conjunction with other legal service provision for persons who have been denied disability benefits.

Each civil legal services event will be assigned a numerical score for each of the three pillars: Depth and Intensity of Service, Process Quality and Outcome Quality. The score will be assessed on the basis of a rubric, the details of which will be developed in consultation with the research partners. The general ingredients of the rubrics for each of the three pillars will be discussed below.

Depth and Intensity of Service Pillar

The first pillar, Depth and Intensity of Service Pillar, considers the formality and level of service on the legal services continuum. The distinction between informal and formal legal services has been long recognized in the ADR field, and in particular the observation that there is a continuum where services can be placed based on the level of representation and flexibility.³¹ The rubric for this Pillar will give a higher

³¹ An early expression of this point is Roger Matthews, ed., *Informal Justice?* (London: Sage Publications, 1988).

numerical value to less one-on-one intensive services (like PLEI) and a lower score to more in-depth and one-on-one services. The rubric will include considerations such as:

- Who is providing the information or advice (e.g. lawyer, paralegal, trained volunteer, etc.);
- How targeted or generic the information is;
- The form of communication (eg. phone, email, website);
- Whether the PLEI was provided one-on-one and/or face to face.

These considerations will be assessed in a context-specific way, calibrated to the realities of the research site. In general, however, a legal service involving a lawyer providing advice and representation services on all aspects of a case would receive a low score whereas a pamphlet with legal information on a particular issue would receive a high score.

Similarly, an event involving a woman attending a FLIC and accessing PLEI, followed by her attending a Family Law Services Centre (FLSC) for summary legal advice (and accessing PLEI again), followed by her participating in court-facilitated mediation, would receive a lower score than an event involving a woman who only attends the FLIC, obtains pamphlets, and then resolves her custody issue on her own with her ex-spouse. So for example, on a score out of 10, the event involving a woman who attends the FLIC and then resolves her problem might score a value of “8”, while the event involving the woman who attended the FLIC, FLSC and mediation might receive an Intensity and Depth of Service score of “3”. This score would decrease further if the latter woman’s encounters also included attendance at court or additional legal services and support.

Quality of the Legal Services Pillar

The second pillar of the Civil Legal Services Event Index proposed here is the quality of the legal services process. Although civil legal services exist to help people address and resolve their problems, research findings consistently show that fair, high quality procedures and processes are an integral part of access to justice.³² There are many different ways to think about what constitutes quality procedures and process in civil legal services and how they might be integrated into an access to justice index.³³

The approach taken here uses a simplified way to score the quality of the process of a civil legal services event. The score gives equal weight to two assessment instruments. One instrument is the satisfaction of the user of the legal services, as expressed in a survey response. The other instrument is an arms-length, professionally informed evaluation of the individual process, which is in effect covered in a typical file review. As with all three pillars, the rubric for subjectively and objectively assessing quality of process will be developed in Phase 2 in consultation with the research partners and will be calibrated to the specific civil

³² See Buckley, *Evolving Legal Services: Review of Current Literature*.

³³ See the detailed review in Buckley, *Evolving Legal Services: Review of Current Literature*.

legal problem at issue in the event. However, the rubric will include the following concerns (assessed subjectively and objectively):

- the extent to which the client believes their problem was treated seriously and/or they were treated with respect;
- the client understanding the legal process;
- what the client learned in engaging the legal system;
- the empowerment of the client in taking steps on their own;
- the client's having some control over the process.³⁴

Quality of the Outcome of the Event Pillar

The third pillar is the quality of the outcome of the event. People turn to legal services such as PLEI because they have problems or face challenges. The quality of outcomes matter precisely because civil legal services exist to help people resolve their problems. Poor quality outcomes from civil legal service events receive low scores whereas quality outcomes receive high scores. There are many different ways to think about what constitutes high quality outcomes from civil legal services and how they might be integrated into an access to justice index.³⁵

The proposed approach mirrors the scoring of quality of process. The score for quality of outcome gives equal weight to two assessment instruments. One instrument is the satisfaction of the user of the legal services, as expressed in a survey response. The other instrument is a professionally informed evaluation of the individual outcome, which is in effect a type of file review. There is no generic instrument for doing this type of objective evaluation. It is in a sense a matter of professional judgment and is very context-specific. Moreover, each site and indeed each bundle of civil legal services events will require evaluation standards that are calibrated to the specific civil legal problem at issue in the event. This reinforces the importance of undertaking the thick ethnographic descriptions of the sites noted above and the encounters with legal services each provides. However, guidelines for this quality of outcome evaluation will emphasize:

- the importance of the client obtaining a legal resolution;
- the individual's satisfaction with the outcome;
- evaluation of the outcome relative to the client's goals;
- evaluation of the outcome relative to other similar cases and applicable law;
- the sustainability of the resolution.³⁶

³⁴ These elements are drawn in part from Curran, op. cit., pp. 20-21.

