



The IMPACTS OF PUBLIC LEGAL EDUCATION in CANADA

Research Report

Submitted to the Research and Statistic Division
Department of Justice, Canada

by the
Public Legal Education Association of Canada May 2014

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Executive Summary

Organizations that provide public legal education (PLE) in Canada both express and demonstrate a strong commitment to providing initiatives that are effective in advancing access to justice in Canada. But as Liz Curran argues in her review of the literature on measuring successful outcomes of legal assistance services," there is no one way which can make it easy to achieve a successful outcome. Good practice informed by good training, cultural awareness, sensitivity, adaptability and flexibility are key factors in effectively reaching and targeting vulnerable and disadvantaged groups" (Curran, 2012).

Interviews with key informants and the documents submitted for review in this study suggest that Curran's lesson is one that PLE organizations have learned well. Limited funding and the nature of project funding in particular results in organizations placing emphasis at the front end of the design and development of initiatives.¹ Since organizations may have only one chance to carry out a proposed initiative, they go to considerable lengths to get it right in the first place.² They also place considerable importance on formative and process evaluations that help them take corrective action as an initiative proceeds. At the end of an initiative, they frequently conduct summative evaluations to help them learn how they can improve future initiatives. PLE organizations monitor the impacts of their initiatives in a variety of ways, including formal impact assessments. However their capacity to do so and to systematically monitor impacts over time is limited.

Objective: The objective of this research is to investigate common outcome measures currently being used to assess the impact of public legal education activities in Canada with a view to helping to improve the practice in this regard.

Scope: This is a small study limited to the work of organizations in Canada whose sole or principal purpose is the provision of public legal education. It builds on the work of others, particularly *Building a Case for Public Legal Education and Information: Lessons Learned Report* undertaken by Focus Consultants in 2011.

Methods: The study consists of

- a review of recent literature dealing with assessing outcomes and impacts of public legal education activities in Canada. Several relevant documents from jurisdictions other than Canada were also reviewed;
- a review of eight evaluations of public legal education activities in four provinces conducted since 2010;
- a review of a variety of internal documents, including examples of theories of change, logic models, and evaluation strategies and instruments that organizations are currently using or have used; and
- interviews with 12 key informants in nine provinces drawn from the membership of the Public Legal Education Association of Canada.

PLE organizations in all provinces were included in the study through one or more of these means.

¹ Public legal education takes a wide variety of forms, including public lectures, written materials, websites, workshops, and training sessions but also less structured engagement at cross-sectoral meetings, community events, conferences, and consultations. Activities can be carried out as a single initiative or on an on-going basis, and several activities may be carried out as part of a broader strategy usually with partners from other sectors or from one or more communities.

² For an example of the lengths an organization may go to in preparing for an initiative, see (Public Legal Education and Information Service of New Brunswick, 2014) One organization also reported using 'scrums' in their design process. For information about scrums see en.wikipedia.org/wiki/Scrum_%28software_development%29 accessed May 7, 2014.

Research Questions and Key Findings

1. How is the impact of public legal education and information activities currently being assessed? Are these measures appropriate? Are they program or project specific?

PLE organizations are becoming increasingly sophisticated in evaluating their activities. Several have developed formal evaluation frameworks that guide the evaluation of specific initiatives or the evaluation approach of the organization takes to all its activities. Some of those include explicit objectives of determining impact. At least one also provides for determining the organization's readiness to undertake the kind of rigorous evaluation strategy proposed. In a few cases, generic questions have been identified in the evaluation framework to promote consistency and comparability of data generated through specific evaluations.

The review of the evaluations and other documents submitted and the interviews conducted with key informants, suggest that PLE organizations are tracking impacts on increases in the knowledge, skills, affect, and capabilities of individuals as citizens, consumers of legal services, intermediaries, board members; students as both citizens and consumers, and individuals in the justice sector. PLE organizations are also tracking impacts at the collective levels of families, communities, schools, non-profit organizations, and legal services. Many organizations are also explicit about the benefits they have identified for the justice, education, library, and health care systems. The particulars with respect to these are itemized in Tables 1, 2, and 3 in the Appendices.

In discussions with key informants, it became apparent that the distinction between short term, intermediate, and long term impacts might be initiative-specific, for example, in one initiative the impact on the individual's ability to take action may be immediate; in another initiative, the ability to take action may be projected to be a long term impact. Neither initiative is inherently 'better' if their objectives are different. It may be that the former is most appropriate for someone in the process of dealing with a particular legal problem, whereas the latter is an appropriate outcome for an initiative that is raising awareness that legal remedies and services exist should the need arise.

Methods used to track impacts include:

- feedback forms,
- pop-up and other web surveys,
- telephone surveys,
- mail out surveys,
- focus groups,
- key informant interviews (stakeholders and PLE users),
- observations,
- file reviews,
- usability studies,
- google analytics, and
- case studies.

Key informants consider the methods and indicators appropriate but not necessarily the best and not sufficient to confirm causal linkages between PLE initiatives and subsequent outcomes. This is partly due to

- project time frames that constrain organizations: at best it is often possible to assess only

- immediate impacts and, and in doing so, to rely heavily on self-assessments by participants rather than on more sophisticated measures that track the subsequent behaviour of individuals or changes to systems;
- the limitations of the organization's and its partners' capacity to carry out studies: many lack the financial, human resources, technical capability, space, baseline data, or other requirements necessary to assisting in evaluating impacts;
 - inability to access or generate data required from courts, school boards, libraries, government agencies, service providers, and other institutions and organizations to confirm self-reported behaviour and to track impacts at collective and system levels;
 - the nature of the challenges of assessing the impact of initiatives that improve access to justice or other justice-related goals: there is no consensus on the meaning of access to justice or even its components; the justice sector lacks a common language and framework for capturing relevant information; and issues of anonymity, confidentiality and vulnerability make gathering meaningful information difficult, if not impossible; and
 - the fact that PLE initiatives are often only one of several contributing to a particular impact: they may be a necessary but not sufficient initiatives to bring about the desired change.

A few key informants indicate that they are working toward being able to aggregate some data in order to track organizational impacts. A few are members of multi-sectoral initiatives which may track the collective impact of participating agencies.

2. What commonalities currently exist in the measures used?

There is also commonality among the types of impacts and the kinds of measures used by PLE organizations in identifying and tracking various impacts. Most organizations include questions about the difference an initiative makes in their standard feedback mechanisms: surveys (including pop-up and web-based surveys), workshop feedback forms, and the like. Organizations also make use of google analytics in tracking usage of their web resources.

3. What measures are applicable to other programs and projects?

Organizations often use the same methods and even the same questions to collect responses on a number of their initiatives. Factors affecting the appropriateness of doing so include the literacy levels and cultural norms of the target audience as well as the nature and purpose of the initiative itself.

4. Are there measures that can be applied universally?

Since their experience tended to be limited to their own jurisdictions, key informants did not feel qualified to comment on the universality of measures, other than to reinforce the caution that context is of critical importance in developing any measure. The review of the evaluation studies suggests that some universal measures may be adaptable for some objectives. However, the caution as to context would need to be taken seriously in any effort to explore this further.

5. Which measures could/should be strengthened or improved? If so, how?

All key informants indicated that they would like to be able to undertake more systematic and sustained impact evaluations. Several organizations have substantial experience with aspects of formal impact assessments, particularly the development of organization-wide evaluation frameworks and strategies for assessing impact, the use of logic models, the impact of collective efforts, and the impacts that resulted from specific initiatives. Key informants indicated that they would likely benefit from sharing of evaluation models and tools and from being able to access more professional assistance in designing evaluation frameworks and instruments and in analyzing and interpreting data.

6. Which measures could be adapted for use across jurisdictions, audiences, or formats?

No specific measures were identified as being adaptable across jurisdictions, audiences, or formats. Further work would need to be undertaken to examine questions used to assess impacts to determine if some standardization might be feasible. Some organizations are beginning to aggregate data but the experience to date is limited.

7. Are there risks associated with national adaptation of measures?

Key informants expressed considerable interest in sharing more information about their evaluation strategies, frameworks, methods, tools, and other resources to advance the practice of impact evaluation in the field of public legal education specifically, and access to justice more generally. However, they recognized that attempting to create national measures would carry the risk of homogenizing PLE; marginalizing some key PLE objectives; and inhibiting innovation. Key informants also expressed concern that universal measures might lead to inappropriate generalizing of findings.

8. What challenges exist that would prevent comprehensive adoption of common measures?

Some key informants noted that there is a serious risk in *not* moving forward in undertaking some type of national effort to capture the impact of public legal education. Funders are looking for ways to cut costs and for ways to do things more efficiently. Key informants believe that PLE has a significant contribution to make in deciding when best to use PLE and for what purposes.

However, their capacity to participate in any such initiatives is severely constrained.

Both the literature and the advice of key informants suggest that efforts to adopt national measures will be fraught with problems. Key among these are the differences in the legal environments, the socio-economic and geographic contexts, the wide variety of objectives being pursued by PLE organizations, the lack of a common lexicon, and the difficulty in getting funding for nation-wide initiatives. The relative value placed on PLE objectives by funders and stakeholders and competition between members of the justice sector for funding provide a political dynamic that may make it difficult to build the level of trust required to adopt common measures.

The current capacity of organizations to undertake impact evaluations ranges with some organizations having little or no capacity to those with in-house expertise. For many organizations the reality is that project funding and development cycles leave little room for formal follow up activities that track the actual impact of an initiative. Few organizations have core funding that they can apply to this function which is seen to be both relatively expensive and complex. Limited or no funding together with competing demands on the time of staff, impede all organizations in doing as much evaluation as they might like.

Conclusions

Determining the impact of public legal education has been a matter of discussion since at least 1984 (Currie & Roberts, 1984) and practices for doing so have evolved considerably. The expertise in the field is substantial but not universal. A wide variety of methods are being used to collect information about the impact of various public legal education activities and most organizations use several of them. Some organizations have been assisted in designing and conducting evaluations by professional evaluators. In some instances they have been able to adapt those for use with other initiatives; in still other cases, organizations have developed their own in-house approaches, tools, and instruments. For the most part, evaluations take place within organizations at the project or service level, with a few organizations aggregating some data.

There is sufficient experience across programs and jurisdictions in the use of logic models, focus groups,

interviews with key informants, surveys, feedback forms, and web analytics to warrant further examination of these practices. There may be some value in further discussion and cataloguing of indicators of impacts. However, standardizing measurements would likely be difficult as conditions vary so widely between objectives, initiatives, and jurisdictions.

What is needed most at this stage is the infrastructure to sustain the efforts of PLE organizations in sharing their evaluation frameworks, strategies, methods, instruments, and data. The Public Legal Education Association of Canada is the primary means through which this can be accomplished. However, it does not currently have the resources to perform this function.

Impact studies also need to be conducted to further examine the instrumental benefits of PLE, its symbolic value, and collateral benefits. Studies are needed that look at both the tangible and intangible impacts PLE offers individuals, families, organizations, communities, and various systems. Studies would also need to consider the contribution PLE makes to the public's understanding of the role of law in sustaining our democratic way of life and to the symbolic significance of making knowledge of the justice system widely available.

Studies are needed that address not only intended but unintended impacts and to tease out the contribution that PLE makes to collective impacts. Some impacts may be the result of a single initiative but many result from a combination of the activities undertaken by the PLE organization, from the collective efforts of PLE providers nationally, or from the combined efforts of multiple agents.

To get a real sense of the impact of PLE, it is necessary to look at strategies for assessing collective impact and attributing the contributions of the various individuals, organizations, and sectors, their respective roles, and the various activities that played a part in achieving a common goal. It is also necessary to identify and assess the influence of external factors entirely outside the influence of the collaborators.

Assessing the impact of public legal education will require the substantial and sustained commitment of public legal education providers, their partners, and funders. Funders play a key, but undervalued, role in advancing the effectiveness of PLE initiatives. PLE suffers for lack of a research base, but building that body of knowledge requires an investment of resources that has not been forthcoming to date.

Opportunities and challenges for moving forward

Key informants included in this study indicated a strong interest and willingness to collaborate in improving the assessment of the impact of public legal education. However, all noted limited capacity to do so. Without additional funding to support an ongoing community of practice, to build collective capacity, and to undertake systematic and sustained evaluations, progress in evaluating the impact of PLE will be sporadic, initiative-specific, and localized.

