

A TALE OF TWO LABS

Implementing Legal Innovation
Labs in Saskatchewan

Levi Graham – Kyra Kujawa – Taryn McLachlan

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Executive Summary

Lab technology has many potential benefits for Saskatchewan, including increased opportunity for user-centered design to improve Access to Justice in the province. This report has been constructed for the purposes of exploring the concept of a Legal Innovation Lab, developing a common understanding to discuss potential application of a Legal Innovation Lab, and highlighting process options that would be most beneficial for advancing the goal of increased Access to Justice in Saskatchewan.

Our research has identified several important issues regarding implementation of Innovation Labs generally, as well as a number of features that are often common to these labs. Innovation Labs employ design thinking, which emphasizes new thought processes in order to develop creative solutions to complicated problems.

Common features of Innovation Labs include:

- User-focused design.
- Open collaboration.
- Interdisciplinary participants.
- Seeking radical solutions to difficult, systemic issues.

There are a number of alternatives to a lab, with both shared features and distinctions to consider. In our research, we distinguish labs from the larger social innovation landscape and consider the unique advantages of a lab framework.

Legal Innovation Labs have significant potential in addressing difficult issues in Access to Justice in Saskatchewan. We have detailed an example of a real-life problem, building on the work of the 2019 iteration of the Dean's Forum, with examples of how it might be solved in a Legal Innovation Lab. We invite you to consider how a Legal Innovation Lab can be applied to a small law firm that is seeking to innovate in order to provide better services.

Background Concepts

This report explores the possibility of a Saskatchewan-based Legal Innovation Lab. By design, these labs must have a purpose—something to aim for. We have delineated two potential directions of innovation: **Access to Justice** and **Practice Innovation**. We will be exploring how an Innovation Lab could be applied to these areas, hence the title of this paper “A Tale of Two Labs.”

Access to Justice

Access to justice is a central concern for the legal profession and has been widely discussed within the legal community and there is a common belief that business as usual is unacceptable.¹

Narrowly, Access to Justice can be defined as **increasing the availability and accessibility of legal services throughout the community**. More broadly, Access to

“In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.”

Justice can encompass a wider array of issues including those factors which influence people's ability to fully participate in the justice system. This includes the ability to participate in justice system processes, the ability to receive substantially fair outcomes and the ability to receive appropriate respect and recognition through the process.²

There have been several important sources which address Access to Justice that have informed our work. The 2013 Cromwell Report describes the importance of a significant redesign of the system with an emphasis on the end user being central to the design

¹ Canadian Bar Association, “Reaching Equal Justice Report: an Invitation to Envision and Act” (November 2013) at 17, online (pdf): <www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf> [**Reaching Equal Justice**].

² Action Committee on Access to Justice in Civil and Family Matters, “Access to Civil & Family Justice: A Roadmap for Change” (October 2013) at 2, online (pdf): *Canadian Forum on Civil Justice* <www.cfcj-fcj.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf> [**Cromwell Report**].

³ United Nations and the Rule of Law, “Access to Justice” online (webpage): <www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>.

process.⁴ The CBA Reaching Equal Justice Report, issued in 2013, echoes the importance that the public be included as participants in the justice system and also notes that the legal field can be relatively slow to adopt technology.⁵

Previous Dean's Forum contributions have addressed specific topics relating to Access to Justice. The **Dean's Forum in 2016** addressed strategies of putting the public first in justice design.⁶ The **2018 Dean's Forum** addressed the topic of "Improving Access to Civil and Family Legal Services in Rural Saskatchewan". This involved the proposal of a Legal Incubator Model, an innovative practice model that helps increase the availability of affordable legal services.⁷

The **2019 Dean's Forum** addressed how Saskatchewan's justice needs can be better met with technology, using design thinking and process mapping.⁸ The **2020 Dean's Forum** involved the use of a design lab to address Limited License Practitioner pilot projects⁹. Our research builds off these foundations as prior iterations of the Dean's Forum have progressively explored the usefulness of design thinking and lab concepts and how these concepts can be used to promote access to justice in Saskatchewan.

Overall, the CBA Reaching Equal Justice Report, the Cromwell Report and previous Dean's Forums identified the importance of user-centered design and including the public in legal design, as well as the potential for technology to assist in the design of more accessible legal systems.

⁴ Cromwell Report, *supra* note 2.

⁵ Reaching Equal Justice, *supra* note 1.

⁶ Kelsey Corrigan, Lorne Fagnan & Sarah Nordin, "Putting the Public First" (February 2016), online (pdf): *Dean's Forum on Access to Justice and Dispute Resolution* <https://law.usask.ca/documents/research/deans-forum/12_PuttingthePublicFirst_PolicyDiscussionPaper_2016DeansForum.pdf>.

⁷ Dustin Link, Bonita Mwuunvaneza and Tanner Schroh, "Improving Access to Civil and Family Legal Services in Rural Saskatchewan" (6 March 2018), online (pdf): *Dean's Forum on Access to Justice and Dispute Resolution* <<https://law.usask.ca/documents/research/deans-forum/AccessinRuralSaskatchewan-PolicyDiscussionPaper.pdf>> [**Dean's Forum (2018)**].

⁸ Melissa Craig, Allyse Cruise & Jianna Rieder, "Meeting Saskatchewan's Justice Needs with Technology" (13 March 2019), online (pdf): *Dean's Forum on Access to Justice and Dispute Resolution* <https://law.usask.ca/documents/research/deans-forum/Topic2_MeetingSKJusticeNeedswithTech_PolicyDiscussion.pdf> [**Dean's Forum (2019)**].

⁹ Elaine Selensky, Haley Stearns and Everhett Zoerb, "The Design Lab for Creating Limited License Practitioner Pilot Projects" (10 March 2020), online (pdf): *Dean's Forum on Access to Justice and Dispute Resolution* <<https://law.usask.ca/documents/research/deans-forum/llp-deansforumpolicydiscussionpaper-2020.pdf>>.

Practice Innovation

Innovation in legal practice is the other key area that could potentially benefit from a Legal Innovation Lab. There has already been significant innovation in legal practice which has accelerated within the last few decades.¹⁰ Advancements in technology, alternative business models, and processes have allowed lawyers and law firms to work more efficiently. Practice innovation has involved a collection of advancements that are quite broad, including increased access to online legal research, the ability to meet online instead of in person and new business models for law firms.

Although there is significant potential for further practice innovation in the coming years, there are challenges that should be considered. The legal profession can be resistant to change.¹¹ Additionally, practice innovation can sometimes represent an additional cost that can be prohibitive.

Practice innovation can have a significant impact on Access to Justice within the community. Greater efficiencies mean that lawyers can often serve more clients or reduce their fees. As previously mentioned, the 2018 Dean's Forum explored the potential for a type of innovative practice model called a legal incubator.¹² As more articling students could be supervised by fewer lawyers, this practice model could increase the availability of low-cost legal services.¹³ This serves as just one example of the potential impact that practice innovation could have on Access to Justice in Saskatchewan

¹⁰ James Melamed, "Computer Uses in Legal Practice—Yesterday, Today and Tomorrow" (2015) 93:4 *Hastings LJ* 913.

¹¹ *Ibid* at 914.

¹² Dean's Forum (2018), *supra* note 7 at 3.

¹³ *Ibid* at 5.

Legal Innovation Labs

Terminology

“Labs” are created for different purposes, have different attributes, and therefore take a variety of names. Before we can explain what a “lab” is, we need to take a step back and consider terminology.

“Labs” invariably describe themselves using qualifiers, for example one lab might be a “*Legal Innovation Lab*” while another might be a “*Legal Tech User Lab*.” These labels relate to the *attribute* or *focus* of a lab. For example, a “*Legal User Lab*” might be tailored for user-design attributes. Alternatively, a “*Health Law Lab*” might be focused on health law innovations.

This paper will adopt the terms “*Innovation Lab*” and “*Legal Innovation Lab*” respectively. Emerging literature prefers the term *Innovation Lab* for a number of reasons: most lab practitioners would accept and recognize this label, “innovation” is a central paradigm of almost all labs, and this term is sufficiently generic to encapsulate a wide variety of labs.¹⁴ Therefore, we will talk about “**Innovation Labs**” generally, but our focus will be on creating a “**Legal Innovation Labs**” in Saskatchewan. We will sometimes refer to them as “labs” generally.

