



Legal Innovation Zone's Family Reform Community Collaboration

February 2016

Chris Bentley, Executive Director, Legal Innovation Zone
Hersh Perlis, Director, Legal Innovation Zone
Barbara Landau, Special Advisor
Josh Morrison, Project Coordinator

Executive Summary

February 29, 2016

What? We wanted to help families who are ending their relationship find a faster, more affordable and more supportive approach to resolve their issues. This project is about solutions, not reports. It would not be an approach for all families and issues, only for those appropriate.

Why? Many families are in urgent need. At a most difficult time in their lives, they are too often confronted with a process that drains them emotionally and financially. It does not always recognize that even though they are separating, they will likely be interacting with each other for many reasons over the years to come.

How? We decided that an innovative approach was more likely to produce an innovative result. We asked lawyers, mediators, related professionals, community leaders and the public at large to help with this project. Everyone's contribution was valued. It has been a community collaboration, because these issues matter to the community.

The starting point: Court is important for some families and issues, but not all. An affordable, timely and more supportive approach would be consistent with the conclusions of many experts, provided it was appropriate to the family and their issues.

The Approach - We set guidelines for the approach:

1. Must be more supportive, more affordable and faster.
2. Does not require more money from government or Legal Aid to operationalize.
3. Will be appropriate for some people, but not all.
4. Operates before the court process is initiated, and outside of it.
5. Does not require legislative or regulatory changes.

A series of 5 public sessions, countless discussions and much work by many people over 4 months resulted in the building blocks of a better approach, several key design characteristics, a number of early-stage example prototypes, and several groups already developing their own solutions.

Need and Opportunity: The unmet need is substantial, but not all are without resources. While many require the assistance of government and Legal Aid, many others have some money to spend. We estimated a potential annual market of \$40 to \$200 million that is not being met by lawyers or other professionals today.

Building the Better Approach

The participants identified several building blocks of a better approach, and key design characteristics those approaches should reflect.

The building blocks of a better approach are:

1. **Screening/Safety:** Appropriate people only - Exclude those who should not be served.
2. **Education:** What do people need to know, when do they need to know it, and how do they find out?
3. **Triage:** Identify issues, and match issues with the appropriate means to deal with them.
4. **Resolution:** When the parties are ready, and only voluntarily, move to resolve the issues.

How they work together, in what order or combination, and with what technology, will depend on the design of the solution and the people and issues it is to serve.

Several key characteristics of a better approach are:

1. **Consumers want solutions:** Families are interested in the result and finality, and less interested in the journey. The initiatives that are developed may address one or more of the building blocks, but the closer they can come to an answer, the better they will be received.
2. **Certainty:** Consumers want to know what they are getting, and how much it will cost. One of the barriers to consumers accessing the existing court process is uncertainty over what they will get for their money. Expressing cost in hourly rates or steps, when the consumer has no idea how many hours or what the step will achieve and how important it is, is frustrating.
3. **User Friendly:** Consumers want an approach they can understand. The difference between the success and failure of many products and services today is often the user experience.
4. **Must Work for Consumers, Not Just Providers:** The overriding question is how will the consumer react? Design it from the consumer's perspective.
5. **Include Technology:** Whether the technology is in everyday use (skype or web conference), or on the cutting edge (logic systems or AI), it will have a profound effect on the success of the approach.
6. **Design the approach for the people you wish to serve:** Do not design it for everyone. This will enable you to control price, while ensuring a high quality

approach that is appropriate.

Where do we go from here? We have several groups actively pursuing their own solutions. We will provide support for them, and advise others of the opportunity to serve many in an innovative way that can be professionally (and financially) fulfilling.

Thank you to those who came together to help find a better approach for families. Thanks to our special advisor, Dr. Barbara Landau, for her tireless advocacy and work, with support from the facilitators Nicole Aylwin, Dr. Barbara Benoliel, Dr. Brett Degoldi, Cecil Fennel, Judith Huddart, Daryl Landau and Mary-Anne Popescu. Thanks also to Dr. Steve Gedeon, who designed and delivered session 4. Special thanks to Josh Morrison, a newly-called lawyer, for his dedicated work as the Project Coordinator. Finally, many thanks to the almost 200 people who gave up their time and contributed their best in our sessions.

There is a better way for many, and you brought us closer to achieving it.

Chris Bentley

Executive Director,

Legal Innovation Zone

Hersh Perlis

Director,

Legal Innovation Zone

Legal Innovation Zone's Family Reform Community Collaboration

The Challenge

Separation is a very difficult time in any family's life - emotionally, socially, financially and legally. Today about 40% of marriages end in separation and divorce, but the numbers are considerably higher when common law relationships are included. When we consider the impact on others who have family, friends or work colleagues going through separation, most people will be affected directly or indirectly by separation at some point in their life.