³⁵ See the detailed review in Buckley, *Evolving Legal Services: Review of Current Literature*.

³⁶ These elements are drawn in part from Curran, op. cit., pp. 20-21.

In sum, the quantitative aspect of the research project involves documenting each event, enabling classification in terms of the type of legal problem at stake and the profile of the client. This is then combined with the data collection organized around the three pillars of the index in the table on the following page.

	Depth & Intensity of Service Pillar	Process Quality Pillar	Outcome Quality Pillar	Overall Index Feature
Value and Significance	Represents the continuum of legal services, reflecting the depth and intensity of service.	Represents one of two key components of meaningful access to justice during a legal services event.	Represents one of two key components of meaningful access to justice during a legal services event.	Designed to index the relationship between meaningful access to justice and the provision of relatively low-intensity legal services like PLEI.
Scoring	The score range is from 1 to 10 where 1 represents an intense, in depth, individualized legal service, and 10 represents an informal, legal service with no intensity, depth, or individualized character to it.	The score range is from 1 to 10 where 1 represents a poor quality process in the course of a legal services event, and 10 represents a very high quality procedure or process.	The score range is from 1 to 10 where 1 represents a poor outcome in the course of a legal services event, and 10 represents a very high quality outcome.	The combined Legal Services Event Index Score is the sum of the three individual pillar scores. Each event will be given a score out of 30.
Weighting of Pillar Scores	The formality/price score is given equal weight to the scores from the procedural and outcome quality assessments.	The process quality score is given equal weight to the scores from the legal service continuum and outcome quality assessments.	The outcome quality score is given equal weight to the scores from the legal service continuum and process quality assessments.	The Index gives equal weight to each of the three pillars. The ratio for the score is 1:1:1. This ratio expresses the importance of each pillar for understanding the relationship between the depth and intensity of legal services and meaningful access to justice.
Input or basis of scores	The scoring is based on the level of one- on-one and targeted information and support.	The scoring gives equal weight to user perceptions and objective evaluation. User perceptions are determined through a survey (scored out of 5). Objective evaluation is based on professional evaluations and standards (scored out of 5).	The scoring gives equal weight to user perceptions and objective evaluation. User perceptions are determined through a survey (scored out of 5). Objective evaluation is based on professional evaluations and standards (scored out of 5).	The overall Index score is the sum of the three individual pillar scores.

There are many ways to weigh the scores on the pillars. The overall index score of an individual civil legal services event may be interpreted as a combination of the scores from these three pillars with a ratio of 1:1:1. Depending on the empirical question in a given research project, questions could have a different ratio or weighing of scores. Suppose that researchers were simply interested in the relationship between in depth and intensive legal services and quality outcomes. It might make sense to have a ratio of 1:0:1. Or for researchers who think that quality outcomes are more important to meaningful access to justice but quality process do matter to a lesser degree, the ratio could be 2:1:2.

Illustrations of the Civil Legal Services Event Index

Scenario #1: Guided representation in a disability insurance appeal

An ODSP claimant is denied disability insurance. The claimant calls the government of Ontario to complain and is referred to Scarborough Community Legal Services. The claimant contacts the Scarborough clinic and qualifies for the guide-representation service offered by the clinic. The client has four meetings with paralegal/legal staff at the clinic. At the first two meetings, the clinic assists the client in obtaining a copy of their ODSP file from the government and in reviewing the file with the client to determine why the claim was denied. Missing medical information is identified. The clinic assists the client in preparing a letter to the client's physician and giving the client a "to do" list in terms of obtaining all necessary missing information and documentation. The client obtains the information and at the third meeting the clinic assists the client in completing the appeal documents. Prior to the date of the hearing, the claimant meets with the clinic to prepare for giving evidence at the hearing, which the claimant does on her own.