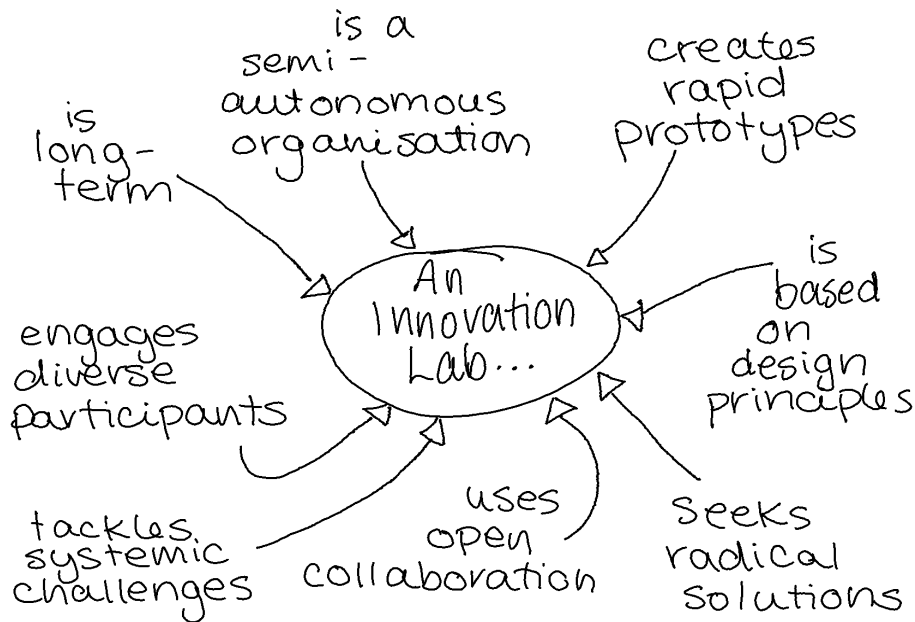
What exactly are Innovation Labs?

One study of the self-descriptions of over 25 innovation labs found a series of core characteristics and arrived at this definition:

An innovation lab is a semi-autonomous organization that engages diverse participants—on a long-term basis—in open collaboration for the purpose of creating, elaborating, and prototyping radical solutions to open-ended systemic challenges.

¹⁴ Lidia Gryszkiewicz, Ioanna Lykourantzou & Tuukka Toivonen, “Innovation Labs: Leveraging Openness for Radical Innovation?” (2016) 4:4 J Innovation Management 68, n 5.

The following will break this definition down into small parts by describing the core characteristics of an Innovation Lab. It is the *combination* of these characteristics that makes innovation labs so novel and so exciting.¹⁵



Innovation Labs are based on design thinking principles

Design thinking, also known as **human-centered design**, is premised on the idea that the experience of the people who engage with a product, service, or system should be at the center of any attempt to create solutions to the problem.¹⁶ Designers might interview those who have experienced the problem, use ethnographic techniques to observe how people engage with environments, or conduct exploratory workshops.¹⁷ The idea is to adopt a “learner’s mindset” when approaching the

The foundational principle of Human-Centered Design is that you should truly understand the people who experience a problem before you design a solution to serve them.

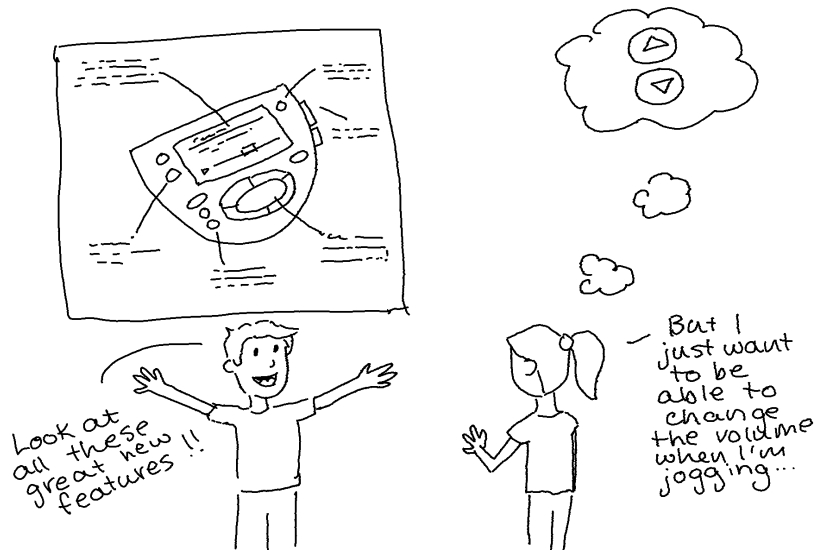
¹⁵ *Ibid* at 82.

¹⁶ DC Design, “What is Human-Centered Design” (14 April 2017), online: *Medium* <<https://medium.com/dc-design/what-is-human-centered-design-6711c09e2779#:~:text=Design%20thinking%20is%20a,those%20who%20experience%20a%20problem>>.

¹⁷ Margaret Hagan, “Legal Design as a Thing: A Theory of Change and a Set of Methods to Craft a Human-Centered Legal System” (2020) 36:3 *Design/Issues* 3 at 6.

research question rather than making assumptions about why things are the way they are, and what solutions best solve the problem.¹⁸

Legal Innovation Labs focus on “legal design”, which “brings a lawyerly focus on abstract complexities (e.g., what rights we have, what risks we face, what rules constrain us) with a designerly focus on lived experience (how we do things, how things look and feel to us, how things serve us.)”¹⁹



An excellent recent example of “legal design thinking” is the 2019 Dean’s Forum’s Final Paper on “Meeting Saskatchewan’s Justice Needs with Technology.”²⁰ In that year, readers were invited to “choose their own adventure” from a list of options available to an imaginary Saskatchewan resident (“Iolu”) who faced a labour problem. Taking on the perspective of a hypothetical “user” of the justice system revealed “pain points” for people like Iolu. Labs harness the power of user-design thinking.

Innovation Labs use pre-designated, open-ended innovation themes

Core themes for innovation labs are often set in a top-down manner by expert stakeholders and funders, based on what issues are seen as most pressing or approachable.²¹ These themes are often open-ended because the problems they tackle are complex and ambiguous.²² The goal is to achieve a balance between unstructured or open-sourced themes, and strictly pre-defined planning processes.

¹⁸ DC Design, *supra* note 16.

¹⁹ Hagan, *supra* note 17 at 4.

²⁰ Dean’s Forum (2019), *supra* note 8.

²¹ Gryszkiewicz et al, *supra* note 14 at 77.

²² *Ibid* at 77.

Innovation Labs use open or semi-open calls for diverse participants (including potential users)

Rather than appointing a pre-defined group of experts,²³ innovation labs often rely on open calls for interested participants, using self-selection rather than a traditional application/recruitment process.²⁴ These open/semi-open calls are used to encourage participation of as diverse a range of participants as possible, across cultures, professions, industries and organizations.²⁵ Engaging diverse participants is intended to give a more complete picture of the problem, as well as challenging assumptions that are shaped by particular professional or organizational “lenses”.

Innovation Labs focus on “wicked” problems

Innovation labs seek out-of-the-box solutions for multi-system, large-scale, and seemingly intractable challenges—so called “wicked problems.”²⁶ The hope is that by engaging cross-sector, multidisciplinary participants, adopting a user-focused mindset, and using formats that encourage creativity, labs can offer truly break-through solutions to these robust problems.

Innovation labs have open time horizons (long-termism)

Labs often operate on a multi-year basis and avoid proximate deadlines or performance targets.²⁷ Since labs tend to focus on “wicked” problems, this long-term view allows for expansive ideas and evaluation of idea implementation over longer time periods than a traditional project model would allow. Such long-term commitments do require significant commitment from founders and participants, and as many labs have been created within the last decade, it remains to be seen what challenges operating on this kind of time frame might create.²⁸

Innovation Labs learn from rapid prototyping

Prototypes are an important part of design thinking, and prototyping differs from traditional law/policy reform approaches. Law and policy reform often rely on pilot projects that differ from prototypes in important ways: pilot projects tend to be relatively established and finite

²³ Jane Morley & Kari D Boyle, “The Story of the BC Family Justice Innovation Lab” (2017) 34 Windsor YB Access Just 1 at 7.

²⁴ Gryszkiewicz et al, *supra* note 14 at 78.

²⁵ Hagan, *supra* note 17 at 5.

²⁶ Gryszkiewicz et al, *supra* note 14 at 80.

²⁷ *Ibid* at 81.

²⁸ *Ibid*.

while a **prototype is intended to help learn about the strengths or weaknesses of an idea and identify new directions.**

The Organization for Economic Co-operation and Development describes a “policy cycle model” as typically occurring in five or six relatively distinct stages: problem definition, agenda-setting, policy formulation, decision-making, implementation, and evaluation.²⁹ Some legal design writers have noted that because this traditional policy model is generally sequential, the formulation and evaluation sections are delineated from each other.³⁰ Actors may also only be involved in or focused on one particular stage. Margaret Hagan at the Stanford Legal Design Lab suggests that **this traditional approach fails to incorporate “soft trials” that engage actual human behavior before the project is locked into a final version.**

Design researchers call prototypes ‘things we make to find out things’

Prototypes are intended to be flexible and allow designers to “fail forward”—that is, failures are assessed, examined, and lessons are integrated into new prototypes.³¹ This iterative process encourages innovation because the consequences for failure are minimal, meaning that “riskier” ideas can be tested first. Since Innovation Labs are long-term iterative projects, they often involve repeated rounds investigation, creation, and re-creation.³² This turns failure into learning. As one legal designer put it, **the cost of not trying things out can often be higher than the cost of doing so.**³³

Innovation Labs use early and ongoing evaluation

One key feature of iterative prototyping is a strong focus on evaluation. Evaluations need to be tailored to the intervention under consideration. For example, if the prototype is a type of communication tool, measurements could include speed and accuracy of comprehension and positive user experience. Or if the prototype is a new type of legal service considerations such as perceived procedural justice might be incorporated alongside usability measures. The prototyping process itself might lead to innovation in developing meaningful metrics.