Separating families are diverse in their make-up and different in their needs. The approach that works best for each family as they approach this difficult life transition will naturally vary. Traditionally, there has been a heavy emphasis on a court process as the starting place for most cases, without much considered assessment as to whether it is the most appropriate place. It has long been acknowledged that the process for separating couples going to court is too costly, complex, takes too long and can be confrontational. The fact that between 50-80% of those who embark on a court process end up being self-represented is evidence of a significant access to justice problem. It is noteworthy that only about 1-2% actually end up in a trial.

Our goal is to help families find the approach to resolving their separation issues that is best for them. For those who do not need or wish to go to court, we would like to help them find a more timely, affordable and supportive alternative that would occur before and outside of the court process. Specifically, we want to develop an approach and encourage initiatives that will help achieve that alternative for many families. That is what this project is about.

We would like to thank the many who help families at a most difficult time. It is important, stressful and difficult work that is so important for those you help. Whether you are professionals such as lawyers, judges, mediators, arbitrators, medical

professionals, counsellors, financial professionals, domestic violence victim advocates, family members, friends, colleagues, volunteers or the many agencies that help in so many ways, many of you have said, for many years, that for many of those you help – there is a better way.

We want to help achieve your goal.

The Legal Innovation Zone at Ryerson University

The Legal Innovation Zone (LIZ) is Canada's first legal incubator, focused on supporting the development of innovative solutions, both system and technology based, that will improve the justice system and legal services for consumers and society. Society is changing rapidly, but the world of law and justice is, in many ways, operating as it has for years. For many Canadians, it is too slow, too expensive, and too complex. It is in need of innovation.

LIZ is where innovative and entrepreneurial people, including lawyers, students, tech experts, government and industry leaders, can converge to develop the solutions that will give consumers the legal and related services they need. There are three main areas of interest:

1. Incubating and providing support for companies and individuals working on their own ideas for justice and legal services
2. Helping organizations develop and achieve their innovation goals
3. Designing and building the 21st century justice system

It is this third stream that has driven the Legal Innovation Zone's interest in Family Law. We are prepared to support and help drive the efforts of those who want to modernize the approach to meeting the legal needs of consumers and society.

The Efforts at Reform in Family Law

Court is necessary for some cases, such as high conflict cases. Cases that go to court should have a streamlined process that helps them achieve resolution in a fast, simple and affordable manner. Other cases may be better resolved outside of court.

There have been many calls for reform of the family justice system over many years. The public have been clear on what they want, and the current state is not it. Many who are part of the system have spoken about the state of family justice. For example, in 2011, now former, Ontario Chief Justice Warren Winkler remarked, "there is

a growing concern among the bar and the general public that our family justice system is not delivering on its primary purpose: Access to justice for families in transition.”¹ He went on to state that “rather than a system that is financially affordable, timely, and easy to understand... the public is experiencing a system that is unaffordable, slow, and overly complex.”²

There have been countless calls, reports, and meetings about the need for substantial and comprehensive change. Recently, the Family Justice Working Group of the Action Committee on Access to Justice in Civil and Family Matters³ highlighted a continuum of initiatives that many lawyers, professionals, judges and academics have called for over the years. It was a strong and expansive call for change.

Reform in various forms is starting across Canada and around the World. Ontario has been active and most recently in 2015, the Ministry of the Attorney General provided a substantial increase in funding to Legal Aid Ontario (LAO), \$154 million, to improve access to justice in criminal and family law matters. It followed an additional \$30 million in funding to LAO in 2013 designed to improve outcomes for low-income families, victims of domestic violence, and other vulnerable groups.

In 2009, the Ministry made what was then the largest funding increase in Legal Aid’s history, \$150 million. On the family side, this increased the provision of certificate services, kept more lawyers in the certificate system, and later helped achieve some of the objectives of the 4 Pillars Initiative.

Ontario launched the 4 Pillars of Family Reform in 2009⁴. It closely followed, in timing and recommendations, the Home Court Advantage Report: Creating a Family Law Process that Works.⁵ That Report, produced by a large and diverse group of experienced professionals, called for substantial change to addressing family separation issues.

The 4 Pillars of Family Reform called for:⁶

¹ “Family Law and Access to Justice: A time for Change”, remarks by Chief Justice Warren K. Winkler, 5th Annual Family Law Summit, The Law Society of Upper Canada (June 17th, 2011), online: <http://ontariocourts.ca/coa/en/ps/speeches/2011-Family-Law-Access-Justice.htm>.

² *Ibid.*

³ Action Committee on Access to Justice in Civil and Family Matters, “Meaningful Change for Family Justice: Beyond Wise Words” Final Report of the Family Justice Working Group of the Action Committee on Access to Justice in Civil and Family Matters (April 2013).