While key informants are keen to continue to work together to improve their ability to evaluate PLE initiatives, they are concerned that efforts to find common measures may have detrimental effects. They expressed concerns that what can be most easily measured will be most valued, that funders and others will misunderstand the complexities of the factors that affect impact and that findings will be used prematurely to support decisions, and that initiatives that can be proven to be effective for achieving particular objectives will be favoured over initiatives directed to objectives that may take longer to realize or that may be too nebulous to track but which may be critical for maintaining public support for the rule of law. They are concerned that the overall effect may be to homogenize and narrow the nature and impacts of PLE.

Key informants are also concerned that funding for an impact evaluation will reduce the funding available for the initiative itself, thereby reducing its impact and, perhaps, jeopardizing future funding. Key informants would like to know more about what use will be made of findings? Will those who rely on them realize the limitations of the assessment? Success in building collaborative relationships among the PLE community, the justice sector, and funders will be critical to enhancing the impact of all their efforts to improve access to justice.

Background

Public legal education (PLE)³ is a phenomenon that emerged in Canada in the late 1960's. It began as an incident of the poverty law movement but quickly broadened to encompass the provision of services to meet the array of legal education needs of all Canadians. As the practice of PLE has evolved it has taken many forms, each of which has somewhat different goals and intended outcomes and impacts. It is sometimes conceived as preventive law, other times as citizenship development, yet others as self-help. It is sometimes promoted with the objective of demystifying the law, enhancing legal literacy, promoting pro-social values, building public confidence in the law, increasing community capacity, or, most recently, building legal capability.⁴ People served through public legal education cover the gamut of members of Canadian society and may be reached directly or indirectly through other agencies who serve them. PLE is also provided to organizations to help them deal with their affairs and to address issues of pressing concern to the people they serve.

PLE is provided through a host of government departments and agencies, community and special interest organizations, businesses, unions, churches, political parties – the list goes on. However, within Canada there is a network of approximately 15 agencies whose sole or principal purpose is to provide public legal education. These agencies continue to explore PLE's role in grounding our understanding of the rule of law, of giving meaning to our rights and responsibilities, of enhancing access to justice, of strengthening the capacity of civil society, and of evolving a justice system⁵ that is centred on the people it is meant to serve.

Although objectives may differ considerably from PLE organization to organization and from activity to activity, the general mission of PLE is to alter the relationship between the public and the justice system, thereby improving both access to justice and the nature of the justice being accessed. Proponents hope that people will come to engage with the law as a source of real help in managing their affairs and in pursuing justice for themselves and others. But the benefits of PLE reach the notion of law, itself: law's legitimacy as a social institution is enhanced if it truly reflects the needs and aspirations of all members of society, not just a prominent sector of it. The rule of law takes on substantive meaning for everyone. PLE is a 'boundary spanner' located between the public and the justice system, engaging them with each other in the pursuit of just relationships, workplaces, communities, and society itself.

³ The activities referred to in this report as Public Legal Education (PLE) are sometimes referred to in other documents and elsewhere as Public Legal Education and Information (PLEI). Where the longer name is used in cited material, it will be used in this report to refer to those documents. Otherwise, the shorter form will be employed.

⁴ The term, capabilities, was introduced into the economic development vocabulary by Dr. Amartya Sen as a means of monitoring a country's human development as opposed to just its GDP. Sen argued for the capabilities approach as a means of recognizing the importance of real freedoms, of the distribution of opportunities, of the ability to make real choices, of the ability to carry out valuable and valued activities, and of non-materialistic factors in evaluating human welfare. In his view, capabilities are primarily attributes of people not of collectivities (Sen, 2009). His work has been further developed by others, including Martha Nussbaum who developed a set of legal capabilities (Nussbaum, 2003). The notion of legal capabilities has been adopted by a number of organizations including PLENet in the United Kingdom (Collard & Deeming, 2011). It is being used increasingly in the public legal education context in Canada but not with consistency.

⁵ It is becoming increasingly apparent that Canadians are served by several justice systems. In this paper, the singular justice system will be used to reference the options collectively. However distinguishing between systems is part of the task of public legal education providers and this use of the term is not meant to diminish the importance of doing so or on the particular justice system that is being addressed by an activity being evaluated.

Many PLE providers believe that PLE has a dual mission:

- to build the capacity of individuals to participate effectively in the systems for creating and administering justice in society by helping them to understand and assert their rights and to understand and fulfil their responsibilities; fostering opportunities for Canadians to play a meaningful role in creating justice; and facilitating communication, coordination, and collaboration among partners and key stakeholders in the systems for providing justice; and
- to ensure that the systems for creating and administering justice are, and continue to be, capable of doing so and that they recognize the necessity of and facilitate the effective involvement of citizens in achieving justice (Anon, 2001).

As this suggests, public legal education providers in Canada aspire to improve both **access** to justice and access to **justice**. However, how they do so varies from jurisdiction to jurisdiction and is a function of the visions of those who established and offer PLE services, the particular problems faced in any given jurisdiction, and the funding available to address those needs. But, as the following discussion of impacts of PLE shows, the dual function of PLE continues to be recognized by those in the field.

Organizations that provide public legal education in Canada both express and demonstrate a strong commitment to providing initiatives that are effective in advancing access to justice in Canada. However, limited funding and the nature of project funding in particular results in organizations placing emphasis at the front end of the design and development of initiative. They tend to devote scarce resources to

- carrying out needs assessments;
- identifying and meeting with key representatives of, and providers of services to the proposed target group;
- determining problem-solving and information-seeking behaviours and learning preferences of the proposed target group;⁶
- determining effective vehicles, like trusted intermediaries⁷, venues, formats⁸, delivery channels, and techniques for communicating effectively with the target group;⁹ engaging with partners in designing and developing the proposed initiative; and
- conducting usability studies.¹⁰

Since organizations may have only one chance to carry out a proposed initiative, they place great emphasis is on getting it right in the first place.¹¹ They also place considerable importance on formative and process evaluations that help them take corrective action as an initiative proceeds, and to learn what they can so they can improve the next one.

⁶ See for example, (Legal Resource Centre of Alberta Ltd., 2013)

⁷ For example, friends, parents, teachers, counselors, support and settlement workers, librarians, and clergy.

⁸ See for example, (BC Public Legal Education and Information Working Group, 2012)

⁹ The recent study of formats and delivery channels conducted by Community Legal Education Ontario demonstrates the level of sophistication that some agencies are able to bring to assessing challenges in reaching the variety of communities they serve: (Community Legal Education Ontario, 2013)

¹⁰ See for example, (Weng & Kachman, 2013)

¹¹ For an example of the lengths an organization may go to in preparing for an initiative, see (Public Legal Education and Information Service of New Brunswick, 2014) One organization also reported using 'scrums' in their design process. For information about scrums see en.wikipedia.org/wiki/Scrum_%28software_development%29 accessed May 7, 2014.

This approach to having an impact puts a high value on

- the quality of the initiative
- the suitability of the initiative for the target audience,
- the accessibility of the initiative to the target audience, and
- the promotion of the initiative to the target audience and to intermediaries that can extend its reach and, therefore, its impact.

Organizations remain as engaged as possible with their partners throughout the initiative, itself, in order to make whatever adjustments are indicated. These activities are often subsumed within what might be characterized as formative, process, or developmental evaluations. Where resources permit, they may be carried out formally but more often they are incorporated into the way an organization operates. Findings are acted upon immediately to improve the initiative but are not necessarily recorded and reported on separately. Organizations apply what they learn from one initiative to the next.

PLE organizations also put a high value on sharing what they learn with each other. The Public Legal Education Association of Canada was formed to assist with that work and convenes annual meetings at which knowledge about practice is shared. PLEIConnect was a specific two-year initiative undertaken to support “a culture of learning and sharing” in the PLEI community, particularly with respect to the effective use of communications technologies. The Department of Justice Canada also hosts events from time to time; of particular interest is a webinar that was led by Focus Consultants in February 2012 on Measuring the Outcomes and Impacts of PLEI Projects. There are also several networks and working groups at the provincial level that also assist in building PLE communities of practice.¹² PLE organizations also collaborate on specific initiatives which provide opportunities to share understandings and generate new knowledge about effective practices.

The Study

Objective: The objective of this research is to investigate common outcome measures currently being used to assess the impact of public legal education activities in Canada with a view to helping to improve the practice in this regard.

Scope: This is a small study limited to the work of organizations in Canada whose sole or principal purpose is the provision of public legal education. It builds on the work of others, particularly *Building a Case for Public Legal Education and Information: Lessons Learned Report* undertaken by Focus Consultants in 2011 (Focus Consultants, 2011).

Methods: The study consists of

- a review of recent literature dealing with assessing outcomes and impacts of public legal education activities in Canada. Several relevant documents from jurisdictions other than Canada were also reviewed;
- a review of eight evaluations of public legal education activities in four provinces conducted since 2010. (See Appendix: Impact Evaluations Reviewed);
- a review of a variety of internal documents, including examples of theories of change, logic models, and evaluation strategies and instruments that organizations are currently using or have used. Since these were provided on a confidential basis, they have not been included in the list of documents itemized in the Appendix to this report. The requirement for confidentiality stems from the proprietary interests of third parties in the material or components of it, the confidentiality of other information (such as financial or personnel information), the interim or provisional nature of the document or resource, and confidentiality commitments made to those who participated in or contributed to the document or other resource. The documents did, however, provide considerable assistance in clarifying the use of terms by participants, the impacts being assessed, and the ways of doing so. The researcher is grateful to organizations for their willingness to provide these documents; and
- interviews with 12 key informants from nine provinces drawn from the membership of the Public Legal Education Association of Canada. Key informants range in experience in public legal education from less than a year to more than 30 years. They were either executive directors or staff members with substantial experience in their organizations. Several have graduate degrees in education or one of the social sciences and are familiar with social science research methods. All organizations conduct evaluations of their public legal education initiatives, both formative and summative, and all are aware of the difference between output and impact evaluations. Their experiences in conducting impact evaluations vary from very little to substantial. Some also have experience in conducting impact evaluations in settings other than public legal education.

PLE organizations in all provinces were included in the study through one or more of these means.

Limitations: Because this was a small study conducted in a short period of time, and because organizations varied in their ability to respond to the invitation to participate, quantitative measures

were not used to indicate the prevalence of any particular practice. Nor should the lists of impacts be taken as representing the current situation.

As the study progressed, it also became apparent that it is not a straight-forward matter of determining what impacts are currently being assessed as not all activities result in or are included in formal reports. The situation is also dynamic. As a result, it became apparent that it might be more useful to develop charts compiling intended impacts of PLE rather than an inventory of impacts currently being tracked formally. Those charts might then be used to catalogue studies and measures that are or have been used by PLE organizations with a view to making those resources more widely available.

This study confirms and expands on many of the earlier findings of the 2011 study, *Building a Case for Public Legal Education: Lessons Learned* (Focus Consultants, 2011). The Focus Consultants' tables served as prompts for interviews with key informants and the findings of the two studies have been consolidated in the tables contained in the appendices to this study. By building on previously identified outcomes and sites of impact of public legal education initiatives and instruments used for measuring them, this study advances the capacity of public legal education providers to provide evidence in support of their claims.

The study suffers from the limited period of time within which to collect evaluations and conduct interviews. Moreover, evaluation studies varied considerably in their scope, detail, and type of content. The experience of key informants also varied considerably and time did not permit pursuing their particular insights as fully as might have been helpful. The scope of the project did not allow for follow up with program staff, researchers, or interviewees to solicit elaborations.

It should be noted, too, that the principal researcher has over 30 years experience in providing public legal education. As a result, she is subject to insider bias. However, this bias may be compensated for by the richness of understandings about the practice of public legal education that may have assisted in discerning nuances in the data examined and in making meaningful recommendations. It also accounts for the willingness of some research participants to share confidential documents.

Research Questions:

The questions addressed in this study are

1. How is the impact of public legal education and information activities currently being assessed? Are these measures appropriate? Are they program or project specific?
2. What commonalities currently exist in the measures used?
3. What measures are applicable to other programs and projects
4. Are there measures that can be applied universally?
5. Which measures could/should be strengthened or improved? If so, how?
6. Which measures could be adapted for use across jurisdictions, audiences, or formats?
7. Are there risks associated with national adaptation of measures?
8. What challenges exist that would prevent comprehensive adoption of common measures?