Margaret Hagan, of the Stanford Legal Design Lab, suggests the following principles for evaluating new design prototypes:

²⁹ Organization for Economic Co-operation and Development, “Fostering Public Sector Innovation” (2017), online: <<https://dx.doi.org/10.1787/9789264270879-en>>.

³⁰ Verena Kotschieder, “Prototyping in Policy—What For?!” (16 October 2018), online: *Medium* <<https://medium.com/legal-design-and-innovation/prototyping-in-policy-what-for-c7c567d922ec>>.

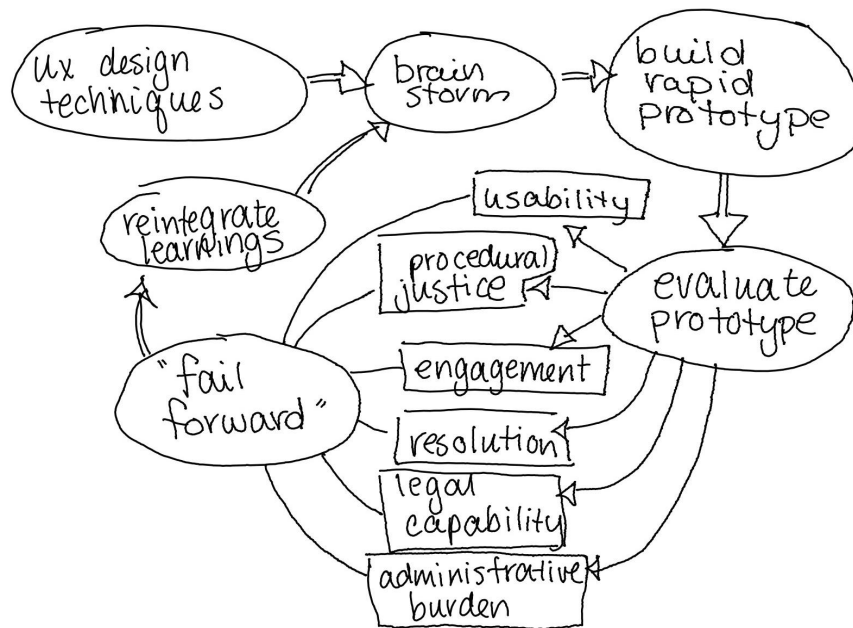
³¹ Hagan, *supra* note 17 at 10.

³² *Ibid.*

³³ *Supra* note 30.

1. **Usability:** Does the thing improve people’s ability to use the legal system, and their sense of a positive experience while doing so?
2. **Procedural justice:** Does it enhance users’ sense of procedural justice—that the legal system is fair, transparent, and “for them”?
3. **Engagement:** Does the thing affect people’s willingness to engage with legal tasks—to use the legal system to resolve problems and to do the tasks within the system?
4. **Legal capability:** Does the thing improve people’s ability to efficiently, sufficiently understand the complex legal information needed to deal with the system? Does the thing help them to figure out how the law applies to their specific situation, and enable them to make an informed, actionable decision?
5. **Resolution:** Does the thing help people to resolve a problem, to protect their interests, and to achieve a positive outcome for themselves (and those around them)?
6. **Administrative burden:** Does the thing significantly reduce the amount of time and money that people must spend to complete the tasks in the legal procedure and get to a resolution?³⁴

The process of prototyping, evaluating and learning is illustrated below.



³⁴ Hagan, *supra* note 17 at 11.

Where do Innovation Labs fit within the innovation ecosystem?

This section will distinguish Innovation Labs from other innovation technologies, and in doing so, locate “labs” within the broader innovation ecosystem.

In other words: “what is NOT an Innovation Lab?”

Hubs, Incubators, or Accelerators

Innovation Hubs are usually “commercial” creatures without a strictly defined purpose. They are often spaces where entrepreneurs or entrepreneurial individuals within an organization may convene and develop innovative commercial output in an open context. These hubs are aimed at providing “access to a vibrant community, affordable workspace and valuable networks.”³⁵ Specifically, these hubs might be aimed at discovering (often commercial) radical innovation opportunities, **incubating** business proposals, or **accelerating** those innovations into self-sufficient businesses.³⁶

Innovation Labs are different from hubs, accelerators, and incubators for a few reasons:

- 1. Ownership:** Innovation Labs usually serve established organizations and encourage innovation within those entities—whereas these other structures may open to a broad range of people in a particular field to use as they like.
- 2. Top-down governance:** hubs, accelerators, and incubators tend to “enable” innovation; labs tend to steer innovation towards a purpose, and this direction is often provided by the governing group.
- 3. Thematic Innovation:** labs are typically aimed at a thematic purpose (i.e. “adopting tech to support refugees” or “sustainable finance”). These may be defined by broad domain (i.e. “Law and Tech”) or by outcome (“Access to Justice”).

³⁵ Gryszkiewicz et al, *supra* note 14 at 82.

³⁶ Jamie O’Hare et al, “Innovation hubs: Why do these innovation superstars often die young?” (2008) International Design Conference—Design 2008 at 973.

Corporate Research and Develop Labs

Corporate Research and Development (“R&D”) labs are aimed at encouraging creative innovative projects, they often rely on teams of uncommon partners to produce user-focused design and sometimes R&D labs may employ Open Innovation concepts. In this respect, R&D labs may share many operational similarities with Innovation Labs. However, Innovation Labs are typically fairly independent from their directing organizations, include the participation of external actors, and tend to have more diverse participants.³⁷

Communities of Practice

Communities of Practice are “groups of people informally bound together by shared expertise and passion for a joint enterprise.”³⁸ These communities often represent a community, profession, or practitioners of an industry; and embrace incremental improvement in that space. The Canadian Bar Association could be considered a Community of Practice. These groups are typically focused on building belonging with networks/teams/groups—by contrast, Labs are defined by solution-goals and include more diverse actors.³⁹

Living Labs

Living labs are defined as “real-world contexts in which users are given the opportunity to use state-of-the art technology,”⁴⁰ and have come to be defined by co-creation driven by both users and stakeholders.⁴¹ “Living Labs” are closely related to “Innovation Labs.”⁴² **Many Living Labs may be considered Innovation Labs.** There are a few differences:

- 1. Living Labs are typically part of a network.** Innovation labs could be described as more independent.
- 2. Living Labs always include users as key stakeholders.** They are “fueled mostly by the individual user experimentation and testing” and they may be primarily focused on users, utilizers, or providers.⁴³ The “user” is always included in a Living Lab, whereas Innovation Labs include user perspectives and may include users

³⁷ Gryszkiewicz et al, *supra* note 14 at 82.

³⁸ Etienne C Wenger & William M Snyder, “Communities of Practice: The Organizational Frontier” (2000) 78:1 Harvard Business Rev 139.

³⁹ Gryszkiewicz et al, *supra* note 14 at 83.

⁴⁰ Asbjørn Følstad, “Towards a Living Lab for the Development of Online Community Services” (2008) 10 Electronic J for Virtual Organizations and Networks 47 at 49

⁴¹ Gryszkiewicz et al, *supra* note 14 at 83.

⁴² *Ibid.*

⁴³ *Ibid.*

themselves or may use “proxies” who are familiar with challenges that users face. In short, both Labs and Living Labs are user-driven, but Living Labs must include the user in the process.⁴⁴

- 3. Innovation labs always include broad representation.** While living labs are necessarily focused on user input, Innovation labs are necessarily focused on broad stakeholder input.⁴⁵ For example, a Living Lab might focus on relating feedback from patients to health-care providers. Whereas, an Innovation Lab would incorporate the medical providers, patients, management staff, medical tool providers, architects, government stakeholders, etc.
- 4. Living labs are aimed at “real-life environments” whereas Innovation Labs innovate “out of context.”**⁴⁶ Specifically, Living Labs focus on the user in “the real world” and test ideas in that setting. The power of an Innovation Labs is that “pulling innovative participants out from their usual working environment is precisely what often makes innovation labs so powerful in terms of their creative potential.”⁴⁷ Given the complexity and multi-polarity of the justice context, Legal Innovation Labs might be more effective than “Legal Living Labs” as “wicked” problems often require innovators to try to see the whole system.

Innovation network

These groups are focused on bringing dispersed innovators together to share information. These networks are socially looser than Innovation Labs participants, and these networks are often aimed at “networking” and therefore aim to create environments conducive to social relations. While Innovation Labs feed off of social-interaction and “networking,” they are focused on a solution.⁴⁸ The Saskatchewan Access to Justice Network is a prime example of an Innovation Network.

Innovation taskforce

Innovation taskforces are very similar to Innovation Labs. These taskforces are diverse teams aimed at addressing these open-ended problems, which might include developing, sharing, adopting, and applying breakthrough solutions to complex open-ended problems. The difference between Innovation taskforces and labs are in the goals: “while innovation task forces are typically reactive, the labs proactively search for new solutions,

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid* at 84.

focusing on future challenges rather than on *ad hoc* issues of the present.”⁴⁹ At the most extreme, Innovation task-forces are aimed at crisis circumstances (i.e. an oil spill).⁵⁰

Summary: What do these differences tell us about labs?