⁴ Ministry of the Attorney General, “Improving Justice for Children and Families”, (December 2009) online at <https://news.ontario.ca/mag/en/2009/12/improving-justice-for-children-and-families.html>.

⁵ “Home Court Advantage: Creating a Family Law Process that Works”, final report and recommendations from the Home Court Advantage Summit at 5.

⁶ *Supra* note 4.

1. Providing more information to families up front about the steps they need to take and the impact on children when relationships break down;
2. Enhancing opportunities to identify issues, ensure early disclosure and provide community referrals to better support families in reaching solutions;
3. Improving access to legal advice as well as less adversarial means of resolving issues such as mediation and collaborative family law; and
4. Streamlining and simplifying the steps involved for those cases that must go to court.

The 4 Pillars and several related initiatives, and the LAO funding, are significant advances. They have helped more Ontarians obtain legal advice, including from lawyers on a certificate basis, made access to mediation services available on a means-tested basis in all court jurisdictions at all levels of court, added a mandatory information program for all who initiated a court proceeding, enhanced the availability of duty counsel and Dispute Resolution Officers, expanded Family Law Information Centers (FLIC's) to all courts, added trained staff to screen for domestic violence and offer assistance to victims in court, added Information and Referral Coordinators (IRC's) to assist families with information and refer to appropriate legal and community services, and added additional supportive services in all courts.

These initiatives made substantial progress and assisted many people. However, the approach is still heavily weighted to heading to court and a streamlined family court process has not been achieved.

The People: At a Glance

Notwithstanding the improvements in the past few years, recent family law statistics suggest that the court process is still too slow, expensive, and complex. As of 2013/2014, of the more than 300,000 family law cases in Canada, only about half were resolved in a year or less, and many took longer than three years to resolve.⁷

To further complicate matters, an estimated 50%-80% of family litigants are self-represented.⁸ Most self-represented litigants report that navigating the court system is difficult or very difficult, and about half believe that the lack of a lawyer makes the process slower or much slower.⁹

In Dr. Julie Macfarlane's Self-Represented Litigants Project, more than half the self-represented litigants were willing to pay for counsel at the outset and ran out of funds or

⁷ Statistics Canada, online at: <http://www5.statcan.gc.ca/cansim/pick-choisir?lang=eng&p2=33&id=2590012>.

⁸ Law Commission of Ontario: Final Report, online at: <http://www.lco-cdo.org/family-law-reform-final-report.pdf>.

⁹ Canadian Bar Association, Reaching Equal Justice Report: an invitation to envision and act (November 2013).

were frustrated by their lack of progress.¹⁰ These self-represented litigants were often resentful that despite significant expenditure on legal resources, they still did not have a resolution to their action.

Interestingly, over 30% of the participants in the Self-Represented Litigants Project placed their income above \$50,000 and another 6% reported income over \$100,000.¹¹ Many of those with higher income reported spending significant sums on legal fees before becoming self-represented.¹² This suggests that there is a significant portion of the self-represented litigant market that is willing to spend on legal services. When the Action Committee on Access to Justice in Civil and Family matters conducted a survey on the key reasons people did not have a lawyer, less than half identified affordability as their primary reason.¹³

The reports and statistics suggest that many self-represented litigants are willing to spend money on legal services, if they see the expenditures achieving a resolution, but demand better value, more service, and transparency in pricing.

The Opportunity

There are a number of organizations, and many lawyers, mediators, arbitrators and other professionals, who both emphasize the importance of out of court resolutions, and are working to provide them. Thank you for your efforts.

Unfortunately, and notwithstanding this work, we know that many people end up in court when they don't need to, and too often without a lawyer. Furthermore, many of them have some money, but will not spend it because they don't see any value in it, or they had money but their funds were exhausted before the process reached a conclusion.

We see an opportunity to develop additional out of court options for willing and appropriate people to resolve their family separation issues. It could certainly be a better approach for them.

We are often asked why lawyers or entrepreneurs would be interested in developing these options? Beyond altruism, there is an opportunity to serve a significant and

¹⁰ Dr. Julie Macfarlane, The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants, Final Report (May 2013) online:

http://www.lsuc.on.ca/uploadedFiles/For the Public/About the Law Society/Convocation Decisions/2014/Self-represented_project.pdf.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Erin Shaw, Action Committee on Access to Justice in Civil and Family Matters, "Family Justice Reform A Review of Reports and Initiatives", (April 15, 2012) at 10.

underserved segment of the population, and have a fulfilling professional and entrepreneurial career. Here's our rough calculation of the financial opportunity.

In Ontario, there are roughly 80,000 new family law proceedings initiated each year, for a total of 160,000 individuals.¹⁴ This means that, conservatively, 80,000 new people (possibly up to 130,000) are unrepresented in Ontario's family courts annually.