Definitions:

Access to justice is a term in wide use and, like many concepts with popular appeal, its meaning is vague and shifts over time and between contexts. Like other terms in this study, the meaning giving to the

concept was left to those who chose to use it. It seems likely that attempts to assess the value of accessing justice and the impact any initiative might have in enhancing that value will need to focus on particular aspects or features of the concept. Of contemporary interest is the relative emphasis placed on **accessing** justice relative to accessing **justice** and on initiatives that are directed toward the needs of individuals as consumers of the justice system rather than the social benefits of having an accessible, inclusive, and transparent justice system.

Public legal education or PLE (often also referred to as public legal education and information or PLEI) in Canada has eluded definition. Since this study is canvassing the practices of members of the Public Legal Education Association of Canada, for the purpose of this study the term public legal education will be used to mean the work identified as such by those organizations. This definition is deliberately broad so as to encompass the widest possible range of public legal education activities and their impacts. It is significantly different from those used in other studies that focus only on the provision of legal 'information' and do not address the mandates of PLE to develop more comprehensive or substantive knowledge and understanding; skills, confidence, and capability; citizen engagement of various sorts; or law reform and policy development.

To assist in relating the findings of this study to those contained in *Building the Case for PLE: Lessons Learned Report*, the same definition of outcomes and benefits research was adopted: "research or components of research that provide evidence that PLEI has specifically helped or 'made a difference to' someone or some collective body of people."¹² While the terms benefits, outcomes, and impacts are often used interchangeably, at some point it may become necessary to make finer distinctions between them.

To contribute to the development of a common vocabulary within the justice sector, the discussion of measuring impact in this study will draw on the terminology offered in the Canadian Bar Association's *Access to Justice Metrics* discussion paper. In it, metrics are "measures of an organization's activities and performance, and are based on the organization's established objectives, indicators, or criteria for specific areas of accomplishment. Metrics are quantifiable measures that drive improvement and characterize progress"(Canadian Bar Association, 2013).

Research Group:

The research was conducted by Professor Lois Gander, Faculty of Extension, University of Alberta. Professor Gander was the Executive Director of the Legal Resource Centre of the Faculty of Extension from 1975 until 2007 when it was devolved from the University to become the Legal Resource Centre of Alberta Ltd (now operating as the Centre for Public Legal Education in Alberta). She is currently Vice-President of its Board of Directors.

The research advisory committee consisted of Terresa Augustine (Peoples Law School), David Daughton (Community Legal Information Association of Prince Edward Island), Dr. Deborah Doherty (Public Legal Education and Information Society of Nova Scotia), Julie Mathews (Community Legal Education Ontario), Sarah McCoubrey (Ontario Justice Education Network) and, Mary Trosko (Community Legal Education Association of Manitoba). Ms Augustine is the President of the Public Legal Education Association of Canada and the other members of the committee are members of that association. While the input of and feedback from that committee was invaluable, any errors or omissions are the responsibility of the researcher.

¹² The categories of beneficiaries identified in the *Building a Case* study were individual, family, organization and the broader society (Focus Consultants, 2011). This study expands on the categories used in that study and on the impacts identified.

Findings

1.0 How is the impact of public legal education and information activities currently being assessed? Are these measures appropriate? Are they program or project specific?

Efforts to assess the impacts of various access to justice initiatives, indeed the value of accessing justice itself, are occurring internationally. While it is beyond the scope of this study to review those efforts, a description of a couple of these efforts will help to set the context in which the impact of public legal education may be considered.

- *The World Justice Project: Rule of Law Index* (The World Justice Project, 2013)

Baseline information about the state of the rule of law in Canada is available from the World Justice Project's Rule of Law Index. While Canada scores well on that index (11 out of 99 globally but only 8 out of 24 regionally), our lowest scores relate to the administration of civil and criminal justice.

Improving scores on factors such as the accessibility of civil courts and the presence of discrimination might provide high level measures by which to judge the collective impact of multiple initiatives.

- *What do we know about legal empowerment? Mapping the Evidence* (Goodwin & Maru, 2014)

In March 2014, Namati, an international organization dedicated to "putting the law in people's hands", released a report, *What do we know about legal empowerment? Mapping the Evidence*, that reviews 199 evaluations of legal empowerment initiatives. They found the initiatives studied had impacts at both the individual and institutional levels. They assert that that the evidence shows legal empowerment¹³ programs have created a range of positive impacts, from increases in legal knowledge and resolved conflicts, to improved health outcomes and institutional change. The most frequently reported changes are increases in the agency of participants. The next most common type of impact represented in this evidence is the successful acquisition of a remedy, entitlement, or information. The evidence they examined also shows that legal empowerment strategies have been successful in strengthening education, and increasing income. While legal empowerment strategies include legal aid, paralegal services, and mediation programs, over 100 of the initiatives studied have a legal literacy component.

One or more of the following methods were used in evaluating empowerment initiatives:

- randomized control trials
- statistical analysis
- surveys
- interviews
- focus group discussions
- qualitative case tracking
- participatory methods
- secondary data analysis
- project document review, and
- case studies.

Further consideration of the usefulness of these methods in assessing the impacts of access to justice

¹³ Like public legal education, legal empowerment is a term that has not been closely defined. Rather it is a term used to describe initiatives that give people the power to understand and use the law - a very similar goal to that embraced by PLE organizations in Canada. There is also no comprehensive understanding of what legal empowerment programs can and have achieved.

initiatives in Canada is warranted.

- *The Measuring Access to Justice in a Globalizing World. The Hague Model of Access to Justice*
This research and development project is working to develop "a standard methodology for measuring the costs and quality that users of justice may expect for the most common paths to justice". There is much in this report that bears further examination as it makes a number of suggestions with respect to forms of justice being accessed, characteristics, and indicators that may have direct applicability.

Part of that initiative included producing *A Handbook for Measuring the Costs and Quality of Access to Justice* (Gramatikov, Barandrecht, Laxminarayan, Klaming, & Zeeland, 2009). A study currently being undertaken by the Canadian Forum on Civil Justice will develop methods to measure the costs of our civil justice system, who is paying them, who is served, whether it is meeting the needs of its users, and the price of failing to do so.¹⁴

As the Hague report notes, other jurisdictions are also wrestling with the issues related to assessing the impact of justice systems. They warrant continued monitoring.

- *Access to Justice Metrics* (Canadian Bar Association, 2013)
Recognizing that metrics will only be useful if the objectives are clear, this discussion paper sets out eleven high level objectives that may help move the sector forward in assessing impacts :
 1. Promoting substantive and procedural fairness;
 2. Satisfying disputants' substantive interests;
 3. Satisfying disputants with the dispute resolution process itself;
 4. Reducing risks related to disputes;
 5. Reducing harm to disputants and others, including society generally;
 6. Providing greater choice in dispute resolution processes for disputants and ADR professionals;
 7. Increasing disputants' capabilities to handle other disputes;
 8. Promoting productive relationships between disputants;
 9. Satisfying disputants with the services of dispute resolution professionals;
 10. Improving the culture of disputing for disputants, professionals, and society, and
 11. Promoting compliance with social policies expressed in the law, such as non- discrimination.

In so far as public legal education providers subscribe to these objectives, metrics to address them will be useful in advancing discussions about the impact of public legal education. It should be noted at the outset, however, that this list is focused almost entirely on justice as the product of a process of resolving disputes, and not, for example, as the product of a process of law reform nor of preventing legal problems, or of promoting healthy relationships, promoting civic engagement, or empowering collective action. Only the last objective offers a broader social objective, that of promoting the social policies expressed in the law. While the particular example provided in the discussion paper may appeal to many, there are many social policies expressed in the law from which many proponents of access to justice might recoil! Clearly more discussion of these broad objectives is necessary. Public legal education providers may have much to offer with respect to other ways of perceiving the very notions of *access* and *justice* as well as other processes for addressing the deeply felt human desire for justice.

- *A Literature Review: Examining the literature on how to measure the successful outcomes: quality, effectiveness and efficiency of Legal Assistance Services* (Curran, 2012)

It was also beyond the scope of this project to investigate the literature regarding the evaluation of legal

¹⁴ www.cfcj-fcj.org/cost-of-justice

assistance services reports. However, considering the extent of the literature, it would be useful to incorporate any relevant experience that can be gleaned from those documents. The literature review on measuring successful outcomes that was undertaken by Dr Liz Curran in 2012 may prove a useful starting point (Curran, 2012). Citing the international humanitarian research on outcomes, she urges that "any evaluation should encompass realistic measurement of things that are within a service's function and ability to control... and within their resources to provide." Prepared for the purpose of helping to avert the many difficulties in measuring outcomes, quality, efficiency and effectiveness of legal assistance services, the report includes a final caution that while some of those difficulties may be overcome with care in constructing a methodology, not all will readily submit.

1.1. WHAT IMPACTS ARE BEING ASSESSED?

Critical to measuring the impact of public legal education is identifying the impacts that PLE might have.

a) Literature review

- *Public Legal Education and Information – An Impact Analysis* (Broad, 2002)

In 2002, Dr Gayle Broad developed a framework for understanding the impact of public legal education on individuals and their community. It anticipated a variety of goals of public legal education and indicators of achieving those goals. After reviewing the reasons for PLE identified by McDonald (McDonald, 2000) and Moliner (Moliner, 1997), Broad adopted the following three outcomes as capturing their diversity:

- increase knowledge of the socio-legal issue
- altered perception of the legal system and one's role in it
- development of critical analytical skills leading to behaviour change(s) by audience members

Broad's framework is attached in the Appendix to this report. It consists of a set of questions to be asked in undertaking an assessment of impact. The assumption underlying her framework appears to be that appropriate inputs (like participation of the intended beneficiaries of the initiative), through puts (have the right things been taken into account in designing and developing the initiative?), and out puts (do they fit the intended audience? is the content legally accurate?) will go a long way to enhancing impact.

The first section of the framework looks at ensuring the community appropriateness of the initiative. The second addresses pedagogical appropriateness and the third explores potential outcomes and impact: how many people were reached? What knowledge was gained? Did it meet learners' expectations? Do learners want more? Was the information accurate and did it address misconceptions? Did the initiative develop skills, confidence and leaders within the target audience? Are learners participating in other community activities?

These questions raise issues with respect to the possible scale of the impact, the sites of impact, the nature of impact, and the durability of the impact.

- *Building a Case for PLEI: Lessons Learned Report* (Focus Consultants, 2011)

While various PLE organizations, programs, and specific initiatives have been subject to a variety of types of evaluation over the years, in the past several years, there has been an increasing focus on the challenges and approaches to measuring the outcomes and impacts of public legal activities and products. While the heterogeneity of public legal education activities reflects the responsiveness to the needs of various publics for knowledge, skills, confidence, and experience in engaging with aspects of the justice system, that same heterogeneity makes identifying and measuring all forms of outcomes and impacts complex. In their April 2011 final report, *Building a Case for Public Legal*

Education and Information: Lessons Learned Report, Focus Consultants reported on their review and analysis of 37 recent evaluation studies assembled for them by the Department of Justice, Canada and interviews with 11 key informants. Their findings with respect to the benefits of PLE are reflected in the Table 3 (p. 6) from that report:

Table 3: Stakeholder Perceptions of Benefits of PLEI

| Type of Benefit | Benefit for Whom? Frequency this Benefit | | | |
|---|---|----------|--------------|---------|
| | Individual | Families | Organization | Society |
| Knowledge benefits: | | | | |
| Individuals are better informed, have a better understanding of problems, learn rights and obligations, have a range of options, dispel myths | 9 | 7 | 3 | -- |
| Knowledge of non-court options | -- | 1 | -- | -- |
| Demystify legal system, develop knowledge of system, "Individuals are able to digest information at own speed" | 1 | -- | -- | -- |
| Problem solving: | | | | |
| Individuals can solve their problems | 4 | 3 | 2 | 1 |
| Problems are prevented | 1 | -- | 2 | -- |
| Individuals can be referred, find appropriate resources or help; organization can better facilitate referrals | 1 | 1 | 4 | -- |
| Organizations are more efficient with public, have more skills. | -- | -- | 7 | -- |
| Empowerment: | | | | |
| People feel more empowered, capable, confident, able to protect their rights, actively engaged | 7 | 4 | 3 | 3 |
| Reduces stress, fear, suspicion, vulnerability, alienation | 4 | 2 | -- | 2 |

| Cost: | | | | |
|---|----|----|----|----|
| PLEI is affordable, accessible | 3 | 2 | 3 | -- |
| Less court time (through better preparation, understanding of procedures) | -- | -- | 2 | -- |
| Healthy relationships, citizenship: | | | | |
| Families manage relationships better | -- | 3 | -- | -- |
| Healthier, more skilled, participative citizenry | -- | -- | -- | 5 |
| Increased social cohesion, improved social fabric, improve rule of law | -- | -- | -- | 5 |

Note: Source of data is PLEI Stakeholder Survey. There were 11 respondents, but each respondent identified numerous benefits at each level.