By looking at Innovation Labs are not, we can understand what makes labs unique. These competencies are as follows:

- 1. Innovation Labs draw on diverse experience:** They are not a forum for homogenous practitioners to share experience; they are a place of convergence for a cross-section of expertise (government, prosecutors, users, lawyers, regulators, academics, ethnographers, statisticians, etc.) to participate in an interactive development process.
- 2. Innovation Labs are focused on a common purpose:** Innovation Labs are not devised merely to “see what develops” but instead are aimed towards goals. These goals don’t need to be highly specific (nor should they be too specific), however, a common theme is important. Stakeholders or directors usually set the goals in advance, while being open to seeing how the solution develops.
- 3. Innovation Labs are user-focused but also benefit from bringing users “out of their context”:** Unlike Living Labs, Innovation Labs are focused on a process of system-development that breaks users, interested parties, and stakeholders “out of their context” to envision solutions. Doing so enables these groups to “think outside the box.”

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

Creating a Prairie Legal Innovation Lab

We have discussed what a legal innovation lab is, what it is not, and why we might want one here in Saskatchewan. There are still two important questions for us to address:

What legal innovations would be best served by such a lab? Where would a lab or labs fit into the existing legal innovation framework in Saskatchewan?

What do stakeholders want?

The authors of this report employed a two-fold research approach. We undertook an extensive literature review and consulted with stakeholders. This yielded the following insights:

New innovations in data collection/sharing

This was the most frequently mentioned topic from all of our consultations. Our consultees expressed frustrations with the lack of data collection in some areas, at the difficulties with data sharing between organizations or jurisdictions, and the challenges of drawing conclusions from data that does exist (such as annual reports). Finding novel ways to gather stories, to avoid the problems of low survey completion rates, to encourage justice system users to share their experiences, and otherwise collect robust data seems to be a key area for a Legal Innovation Lab to explore.

Navigating clusters of problems/Triaging legal and non-legal problems

This was another area of concern which came up repeatedly in consultations. We heard stories of individuals who were unsure on how to solve one legal problem which spiraled into another and another, from unpaid work to debt, from family problems to tax disputes. There is a good deal of quality legal information available through a variety of sources in Saskatchewan. However, one of the individuals above might pick up brochures on employment rights, dealing with debt, and foreclosure/eviction but be unable to navigate the many competing and overlapping processes and issues. Accessibility and ease of understanding are often recognized as being key in providing legal information, but we heard from our consultees that legal information or services also need to provide guidance and support on navigating and prioritizing many legal issues. The National Trusted Intermediaries and Legal Information Network, the Saskatchewan Access to Legal Information Projects, and the new Online Legal Information Portal that is being developed following the 2019 Dean's Forum Meeting are all working to address this key area. Further exploration of these initiatives would be a valuable area for a lab to explore.

Student experience and involvement

Several of our consultees spoke of the benefit for both the lab and for students of incorporating an experiential learning opportunity for students at the College of Law. The Dean's Forum stands as an example of the value that students can create and gain from this type of innovative and creative experience. We feel that student involvement, as researchers, innovators, testers etc. could be a valuable addition to a potential lab.

Practice and technology innovation

Given that this project was originally envisioned as a "legal tech lab" many of our consultees expressed excitement about the possibility of a lab as a place to explore new technology innovations as a way for lawyers to potentially offer new or improved services in the pursuit of access to justice. We see this as being a big enough topic with enough interest to potentially warrant a separate lab, or at least a distinct group of participants and topics.

Improved access to technology for improved access to justice

We heard conflicting statements about whether this would be an area of top priority for a lab to address. For instance, one of our stakeholders shared a story of how police officers in Saskatoon have been using their own smart phones to help individuals sign up for legal services. Others felt that services such as libraries and court workers are adequately addressing this need for now and there exist more pressing areas to explore.

Cross-organizational collaboration

Support for cross-organizational collaboration was frequently mentioned as a perceived benefit of a lab, and a potential area of challenge in implementing a lab. Several consultees felt that being able to step outside of organizational boundaries to collaborate, as participants in the Dean's Forum are able to do, was a valuable feature of a potential lab. Others, however, felt that tensions exist between the different roles that participants inhabit, and that a potential lab would need to carefully examine these and find ways to support collaboration in this context.

Where would a lab fit in Saskatchewan?

In many ways, Saskatchewan could be an excellent environment for a legal innovation lab. Many of the stakeholders we spoke to remarked on the unique relationship between various key legal organizations in Saskatchewan. The very existence of the Dean's Forum

and the Access to Justice Network (“**A2J Network**”) speaks to this special collaborative dynamic in the Saskatchewan legal landscape. As discussed, having diverse and experienced participants is a key feature of a successful lab and Saskatchewan is lucky enough to already have existing relationships which a lab could build on.

Saskatchewan is also fortunate enough to already have a centre for excellence in access to justice research in CREATE Justice. We see CREATE Justice as being a valuable potential site for a Legal Innovation Lab. CREATE Justice has many features that align with the principles of an innovation lab, as it is action-oriented, collaborative, and interdisciplinary. CREATE Justice is closely connected to the Dean’s Forum, with Brea Lowenberger as the brains behind both. As discussed above, the Dean’s Forum shares many key features with Innovation Labs and will likely continue to be a key source of insight and collaboration for any future lab initiatives. As CREATE Justice is situated in the College of Law and has collaborated extensively with students in the past, it is well placed to connect with students as researchers and testers of lab projects. Being situated in the College of Law also has the added benefit of being both physically and figuratively a neutral space.

Just as many A2J Network members are key stakeholders in the work of the Dean’s Forum and CREATE Justice projects, we envision A2J Network members being extremely valuable potential participants in a lab project. Having the benefit of the broad and extensive experience and knowledge of the A2J Network members will be a key tool in ensuring that existing A2J projects/services are leveraged rather than duplicated. As discussed below in a tale of two labs, an important part of a lab process is identifying where bottom-up needs can be matched with top- down realities, which can better be facilitated by including participants who are highly knowledgeable about the existing legal landscape.

Through our consultations we have also come to envision the Law Society of Saskatchewan as being a key player in the development of any potential practice innovation lab. As discussed, many stakeholders were excited about the potential to address A2J by supporting innovation in new types of service delivery by lawyers. Our consultations made it clear to us that many stakeholders see supporting lawyers in implementing innovative service delivery as an important resource in addressing access to justice in Saskatchewan. We see the Law Society as being key to this type of Lab as the relationships with members and credibility that the Law Society brings would be invaluable for understanding the needs of members and for encouraging uptake and participation by members.

A Tale of Two Labs

Sometimes, ideas are best conveyed through examples. In 2019, the Dean's Forum created a hypothetical individual named Iolu. Originally from the South Pacific island nation of Vanuatu, Iolu is now a permanent resident in Saskatoon. In 2019, Iolu had difficulties with a former employer who discriminated against them. The 2019 Dean's Forum created a "choose your own adventure" story to describe the barriers and travails that a citizen could (and often do) face when trying to find substantive justice. Iolu had a number of options:

- Option 1—Search Google:** this option yielded no useful information.
- Option 2—Look for another job:** this option meant accepting injustice.
- Option 3—Go to a librarian:** the information they found was inaccessible.
- Option 4—Find a lawyer:** Iolu couldn't afford the legal costs.
- Option 5—Online Justice Portal:** this was the only successful option.

In the end, Iolu was able to find a way to mediate their issue with their former employer through an online justice portal. It was a happy ending. The 2019 discussion was useful to show how user-centered design could inform the creation of an online justice portal and give people like Iolu a viable option.

This year's paper will discuss how an Innovation Lab could enhance Access to Justice.

Bert's "Access to Justice Legal Innovation Lab"

Bert is an employee of the Ministry of Justice. He is tasked with enhancing Access to Justice in Saskatchewan. Let's assume that his mandate at the Ministry is open-ended. His job is to help people like Iolu.

Bert also attended the 2019 Dean's Forum. He understands that a comprehensive technology-driven legal ecosystem is necessary. He learned that existing innovations, like Public Education Association of Saskatchewan ("PLEA") and 211 Saskatchewan, are valuable—but there are still gaps, especially around the integration and centralization of services. In short, Bert knows that the new solution must be user-designed. What Bert doesn't know is how to get there. So, he starts an Innovation Lab.

The following describes the four step Innovation Lab workshop process.