Assume that half of the 80,000 would have some money to pay for legal services if there was an approach they had confidence in. If each of those 40,000 were willing to pay between \$1,000 and \$5,000 for the approach, that would create a market of \$40-\$200 million every year. This market is not now being served by lawyers for family issues. You can design an approach that is more supportive, faster and more affordable, and rethink how you provide the services to keep costs low and quality high.

This project was designed to develop approaches to better serve those not now being served with their family resolution requirements.

The Family Reform Community Collaboration

In response to the calls for more family reform and in hopes of reaching the underserved self-represented litigants, the Legal Innovation Zone decided to launch a Family Reform Community Collaboration. The overall goal was to design, build, and see implemented an approach that would better meet the needs of separating families.

The initiative was focused from the beginning.

We said that the approach:

- Must be more supportive, more affordable, and faster;
- Does not require more money from Government or Legal Aid to operationalize;
- Will be appropriate for some people, but not all;
- Operates before the court process is initiated, and outside of it; and
- Does not require legislative or regulatory change.

We conducted this project over a period of 4 months, beginning in October, 2015. By reform standards, that is a very short period of time. We were confident that a collaboration between people from a variety of backgrounds would produce the expertise necessary to help develop a better, user-friendly approach for some separating families.

¹⁴ Ministry of the Attorney General, online at:

https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/courts_annual_12/Court_Services_Annual_Report_FULL_EN.pdf.

The Participants

We invited the community – everyone we thought might be interested. Some participated throughout, and others joined in. It was an inclusive collaboration. Lawyers, mediators, financial advisors, psychologists, domestic violence victim advocates, child specialists, mental health professionals, clients, LPP candidates, students, and the public at large were invited to contribute their ideas. Ryerson's innovators, tech experts, and entrepreneurs partnered in the community collaboration. Everyone's ideas and participation was valued. By training or experience, everyone has something to contribute to a better approach.

The Process

The Family Reform Community Collaboration was designed as a four month project in which participants would come together over five sessions to design and build a better approach to family dispute resolution. Each of the sessions was independent of the others yet built off the lessons and learnings of the previous sessions. Participants were encouraged to come to every session, but were not required to. The themes of each session were:

1. What are the Building Blocks of a Better Approach?
 - Identifying the essential elements of any successful family reform process or prototype
2. Who are the Users?
 - Identifying the range of users and their needs
3. Who are the Providers?
 - Describing the range of professionals and process options to assist users
4. Designing the Better Approach?
 - Drawing on experience, logic, and creativity to expand the horizon of creative options
5. Building the Better Approach
 - Designing Prototypes to accomplish the goals and learnings from the first four sessions

The sessions were led by Chris Bentley, Hersh Perlis, and Dr. Barbara Landau with support from the facilitators Nicole Aylwin, Dr. Barbara Benoliel, Dr. Brett Degoldi, Cecil Fennel, Judith Huddart, Daryl Landau and Mary-Anne Popescu. The sessions involved a combination of small-group facilitated discussion on focused topics, shared presentations, and ideas summarized by the participants for the whole group.

Contributions from all participants were welcomed and encouraged. To foster creativity, the Legal Innovation Zone stressed that contributions were valued equally regardless of the individual's expertise or experience. Participants were challenged to step outside their comfort zones and think broadly about the themes of each session. Every session was designed to advance the goal: a better approach, and the development of specific initiatives.

Session 1: What are the Building Blocks of a Better Approach?

The goal of the first session was to determine the essential building blocks that are necessary to develop a faster, more affordable, and more supportive out of court approach to resolve family issues. Each small group of participants was paired with a facilitator, whose task was to challenge the participants' preconceived notions of family reform and determine the essential foundation of a better family dispute resolution process.

Session 2: Who are the Users?

The second session had the objective of determining who the users of an out-of-court approach would be. Participants were asked to think broadly about the definition of a user. The participants were challenged to put themselves into the mind of users with diverse needs to determine what they wanted most in an ideal dispute resolution system.

Session 3: Who are the Providers?

The aim of the third session was to describe the range of providers/professionals who would be needed in a creative and inclusive new approach. Participants were challenged to think about the variety of process options available to assist users and how the providers fit into these options.

Session 4: Designing the Better Approach

This session was constructed as a Design Thinking workshop led by Dr. Steven Gedeon of Ryerson University. Dr. Gedeon familiarized participants with different design thinking models and innovation-iteration techniques in an effort to map out early-stage prototypes. Participants were prompted to think on their feet and complete a series of innovation exercises under short timelines. Once the exercises were

completed, participants were encouraged to utilize what they had developed over the course of the evening as they moved into session five.

Session 5: Building the Better Approach

The goal of the fifth session, Build It Day, was to take the lessons, learnings, and designs of the previous sessions to challenge professionals, entrepreneurs, innovators, and all other participants to build an out-of-court, creative approach to resolving family disputes. Participants were asked to experiment with and reconfigure the key building blocks into working prototypes, keeping in mind the initial criteria.