Focus Consultants also provided two tables of types of impacts and outcomes: one for those who use public legal education services and one for providers of other services which can be found in Appendix 1 of their report. Table 1 is entitled PLEI Users and Table 2 is entitled Institutions, Government, Lawyers and Service Providers. Because of their usefulness, both are reproduced below.

Table 1: PLEI Users

| Short term outcomes | | | | | Long term outcomes |
|--|---|--|--|--|--|
| Increased Knowledge and Awareness | Prevention of Legal Problems or More Serious Problems | Increased Satisfaction with the | Increased Sense of Security and Confidence | More Realistic and Effective Use of the Justice System | Resolution of Legal Problems |
| <p>PLEI users develop increased awareness or knowledge about:</p> <ol style="list-style-type: none"> 1. Citizenship, the rule of law in society (rights and responsibilities), and the law as a reflection of Canadian values 2. How legal systems and processes work in Canada 3. Whether there is a legal component to an issue, concern or problem 4. The substantive law and/or legal procedure related to an issue, concern or perceived problem 5. Options: when and where to obtain assistance with a legal problem (e.g. when to self advocate, use an advocacy organization, attempt | <p>As a result of early or timely access to PLEI, users are able to:</p> <ol style="list-style-type: none"> 1. Prevent the development of more serious and longer term legal problems 2. Undertake broader collective actions to achieve broader social goals 3. Anticipate the need for formal agreements or contracts in certain situations so as to minimize future legal problems 4. Save money 5. Avoid or minimize deterioration of social relationships 6. Avoid or minimize emotional stress and other intangible costs | <p>PLEI users feel:</p> <ol style="list-style-type: none"> 1. More with the justice system and process 2. Greater the law/; less from the justice the justice system | <p>PLEI users experience:</p> <ol style="list-style-type: none"> 1. Less trauma during involvement in the justice system 2. More confidence or empowerment about participating in the justice taking appropriate | <p>PLEI users:</p> <ol style="list-style-type: none"> 1. Have more satisfied realistic expectations of the justice system 2. Are able to respect for participate or use legal alienation systems appropriately and system; more effectively trust in (e.g. know where to go, or seek system and appropriate advice) 3. Initiate steps or respond directly to legal procedures 4. Work with or assist others in achieving the collective results resolution of problems | <p>PLEI users, where applicable, are able to:</p> <ol style="list-style-type: none"> 1. Achieve resolution of their legal problems or issues 2. Minimize the effects of legal problems on their lives and the lives of family members 3. Save money, gain compensation, avoid/minimize loss of money, property and/or intangible costs 4. Maintain positive relationships with other parties 5. Avoid or minimize emotional stress and other intangible costs |

Table 2: Institutions, Government, Lawyers and Service Providers

| Short term outcomes | Intermediate/ long term outcomes |
|---|---|
| <p>Service effectiveness and Efficiency</p> | <p>Service effectiveness and efficiency</p> |
| <p>PLEI assists advocacy and service organizations to:</p> <ol style="list-style-type: none"> 1. Provide more accurate legal information to clients 2. Provide more helpful referrals to clients <p>PLEI increases the efficiency of lawyer or legal support services by:</p> <ol style="list-style-type: none"> 1. Enabling clients to readily locate contextual legal information 2. Helping clients understand procedures in which they are engaged 3. Helping clients gather relevant materials for their situation or case 4. Helping clients comprehend the sequence of steps in which they may be involved | <p>PLEI saves court time and costs due to:</p> <ol style="list-style-type: none"> 1. A reduction in frivolous actions 2. The appropriate completion of court forms 3. Self-litigants who are more knowledgeable about procedures 4. An increased willingness of litigants to consider non-court alternatives <p>Through engagement with PLEI providers, courts:</p> <ol style="list-style-type: none"> 1. Become more sensitive to the information and process needs of court users 2. Are able to better accommodate unrepresented litigants |

Notes:

1. "Justice System" is used in the broadest sense, and includes the full range of non-court resolution mechanisms.
2. In addressing an issue, individuals frequently use numerous resources over time. These resources can consist of different types of service provider (government services, community advocates, duty counsel, lawyers), different types of PLEI (paper, electronic, webcasts) and different venues (e.g. workshops, community meetings, libraries, courts). Thus PLEI may be involved in only one or two of any given sequence of steps or actions taken by an individual. Attribution of outcomes to the PLEI activity is often difficult.
3. Even in situations involving only one step, PLEI is often an adjunct to another service. Again, the attribution of outcomes frequently cannot be made solely in relation to the PLEI component.

- *PLE Evaluation Framework (Version 4)*(Collard & Deeming, 2011)
 In assisting the Public Legal Education Network (Plenet) in the United Kingdom set up its evaluation framework, Susan Collard and Chris Deeming suggest that PLE might have impact in:
 - preventing law-related issues from arising or escalating
 - improving access to justice (following through issues as a result of PLE)
 - impacting health, such as changes to levels of anxiety or stress
 - affecting day to day lives of participants and their families, such as reduced levels of friction or arguments in a family
 - affecting employment, improved productivity, reduced stress or anxiety in the workplace

Their work provides a rich source of potential questions that might be used to capture evidence of impact.

b) Key informant interviews, evaluation studies, and internal documents

PLE organizations are becoming increasingly sophisticated in evaluating their activities. Several have developed formal evaluation frameworks that guide either the evaluation of specific initiatives or the evaluation approach that the organization takes to all its activities. Some of these include explicit objectives with respect to determining impact. At least one also includes provisions for assessing the organization's readiness to undertake the kind of rigorous evaluation strategy proposed. In a few cases, generic questions have been identified to promote consistency and comparability of data generated through the specific evaluations.

The interviews of key informants, evaluation studies, and internal documents confirm the findings of Focus Consultants and add considerably to their Tables 1, 2 and 3. Their findings, combined with those in this study are set forth in Table 1: Impacts of Public Legal Education on Individuals and Table 2: Impacts on Collectivities in the Appendices to this report. However, in analyzing the documents submitted in this study, it became apparent that the distinctions between short term, intermediate, and long term impacts might be initiative-specific. For example, in one initiative, the impact on an individual's ability to take action might be immediate; in another initiative it might be not be expected until the long term. Neither initiative is inherently better if their objectives are different. It may be that the former is most appropriate for someone participating in a workshop to equip them to take a next step in a legal proceeding; whereas the latter may be appropriate for someone participating in an initiative intended to raise awareness of legal rights, remedies, and services should the need arise.

As a result, the impacts listed in Tables 1 and 2 of this study contain no attribution as to the timeframe in which they might be expected to occur.

1.2. HOW ARE IMPACTS CURRENTLY BEING ASSESSED?

a) Literature review

The methods public legal education organizations reported using at that time of the Focus Consultants study are shown in Table 10 of their report:

Table 10: Stakeholder Ratings of Effectiveness of Methods to Assess PLEI Outcomes and Benefits

| Method of Assessing Outcomes | Number of Respondents | Respondent Rating of Effectiveness of the Method for Assessing PLEI Outcomes On a 7-point scale: 1=not effective; 7=very effective | | | | Mean Rating |
|---|-----------------------|--|-------|-------|-----|-------------|
| | | Frequency of Ratings in the Following | | | | |
| | | 1 - 3 | 4 - 5 | 6 - 7 | | |
| 1. Focus groups | 11 | 0 | 4 | 7 | 5.6 | |
| 2. Program file reviews, reviews of client records | 7 | 0 | 4 | 3 | 4.9 | |
| 3. Telephone surveys (clients or PLEI providers). | 11 | 3 | 3 | 5 | 4.8 | |
| 4. Web-based statistics (e.g. Google Analytics) | 11 | 4 | 6 | 1 | 4.3 | |
| 5. Feedback forms on PLEI products (workshops, DVDs). | 11 | 4 | 7 | 0 | 4.0 | |
| 6. Brief web-based pop-up surveys (integrated on websites delivering PLEI). | 11 | 4 | 6 | 1 | 3.9 | |
| 7. Web-based surveys hosted on a website. | 11 | 5 | 4 | 2 | 3.9 | |
| 8. Mail-out questionnaires (clients or PLEI providers). | 11 | 5 | 6 | 0 | 3.4 | |

Note: Data source—PLEI Stakeholder Survey

b) Key informant interviews, evaluation studies, and internal documents

Interviews with key informants and the review of the evaluation studies confirm that the methods identified in the Focus Consultants study are still in use but that PLE organizations also conduct interviews with stakeholders and PLEI users and compile case studies.

Key informants indicated that they are sometimes able to use several methods to evaluate a single initiative¹⁵ and a few are able to compile some of their findings to begin to track the overall impacts of their organizations. One includes assessments of several activities that made up an initiative.¹⁶

1.3. ARE THESE MEASURES APPROPRIATE?

Key informants consider the methods and indicators appropriate but not necessarily the best nor sufficient to confirm causal linkages between PLE initiatives and subsequent outcomes. This is partly due to

- project time frames that constrain organizations: at best it is often possible to assess only immediate impacts and, and in doing so, to rely heavily on self-assessments by participants rather than on more sophisticated measures that track the subsequent behaviour of individuals or changes to systems;
- the limitations of the organization's and its partners' capacity to carry out studies: many

¹⁵ See for example, (Atlantic Evaluation Group Inc., 2011)

¹⁶ See for example, (Legal Resource Centre of Alberta Ltd., 2012)

- lack the financial, human resources, technical capability, space, baseline data, or other requirements necessary to assisting in evaluating impacts;
- inability to access or generate data required from courts, school boards, libraries, government agencies, service providers, and other institutions and organizations to confirm self-reported behaviour and to track impacts at collective and system levels;
 - the nature of the challenges of assessing the impact of initiatives that improve access to justice or other justice-related goals: there is no consensus on the meaning of access to justice or even its components; the justice sector lacks a common language and framework for capturing relevant information; and issues of anonymity, confidentiality and vulnerability make gathering meaningful information difficult, if not impossible; and
 - the fact that PLE initiatives are often only one of several contributing to a particular impact: they may be a necessary but not sufficient initiatives to bring about the desired change.

Several key informants indicated that they would like to know more about how to measure impact appropriately.

A few key informants are trying new ways of assessing their impact and do not yet have enough experience to be able to form judgements. In some cases, they have not been able to generate enough data to produce useful results. In other cases, the organization is just beginning to its data from several initiatives. Several advocated for systematic and sustained data collection and analysis, follow up and longitudinal studies, and studies with control groups. A few are members of multi-sectoral initiatives which may track the collective impact of participating agencies. All key informants would like to be able to do more.

Most key informants indicated that they currently derive a great deal of feedback on the impact of their activities through anecdotal means.¹⁷ These include casual encounters with users of resources and services, comments from partners and other service-providers, unstructured observations, and the like. This feedback is often rich in detail and of much use in better understanding the types of impact an initiative might have but provide little or no information with respect to the number of people for whom the initiative has had that impact. Key informants highlighted the importance of this feedback in providing constructive criticism - feedback that some PLE providers consider to be of the most value to them.

Key informants indicated that they would like to share experiences with other public legal education providers with respect to both what is working or not working well for them and their actual findings of impact.

A few key informants are members of multi-sectoral initiatives which may track the collective impact of participating agencies. In one jurisdiction and evaluation was undertaken of the impact of having several PLE organizations involved in an initiative.

¹⁷ Further exploration of these practices may be warranted. Organizations may mischaracterize some of the feedback they receive.

1.4. ARE THEY PROGRAM OR PROJECT SPECIFIC?

Key informants indicated that most of their evaluation activities, including impact evaluations, are conducted at the project or service level. This is a direct function of the availability of funding to do so. While most public legal education organizations receive 'core' funding, in some cases that funding is inadequate to meet core operating costs (salary of the executive director, space, telephone, and office incidentals). Where core funding is more generous, there is often little or no funding available for carrying out evaluation activities, in part, because of specific directives from funding agencies as to how core funds may be used.