Step 1: Pick the right process

Bert already knows that he wants to improve Access to Justice in the community. He has been showing up to Dean's Forums and knows that there is a problem. He knows that Access to Justice is a problem that already has the following key attributes which suggest that a Legal Innovation Lab is the right process:

- (a) It is complex and difficult to solve.**
- (b) There are clear “clients” or “users” affected by the problem.**
- (c) There are motivated stakeholders or “owners” who want to solve or “own” the problem.**
- (d) Everyone agrees that business as usual is not an option.**
- (e) There is a shift/transition in culture in politics that presents an opportunity for change.**
- (f) There is a sense of urgency to change the problem.**
- (g) Past solutions haven't solved the problem.⁵¹**

If conflicting interests are at play, Bert might consider a “whole systems process” instead of a lab. Likewise, if the process is technical or well-understood, a traditional planning process or (combined with) a user-design process would be appropriate.⁵²

Access to Justice is a problem that clearly fits with an Access to Justice problem. Bert sees this and moves on.

⁵¹ Frances Westley & Sam Laban “Social Innovation Lab Guide” (2014) at 70 [Westley & Laban (2014)].

⁵² *Ibid* at 70.

Step 2: Partners and Research

Bert will need to undergo two sub-stages of research.

Open dialogue

Bert's next step is to talk to people. More specifically, he chooses to begin by conducting *dialogue interviews*⁵³ to get a sense of the key challenges and issues for stakeholders;⁵⁴ to develop a sense of the larger system behind the problem; and to build a network and rally stakeholder engagement.⁵⁵

Bert interviews the key justice stakeholder in Saskatchewan and comes to realize that there is a common sense of the problem surrounding Access to Justice. He might find that common problems relate to meaningful data, and perceptions regarding change. However, he realizes that **self-represented litigants** like Iolu are the key user he wants to focus on.

Problem Research

Bert's next job is more complex. He must now gather information, build a basic model, and recruit participants in his budding Legal Innovation Lab:⁵⁶

(a) Research: Bert will need to do his homework. This includes more interviews. These interviews will be focused on identifying common interests and potential solution pathways. Bert will also begin compiling statistical information, historic trends, census data, literature, etc. He might also procure ethnographic resources. Research will be provided participant's "food for thought" and should be aimed at "getting everyone on the same page" without advocating for a particular solution.

⁵³ Claudia Marcelloni, "The 3 T's framework of social innovation labs" (2019) 3:1 J Experimental Innovation 8 at 12.

⁵⁴ Westley & Laban (2014), *supra* note 51 at 72.

⁵⁵ *Ibid* at 72–73.

⁵⁶ *Ibid* at 74–77.

- (b) Participant Requirements:** This will be an important point where diverse stakeholders, interested parties, experts and users will be included in the lab process. Participant diversity is a defining and necessary characteristic of Innovation Labs. Participants will be both a source of information, and a source of innovation. Literature indicates participation requires **consensus-driven leadership, diverse stakeholders, mutual trust, and Shared Goals**.⁵⁷ Effective openness for participation also requires a significant time commitment for participants to consistently address issues and have enough time internalizing the lab-learning process.
- (c) Building Models:** Depending on the nature of the problem, the problem could be modeled in a rudimentary way. This potentially means using a programmer or systems mapping. The model can be developed to calibrate with the existing historical data as a starting point.⁵⁸

Bert will begin interviewing with Ministry practitioners who have “on the ground” experience. He will also start interviewing academics at the university, community-based organization stakeholders, legal practitioners, end users, and other potentially valuable participants.

This is when Bert will meet lolu. He will hear their story and come to learn their Access to Justice journey. He will begin to suspect that an online legal portal for self-represented litigants might be the best approach, but he will continue to keep an open mind. He will invite lolu to participate in the Innovation Lab.

Bert will also begin researching and gathering data. He might employ the Access to Justice BC’s Triple Aim and Management Framework (see Appendix A). He might begin looking to civil (non-family) provincial court records to gauge the number of self-represented litigants who make it to court.⁵⁹ This will be the basis for his initial model.

⁵⁷ Marcelloni, *supra* note 53 at 9

⁵⁸ Westley & Laban (2014), *supra* note 51 at 19, 74–77.

⁵⁹ Access to Justice BC, “Walking the Talk about Measuring Access to Justice” (2018) at 9, online (pdf): <<https://drive.google.com/file/d/13OdjP6ADPQGroUIknSV9VYgQswN9jdrS/view>>. See also Appendix A below.

Step 3: The Initial Lab Workshops.

Once Bert has an initial set of participants, a model, and some “food for thought” research, he is ready to begin the workshops. Innovation Lab workshops often follow a multi-stage structure.

Workshop Stage 1: “Seeing the System” or “Unfreezing Understandings”

This stage is about allowing participants to “see” the system in which the process has arisen.⁶⁰ More specifically, this part of the process relies heavily on “**Whole Systems Thinking**”. In describing Whole Systems Thinking Eric Trist noted that “we [act] like systems in creating large system problems but we act like individuals in trying to solve them. What is needed is to “get the whole system’ into the room” by bringing together a cross-functional, cross-hierarchical sample of individuals and organizations that have an interest in changing a system.⁶¹

One researcher found that successful Innovation Labs must give “participants enough time to widen their understanding of the system and the problem” and resist rushing this part of the process.⁶² Therefore, this initial process should not be rushed.

Successful Innovation Labs “offer a diverse set of techniques to build the individual’s capacity to listen, learn from others, and take full advantage of stakeholder diversity.”⁶³ To achieve this, facilitators may employ a number of techniques. These might include:

- **Democracy of time:** each participant is given equal time to express themselves in front of the group, independently of their position in the system.⁶⁴
- **Learning Journeys:** stakeholders visit parts of the process that decision makers are usually removed from and users or on-the-ground staff are treated as experts.⁶⁵ For example, they may visit a prison, a farm, or a remote community.
- **Journey Mapping:** participants, while working together as a system, walk through a process step-by-step, and describe the drivers and constraints at

⁶⁰ Westley & Laban (2014), *supra* note 51 at 23.

⁶¹ *Ibid.*

⁶² Marcelloni, *supra* note 53 at 12.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

different points, and areas where choosing an appropriate course of action is particularly difficult.

- **Exploring Histories and Patterns:** some techniques aim at deepening participant thinking on the issue.⁶⁶ A variety of techniques may be used to get participants to begin spotting patterns in the problem.⁶⁷
- **Horns of the Dilemma:** many complex problems have paradoxes (homelessness vs landownership), this technique has us trying to define a problem as two positive statements (i.e. “value is added when a car is both sporty and safe”). This re-phrasing stimulates creativity.⁶⁸

Bert would consider these techniques and begin by allowing all participants equal time to speak, then he would start asking the participants more direct questions about Access to Justice. As the questioning became more pointed, Bert would begin to notice patterns emerging. He would begin to see the group coalescing around a common understanding of the problem. From this pattern, it would also become more clear what points of leverage exist—perhaps libraries are already a common “go-to” location for self-represented litigants to receive information.

Workshop Stage 2: “Designing”

At this point, Bert will begin using workshop tools to *generate* ideas. This part of the process is inspired by innovation process thinking and tries to “switch gears from system appreciation and analysis to identification of promising alternatives or clusters of alternatives.”⁶⁹

This requires a few key principles: First **participants should avoid inventing solutions—instead they should focus on innovation**. This means that conversations shouldn’t be focused on “silver bullet” inventions or massive reform—instead they should focus on actionable innovations. Actionable innovations require opportunities and existing resources to scale impacts.⁷⁰ This might include opportunities to cross-scale where gaps can be bridged between top-down and bottom-up innovation.

⁶⁶ Westley & Laban (2014), *supra* note 51 at 24.

⁶⁷ *Ibid* at 29, 34.

⁶⁸ *Ibid* at 93–94.

⁶⁹ *Ibid* at 39.

⁷⁰ *Ibid* at 16.

Second, they should ensure to **maintain the complexity of the system**: “Social Innovation Lab[s] have an intentional focus on maintaining the complexity of the system and on designing interventions that can move across scales to achieve broad impact.” Many potential innovations become “stuck” because they don’t work in rich and complex systems (i.e. real life).

The lab facilitator may break the participants up into teams. Those teams will be tasked with creating innovative solutions, using a number of tools to facilitate idea generation:

- **Transformative scenarios**: This “consists of imagining the possible scenarios for that system in the future, from the continuum of extreme negative to extreme positive and what needs to happen for each one of these scenarios to take place.”⁷¹ Sometimes this process may require limiting or rejecting scenarios to focus the process.⁷²
- **Solution clustering**: As ideas begin to rush forward similar ideas and solutions can be clustered. This stimulates discussion.
- **Delphi method**: Participants answer questions through multiple rounds of a survey, providing a justification with their answer. After each round results are anonymized and discussed, through multiple rounds of this process the group moves closer to consensus.
- **Bricolages**: elements of existing processes and innovations are recombined into the final design.⁷³

At Stage 2, Bert reconvenes his participants. Last day, they realized that Access to Justice wasn’t just a technology deficiency, it was a core deficiency in how stakeholders integrated services. As Bert began exploring transformative scenarios, they began to realize that an “online justice portal” doesn’t have to be limited to mere information! It can be a “marketplace” where legal service providers can set up “kiosks” for different programs and solutions. This “marketplace” could include federal, provincial, and local governments kiosks alongside kiosks for lawyers, non-profits, and community organizations. The solution can be a thriving location for organizations to converge, compete, and compare services. A more innovative idea is emerging!

