



Evaluation Findings

Navigating the Family Justice System:
Workshops for Self-Representing Litigants

Executive Summary

January 2014

The number of self-represented litigants (SRLs) handling their own family law proceedings in the Province of New Brunswick has grown significantly over the past decade, and this growth is expected to continue into the future. This trend is being driven by a combination of factors: the higher incidence of separation and divorce; the complexity of the legal issues within the family law arena; and the paucity of supports such as legal aid and family mediation services for individuals who cannot afford legal representation.

The Public Legal Education and Information Service of New Brunswick (PLEIS-NB) has been working to address access barriers over the past several years. In 2012, PLEIS-NB, in consultation with relevant legal and community stakeholders, initiated the *Navigating the Family Justice System: Workshops for Self-Represented Litigants Project*.

Funding was received from the Ontario Law Foundation under the Access to Justice Fund. The funding was for a two-year period, beginning in December 2011 and ending on November 30, 2013. The essential goal was to inform and educate individuals who self-represent on family law matters such as divorce, support variation, and custody and access issues. The Project objectives included:

- To improve the knowledge, capacity and confidence of SRLs to navigate the family justice system.
- To develop an information and education program, and workshop delivery model, for use by the workshop presenters to address the information needs of SRLs.
- To reduce the time and effort of court staff in dealing with the needs and inquiries of SRLs.
- To provide, in conjunction with members of the Family Law Bar, a family law information and education referral option to family law professionals, court staff, and community groups who often deal with SRLs.

Project Design and Implementation

The *Navigating the Family Law System: Workshops for Self-Representing Litigants Project* was implemented as intended. The Project was well designed from the outset, and key implementation steps (module design, stakeholder engagement, workshop promotions, etc) were thorough and well executed.

The workshop topic areas were selected during the stakeholder consultation process. There were four workshop modules designed around the following topics: *Doing Your Own Divorce*; *Changing a Child Support Order*; *Preparing for a Family Court Hearing*; and *Separation: Legal Considerations*. All workshops were offered in both official languages.

While there were a number of challenges encountered, PLEIS-NB management was able to adapt the implementation process to address these challenges and successfully implement the workshop delivery activities.

Project Evaluation

The Project evaluation methodology included:

- (1) A review of all Project background materials, reports, and other relevant documentation.
- (2) A review of all available quantitative data related to Project delivery.
- (3) A series of data collection activities with workshop participants (feedback forms, surveys, and interviews).
- (4) A series of interviews with other legal and community stakeholders who were involved with the Project.

Evaluation Findings and Results

The *Navigating the Family Justice System: Workshops for Self-Represented Litigants Project* successfully achieved its intended objectives.

Over a 1 ½ year period (April 2012 to November 30, 2013) there were:

- 92 workshops scheduled (62 in English; 30 in French).
- 53 workshops delivered (45 in English; 8 in French).
- 39 workshops cancelled.
- 692 registrants.
- 496 participants attended (80% of participants were personally dealing with a family law problem).
- 66% (328) of the participants were female and 34% (68) were male.
- Separation: Legal Considerations was the most popular workshop with 273 participants followed by Doing Your Own Divorce with 127 participants.

Impacts and Outcomes - Participants

In overwhelming numbers, workshop participants were very positive in describing their family law workshop experience. They found the sessions informative, timely, and very relevant to their current situation(s) and needs; they indicated that the lawyers-presenters were knowledgeable about the issues, presented the material in an 'easy to understand' manner, and were helpful in expanding on issues and answering questions. Other helpful and appreciated elements included: the 'take home' information kits; that the workshops were offered in both urban and rural locations within the province; and that they were free (no cost) to attend.

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Participants indicated that they were better prepared to deal with the family justice system as a result of the workshop. The evaluation found that:

(1) SRLs felt better informed about the steps in the process and better prepared.

"... it was very good... I understand a lot more about the whole process... I was able to ask a lot of questions... the lawyer explained a lot of things..."

"... yes the entire process was good... the lawyer, the workshop kit, and the other information... it was all very timely and helpful... "

"... having the lawyer review all the steps, the forms, why certain forms are necessary... this was all very helpful... it helped you see that there was a step-by-step process to get a legal divorce... "

(2) SRLs felt less intimidated by the prospects of doing the process themselves.

"... the workshop made things less intimidating and overwhelming... I now know there is a process to follow... the whole process was less of a mystery... "

"... it helped me with my decision... before that I was in the grey area... I was not sure what to do or how difficult and costly it might be... the whole thing about lawyers and going to court can be quite overwhelming... the course helped change this... I was not afraid to try it... "

"... there are lots of people who are separated and are confused about what the legal steps are to get a divorce...they need help to figure out what to do... these types of workshops should be continued... it can provide a lot of information and ease your mind about the process..."