Designing a Better Approach

The starting point for the better approach was:

1. Many families do not require court to resolve their issues.
2. Resolving issues before court could have significant advantages, and
3. An affordable, timely and more supportive approach could be consistent with the conclusions of many experts, provided
4. It was appropriate to the family and their issues.

The many discussions during the project stressed that a better approach had to be an appropriate approach for the family and their issues. Considerations of cost, timing and complexity are very important, but you should begin with an approach that addresses the specific needs of the family, and has integrity and excellence at its core.

The participants identified 4 building blocks that were the keys to such an approach. Whether each initiative addresses all 4 depends on whether the initiative is a complete or partial solution. How it tackles the building blocks it addresses is a matter of design, who it is meant for, how it uses technology, and related questions such as timing and price.

The Building Blocks

Based on the feedback from our diverse participants, there was consensus that there are four essential building blocks you can address when building a new approach:

- **Screening** for Domestic Violence and Power Imbalances.

- **Education** about each couple's legal rights and responsibilities for addressing relevant separation issues, including parenting, property division, support, debts, and the various professionals and process options for resolution.
- **Triage** based on the nature and complexity of issues to be addressed and appropriate routes to solutions and resources.
- **Resolution** of the outstanding issues by completing the separation and/or divorce process.

At any point, individuals can cycle back and forth for additional information or guidance as their issues, needs or the level of cooperation changes. For example, while screening is an essential component, some individuals will choose to focus on education first and then use screening to determine if they are appropriate for this process.

Screening

Participants were clear that screening was an essential element in any approach and that this step required special attention to issues of safety, voluntariness, competence to negotiate, as well as considerations about child protection, elder care, special needs and diversity. An important consideration would be an awareness of and access to community resources.

Principal reasons to screen: Risk Assessment

- Is there a concern about the safety of any of the family members?
- Are there concerns about the physical or emotional well-being of children?
- Are there significant concerns about violence, threats, psychological abuse, significant mental health or addiction issues?
- Are individuals making a competent and voluntary choice as to both the process and the outcome of their negotiations?
- If safety is not a concern, is the relationship high conflict? That is, is it difficult to reach consensus on most issues, regardless of content, based on differences in values, personality, or the influence of significant others?

If there are any of these concerns:

- Is the person who may be at risk able to make a voluntary choice as to process?

- If yes, can the process be adapted or conditions set to reduce the risk and make both parties comfortable?
- If the process is adapted and the conditions are met, the process can continue, if not the process is terminated and a referral is made to one or more of police, a lawyer, directly to court, a mental health professional, child protection agency or some safer option.
- Screening should continue throughout the process to ensure that safety is protected.

Education

In order for couples to select an approach that will successfully resolve their separation issues, they need to understand what the law requires, what creative alternatives will best meet their needs, and what process will achieve their required outcome.

To be helpful, the education component should address both substantive and process issues, and be:

- Reliable, with information that is clear and understandable to those who do not have a legal or financial background
- User-friendly
- Relevant to that specific family (and omit issues that are not relevant)

Other educational tools to consider:

- Contain a description of and contact information for community resources that may be helpful to address the issues identified.
- Be interactive so that consumers can get answers to frequently asked questions or be directed to an appropriate person for help.

Triage

The essential purpose of triage is to match people with the appropriate means to resolve their issues.

Triage has several aspects to assess:

- Whether the person is appropriate for the approach.
- Urgency – is there a need to address one or more issues immediately or is there a more flexible timeline?
- Complexity – is this an issue that can be resolved by your approach or not?
- Readiness – is the information needed to resolve an issue available and if not what is missing and how can it be completed?
- Whether the concern is directed at an underlying issue (mental health, financial, immigration, etc) or a legal matter in the separation? Is this an issue of concern to one of the parties or both (career counselling, retraining, etc.)? Is this an issue of concern to the children (assessment for special educational needs, daycare, etc.)?

Resolution

This is the element that brings finality to the separation. There needs to be a range of options depending on the issues that your approach can handle in order to reach a fair and reasonable outcome. Flexibility is needed as some issues will be resolved quickly with reliable and timely information and others will take more time, depending on a variety of factors, including emotional readiness, adequate information, understanding and acceptance of legal obligations and professional advice, and community support.

An assessment tool would be recommended to learn from the consumer if their issues were resolved satisfactorily.

Key Characteristics

Throughout the five sessions, several key characteristics or themes emerged that should form part of a better approach. They would be reflected to some extent by the design of the initiative. The extent to which they are included depends on what building blocks the initiative is designed to address, and how. These key characteristics include:

1. **Consumers want solutions:** Families are interested in the result and finality, and less interested in the journey. The initiatives that are developed may address one or more of the building blocks, but the closer they can come to an answer, the better they will be received.
2. **Certainty:** Consumers want to know what they are getting, and how much it will

cost. One of the barriers to consumers accessing the existing court process is uncertainty over what they will get for their money. Expressing cost in hourly rates or steps, when the consumer has no idea how many hours or what the step will achieve and how important it is, is frustrating.