There is a growing interest in aggregating findings of evaluations at the organizational level and on assessing the collective impact of all public legal education organizations.

While key informants indicated little experience in doing so, some expressed interest in assessing the collective impact of their organizations and others in addressing issues like domestic violence.

2.0 What commonalities currently exist in the measures used?

There is also commonality among the types of impacts and the kinds of measures used by PLE organizations in identifying and tracking various impacts. Most organizations include questions about the difference an initiative makes in their standard feedback mechanisms: surveys (including pop-up and web-based surveys), workshop feedback forms, and the like. Organizations also make use of google analytics in tracking usage of their web resources.

Organizations make considerable use of Likert scales. However, the scales used, other ways of measuring, and the actual measures vary from initiative to initiative and context to context.

3.0 What measures are applicable to other programs and projects

Organizations often use the same methods and even the same questions to collect responses on a number of their initiatives. Factors affecting the appropriateness of doing so include the literacy levels and cultural norms of the target audience as well as the nature and purpose of the initiative itself.

As the work of Focus Consultants (Focus Consultants, 2011) and Broad (Broad, 2002) suggests, it is may be easier to develop frameworks and other tools for assessing the impact of PLE than to identify 'measures' that would be meaningful across initiatives and jurisdictions. The various charts in the Appendix may help to advance that work.

4.0 Are there measures that can be applied universally?

Key informants and documents reviewed cautioned that no single initiative works equally well with all members of a target group and that a variety of options is often necessary (Community Legal Education Ontario, 2013). Key informants also caution that it often takes repetitions of the same initiative, multiple types of initiatives, or progressive initiatives for the impact to be realized: each initiative is necessary but none is sufficient. Any attempt to standardize impact assessments needs to recognize the interrelationships of initiatives and the importance of repetition, reinforcement,

and progression.

Since their experience tended to be limited to their own jurisdictions, key informants did not feel qualified to comment on the universality of measures, other than to reinforce the caution that context is of critical importance in developing any measure. The review of the evaluation studies suggests that some universal measures may be adaptable for some objectives. Key informants considered that it may be easier to develop quantitative measures that could be universally applied than qualitative measures. However, the caution as to context would need to be taken seriously in any effort to explore this further. For example, one initiative may reduce the amount of time that it takes court staff to process a particular document in one jurisdiction but how much time it takes to process the equivalent document may vary from jurisdiction to jurisdiction. The documents, though similar, may have material differences, the practices of court staff may differ, and the training or experience court staff receive may be sufficiently different to affect the outcome. The ability to even apply the measure may be a function of the size of the jurisdiction, or, for example, the interest of court officials in engaging in the assessment, the volume of applications received, and access to the key court records necessary to link the initiative with information about the actual application. However, since, a number of organizations have undertaken projects to assist self-representing litigants, more specific review of those activities and the measures being used to assess their impact may be appropriate.

As previously noted, it may be more productive to develop common frameworks and tools for tracking the impact of public legal education rather than specific measures. It may be possible to standardize certain questions so that they could be used, deliberately if not universally, and data aggregated across initiatives and jurisdictions.

5.0 Which measures could/should be strengthened or improved? If so, how?

a) Literature review

The tables developed by Focus Consultants were used as prompts in conducting this study and have been expanded as a result. The expanded tables should not be assumed to be complete, but rather used to stimulate thinking about other sites where PLE might have an impact. Revisiting these tables from time to time would assist public legal education providers, policy makers, service providers, law reform bodies, and funders expand and refine their understanding of the impact of public legal education.

b) Key informant interviews, evaluation studies, and internal documents

All key informants indicated that they would like to be able to undertake more systematic and sustained impact evaluations. Several organizations have substantial experience with aspects of formal impact assessments, particularly the development of organization-wide evaluation frameworks and strategies for assessing impact, the use of logic models, the impact of collective efforts, and the impacts that resulted from specific initiatives. Key informants indicated that they would likely benefit from sharing of evaluation models and tools and from being able to access more

professional assistance in designing evaluation frameworks and instruments and in analyzing and interpreting data.

Some key informants indicated that they would like better instruments, others they would like more rigour and sophistication in their evaluations, and the internal capacity to undertake them on a systematic and sustained basis. While organizations may be able to capture some relevant information on immediate impacts, few are in a position to track beyond the duration of the initiative at which time intermediate or long term impacts might become discernible.

Key informants noted that to a large extent they must rely on the self-reporting of participants as to whether they the initiative made a difference to their experience in access in justice. This is due in part to the difficulty they reported having in accessing certain kinds of data and databases that currently exist within the justice system whether those are records of legal service agencies or court records. For example, access to court records is necessary to track the relationship between participation in an initiative aimed at improving self-represented litigants' ability to properly complete documents necessary for making certain kinds of court applications. Searching the records of each participant individually to determine the results of their application efforts is time-consuming and expensive for the organization. Inability to access those records makes it difficult to trace the impact of a specific initiative on what may be reported as trends by court staff.

Key informants also noted that they are unable to make any assessment of the 'soundness' of the decision a participant might make as a result of an initiative. Was someone deterred from proceeding to court because that would not produce a desired outcome or were proceedings abandoned because the process itself was perceived as too complex and intimidating? Did the user of the initiative pursue an alternative successfully? Was that truly a better option when considered objectively by someone familiar with the merits of the case and the factors affecting the choice? Were rights, interests, or remedies compromised? What benefits offset any costs? Nor are evaluation processes sufficiently lengthy or intense to track whether the participant was satisfied with the result of pursuing another option. Similarly, evaluations that track a participant's self-assessment of readiness to carry out a professional or service role often lack the means to objectively assess that competency. Do intermediaries actually conduct better intake interviews, basic research, or problem-solving initiatives as a result of training they receive?

Some key informants noted that the information they capture on the use of their web sites is not as helpful as they would wish. They are looking for other means of engaging with users that are not perceived as intrusive and that do not interfere with the actual experience of using the site.

Key informants indicated a desire to find better ways of capturing and legitimizing what they characterize as 'anecdotal' feedback. They would also like to know more about identifying and using appropriate proxies for measurements that are too expensive to take directly.

6.0 Which measures could be adapted for use across jurisdictions, audiences, or formats?

No specific measures were identified as being adaptable across jurisdictions, audiences, or formats. Further work would need to be undertaken to examine questions used to assess impacts to determine whether some standardization might be feasible. Some organizations are beginning to

compile data from various initiatives, but the experience to date is limited. However, as has been noted some tools currently being used might be adaptable.

a) Literature review

As already noted, the tools developed by Focus Consultants and Broad could be used more broadly provided they continue to be updated and care is taken in adapting them to the particular context in which they are to be used. Further examination of the work done by Curran and Deeming might also be fruitful.

b) Key informant interviews, evaluation studies, and internal documents

PLE providers have a strong interest in sharing their theories of change, logic models, and the tools and instruments they use for assessing the impact of their work. Additional work would be needed to assemble and appropriately catalogue those documents. Key informants were cautious, though, in assuming that actual measures would be applicable across jurisdictions, audiences, or formats. They saw quantitative measures as being the most likely to be adaptable. Measures such as improvement in completing documents, decision to access more legal assistance, time saved in processing documents, lower stress/frustration levels of parties and court staff might be applicable in a number of contexts but not universally as not all initiatives have the same objectives nor characteristics.

Key informants cautioned that some measures, like 'hits' on a website or time spent on a web page may be misleading. Indeed, for some web sites, the more time spent on a content page, the better (up to a point) but the less time the better on a portal site. Similarly, the number of clicks through a site might indicate that the user is following the path intended. In other cases, it might indicate difficulty in finding what is needed.

Some key informants indicated that they find even basic information about the location of users of their services is helpful in assessing their potential impact. For example, failure to attract users from a certain geographic areas of their province or demographic segment of their population is likely an indication that they are having little or no impact in those communities. While subsequent marketing and increase in use of services increases the likelihood that the initiative is having an impact, it does not, of course, ensure it.

Most organizations use simple survey and feedback forms to monitor user satisfaction with initiatives. Most questions tend to focus on ways to improve the quality and accessibility of a resource or service - the first step in having an impact. Consideration could be given to introducing a few questions to probe the anticipated or actual usefulness and impact of the initiative. Drop down menus or forced choice questions on surveys might help to make the questions seem less intrusive.

7.0 Are there risks associated with national adaptation of measures?

Key informants expressed considerable interest in sharing more information about their evaluation strategies, frameworks, methods, tools, and other resources to advance the practice of impact evaluation in the field of public legal education specifically, and access to justice more generally. However, they recognized that attempting to create national measures would carry the risk of homogenizing PLE; marginalizing some key PLE objectives; and inhibiting innovation. Key informants also expressed concern that universal measures might lead to inappropriate generalizing of findings.

Key informants noted that public legal education providers would need to be fully engaged in that process for it to be meaningful. Any movement to adopt national measures would need to be well-grounded in the critical importance of context in assessing impact and would need to be of immediate practical benefit to PLE organizations. Of particular interest would be the development of practical tools. However, their capacity of PLE organizations to participate in any such initiatives is severely strained due to chronic under-funding.

Context also makes considerable difference to the approach a PLE organization can take in achieving its objectives. For example, in a jurisdiction that has an extensive, community-based legal aid service, a PLE strategy for enhancing access to justice might emphasize raising awareness of legal rights, remedies, and the services available to access them. In a jurisdiction with a more limited legal aid service, the PLE organization may have to not only raise awareness of rights and remedies but develop self-help resources so people can access applicable remedies. In jurisdictions with extensive internet coverage, web-based strategies may have more impact than in those that do not, though not likely with all target groups.

There is also concern that the focus of national adoption of measures will be on the impact of PLE on the experience of self-represented litigants and that other objectives of PLE will get marginalized.

8.0 What challenges exist that would prevent comprehensive adoption of common measures?

Some key informants noted that there is a serious risk in **not** moving forward in undertaking some type of national effort to capture the impact of public legal education. Funders are looking for ways to cut costs and for ways to do things more efficiently. Key informants believe that PLE has a significant contribution to make in deciding when best to use PLE and for what purposes. Formal needs assessments, summative and impact evaluations, project and annual reports, and forms of PLE research are indicia of, but by no means constitute, the knowledge possessed by PLE providers about the benefits of their work. However, their capacity to participate in developing common measures is severely constrained. For many organizations the reality is that project funding and development cycles leave little room for formal follow up activities that track the actual impact of an initiative. Few organizations have core funding that they can apply to this function which is seen to be both relatively expensive and complex. Limited or no funding together with competing demands on the time of staff, impedes all organizations in doing as much evaluation as they might like.

Both the literature and the advice of key informants suggest that efforts to adopt national measures will be fraught with problems. Key among these are the differences in the legal environments, the socio-economic and geographic contexts, the wide variety of objectives being pursued by PLE organizations, the lack of a common lexicon, and the difficulty in getting funding for nation-wide initiatives. The relative value placed on PLE objectives by funders and stakeholders and competition between members of the justice sector for funding provide a political dynamic that may make it difficult to build the level of trust required to adopt common measures.

The current capacity of organizations to undertake impact evaluations ranges, with some

organizations having little or no capacity to those with in-house expertise. For many organizations the reality is that project funding and development cycles leave little room for formal follow up activities that track the actual impact of an initiative. Few organizations have core funding that they can apply to this function which is seen to be both relatively expensive and complex. Limited or no funding together with competing demands on the time of staff, impedes all organizations in doing as much evaluation as they might like.

Focus Consultants identified a number of obstacles public legal education organizations encounter in conducting research with respect to outcomes and impacts. These have been summarized in Table 7 on page 10 of their report, and is reproduced here.