"Excellent! I had more success doing it myself, with your help, then when I paid a lawyer a couple of years ago. Incidentally, when I told my lawyer I couldn't afford to go on with her she did not advise me of the help you people provide. I am thrilled with what you were able to help me with. My life has become much less stressful as a result"

SRLs felt less stressed about their situation knowing that there was a way to address their issues.

"... I learned that doing your own divorce is 'doable'... I felt much better about the process and it helped my own emotional state of mind... you hear things about it's going to be costly and the lawyers will take you for all you are worth... all these fears were gone... "

"... for me it was helpful... it gave me mental stress relief... I went in bitter and came out calm..."

"This is the 2nd workshop I have attended. They are VERY helpful in relieving stress and concerns to the average citizen who are usually in a tight financial situation. They really gave me confidence and steered me in the right direction."

Some general comments by SRLs about the workshops.

"An extremely useful resource for this complicated and lengthy process. Perhaps these workshops could be advertised to a larger audience as I would not have found out about this service without the help of Google. It saved me thousands of dollars in lawyer's fees and I don't think a lot of people know about it and [the cost] prevents people who cannot afford expensive lawyers to follow through with the court process. Thank you!"

"This course helped me to decide that I should not file to change my order. It did show me how to file the forms and what type of information is needed to complete and have less chance that the paper work would be rejected by the courts..."

"At a very stressful time in my life, I was so thankful that a friend offered to take me along to this. It really helped me to understand my options and my legal rights during separation and divorce. The presenter was fantastic."

Impacts and Outcomes – Lawyer-Presenters

Forty-two (42) lawyers volunteered as lawyer-presenters. When interviewed, they and other members of the legal community noted the workshops do not "promote" self-representation. It is just the 'reality' these days that people are self-representing in family law matters and that the *Navigating the Family Justice System Workshops* is an important, necessary, and timely intervention to help address the information needs of SRLs.

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The lawyers noted that after taking the workshop, individuals are more aware of the legal issues and considerations, and realize that there is a process to follow to have their issues addressed. An additional benefit is that the court process becomes less a intimidating and 'scary' exercise.

"... the workshop topics are very current and relevant. These are the issues that most SRLs are dealing with. The workshop content is very well prepared and outlined and the information kits add high value to the session. Participants can take this with them and review as they proceed with their issue"

"... they are now aware that 'it's not just showing up and telling my story', there are specific information requirements, and actions that must be followed, to allow the court to proceed with addressing their legal issues"

Impacts and Outcomes - Court Staff and Justice Officials

Court staff indicated that the family law workshops offer SRLs an option to become better informed and educated on the family court process, the expectations and protocols that need to be followed, and the information required to have their issues properly addressed.

"... it (workshop) provides them (SRLs) access to the rules, procedures, and forms which enables them to better navigate the system... and leads to easier interactions with staff... "

"... it allows the case to move forward and reduce the client's frustration... "

Although court staff said they could not attribute it to the workshops, they did find that since the introduction of the Family Law website and family law information line, in conjunction with the workshops, that they are encountering more and more SRLs who are more knowledgeable about the legal steps to follow, are better able to complete the necessary legal forms, and are better able to 'navigate' the legal process.

"... people are coming much better prepared in completing their motion forms. I notice a big difference they are coming in with these forms nearly complete."

"... I have encountered SRLs who were better prepared and more confident... she had all the appropriate forms completed accurately."

Justice officials commented on the demand and strain that SRLs have on the family court system, and the positive impact of the workshops in relieving some of this strain.

"... the reality of SRLs is a huge issue for the courts without legal council or information they are 'left to their own resources' this often results in court delays and adjournments in many cases the judge must take the time to explore or clarify issues with the SRL to ensure that their legal rights and options are understood"

"... the reality is that many people do not have access to Legal Aid.. we must be prepared for this... the Family Law Workshops provide an opportunity to equip SRLs with information and the knowledge to address their legal issues without the unnecessary delay of ignorance... "

"... with the demands and costs on the court system continuing to increase we have to be more innovative in what we do. The Family Law Workshops provide an important option PLEIS has really helped out a lot with these workshops"

Impacts and Outcomes - Community Stakeholders

Community stakeholders noted an increase in the number of individuals who are in need of assistance when they are experiencing the breakup of their families. They also pointed to the lack of services and options to help them cope, such as family mediation and legal aid.

"... separation and divorce are now a predictable part of our society we need to help people address the legal issues that come from this we need to give people the information to better manage and work with this part of their lives"

"... with the reductions in Legal Aid and mediation services in recent year these workshops are important and necessary... more people are self-representing... they need this type of information and support... the workshops offer a way to address these gaps..."