3. **User Friendly:** Consumers want an approach they can understand. The difference between the success and failure of many products and services today is often the user experience.
4. **Must Work for Consumers, Not Just Providers:** The overriding question is how will the consumer react? Design it from the consumer's perspective.
5. **Include Technology:** Whether the technology is in everyday use (skype or web conference), or on the cutting edge (logic systems or AI), use will likely enhance the success of the approach.
6. **Design the approach for the people you wish to serve:** Do not design it for everyone. This will enable you to control price, while ensuring a high quality approach that is appropriate.

Conclusion

There is an urgent need to find a better approach for families going through a separation. At a most difficult time in their lives, families are too often confronted with a process that drains them emotionally and financially. It does not always recognize that even though they are separating, they will likely be interacting with each other for many reasons over the years to come.

We decided that an innovative approach was more likely to produce an innovative result. We asked lawyers, mediators, related professionals, community leaders and the public at large to help with this project. Everyone's contribution was valued. It was a community collaboration, because these issues matter to the community.

Our goal is to help families who are ending their relationship find a faster, more affordable and more supportive approach to resolution of their issues. This project is about solutions, not reports. We brought the community together, and over a short period of time developed several approaches from which workable solutions/prototypes could provide better results for families.

The sessions identified the essential building blocks, and several key characteristics, of a better approach:

The building blocks of a better approach are:

1. **Screening/Safety:** Appropriate people only - Exclude those who should not be served.
2. **Education:** What do people need to know, when do they need to know it, and how do they find out?
3. **Triage:** Identify issues and match those issues with the appropriate means to deal with them.
4. **Resolution:** When the parties are ready, and only voluntarily, move to resolve the issues.

Several key characteristics of a better approach are:

1. **Consumers want solutions:** Families are interested in the result and finality, and less interested in the journey. The initiatives that are developed may address one or more of the building blocks, but the closer they can come to an answer, the better they will be received.
2. **Certainty:** Consumers want to know what they are getting, and how much it will cost. One of the barriers to consumers accessing the existing court process is uncertainty over what they will get for their money. Expressing cost in hourly rates or steps, when the consumer has no idea how many hours or what the step

will achieve and how important it is, is frustrating.

3. **User Friendly:** Consumers want an approach they can understand. The difference between the success and failure of many products and services today is often the user experience.
4. **Must Work for Consumers, Not Just Providers:** The overriding question is how will the consumer react? Design it from the consumer's perspective.
5. **Include Technology:** Whether the technology is in everyday use (skype or web conference), or on the cutting edge (logic systems or AI), it will have a profound effect on the success of the approach.
6. **Design the approach for the people you wish to serve:** Do not design it for everyone. This will enable you to control price, while ensuring a high quality approach that is appropriate.
7. **Need and Opportunity:** The unmet need is substantial, but not all are without resources. While many require the assistance of government and Legal Aid, many others have some money to spend. We estimated a potential annual market of \$40 to \$200 million that is not being met by lawyers or other professionals today.

Where do we go from here? We have several groups actively pursuing their own solutions. We will provide support for them, and advise others of the opportunity to serve many in an innovative way that can be professionally (and financially) fulfilling.

Thank you to those who came together to help find a better approach for families. Thanks to our special advisor, Dr. Barbara Landau, for her tireless advocacy and work, with support from the facilitators Nicole Aylwin, Dr. Barbara Benoliel, Dr. Brett Degoldi, Cecil Fennel, Judith Huddart, Daryl Landau and Mary-Anne Popescu. Thanks also to Dr. Steve Gedeon, who designed and delivered session 4. Special thanks to Josh Morrison, a newly-called lawyer, for his dedicated work as the Project Coordinator. Finally, many thanks to the almost 200 people who gave up their time and contributed their best in our sessions.

There is a better way for many, and you brought us closer to achieving it.

Chris Bentley

Executive Director,

Legal Innovation Zone

Hersh Perlis

Director,

Legal Innovation Zone

APPENDIX 1

Build It Day: Session 5 Prototypes

Our Community Collaboration culminated in what we called a Build It Day for our final session. Teams organically broke into working groups and spent the day working on various prototypes/approaches, which built on the lessons learned during the previous 4 sessions. Below is a brief overview of what some of the teams came up with. For videos on each prototype and additional information please visit www.legalinnovationzone.ca/familyreform/prototypes.