Table 7: Key Respondent Ratings of the Significance of Barriers to Conducting PLEI Outcomes Research

| Potential Barriers | Number of Respondents | Respondent Rating of Significance of the Barrier On a 7-point scale: 1=not a significant problem or barrier; 7=very significant problem or barrier | | | |
|---|-----------------------|--|-------|-------|-------------|
| | | Frequency of Ratings in the Following | | | Mean Rating |
| | | 1 - 3 | 4 - 5 | 6 - 7 | |
| 1. Programs and services lack the funding to do outcomes-based research. | 11 | 0 | 2 | 9 | 6.5 |
| 2. PLEI outcomes can take years to surface. | 11 | 0 | 3 | 8 | 6.0 |
| 3. Programs and services lack the time to do outcomes-based research. | 11 | 1 | 3 | 7 | 5.9 |
| 4. Confidentiality and privacy issues may limit research involvement. | 11 | 1 | 5 | 5 | 5.5 |
| 5. There is a lack of data collected by programs (e.g. baseline client/service data). | 11 | 2 | 3 | 6 | 5.3 |
| 6. There are difficulties identifying, contacting or engaging clients in research. | 11 | 2 | 4 | 5 | 5.3 |
| 7. There is a lack of understanding of the methods that best measure outcomes and benefits. | 10 | 2 | 5 | 3 | 4.9 |
| 8. There is a lack of research expertise to conduct outcomes-based research. | 9 | 3 | 3 | 3 | 4.7 |
| 9. There is a lack of understanding about what outcomes research consists of. | 11 | 3 | 4 | 4 | 4.5 |
| 10. There is a lack of priority placed on outcomes- based research by programs/services. | 10 | 4 | 4 | 2 | 4.0 |

Note: Data source—PLEI stakeholder survey.

Those barriers are exacerbated by what is perceived to be characteristics inherent in public legal education. Table 8 on page 11 of the Focus Consultants' report summarizes this information.

Table 8: Characteristics of PLEI that Make Outcomes Research Difficult, and How to Address Them

| Characteristics of PLEI that are Difficult | Frequency N=11 (more than one) | Stakeholder Suggestions About How to Address This Issue in Outcomes Research |
|---|---|--|
| 1. PLEI is part of multi-layered delivery of legal services and/or has multiple outcomes itself: <ul style="list-style-type: none"> ▪ difficult to track the PLEI component ▪ research tends to focus on the simplest components to measure ▪ users of PLEI may not remember the earlier stages of problem-solving when they used PLEI, or forget the sequencing of PLEI usage | 5 | <ul style="list-style-type: none"> • Sponsor joint research initiatives. • Put more effort into clarifying the objectives of PLEI within the service layers. • Have respondent focus on the sequence of decisions used to solve their problem, which may help to clarify when they used PLEI. Prompt respondent with checklists. Help them connect their actions with the resources used at that point. |
| 2. Long term aspect of many PLEI impacts: <ul style="list-style-type: none"> ▪ Can't get data within research period or within funding cycle | 4 | <ul style="list-style-type: none"> • Fund longer-term research. • Separate research funding from project. |
| 3. Attitudes and behaviours are targeted outcomes of PLEI, but are harder to measure than knowledge. | 3 | <ul style="list-style-type: none"> • Separate out focus of research in terms of attitude change: individuals, organizations, society. • Focus on changes in individuals • Gather more longitudinal data at societal level related to a PLEI campaign. • May need to develop proxy measures for attitude change. |
| 4. PLEI users are often "anonymous" and cannot be identified. | 2 | <ul style="list-style-type: none"> • Do user testing when developing products, courses or forms. |
| 5. There is a lack of research expertise within PLEI organizations. | 2 | <ul style="list-style-type: none"> • If research is done in-house, provide education for staff. • Use evaluation specialists. • Provide adequate budget. |
| 6. PLEI is often delivered through intermediaries. This means it is not effective to plan research independently from intermediaries | 2 | <ul style="list-style-type: none"> • Collaborate with intermediaries both to plan research and to contact recipients of PLEI information. |
| 7. Real outcome information requires contact with users, which involves privacy issues | 2 | <ul style="list-style-type: none"> • Anticipate more substantial time commitment to deal with those issues. |

| | | |
|--|---|---|
| 8. There is insufficient priority given to outcomes research: <ul style="list-style-type: none"> ▪ Often built in afterwards, necessary data not collected; then it is too late ▪ Lack of baseline information | 2 | <ul style="list-style-type: none"> • Build data collection into funding and decisions from the beginning. |
| 9. Researchers and PLEI providers are often in different “silos” or cultures. | 1 | <ul style="list-style-type: none"> • Need to build more collaboration, appreciate each other’s professional standards. |

Note: Data source—Stakeholder Survey.

The characteristics of some of the audiences with which public legal education providers engage also makes evaluating outcomes and impacts difficult. Table 9 found on page 12 of the Focus Consultants' report summarizes these characteristics.

Table 9: Characteristics of PLEI Audiences that Make Outcomes Research Difficult, and How to Address Them

| PLEI Audiences that Make Outcomes Research Difficult | Frequency (N=11; more than one answer possible) | Stakeholder Suggestions About How to Address This Issue in Outcomes Research |
|--|--|--|
| 1. Immigrants, multicultural, ethnic users: <ul style="list-style-type: none"> ▪ language may be a factor in understanding research questions ▪ research is especially difficult in regard to groups with small populations ▪ some populations are distrustful of police, community organizations, researchers with questions | 7 | <ul style="list-style-type: none"> • Use translator and/or interpreters in research. • Include components that address adaptation issues both in service delivery and research. • Establish connections through trusted intermediaries or cultural leaders. • Use cultural research advisory team. |
| 2. Youth, at risk youth, children: <ul style="list-style-type: none"> ▪ frequently requires parental consent ▪ takes a long time for many outcomes to become evident | 5 | <ul style="list-style-type: none"> • Undertake longer term research where appropriate. • Select well designed and articulated programs related to attitude change, and build research around them. |
| 3. Aboriginal/Northern populations: <ul style="list-style-type: none"> ▪ language, trust, cultural issues ▪ in larger studies, Aboriginal participants may not be well represented | 3 | <ul style="list-style-type: none"> • Research needs to develop trusting relationship. |

| | | |
|--|---|---|
| 4. Respondents with literacy problems. | 2 | <ul style="list-style-type: none"> • Use plain language. • Use interview, group or informal methods. |
| 5. Mass or anonymous audiences, society at large. | 2 | <ul style="list-style-type: none"> • Break into smaller target groups for research purposes. • Develop feedback forms for certain materials (e.g. brochures). |
| 6. People who are under stress. | 1 | <ul style="list-style-type: none"> • Acknowledge, both in PLEI delivery and in the request for research follow-up, the level of stress individuals are undergoing. |
| 7. Victims of violence: <ul style="list-style-type: none"> ▪ Ethical issues ▪ Tracking issues | 1 | <ul style="list-style-type: none"> • Collaborate extensively with service provider to establish trust and respect confidentiality of the respondent. |
| 8. Wills and estate issues. | 1 | <ul style="list-style-type: none"> • Use individual follow-up. |
| 9. Audiences that use web-based resources: <ul style="list-style-type: none"> ▪ difficult to get beyond output and usage data | 1 | <ul style="list-style-type: none"> • Team up with experts in the field of information studies. |

Note: Data source—Stakeholder Survey

As this suggests, the challenges in adopting common measures are considerable and lie in:

- assessing the relative costs and benefits of conducting proposed impact assessments. Key informants recognized that the real benefit of undertaking more substantial impact assessments lies in making a better business case for PLE. They expressed skepticism that it would contribute much to improving the quality of their initiatives. Might the allocation of funding toward impact evaluation reduce the amount available for designing, developing, and conducting the initiative itself, thereby, ironically, reducing its impact? PLE stakeholders need to be convinced that the benefit to be derived from this initiative would be worth the cost of doing so;
- obtaining funding to do so. Key informants report reduced funding for both ongoing and new initiatives and little if any capacity to add 'one more thing' to their list of un-resourced activities. Funders need to provide additional resources if organizations are to undertake impact evaluations or work together to identify measures that might be appropriate across initiatives and jurisdictions;
- the diversity of objectives to which PLE initiatives are directed. As Curran (Curran, 2012)notes,
 - Within a legal assistance service different objectives and intentions can sit behind each program. Therefore, they cannot be measured as a 'lump' without first understanding the very nature, diverse ways of engaging that are required to target different client groups, complexity, layers and imperative and funding requirements that drive each of the many parts.

The tables of impacts contained in the Appendix confirm the relevance of Curran's insights to assessing the impacts of PLE in Canada. Nor can that list be taken to be comprehensive. Generating common measures for all of those objectives would not likely be feasible; one or more would have to be selected to test the feasibility and usefulness of developing common measures. Care must be taken too, that in selecting a potential objective, that the results do not

skew funders' interests in funding particular initiatives.

Getting stakeholder agreement to pursue common measures should not be underestimated. While the major PLE organizations have developed productive relationships over the years and are willing to share their experiences, they also compete for funding from the same sources. From time to time, funders contribute directly to the tension between organizations. There are also significant differences between jurisdictions as to the acceptability of some of the objectives pursued by PLE organizations. The recent and continuing experience of PLE groups in responding to the needs of self-represented litigants suggests that this phenomenon is viewed quite differently in some jurisdictions from others making certain PLE initiatives more welcome in some than others;

- developing appropriate measures for selected objectives, initiatives, and sites of impact. Collard and Deeming (Collard & Deeming, 2011) caution that
 - some measures for evaluating impact rely on self-reporting by participants, a somewhat unreliable method and one that is difficult to validate; and
 - assigning an economic value to benefits is particularly difficult.

Curran (Curran, 2012) notes a number of very particular barriers to developing methodologies and measures for assessing the outcomes and impacts of various access to justice services:

- the lack of common language with which to articulate results
- the lack of a framework for capturing results
- the difficulties in measuring and proving success
- the prevalence of factors external to the service that influence its outcomes
- the significant burdens that evaluation imposes on providers and that detract from service delivery

Curran urges that evaluating outcomes needs to be adaptive, not fixed and remote from the realities of practice (Curran, 2012);

- responding to the evolving nature of some initiatives. Often a proposal or plan for an initiative includes an evaluation plan. However, as the planning and delivery of an initiative respond to stakeholder input and feedback, changing conditions, and external factors, the evaluation plan may also require adjustments.
- distinguishing between immediate, intermediate and long term impacts. As has been noted elsewhere, what might be an immediate impact of one initiative may be an intermediate or long term impact of another. Collard and Deeming further caution that linking immediate and intermediate impacts to long term impacts is probably the hardest part of the process.

They note that the task is made more difficulty by the fact that PLE projects are typically small-scale, local initiatives and that it is inadvisable to generalize from individual PLE projects or programs in terms of changes to legal capability or to any wider impacts;

- adequately accommodating different contexts. PLE initiatives do not exist in a vacuum but rather in a variety of cultural, geographical, economic, and legal contexts that will influence the availability of data, the appropriateness of research strategies, and the applicability or adaptability of a measure; and

- identifying or attributing the particular contribution of any particular PLE initiative may be impossible. Not only might it take time for an impact to be realized, that time may differ considerably between beneficiaries of an initiative. Moreover, it may take repeated or multiple initiatives, sometimes by several agents, before a desired impact occurs. Each may be necessary but not sufficient.

Key informants confirm the Curran's findings: any attempt to develop common measures has to take into account the diversity of PLE purposes. Different measures would be needed to assess that variety of intended impacts. It would also have to accommodate a broad range of unintended consequences, some of which may overlap with intended consequences of other initiatives.

The primary challenge in developing common measures for assessing the impact of public legal education identified by participants in this study relate to the cost of doing so. Participants report that although funders expect initiatives to be evaluated, they are often reluctant to provide the funding to undertake that evaluation. Rigorous evaluation is expensive and time-consuming. While many organizations have processes in place to undertake at least rudimentary assessments of the immediate impact of some, if not all of their activities, few have the resources to assessing medium and long term impacts. The allocation of staff time to evaluation activities reduces the time available to provide whatever service is being assessed. Often the skills required to carry out an initiative do not include those required to assess it. If the project funding does not cover the cost of the evaluation, the organization's core funding may not cover it either. Some organizations noted some challenges in changing their culture to value collecting data. The lack of adequate resources to assist in doing so adds to the challenge of shifting the culture.

It was noted that some measures might be easier to use in some jurisdictions than others, for example, reduction in time required by court staff to process applications and in time required to hear applications. There is some concern that early efforts to capture impact may be flawed and that decision-makers may use the results inappropriately.

PLE organizations are funded by a diverse group of government agencies, law foundations, and both public and private foundations. While PLE organizations have some ability to influence how those funders may evaluate their initiatives, there is no consistency among funders as to the type of evaluation they wish to see, what objectives they want achieved, how they want progress measured, etc.