The workshops 'breaks things down' into specific issues or topics (i.e. steps to follow, forms to complete, etc), and this is very helpful to the participant. An additional benefit is that becoming better informed helps to manage the expectations of the SRL; he or she is able to see the 'what and why' of the court process, gain a level of confidence within themselves, and realize that representing themselves before the court is 'doable'. The workshop information kits were noted as 'adding value'; the kits contain all the information covered by the lawyer at the workshop, and include many other helpful resources and references.

After the workshops... taking legal action

In addition to telephone interviews and focus groups, follow up surveys were sent to all workshop participants several weeks or months after the workshop to determine whether they had taken action on their legal matter as a result of the workshop. The survey data showed the following:

Some of the key impacts of the Changing a Child Support Order Workshop include:

- 19 (95%) respondents felt the workshop helped them know which forms to use and how to complete them.
- 11 (55%) respondents indicated they had filed a motion to change an order, or were in the process of doing so.
- 7 (35%) respondents said they had been successful in changing their order.
- 18 (92%) respondents said the workshop helped them understand how to serve documents on the other party.
- 6 (33%) respondents consulted a lawyer during the process, mostly to review the details of the motion before filing, while 12 (67%) respondents noted that they had contacted the Family Law NB website and/or the Family Law Information Line while preparing and filing their motion.

Some of the key impacts of the Doing Your Own Divorce Workshop include:

- the majority of respondents felt the workshop helped them to use, complete and serve documents on the other party, as well as to prepare their trial record.
- 83% (19) of the respondents said they had filed, or were in the process of filing, their divorce petition.
- those respondents doing their own divorce indicated that the court had not returned their documents for errors or omissions.
- 2 respondents doing their own divorce noted their petitions had been returned due to insufficient information on their financial statements.

Some key impacts of the Separation: Legal Considerations workshop include:

- 53 (83%) respondents said having a lawyer provide the information was the most helpful aspect of the workshop.
- 47 (73%) respondents indicated that learning about their legal rights and obligations was helpful.
- 53 (83%) respondents felt they were better prepared to handle their family law matter.
- 53 (83%) respondents felt the workshop helped them decide how to handle their issue.
- 45 (70%) respondents indicated that as a result of the workshop, they were more likely to resolve their matters outside of the courtroom.
- 57 (89%) respondents indicated they were very satisfied or satisfied with the workshop.
- 60 (93%) respondents indicated that the workshop should continue to be offered in the future.
- 58 (90%) respondents said they would recommend the workshop to others.

Conclusions

The Project was implemented as intended and has achieved many of its key objectives; there is clear evidence that the workshops are resonating with participants. SRLs are gaining new knowledge and information that is helpful; the workshop kit is well received; and the workshops are providing family law lawyers, court services staff, and community groups with a referral option for SRLs.

A number of participants further indicated that they have taken action on their family law issue and are using the workshop material and experience to inform their planning and action decisions. Workshop participants strongly recommended that the family law workshops should be continued, and many have recommended the workshop to others.

Other key stakeholders interviewed strongly endorsed the family law workshops as well. They indicated that SRLs are a reality in today's court system; their numbers and needs

are increasing, while the levels of support that were once available (legal aid and family mediation services) have been decreasing. The workshops provide an affordable option for them to become informed and prepared to more effectively address and act on their family law issues.

All stakeholder groups strongly supported the need to continue to offer these workshops to SRLs across the Province of New Brunswick. They also recognized that workshop participants benefit greatly from being directed to PLEIS-NB's website, Family Law NB (www.familylawnb.ca), and to their toll-free family law information line for follow-up assistance.

These findings strongly support the benefits of the educational workshop model as an approach to improving access to family justice. The *Navigating the Family Law System Workshops* Project has demonstrated that it is: (1) an effective approach in helping SRLs become more informed and confident about following process and procedures when they are handling their own legal matter; and (2) a low cost initiative that can have a high payoff in terms of helping to improve the effectiveness and efficiency of the court process.

The challenge going forward is one of sustainability of the family law workshops initiative. With Project funding ended, PLEIS-NB will require some funding to provide ongoing program coordination and management support in order to continue Province wide, bilingual implementation, delivery, and oversight of the family law workshops initiative.

The evaluation of the family law workshops project was undertaken for **Public Legal Education and Information Service of New Brunswick (PLEIS-NB)** by the **Atlantic Evaluation Group Inc.** For more information, contact PLEIS-NB by calling 506-453-5369, faxing 506-462-5193 or emailing info@familylawnb.ca