Prototype Group A - Online Dispute Resolution System

The Online Dispute Resolution System is an end-to-end online system that bypasses the interactions required in a traditional process to create opportunities for families to reach resolution from anywhere. Clients can undergo screening for domestic violence and power imbalance and complete the documents and forms required for separation via an online portal. Once the screening is complete and documentation provided, the portal helps link clients to services such as financial assistance, mediation, or legal advice.

Prototype Group B - Website Navigation to Resolution

The Website Navigator helps separating partners come together to resolve their issues. The navigator provides the option of an in-person intake meeting or a virtual intake meeting. After the intake, the navigator allows clients to categorize and organize their documentation in a ‘family folio’. The navigator guides the individual through their documentation and auto-populates it based on their answers to the intake questions.

Prototype Group C - Access to Intake, Triage, and Workshops

The process begins with a virtual intake call that can be performed by any provider after a short training session. The next stage is an issue-based screening and triage process. The emphasis in this stage will be placed on counselling the client, providing an assessment of the issues, and determining the opportunity for resolution. The answers provided will enable the individual to be triaged towards the team of providers that best suits their situation.

Prototype Group D - Screening and Triage Services

The screening would be conducted under a universal protocol that uses consistent intake forms and gathers confidential domestic violence information from all parties. The triage process would be conducted online to ensure accessibility to everyone. All

individuals performing the triage would be required to enroll in and pass a course that explains in detail the triage model. These individuals would then receive a certificate as qualified triage experts and would be able to stream separating couples into the appropriate resolution platform.

Prototype Group E - One-Stop Resolution App

An online screening platform assesses urgent safety or abuse issues. It also clarifies issues in dispute. Once screening is completed, the App produces a to-do list based on the issues discovered in screening. This list explains how to resolve each item and spotlights educational tools. The educational tools are tailored to the user's answers and helps to outline their rights and obligations. The App also provides referral to financial assistance and conflict resolution support. The financial section details the costs of various services and explains their importance to the process. The conflict resolution aspect provides potential solutions and links for support.

Prototype Group F - Triage Map

The Triage Map develops a standard operating procedure for triage. It begins with initial questions about language, culture, and geography to ensure that the individual is able to properly access the triage. Next, the individual moves into screening, where individuals that have domestic violence or power imbalance concerns are referred to the appropriate resources. Once the screening is conducted, their answers generate a combination of process information, provider referrals, links to resources, and an overview of the separation process.

Prototype Group G - Freemium Reports

The consumer first answers a detailed questionnaire that acts as a screening mechanism. Once completed, the first stage in the process produces a free customized report that includes basic information about the issues the consumer has spotlighted. At the second stage, the consumer can receive an in-depth report and analysis of their issues. This report provides targeted information based on the questionnaire, suggests a variety of potential options, explains the costs of various services, and examines the likely outcome of their position by a comparison to similar cases in the court system.

APPENDIX 2

Participants Taking Up the Community Collaboration Challenge

One of the major outcomes the Legal Innovation Zone was hoping to achieve from organizing the four month Family Reform Community Collaboration was to inspire and provide additional operating space for participants to build solutions. A number of projects / prototypes have come to light from the participants who attended our sessions.

Below is a short overview of some of the ideas currently being worked on:

Kinso

Kinso makes accessing family law more affordable by leveraging the client's knowledge of their own case. Our software allows lawyers and clients' to digitally collaborate on their matters. These tools reduce the cost of managing the matter from the lawyer's perspective, but also opens up new markets for family lawyers. Kinso's tools we provide guide users through family law processes in a simple and intuitive fashion, organize all documents and data submitted by clients and legal professionals for each case, generate comprehensive parenting plans based on targeted questions, and enable legal professionals to collaborate with clients.

Josh Morrison, Michael Reid, Sasha Faraone

We are intrigued by the proliferation of online dispute resolution options in jurisdictions such as the United States, England, and the Netherlands. We are firm believers that the better approach to family dispute resolution will be conducted on an online platform that is easy to use and accessible for all Ontarians.

We intend to build an all-in-one online dispute resolution platform, inspired by the Dutch government's Rechtweijzer 2.0 and British Columbia's MyLawBC website. The platform will contain both the information that will assist in the separation process and the means by which to conduct the dispute resolution process. Once consumers provide information about their separation scenario, the platform will utilize algorithmic learning to analyze publically available data and provide insights on the likelihood of various outcomes. Armed with this information, consumers will then have the opportunity to resolve their disputes in an entirely online forum that functions similarly to Ebay's Dispute Resolution Center. To support the process, opinions and advice will be obtained through the crowd-sourcing of a number of volunteer jurists that will anonymously provide their input on the separation scenario.