Quantitative Data Analysis: The services provided by the clinic are all one "event" for the purposes of the index. The problem is the denial of benefits. The services will be given a score based on the scale of the services, as determined by the rubric (the legal services continuum score). The rubric includes considerations such as whether the legal information has been provided face-to-face, whether or not the information has been provided by someone with legal training such as lawyer or paralegal, and the extent to which the service is one-on-one. In this example the score will be less than full representation (which might be "1") but more than, say, where the client has only one meeting with the lawyer.

The process score will measure the quality of the procedure involved in this event. The quality of the process is measured by the client satisfaction (survey or interview response) and an objective file review, which will assess the quality of the process against a set of criteria such as: accessibility, quality of information collected and advice/information given, quality of written materials prepared (if any), client empowerment, client acquiring knowledge about how to resolve their own problem and having control over the process. Finally the event will be scored for outcome.

Consideration will be given to whether the legal problem has been resolved to the satisfaction of the client or, if the client has chosen not to pursue the appeal, whether that outcome is a good one in the circumstances.

The ELSRP will aim to follow as many of the approximately 600-900 case studies to completion. If the adjudicated decision is released prior the end of the study period, the outcome assessment will focus on the decision. If, for example, the study period concludes prior the a decision being released, outcome might be measured in terms of the quality of the review of the ODSP file to identify gaps, client's success in obtaining The necessary additional evidence from physicians or others and/or objective quality of the appeal materials filed. The case studies will be coded for stage of the process at the point that the study is concluded, thus allowing researchers to separate out, as necessary, cases in which a disposition has been obtained from cases which were awaiting disposition at the end of the study period.

The data collection will also include demographic details about the individual such as age, gender, household income, level of education, race or ethnicity, English as a second language, and so on. These details will not be scored in the index but will be coded and will be part of data analysis in the mixed methodology.

Scenario #2: Family Law Client

A woman with two children attends a FLIC to get information on formalizing the custody arrangements she has with her spouse, from whom she recently separated. The woman learns from the FLIC that she is entitled to an hour of legal services from a Family Law Services Centre (FLSC). The woman arranges an information meeting at a FLSC. There she learns that as a woman who has experienced domestic violence, she is entitled to use the services of the Family Court Support Worker, who will help her complete her forms and affidavit. At the end of the 18 months study period, the woman had not yet taken any additional steps and had not filed any materials.

Quantitative Data Analysis: The first pillar score will reflect that she received an hour of legal services, which included legal information. The more intensive the services she receives the lower her score. The procedure or process score will reflect that she received good information but she did not act on it. The qualitative data may reveal why the woman did not act on the information. For example, did her circumstances change? Or was there a barrier for her in terms of how the information was delivered? If the custody issue did not resolve because the woman did not feel supported in the process and she is having ongoing difficulties with her spouse, the outcome quality score may be low. But if the client indicates that her custody problem was resolved in the shadow of this process to her satisfaction, the outcome score may be high.

Scenario #3: Tenant facing eviction

This scenario considers two housing clients, both facing eviction. Client #1 is served with an eviction notice. She is literate in English and has access to a computer. She

goes on the Internet and downloads a “tip sheet” for tenants facing eviction. She uses the tip sheet to prepare for the eviction hearing. When she attends the Landlord Tenant Board (LTB), she mediates with the landlord. They agree to a timetable for payment of rent arrears.

Client #2 is also served with an eviction notice. Client #2 goes to the LTB a week before his hearing is scheduled and tries to speak to tenant duty counsel. The list is crazy that day. He waits but is not seen. He is given PLEI material, specifically the same “tip sheet” client #1 downloaded, along with a brief explanation of the process and he is told that if he comes back on the day of his hearing, Tenant Duty Counsel (TDC) will assist him. Client #2 returns on the day of his hearing and is assisted by TDC in a mediation with the landlord. Client #2 also agrees to a timetable for payment of arrears and is not evicted on that day.

Assume the circumstances of client #1 and #2 are similar in terms of stability and ability to pay. The primary difference between clients #1 and #2 are that client #1 agreed to a timetable in which she has to pay more money over a shorter period of time.

Quantitative Data Analysis: The pillar score for client #2 will be lower than client #1, since the services accessed were more intensive and involved some one-on-one support. The quality of procedure score for client #1 will measure the process involved in accessing the tip sheet on-line, using the tip sheet and the procedural quality of the mediation. The quality of process score for client #2 will measure the process of accessing the PLEI materials at the LTB, the second meeting with TDC, the mediation, and TDC support at the mediation. The quality of the outcome will measure, objectively, the settlement terms.