⁷¹ Marcelloni, *supra* note 53 at 12.

⁷² Westley & Laban (2014), *supra* note 51 at 42.

⁷³ *Ibid* at 16.

Workshop Stage 3: “Prototyping”

The final workshop stage is inspired by design thinking. This is the part where ideas are tested in a simulated system.

- **Lens Tests:** each team’s solution proposals from the earlier stage will be scrutinized by the other groups. The room might also segment into self-selected lenses (i.e. social, political, technical, economic, and environmental). They then review solutions from those perspectives.
- **Rapid Prototyping:** a quick and easy solution prototype is built. There is an emphasis on collecting feedback to incorporate into future prototypes.

After Bert convened his participants for the last time, they turned their minds to prototyping. Everyone was very excited about the “online justice marketplace” idea, but their excitement quickly subsided when they started scrutinizing the legal, technical, and political implications of the idea.

After more discussions, the participants went back to the drawing board. That’s when lolu spoke up. lolu described how people with legal issues often have intersectional clusters of non-legal problems. People don’t need kiosks of legal service providers on a website, they need legal services bundled with other support services! lolu’s insight was a game-changer.

Everyone became excited. The local housing authorities, health authorities, drug addiction programs, victim services, shelters, and addiction programs and others, could be combined into the “marketplace” along-side Ministry justice services! This marketplace could focus on bundling a variety of services with legal services to address problem-clusters! And the best part is that the Ministry already has a website that could be easily tweaked to make this solution a reality!

The participants created a game-plan to start implementing the new idea (on a small scale) within a few months. They planned to reconvene after that period and see how things went. They decided that the best metric for gauging success wouldn’t be the number of self-represented litigants (as Bert had initially thought), instead, they would focus on how many people arrived to start a legal service application but left the website having filled an application for different services also. The original idea developed into something better, and metrics did also.

Step 4: Post-workshop

Bert was so thrilled that his Legal Innovation Lab worked out so well. The participants agreed to reconvene to assess their progress.

A few months later, participants met again but the results were lukewarm. The participants compared notes and found that many people who tested the prototype were able to start the applications but had difficulty completing them. People who had “clusters” of problems were often unable to disentangle legal and non-legal problems for the purpose of filing the paperwork. Understanding this, the lab participants went through the innovation process again and tweaked their prototype to create an open-ended joint-application process. They decided to meet again and see if that helped.

Bert and everyone in the lab realized that this iterative process would continue. Bert created a lab.

The moral of the story:

This narrative serves to demonstrate the benefits of Legal Innovation Labs:

- **Innovation Labs benefit from diversity, interdisciplinary expertise, and having a ‘whole system in a room’**—Everyone in Bert’s lab learned from each other. This dynamic created valuable insights and helped identify resources.
- **Innovation Labs are focused**—but not to the point of being constraining. Bert’s lab showed how the aim of the labs was allowed to evolve naturally into a more productive space. It also allowed them to abandon non-optimal solutions.
- **Innovation labs are user-focused**—but not the point of ignoring the whole system. Innovators were able to find where bottom-up needs met top-down realities.
- **Innovation labs are systematic yet iterative**—the participants were allowed to experiment with incremental solutions to “see what works”. But at the same time, there is a process to ensure that each iteration is carefully considered. They are allowed to fail forward.

Ernie's "Independent Legal Advice Innovation Lab"

Now consider another individual. Ernie is a practitioner who frequently provides independent legal advice to individuals who are experiencing a divorce. He has a fairly ordinary family law practice in small-town Saskatchewan, but he is a community leader. He sees some benefits of the current independent legal advice framework. However, he also sees several issues with the process and wonders how it could be improved.

We invite you to consider how he could create, design, and conduct a Legal Innovation Lab experiment that could help lawyers and clients by improving the independent legal advice system in Saskatchewan.

In March 2021, we would like to walk you through that process.

Conclusion

Throughout this paper we have identified and described many of the distinguishing features and processes associated with Legal Innovation Labs. We have also placed them within the wider policy landscape through a description of everything Legal Innovation Labs are not. Additionally, we have gone through a Lab process in the form of Bert's attempt to help design a better legal process for Iolu. This process emphasized user focused design, open collaboration and required several iterations of a prototype before developing a result that was ready to test. We believe that this process has significant use in tackling difficult, systemic issues through many areas of law and are excited for the potential of a Legal Innovation Lab in Saskatchewan.

Appendices

Appendix A: Graphics

Table 1 - Access to Justice Measurement Framework - Summary		
Elements	Dimensions*	Components*
Improving Population Access to Justice	Prevalence of legal needs/problems (1.1)	<ul style="list-style-type: none"> Prevalence of legal problems in the population (1.1.1) Prevalence of unaddressed legal needs in the population (1.1.2) Public legal awareness (1.1.3)
	Response to legal needs (1.2)	<ul style="list-style-type: none"> People's choice of path to justice (1.2.1) Legal information and education needs (1.2.2) Legal advice needs (1.2.3) Need for legal representation and other legal assistance (1.2.4) Need for consensual dispute resolution process (1.2.5)
	Fair and equitable access to justice (1.3)	<ul style="list-style-type: none"> Accessibility of justice system for British Columbians (1.3.1) <ul style="list-style-type: none"> Including geographical access, accessibility for Indigenous people, accessibility for people with mental illness, and accessibility for immigrants and refugees Financial access to justice system (1.3.2) Timeliness of access to justice system (1.3.3)
	Social and economic impact of access to justice (1.4)	<ul style="list-style-type: none"> Social policy objectives (1.4.1) Protection of people's rights (1.4.2) Public confidence in the justice system (1.4.3) Public confidence in social institutions (1.4.4) Gender equality (1.4.5) Justice for Indigenous people (1.4.6) Social & economic costs and benefits of access to justice (1.4.7)
Improving User Experience of Access to Justice	User experience of obstacles to access to justice (2.1)	<ul style="list-style-type: none"> Obstacles to access (distances, technology, affordability) (2.1.1) Eligibility to services (2.1.2) Affordability of services (2.1.3) Delays in accessing justice services and their impact (2.1.4)
	Quality of user experience of the justice system (2.2)	<ul style="list-style-type: none"> Quality of legal information and education (2.2.1) Trust and confidence in legal information (2.2.2) User empowerment (2.2.3) Quality of legal advice (2.2.4) Quality of legal assistance and representation (2.2.5) Quality of referral services (2.2.6) Experience of self-represented litigants (2.2.7) Quality of consensual dispute resolution processes (2.2.8)
	Effectiveness of justice system in addressing user legal problems (2.3)	<ul style="list-style-type: none"> Effective resolution of legal problems (2.3.1) Mitigated impact of legal problems (2.3.2) Prevention of legal problems (2.3.3) Prevention of conflicts (2.3.4) Unmet legal needs and their consequences (2.3.5) Limits to the assistance received (2.3.6)
	Appropriateness of the justice process (2.4)	<ul style="list-style-type: none"> Fairness, equity and impartiality of the process (2.4.1) Cultural appropriateness (2.4.2) Voice and participation (2.4.3)
	Justice outcomes for the users (2.5)	<ul style="list-style-type: none"> User satisfaction with outcomes of justice process (2.5.1) Compliance with court orders, judgments, and mediated agreements (2.5.2) Post-resolution support (2.5.3) User enhanced legal awareness (2.5.4) Enhanced legal capability (2.5.5)
Improving Costs	Per-capita costs of services (3.1)	<ul style="list-style-type: none"> Per capita costs of services Impact on new initiatives on per-capita costs
	Per-user costs of services (3.2)	<ul style="list-style-type: none"> Per user costs by type of services Impact of new initiatives on per-user costs
	Other costs (3.3)	<ul style="list-style-type: none"> Social and economic costs of unresolved legal problems (3.3.1) Impact of unresolved problems on costs in other sectors (3.3.2)

Source: Access to Justice Measurement Framework Source: Access to Justice BC, Walking the Talk about Measuring Access to Justice Applying the Access to Justice Triple Aim and Measurement Framework: A User's Guide

Appendix B: Existing Innovations

Saskatchewan

CREATE Justice

<https://law.usask.ca/createjustice/>

CREATE Justice is a A2J center for excellence that focuses on research transforming legal and justice services and the removal of systemic barriers to justice. Notable projects include the development of a justice sector data inventory, and “Architects of Justice” which engages the public in developing A2J solutions through exploratory surveys.

Canada

The Osgoode Refugee Law Lab

<https://refugeelab.ca>

A laboratory devoted to research and advocacy related to new legal technologies and their impact on refugees, other displaced communities, and people on the move. They develop datasets and legal analytics that enhance transparency in refugee law processes. They study and critique the use of artificial intelligence and other technologies by governments and private actors in the migration field and produce legal technology that advances the rights and interests of refugees and other marginalized people on the move.

Future of Law Lab (University of Toronto)

[The Future of Law Lab](#) provides a platform for students, academics, lawyers, and other professionals to participate in collaborative initiatives that explore the intersection of law, innovation, technology, and entrepreneurship. The Lab is a hub of interdisciplinary inquiry and activity, providing initiatives and information about the changing face of the law and legal profession.