Commentary

There is considerable variation in the understandings of impact evaluation within the PLE community. Some see it as the expensive, sophisticated long-term tracking of outcomes and impacts that require use of appropriate sampling, control groups, and precise measurement and that isolate significant external influences. Others believe that simply approaches can still yield useful results. However, most key informants believe that meaningful impacts may not be discernible for several years - periods of time well beyond the scope of any project funding they may have received to carry out an initiative.

Practically speaking, most key informants reported having to rely on testimonials as to how information was used as one, if not their main indicator of impact. Informal and anecdotal feedback gives organizations at least a sense of the types of impact their initiatives may be having. While organizations may not formally assess those impacts, consistency in feedback whether positive or negative is considered useful in improving initiatives and increasing impact;

In addition to discussing their experience with impact assessments, key informants were asked about their experience with other forms or components of evaluation. All indicated familiarity with formative and summative evaluations, process evaluations and output evaluations although they may have used other terms for them or no particular terms at all. They were prompted to discuss several particular evaluation-related concepts.

- Logic models

Participants were prompted to comment on their use of logic models. All organizations have some experience with these tools, mainly because they are required either explicitly or by virtue of the information required in making funding applications. Participants advised that different funders have somewhat different requirements in that regard. Some funders are very directive with respect to the range of outcomes they desire;¹⁸ others leave it to the applicant to specify their own. In the former case, the experience of some key informants is that knowing what funders are interested in achieving is very helpful but in other instances the requirements produce logic models that are not useful to the organization in designing, managing, or assessing their activities. Some key informants queried the usefulness of logic models when their use was not accompanied by funding with which to track impacts. In these contexts, logic models were seen as merely exercises in speculation. Some key informants find the exercise of developing logic models to be artificial and contrived, and not helpful in identifying what is working well and what is not. At least one organization has embraced the use of a logic model as part of its evaluation framework and is centralizing its capacity to carry out impact and other evaluations.

Several key informants expressed interest in being able to access the logic models developed by other organizations and are willing to share theirs. Some key informants expressed interest in knowing how funders use the logic models and would like to access any data or other material generated by the funder.

Logic models call for a distinction to be made between immediate, intermediate, and long term impacts. As Focus Consultants' tables demonstrate, there appears to be a tendency to equate those

¹⁸ For example, the Ontario Trillium Foundation: otf.ca.

with impacts at the individual, system, and societal levels: impacts on the individual are seen to be more immediate than those on the system, and that societal change will be longer and slower in coming. In fact, the time frame in which an impact may be experienced by an individual may vary even within a given initiative: it may have immediate impact for some, but take longer to affect others. Even immediate impacts may be the result of several initiatives, none of which is necessarily more responsible for the impact than the others. As for the length of time it takes to have an impact on the system, the evaluation of the Family Law Information Hub in New Brunswick suggests that impacts can be felt immediately at the system level - at least on the workload and stress levels of court staff. In fact, as one key informant noted, an initiative may be so effective at the system level that it is easy to forget that its real purpose was to empower individuals. It is also easy to suppose that concrete impacts occur more immediately than abstract impacts. As a result, Tables 1, 2, and 3 capture the impacts on the basis of the level at which they occur, rather than on the time frame in which they might be experienced. This may be more useful to public legal education organizations in identifying potential impacts. They would then need to consider the time frame in which they might occur for the particular initiative under consideration.

- Theory of Change¹⁹

As the Treasury Board guidelines for carrying out evaluations asserts, "every program is based on a set of assumptions, risks and external factors that describes how and why the program is intended to work" - that is, on a theory of change. "This theory connects the program's activities with its goals. It is inherent in the program design and is often based on knowledge and experience of the program, research, evaluations, best practices and lessons learned." While every initiative may, in fact, be based on a theory of change, not all users of logic models articulate their theory of change and, indeed, not all versions of logic models call for them.

Logic models are often built on the basis of a particular activity, whether that is a product, program, or other type of initiative. The selection of the activity may be based on an assessment of the needs of a particular group with little or no examination of the assumptions that underlie the group's claim to service or the consequences of meeting its needs. Indeed, meeting those needs may only be loosely coupled to an organization's mandate rather than to an articulated theory about the change that the activity or even the organization is seeking to bring about. It is very difficult under those circumstances to then assess the impact the activity has other than to assert that it meets that need. A theory of change approach works at a higher level of analysis and begins with the kind of change or impact the organization wants to have, why, and how it intends to effect that change. Any particular activity, then becomes a tactic of a broader strategy. Taken together a series of activities might then contribute to achieving the desired impact.

Theories of change not only set out the activity and its intended impact but state why that activity is expected to have that impact. Theories of change can be very simple or more complex. They can make it obvious that the proposed initiative will only contribute to achieving the desired outcome or will directly cause it. They can articulate the particular combination of initiatives that are needed and the contribution the proposed activity will make. It helps to identify potential collaborators.

Some use of theories of change is being made by some PLE organizations. However, that experience is too recent or too idiosyncratic to assess its usefulness. Theories of change implicit in PLE activities

¹⁹ For more information see resources such as *Theory of Change: A Practical Tool for Action, Resources, and Learning* (Organizational Research Services, 2004).

include:

- individuals cannot access the justice system if they do not know they have a legal problem or that there are services that can help them access legal remedies. PLE can therefore increase access to justice by helping people recognize their legal problems and by providing information on the services available to help them access appropriate legal remedies
- a better understanding of the justice system will result in increased access to justice and a stronger democracy
- Improving dialogue between vulnerable sectors of the public and the justice system will result in a more responsive system
- a positive first experience with the justice system will improve future access when the need arises
- building legal capability and fostering dialogue are critical to engaging the public with the justice system

- Collective impact

Collective impact is an approach that requires all participants, usually from different sectors, to have a shared vision for the change they are seeking. It is distinguished from partnerships and other forms of collaboration where participants work together on a particular initiative or initiatives. Collective impact strategies are characterized by a common understanding of a problem and the agreement of participating agencies to direct their efforts toward pursuing a common agenda, coordinate their activities, and share lessons learned (Hanleybrown, Kania, & Kramer, 2011).

While some study participants are aware of this approach, the trend among PLE providers at this stage is to find ways to track and aggregate the collective impact of their own initiatives, or of the impact of collaborating on initiatives undertaken with other organizations.²⁰

- Developmental Evaluation (Patton, 2010)

Proponents of developmental evaluation argue that initiatives directed at complex problems that occur in dynamic environments cannot be nicely tied down in logic models and that like. They argue that developmental evaluation is particularly useful in situations where the outcomes are emergent and changing. It is particularly well-suited for helping to monitor the connections between short-term outcomes and longer-term social change efforts. The emphasis in Developmental Evaluation is on documenting decisions and formalizing the learning and the knowledge-bases that drive decisions.

Key informants indicated that this approach has intuitive appeal as it reflects the dynamics of the social and funding environments in which they operate. However, none reported experience in using it.

- Other related forms of research and evaluation

²⁰ The City of Toronto has adopted a collective impact approach to addressing the needs of youth: (City of Toronto) A special issue of *The Philanthropist* to be published in May 2014 will discuss contemporary thoughts on this strategy.

Key informants were not prompted to discuss their experience with participatory research, utilization-focused evaluation, or appreciative inquiry, but at least one key informant indicated some experience with these. Key informants were not prompted to discuss their experience with decision trees and none volunteered having any.

Conclusion

Determining the impact of public legal education has been a matter of discussion since at least 1984 (Currie & Roberts, 1984) and practices for doing so have evolved considerably. The expertise in the field is substantial, but not universal. A wide variety of methods are being used to collect information about the impact of various public legal education activities and most organizations use several of them. Some organizations have been assisted in designing and conducting evaluations by professional evaluators. In some instances, they have been able to adapt those for use with other initiatives; in still other cases, organizations have developed their own in-house approaches, tools, and instruments. For the most part, evaluations take place within organizations at the project or service level, with a few organizations aggregating some data.

There is sufficient experience across programs and jurisdictions in the use of logic models, focus groups, interviews with key informants, surveys, feedback forms, and web analytics to warrant further examination of these practices. There may be some value in further discussion and cataloguing of indicators of impacts. However, standardizing measurements would likely be difficult as conditions vary so widely between objectives, initiatives, and jurisdictions.

What is needed most at this stage is the infrastructure to sustain the efforts of PLE organizations in sharing their evaluation frameworks, strategies, methods, instruments, and data. The Public Legal Education Association of Canada is the primary means through which this can be accomplished. However, it does not currently have the resources to perform this function.

Impact studies also need to be conducted to further examine the instrumental benefits of PLE, its symbolic value, and collateral benefits. Studies are needed that look at both the tangible and intangible impacts PLE offers individuals, families, organizations, communities, and various systems. Studies would also need to consider the contribution PLE makes to the public's understanding of the role of law in sustaining our democratic way of life and to the symbolic significance of making knowledge of the justice system widely available.

Studies are needed that address not only intended but unintended impacts, and to tease out the contribution that PLE makes to collective impacts. Some impacts may be the result of a single initiative, but many result from a combination of the activities undertaken by the PLE organization, from the collective efforts of PLE providers nationally, or from the combined efforts of multiple agents.

To get a real sense of the impact of PLE, it is necessary to look at strategies for assessing collective impact and attributing the contributions of the various individuals, organizations, and sectors, their respective roles, and the various activities that played a part in achieving a common goal. It is also necessary to identify and assess the influence of external factors entirely outside the influence of the collaborators.

Assessing the impact of public legal education will require the substantial and sustained commitment of public legal education providers, their partners, and funders. Funders play a key, but undervalued, role in advancing the effectiveness of PLE initiatives. PLE suffers for lack of a research base, but building that body of knowledge requires an investment of resources that has

not been forthcoming to date.

Opportunities and Challenges for Moving Forward

Key informants included in this study indicated a strong interest and willingness to collaborate in improving the assessment of the impact of public legal education. However, all noted limited capacity to do so. Without additional funding to support an ongoing community of practice, to build collective capacity, and to undertake systematic and sustained evaluations, progress in evaluating the impact of PLE will be sporadic, initiative-specific, and localized.

While key informants are keen to continue to work together to improve their ability to evaluate PLE initiatives, they are concerned that efforts to find common measures may have detrimental effects. They expressed concerns that what can be most easily measured will be most valued, that funders and others will misunderstand the complexities of the factors that affect impact and that findings will be used prematurely to support decisions, and that initiatives that can be proven to be effective for achieving particular objectives will be favoured over initiatives directed to objectives that may take longer to realize or that may be too nebulous to track but which may be critical for maintaining public support for the rule of law. They are concerned that the overall effect may be to homogenize and narrow the nature and impacts of PLE.

Key informants are also concerned that funding for an impact evaluation will reduce the funding available for the initiative itself, thereby reducing its impact and, perhaps, jeopardizing future funding. Key informants would like to know more about what use will be made of findings? Will those who rely on them realize the limitations of the assessment? Success in building collaborative relationships among the PLE community, the justice sector, and funders will be critical to enhancing the impact of all their efforts to improve access to justice.

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Appendices

Appendix 1: Impact Evaluations Reviewed

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Appendix 2: DRAFT FRAMEWORK FOR ASSESSING THE COMMUNITY IMPACT OF PLEI

Identifying the goals of the initiative:

1. What is the goal(s) of this PLEI initiative?
 - a) knowledge growth
 - b) perceptual change(s)
 - c) behavioural change(s)

Ensuring community appropriateness of the initiative:

2. Who participated in establishing need and setting the goals? I.e., target audience, intermediaries, community leadership, PLEI providers?
3. How were the goals identified?
4. Did you collaborate with others/intermediaries who are connected with the target audience in the production, distribution and/or delivery of the programme, materials or initiative?
5. Was the community leadership involved?
6. Has the delivery agent considered where the information would be most readily available to the target audience?
7. Has it taken into account the literacy level and preferred language of the target audience?
8. Are legal terms explained in a way that is meaningful to the target audience?
9. Is it delivered in a "safe place" such as a community centre, or a place where the target audience is already familiar and comfortable?
10. Is it delivered by an educator who is already known to, and has developed a relationship of trust with the audience?

Ensuring pedagogical appropriateness:

1. Is the material/presentation/program tailored to the developmental stage of the target audience?
2. Does it employ a variety of teaching methods?
3. Have peers been invited to review the PLEI initiative prior to implementation?
4. Have social, economic and cultural factors been considered in the provision of the information? (e.g., childcare needs, transportation costs, differences in belief systems)
5. Have other community members, such as family, friends and intermediaries been made aware of the initiative?
6. Are follow up materials, sessions or information planned and available?