The Winkler Institute for Dispute Resolution

<http://www.uvicace.com>

The Winkler Institute for Dispute Resolution is an innovation and research center based at York University's Osgoode Hall whose mandate is partly to create a dispute resolution knowledge hub, collecting innovative dispute resolution research from around the world. Notable projects include:

- The Family Justice & Mental Health Social lab, a user-centered and multidisciplinary project that develops pilot projects to improve the experience of litigants with mental health challenges; and

- Improving Ontario's Family Justice System Through Technology, a research project that collected firsthand user experiences of family justice sector participants.

The Canadian Forum on Civil Justice

<https://cfcj-fcjc.org>

The Canadian Forum on Civil Justice is a national non-profit organization focused on research and advocacy on civil justice reform. Notable projects include publications on mapping legal services and longitudinal studies on the impact and effectiveness of various legal service interventions.

Access to Justice Centre for Excellence

<http://www.uvicace.com>

The University of Victoria's A2J Centre for Excellence focuses on applied research and practical scholarship on A2J issues. The Centre is currently working with Access to Justice BC on various measurement frameworks, and on a National Justice Metrics Coordination project along with CREATE Justice, the Canadian Forum for Civil Justice and Winkler Institute, among others.

Service Innovation Lab at Access to Justice BC

<https://accesstojusticebc.ca/a2j-service-innovation-lab/>

Access to Justice BC's Service Innovation Lab is intended to gather user-experience data in order to build rapid working prototypes within four months, and use the data to inform further research and prototyping. It is not clear whether this project is operational yet.

Ryerson Legal Innovation Zone

<https://www.legalinnovationzone.ca>

The Ryerson Legal Innovation Zone supports legal tech start-ups as well as various legal reform projects. One relevant project is a Youth Access to Justice Initiative that involves collaborating with stakeholders in the youth access to justice sector to investigate how technology can improve YA2J in Toronto.

BC Family Justice Innovation Lab

<https://www.bcfamilyinnovationlab.ca/about/>

The BC Family Justice Innovation Lab uses a family-centered, participatory and experimental approach to family justice reforms. The lab supports various initiatives by providing assistance on stakeholder collaboration, and expertise on experimental design and a developmental evaluation approach.

Restorative Research, Innovation and Education Lab

<https://www.dal.ca/news/2020/06/10/dalhousie-officially-launches-first-ever-international-restorati.html>

The Restorative Research, Innovation and Education Lab at Dalhousie University is fairly new and it is difficult to find information on ongoing projects. Chair of the lab Professor Jennifer Llewelyn describes it as focusing on designing and prototyping new ideas quickly and responsively. She describes the strength of the lab as being able to bring people together across systems who might not otherwise be easily able to facilitate collaboration, and being able to learn in real time as they are learning by trying rather than being bound to a project charter or fixed model.

Cyber Justice Lab

<https://www.cyberjustice.ca>

The Cyber Justice Lab provides software for various justice system needs, legal technology research infrastructure, and an extensive list of publications (primarily science and tech focused).

Government of Canada Innovation Lab

<https://www.ic.gc.ca/eic/site/096.nsf/eng/home>

An Innovation Lab operated by the federal government, there is a focus on co-creating, capacity building, and supporting innovation.

#TalkJustice - Justice & Law Reform Institute of Nova Scotia

<https://www.talkjustice.ca/projects>

This has some interesting examples of engaging the public in developing justice system solutions. They noted that people talk about the justice system in stories not solutions so they use SenseMaker software to analyze patterns in the stories people tell through their surveys.

CRT User Experience Survey

<https://civilresolution.trubox.ca/>

Their website describes the CRT as “based on the principle that the system should be built around the needs of users, rather than justice system insiders. The process was designed with input from the public and community advocates, and they constantly test, get feedback, and change processes in response.”

International

Stanford Legal Design Lab

<https://www.legaltechdesign.com>

The Stanford Legal Design Lab has designed a number of high-quality legal web tools and applications, including a special messaging app for courts and lawyers to send notices of hearings, procedural info etc. The lab does much of its work within a course structure, allowing law students to participate in justice system innovation.

Duke Law Tech Lab

https://medium.com/@jeff_ward/2020-duke-law-tech-lab-all-in-for-a2j-6215334382a6

The Duke Law Tech Lab seems to be primarily focused on funding and supporting A2J tech startups.

Latrobe LawTech

Latrobe LawTech has a number of projects and publications primarily focused on data security in the legal tech field.

University of Helsinki Legal Tech Lab

<https://www.helsinki.fi/en/networks/legal-tech-lab>

The Legal Tech Lab at the University of Helsinki is intended as a neutral space for inter-disciplinary interaction and collaboration and as a research centre to provide basic data on legal digitization.

BYU LawX

<https://law.byu.edu/clinics-and-centers/lawx/>

This is a project-based course in which students learn to use design thinking to analyze and address legal issues.

Appendix C: Literature Review

The Story of the BC Family Justice Innovation Lab (2017)

Jane Morley

<https://wyaj.uwindsor.ca/index.php/wyaj/article/view/4996>

This article describes the journey of legal professionals involved in BC's family justice system. Their journey is marked by a series of revelations which led towards the development of the BC Family Justice Innovation Lab. This group was brought together to change the "justice system" but this goal itself was the subject of their first revelation: by defining the problem as fixing the "justice system" the group was essentially focusing on legal issues (at 4). But they realized that if they thought about the problem from the perspective of families, the definition of "system" changed (*ibid*). Instead, the focus was on the family's interaction with the justice system and the other systems they might interact with during their "journey". This is a user-centered approach.

The second revelation was the fact that they were trying to address a *complicated* problem and not a *complex* problem. A simple problem is akin to baking a cake (it requires a recipe or a procedure); a complex problem is much the same but more technical, like sending a rocket to the moon (it can be solved with expertise and a clear procedure); but a complicated problem is non-linear, emergent, dynamic, uncontrollable, and uncertain—like raising a child (there is no set process). By treating reform as a complex but not a complicated problem, the group realized that they were over-relying on expertise.

Change Lab/Design Lab for Social Innovation Executive Summary (2012)

https://uwaterloo.ca/waterloo-institute-for-social-innovation-and-resilience/sites/ca.waterloo-institute-for-social-innovation-and-resilience/files/uploads/files/change_lab.pdf.

This white paper was aimed at providing an overview of the Design Lab/Change Lab concept, and to describe how this concept can be modified to forward social innovation agendas. It says that the design/change lab concept derives from four traditions:

- group psychology,
- complex adaptive systems theory,
- design thinking, and
- computer modelling and visualization tools.

It is a social technology that requires:

- expertise in data gathering and process design,
- a carefully designed process that includes a number of generic elements, and
- an appropriate problem. Applied to a social agenda, it allows the user to bring new concepts together, apply design into new and existing dynamics, and modeling various simulations.

A Tale of CyberJustice (2020)

<https://www.cyberjustice.ca/en/2020/03/04/towards-cyberjustice-final-report/>

This is a small book that explores a new strategic role for Online Dispute Resolution (“ODR”). The concept of “CyberJustice” is introduced as an ideology of applying technology to justice. This book is clearly focused on ODR and justice innovation—unlike the design labs discussed above where the revelation was to shift attention away from justice solutions, towards human solutions—this book is aimed at justice solutions.

“Public-Centred Civil Justice Redesign: A Case Study of the British Columbia Civil Resolution Tribunal” (2017)

Shannon Salter and Darin Thompson

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2955796

This paper is written by Salter from the BCCRT, a first-of-its-kind online dispute resolution platform. Salter highlights an engaging, yet simple description of a design process: start with evidence, design an initial solution, test it, learn, revise, and restart. She is describing a distinctively iterative approach. And later, she describes the “public” as the center of this approach (see the BC family innovation lab article above) and the role of technology in this process (at the end of page 135).

Transformative Scenario Planning: Working Together to Change the Future by Exploring Alternatives (2012)

Adam Kahane

<https://www.emerald.com/insight/content/doi/10.1108/10878571211257140/full/html>

Adam Kahane was the muse for the BC Facility Innovation Lab founding group. His writings were influential to their development, and therefore we are interested in it from that standpoint. This piece outlines a process called *Transformative Scenario Planning*. Generally, the idea is to convene a team that represents a microcosm of the system, have this team sense/observe what is happening in that system,

construct stories about what *could* (not “what is” or “what will”) happen, then act to transform this system through co-creation. This is an important process because it acknowledges the value of multi-disciplinary teams and the value of imaginative thinking in social innovation labs.

Providing an Architecture Framework for Cyberjustice (2014)

Benoit Aubert, Gilbert Babin and Hamza Aquallal

<https://www.mdpi.com/2075-471X/3/4/721>

This paper addresses the architecture framework for Cyberjustice initiatives. First, it defines Cyberjustice as the integration of information technology into dispute resolution processes. The paper then delineates between four model attributes:

The architecture (laying out the IT, actors, goals, and usages), the social element (how individuals use and react to the IT), the organizational element (how the legal system adjusts to the technology), and the legislative element (how lawmakers respond to these changes)(see page 722). The paper is addressing the architecture element, and is therefore helpful in considering one aspect of any Cyberjustice initiative. The paper creates a preliminary framework for assessing architecture (see page 725).