Assessing the impact on knowledge, perception and behaviour

1. Who and how many people is it reaching?
2. What knowledge has been gained?
3. Is it meeting the expectations of the learners?
4. Have learners been asked for feedback on other PLEI that may be needed?
5. Have the materials been reviewed for legal accuracy?

6. Does the initiative address common misconceptions about the issue?
7. Have efforts been made to reach other service providers?
8. Is it helping to develop skills, confidence, leaders within the target audience?
9. Are learners initiating new/more PLEI?
10. Are intermediaries initiating new/more PLEI?
11. Is it motivating learners to participate in other community

Appendix 3: Impacts of Public Legal Education

Table 1: Impacts of Public Legal Education on Individuals

| | | Knowledge awareness, information, comprehension, application, synthesis, evaluation | Skills demonstration, practice, mastery | Affective Domain values, attitudes, self-perceptions, demeanour | Capabilities combining k,s,a with the freedom, opportunities, and resources to achieve desired outcomes | Cumulative Benefits |
|-----------------------|---------------------|---|---|--|---|---|
| General public | as citizens | <ul style="list-style-type: none"> · role of law in a democratic society, · the justice system · general areas of substantive law, legal processes, rights and responsibilities, and optional paths to justice · roles of individuals engaged in justice processes · common myths about justice · sources of legal assistance | <ul style="list-style-type: none"> · ability to identify justice-related component of an issue · ability to critique justice-related initiatives · able to anticipate the need for legal assistance · ability to ask better questions | <ul style="list-style-type: none"> · confidence in and support for the rule of law · appreciate of law as a positive social practice · changes in perceptions of the justice system and the people who work in it · appreciate of the responsibility of citizens for the justice system · change in perception of what the law is, where it is manifest, who is involved, how they are involved, what constitutes legal help, and when help might be needed · motivated to participate | <ul style="list-style-type: none"> · capable of engaging effectively in law-making, policy development, administration of justice, law reform, and informed and critical dialogue about justice-related matters | <ul style="list-style-type: none"> · informed and engaged citizenry · widespread confidence in and support for the rule of law · greater respect for the law · increase in law-abiding behaviour and regulatory compliance |
| | as consumers | <ul style="list-style-type: none"> · requested areas of substantive law, legal processes, rights and responsibilities, and optional paths to justice · sources of legal assistance | <ul style="list-style-type: none"> · ability to recognize a legal problem · ability to access appropriate legal service or resource · ability to communicate effectively with other party · ability to solve problems · ability to minimize the effects of legal problems on their lives and the lives of family members | <ul style="list-style-type: none"> · empowerment/self-confidence/motivation · confidence in and support for the rule of law · willingness to access legal resources and services · reduced stress, fear, suspicion, vulnerability, alienation, trauma · more realistic expectations · willingness to ask for help | <ul style="list-style-type: none"> · capable of exercising legal agency · capable of preventing legal problems from arising · capable of effectively addressing legal problems that do arise · capable of protecting their rights | <ul style="list-style-type: none"> · reduction in number and severity of legal problems · reduction in cost of accessing legal services and financial impact of accessing remedies · improvement in relationships throughout proceedings and after resolution of dispute · reduction in stress · efficient and effective use of justice systems · increased confidence in and support for the justice system · increase in law-abiding behaviour and regulatory compliance |

| | | | | | |
|------------------------|---|--|---|---|---|
| | <p>as litigants</p> <ul style="list-style-type: none"> · relevant areas of substantive law, legal processes, rights and responsibilities, and of optional paths to justice · sources of legal assistance · specific court procedures · costs of proceeding | <ul style="list-style-type: none"> · ability to access appropriate legal resources and services · work with legal advisors and court staff · ability to ask better questions · ability to initiate or respond to legal proceedings · ability to complete forms properly · ability to participate in court proceedings · ability to undertake legal research | <ul style="list-style-type: none"> · empowerment/self-confidence/motivation · self-esteem · reduced stress, fear, suspicion, vulnerability, alienation, trauma · more realistic expectations · willingness to ask for help · willingness to access legal resources and services | <ul style="list-style-type: none"> · capable of exercising legal agency · capable of making appropriate choices · capable of navigating the system/assessing risks · capable of resolving their legal problems | <ul style="list-style-type: none"> · improved quality of experience for litigants · improved quality outcomes for parties · reduced stress for court staff · improved quality of working conditions for staff · more efficient use of court resources · reduced cost to litigants · reduced cost of justice system · increased confidence in and support for the justice system |
| <p>Students</p> | <p>as citizens</p> <ul style="list-style-type: none"> · role of law in a democratic society · areas of law, legal processes, rights and responsibilities, and optional paths to justice · roles of individuals engaged in justice processes · common myths · possible collective action to address justice-related issues | <ul style="list-style-type: none"> · ability to identify justice-related component of an issue · ability to critique justice-related initiatives · ability to ask better questions · ability to think critically · ability to solve problems · ability to resolve disputes · ability to work collectively · ability to ask better questions | <ul style="list-style-type: none"> · confidence in and support for the rule of law · appreciate of law as a positive social practice · changes in perceptions of the justice system and the people who work in it · change in perception of what the law is, where it is manifest, who is involved, how they are involved, what constitutes legal help, and when help might be needed · appreciate of the responsibility of citizens for the justice system · desire to pursue a career in the justice sector | <ul style="list-style-type: none"> · capable of engaging effectively in law-making, policy development, administration of justice, law reform and informed and critical dialogue about justice-related matters · capable of providing leadership in justice-related initiatives | <ul style="list-style-type: none"> · increase in prosocial and law-abiding behaviour · healthier relationships · reduction in bullying behaviour · widespread confidence in and support for the rule of law · informed and engaged citizen · reduction in conflict |

| | | | | | |
|-----------------------------|---|--|---|---|---|
| <p>as consumers</p> | <ul style="list-style-type: none"> · relevant areas of substantive law, legal processes, rights and responsibilities, and optional paths to justice · knowledge of sources of legal assistance | <ul style="list-style-type: none"> · ability to recognize a legal problem · ability to access appropriate service · able to anticipate the need for legal assistance · ability to communicate effectively with other party | <ul style="list-style-type: none"> · empowerment/self-confidence/motivation · confidence in and support for the rule of law · reduced stress, fear, suspicion, vulnerability, alienation, trauma · more realistic expectations · willingness to ask for help | <ul style="list-style-type: none"> · capable of exercising legal agency · capable of preventing legal problems from arising · capable of effectively addressing legal problems that do arise · capable of protecting their rights | <ul style="list-style-type: none"> · efficient and effective use of justice systems · increased confidence in and support for the justice system · reduction in number and severity of legal problems · improvement in relationships throughout proceedings and after resolution of dispute · reduction in stress · increase in law-abiding behaviour and regulatory compliance |
| <p>Board members</p> | <ul style="list-style-type: none"> · role of law in a democratic society · relevant areas of law, legal processes, rights and responsibilities, and optional paths to justice · roles of individuals engaged in justice processes · common myths about justice · sources of legal assistance · possible collective action to address justice-related issues | <ul style="list-style-type: none"> · ability to recognize a legal problem · ability to access appropriate service | <ul style="list-style-type: none"> · empowerment/self-confidence/motivation/sense of responsibility · confidence in and support for the rule of law · reduced stress, fear, suspicion, vulnerability, alienation, trauma · more realistic expectations · willingness to ask for help · willingness to access legal resources and services | <ul style="list-style-type: none"> · capable of exercising legal agency · capable of carrying out fiduciary duties · capable of participating in collective action | <ul style="list-style-type: none"> · improved governance · improved sector compliance · increased organizational capacity · effectiveness and efficiency of staff and other resources · improved organizational performance · improved service to clientele · new partnerships and relationships; expanded networks |

Teachers

- role of law in a democratic society
- areas of law, legal processes, rights and responsibilities, and of optional paths to justice
- roles of individuals engaged in justice processes
- common myths about justice
- sources of legal assistance
- problem-solving
- dispute resolution
- healthy relationships

- ability to use a variety of teaching strategies
- ability to find appropriate learning resources
- ability to find accurate legal information
- ability to solve problems, resolve disputes, and manage conflicts

- empowerment/self-confidence/motivation
- confidence in and support for the rule of law
- more realistic expectations
- willingness to access legal resources and services

- capable of addressing justice-related curriculum goals
- capable of conducting appropriate problem-solving, dispute resolution, and conflict management strategies in the school context
- capable of counseling students on law-related matters
- capable of providing leadership in justice-related initiatives

- competent partners in promoting a just and inclusive society
- new partnerships and relationships; expanded networks
- community of practice

Librarians

- role of law in a democratic society
- areas of law, legal processes, rights and responsibilities, and of optional paths to justice
- roles of individuals engaged in justice processes
- sources of legal assistance
- common myths about justice

- ability to obtain and evaluate appropriate legal materials
- ability to conduct legal reference interviews
- ability to recognize a legal problem
- legal research skills
- ability to make effective legal referral

- empowerment/self-confidence/motivation
- confidence in and support for the rule of law
- more realistic expectations
- willingness to access legal resources and services

- ability to identify and respond effectively to patron's legal information needs

- competent partners in promoting a just and inclusive society
- new partnerships and relationships; expanded networks
- community of practice

Service providers

- role of law in a democratic society,
- selected areas of law, legal processes, rights and responsibilities, and optional paths to justice
- roles of individuals engaged in justice processes
- common myths about justice
- sources of legal assistance
- possible collective action to address justice-related issues

- ability to recognize a legal problem
- ability to access appropriate service
- ability to communicate effectively with other party

- empowerment/self-confidence/motivation
- confidence in and support for the rule of law
- reduced stress
- more realistic expectations
- willingness to ask for help

- capable of assisting clients identify justice-related issues and access appropriate remedies
- capable of assisting clients solve their legal issues
- capable of participating in initiatives to address justice-related issues affecting clientele
- capable of providing providing leadership in justice-related initiatives
- capable of developing PLE resources and conducting PLE workshops

- competent partners in promoting a just and inclusive society
- increased access to justice for clientele
- increased social inclusion
- increased client satisfaction
- increased organizational performance
- increased job satisfaction
- community of practice

Advocates

- role of law in a democratic society
- increased access to justice for marginalized groups
- relevant areas of law, legal processes, rights and responsibilities, and optional paths to justice
- roles of individuals engaged in justice processes
- common myths about justice
- sources of legal assistance
- possible collective action to address justice-related issues

- ability to recognize a legal problem
- ability to make a referral to an appropriate service
- ability to communicate effectively with other party

- empowerment/self-confidence/motivation
- confidence in and support for the rule of law
- reduced stress
- more realistic expectations
- willingness to ask for help
- willingness to access legal resources and services

- capable of assisting clients identify justice-related issues and access appropriate remedies
- capable of advising and assisting clients in resolving disputes
- capable of representing clients before tribunals (as permitted in the jurisdiction)
- capable of participating in initiatives to address justice-related issues affecting clientele
- capable of providing leadership in justice-related initiatives
- capable of developing PLE resources and conducting PLE workshops

- competent partners in promoting a just and inclusive society
- increased access to justice for clientele
- increased social inclusion
- increased client satisfaction
- increased organizational performance
- increased job satisfaction
- new partnerships and relationships; expanded networks
- community of practice

Others (including health professionals)

- selected areas of law, legal processes, rights and responsibilities, and optional paths to justice
- sources of legal assistance

- ability to recognize a legal problem
- ability to make a referral to an appropriate service

- self-confidence/sense of responsibility
- more realistic expectations
- willingness to access legal resources and services

- capable of making an initial intervention in addressing a legal problem

- competent partners in promoting a just and inclusive society
- new partnerships and relationships; expanded networks

**Justice
sector**

- perceptions of justice and impediments to accessing justice by marginalized communities
- relevant areas of the law
- ability to recognize a legal problem
- resources and sources of legal assistance
- critiques of the justice system

- ability to communicate with diverse clients
- ability to make effective PLE presentations
- ability to recognize a legal problem
- ability to make referrals appropriate service

- cultural sensitivity
- empathy for clients experiencing justice-related stress

- capable of assisting marginalized clients with culturally appropriate interventions

- more just and inclusive society
- widespread confidence in the justice system
- better outcomes for clients
- greater satisfaction for clients, legal service provider, and court staff
- lower costs to clients, legal service, and justice system
- new partnerships and relationships; expanded networks