The 3 T's framework of social innovation labs (2019)

Claudia Marcelloni

<https://doi.org/10.23726/cij.2019.872>.

A *highly* informative and straightforward work on social innovation labs. The paper begins by describing why there is little academic attention paid to these labs, and why there is confusion surrounding terminology on the concept. Marcelloni defines social innovation labs as “a semi-autonomous organization that engages diverse participants - on a long-term basis - in open collaboration for the purpose of creating, elaborating, and prototyping radical solutions to open-ended systemic challenges.” The paper goes on to describe various collaboration theories that are embedded into the social innovation labs orthodoxy and describes three elements required to create a mind-set and safe space to innovate, this is evidenced by a useful literature review. The author ultimately concludes that a safe and effective space for social innovation within a lab requires three ingredients: *Time*, *Tools*, and *Techniques*.

The Social Innovation Lab Guide (2014)

Frances Westley and Sam Laban

https://uwaterloo.ca/waterloo-institute-for-social-innovation-and-resilience/sites/ca.waterloo-institute-for-social-innovation-and-resilience/files/uploads/files/10_silabguide_final.pdf

This guide provides a full framework for executing a Social Innovation Lab, through a series of workshops.

Legal Design as a Thing: A Theory of Change and a Set of Methods to Craft a Human-Centered Legal System (2020)

Margaret Hagan

https://www.mitpressjournals.org/doi/pdf/10.1162/desi_a_00600

This is an excellent introduction to the concept and field of legal design. The paper focuses on the flexibility in process and movement away from top down design processes to more collaborative systems.

Offers several methods of different legal design tools, including:

- Internet services - improving legal online services mostly
- Applied ethnography - anthropologically observe, experience
- Grounded theory offers a related method for collecting a variety of interviews, observations, and other data points, and using them to synthesize common patterns and themes.
- Delphi method to source an agenda from multiple leaders. The Delphi technique involves having multiple experts react to a prompt, to forecast what they predict will happen in the future and to offer a vision for what should happen
- Goes into evaluation of new designs

The User Experience of the Internet as a Legal Help Service: Defining standards for the next generation of user-friendly online legal services (2016)

Margaret Hagan

<https://heinonline.org/HOL/P?h=hein.journals/vjolt20&i=395>

Provides an overview of improving internet legal information and services by improving user centered design. Explores how to take something people already do (googling their problems) and fine tune it so they receive better information. The quote below describes the ability of research and design concepts potential in creating technology based tools in order to address the Access to Justice crisis.

“The user research and design concepts ideally will be used to prototype new types of legal information sites, document assembly tools, dispute resolution platforms, and other online legal services. Testing of these new models will also contribute to academic discussions of what types of presentations and tools are most effective in bridging the Access to Justice gap. To bring innovation to the Access to Justice movement, there needs to be more empirical study of what different groups of laypeople need and prefer when using technology-based resources, as well as development of these new tools” (at 465).

How can the legal design movement contribute to (improving) access to justice? (2019)

Tim de Waard

<http://arno.uvt.nl/show.cgi?fid=149504>

This paper provides a good overview of some of the concepts, positives and challenges involved with legal design methods. Emphasizes that legal design is an emerging field and sometimes lacks some standardization in language, with some disagreements among experts.

Legal Design for the Common Good: Proactive Legal Care by Design (2020)

Helena Haapioi , Thomas D Bartonii & Marcelo Corrales Compagnucci

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3590040

This paper speaks to a larger movement in law towards proactive legal care and making law more collaborative. This piece considers the potential of legal design to deal with proactive problem prevention and how we can help people at the very early stages of their issues.

Legal Design Lawyering: Rebooting Legal Business Model with Design Thinking (2016)

Veronique Fraser & Jean-Francois Roberge

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2781680

This paper considers the potential for legal design in developing new and innovative approaches to the legal business model. This shows the potential of legal design to address a wide range of problems and possibly, how a legal design lab could be applied beyond Access to Justice projects. Emphasis on a legal design as a flexible tool with a wide range of applications.

Where design and law meet: An empirical study for understanding legal design and its implication for research and practice (2019)

Xiaoyu Ji

https://aaltodoc.aalto.fi/bitstream/handle/123456789/42645/master_Ji_Xiaoyu_2019.pdf?sequence=1&isAllowed=y

This work provides an easy to understand guide of legal design terminology and concepts, with more of emphasis towards the potential for design professionals to contribute to the legal field. It has a chart of about a dozen definitions of legal design in the literature, which reflects some of the differing approaches to this topic. The interview section provides cases and the design process, valuable seeing the flexibility of thought allowed for each one. It provides info about project team, client and tools used with an illustrated design process, and it also provides a perspective of the other professionals that may be involved in the lab process and how they might feel, may have their own hesitations about working with lawyers on legal issues

Social Innovation Labs: A Neoliberal Austerity Driven Process or Democratic Intervention? (2019)

Meghan Joy, John Shields & Siu Mee Cheng

<http://www.alternateroutes.ca/index.php/ar/article/view/22487/18286>

Places lab concepts within the larger policy landscape and considers what has driven the popularity in labs. Important to think about the larger move towards the lab concepts and how it fits into the larger political and research.

Legal Design and Innovation

<https://medium.com/legal-design-and-innovation>

This is the website for the Stanford Legal Design Lab, acting as a repository for their publications on the work for the lab. This is interesting in that it shows success as different than traditional ways, legal design labs cannot necessarily find measurable success or prestigious publication in known academic journals. Also shows some of the potential projects that a legal design lab can tackle (renters rights, data commons) and has some interesting results from their project.

Participatory Design for Innovation in Access to Justice (2019)

Margaret Hagan

https://www-mitpressjournals-org.cyber.usask.ca/doi/pdf/10.1162/daed_a_00544

Details participatory design as a way we can bring end users into the process to make something that works better. Participatory design involves consulting with a wide range of people throughout the process—stakeholders from many sources, including non legal sources. A huge problem with innovative projects is that they sometimes do not target things people need, or make things in a way that are not the most useful for the users. Important to incorporate end user perspectives to avoid this.

Legal Design for the Good Man (2016)

Rebecca Stone

<https://heinonline.org/HOL/P?h=hein.journals/valr102&i=1801&a=dXNhc2suY2E>

This one is a little outside of the field of research, it explores legal design through a motivational lens, considering how we can build laws that address a range of motivations for good behaviour. I thought it was interesting to think about when considering a legal design process and human behaviour. People are driven to act by different things and legal design must consider each of these motivations.

Appendix D: National Calls to Action and Previous Dean's Forum Work

The Cromwell Report, CBA Reaching Equal Justice Report and previous Dean's Forum Reports provide a significant foundation to build from as we conduct research on the possibility of the creation of a user focused design lab attached to CREATE justice. Overall, these three reports focus on the importance of user centered design and including the public in legal design, as well as the potential for technology to assist in the design of more accessible legal systems.

The Cromwell Report

The Cromwell Report's first and guiding principle is putting the public first. As we continue throughout the Dean's Forum project this will also be a guiding principle in our research, constructing a legal system that works better for the public. It also emphasizes significant reform to systems with the end user at the forefront of the design process. The success of the system depends on if people are able to easily access and navigate.

The Cromwell Report also emphasizes the importance of collaboration, both within the legal profession and with other professions. The report specifically suggests collaboration with social scientists, economists and healthcare researchers. This provides guidance in how we can think in a more interdisciplinary way and bring in other expertise and perspectives in order to better address issues within the justice system.

CBA's Reaching Equal Justice Report

The CBA's Reaching Equal Justice Report notes the importance of public participation in the justice system, as active contributors. They avoid using language such as "client", in order not to diminish the role of the public to a passive receiver of legal services. They also note that people who are using the justice system are not always able to immediately articulate what they may need or want so it is important to approach these conversations with patience. Although we are not directly engaging with the public it is important that they should be kept at the forefront of legal design.

The report also notes the relative slowness of the legal field in adopting technology. Other fields have had dramatic technological transformations in the past few decades and although there has been progress, the legal field has not matched this. The report also addresses the issues of accessibility and adaptability in technology. Many people do not have access to technology, due to financial or accessibility concerns. When designing technological legal solutions, we also need to consider how to serve this population as well.

Previous Dean's Forum Contributions

Previous Dean's Forum contributions have touched on the issues that are addressed in the topic, both generally and specifically. Specifically, the 2019 forum addressed how Saskatchewan's justice needs can be better met with technology, a topic we are continuing to research. More generally, one of the very first iterations of the Dean's Forum in 2016 addressed strategies of putting the public first in justice design. This speaks to some of the larger principles that guide our research, that the public can be better served in the justice system with the help of technology.

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Finally, we would like to thank all participants who take the time to contribute to the Dean's Forum. Each year, these participants carve time out of their busy schedule to meaningfully engage with new ideas.

Change requires leaders who have open minds, and Saskatchewan is fortunate to have such people in abundance.

– Levi Graham, Kyra Kujawa, Taryn McLachlan