Dr. Barbara Landau – Cooperative Solutions

Cooperative Solutions is dedicated to supporting separating families by providing cooperative, affordable, and timely assistance with the help of diverse professionals. A multi-disciplinary team will create an approach with user friendly technology and collaborative professional expertise, to help families better navigate their separation process. Our approach will screen clients for appropriateness, provide relevant information about legal issues in dispute, assist with triage to professional expertise and dispute resolution options as well as supportive community resources. Our goal is to provide those clients who select this approach with the necessary information and tools to reach a timely and affordable resolution. We welcome the partnership with Ryerson's amazing Legal Innovation Zone to make this approach a reality!

Thanks so much for the opportunity to share this creative experience – lots more to come to make this a reality – and better serve Ontario families!!

Neota Logic

Neota Logic is an award-winning global provider of intelligent software that helps companies consistently make the right operational, legal and compliance decisions. By making the knowledge and judgment of experts available at the point of decision-making, Neota Logic improves the speed, quality and efficiency of routine decisions. The company's easy-to-develop smart applications uniquely combine rules, reasoning, decision management and document automation to scale expertise quickly and cost-effectively. Neota Logic attended many of the Family Reform Community Collaborations and is in discussions with the LIZ on ways to move forward using the stated approach.

Marnie Landon – C 2 Infinity Corporation

The LegalTech does not have an official name. Our goal is to build tools that will help families find relevant legal, financial, employment and psychological information needed to make good decisions during separation and divorce. We use AI (artificial Intelligence) and ML (Machine Learning) to help the Self Represented Litigant navigate the legal system; understand their rights; and find cases similar to their own, in order to reduce their legal fees.

Darren Gingras – President, Common Sense Divorce

The Common Sense Divorce is a restorative dispute resolution process that operates in the context of a collaborative team model and approach, with particular attention on how clients and their families fare after their divorce process is complete.

Our business model encourages innovation, regularly breaking down the divorce process, challenging assumptions, engaging, rearranging and repositioning professional

expertise with great emphasis on how we can offer clients increased creative options and solutions.

Most recently The Common Sense Divorce is heavily investing in (ODR) dispute resolution technologies and processes with the agenda of growing and expanding dispute resolution options for the consumer.

Roger D'Hollander, Peter Lane and Geoff Pulford

We attended several of the sessions and are very interested in this initiative. Roger D'Hollander is an entrepreneur with deep experience in technology having started and built several companies. Peter Lane is a highly innovative software developer with substantial experience in legal services. After 17 years, Geoff Pulford recently left his position as CEO of a mid-sized law firm in Southwestern Ontario where his interest was creating a new age model for delivering legal services. We have successfully worked together in the past on legal services, work flow software. Our interest in this initiative by Ryerson University is to create an on line alternative which results in a high value, expedited, much lower cost, highly systematized, fixed fee approach to family separations for those families who are interested in separating, not fighting. While we are highly confident in our ability to create a software solution that achieves our named objectives, we are concerned with product/service differentiation. There are hundreds of companies on the internet who are offering similar services but with far lower value. How can a consumer reasonably differentiate high value solutions from low value solutions?

APPENDIX 3

Facilitators and Organizer Bios

Dr. Barbara Landau

Dr. Barbara Landau, President, Cooperative Solutions, www.coop-solutions.ca. Psychologist, Lawyer, Mediator. Past President of the Family Dispute Resolution Institute of Ontario (FDRIO), a Past President of the Ontario Association for Family Mediation (OAFM) and a Past Vice-President of the ADR Institute of Ontario, a Certified Comprehensive Family Mediator and Chartered Arbitrator. She offers Family Mediation and Arbitration Certificate courses through Conrad Grebel University College, University of Waterloo.

Barbara co-authored the Home Court Advantage Report: Creating a Family Law Process that Works and served on the Attorney General's Expert Advisory Panel on Family Law Reform. She co-authored "The Family Mediation, Arbitration & Collaborative Practice Handbook" with Lorne Wolfson & Niki Landau; "From Conflict to Creativity", with Sy Landau, Daryl Landau and numerous articles on mediation and collaborative law.

Nicole Aylwin

Nicole Aylwin is the Assistant Director of the Winkler Institute for Dispute Resolution at Osgoode Hall Law School, a justice innovation hub dedicated to improving access to justice. She is also the Executive Director of the Canadian Forum on Civil Justice, a national not-for-profit dedicated to civil justice reform, and the co-editor of the Journal for Arbitration and Mediation. As an expert in design thinking, access to justice and legal technology, Nicole is committed to redesigning justice in a way that makes it affordable, efficient and, most importantly, responsive to public wants and needs.

Dr. Barbara Benoliel

Barbara Benoliel Ph.D. is a mediator and facilitator, President of Preferred Solutions. She is the Academic Coordinator in the Barbara Solomon School of Social Work and Human and Social Services. Her clients include businesses, organizations, governments and institutions.

Dr. Brett Degoldi

Dr. Brett Degoldi is a Canadian-Australian family lawyer, trainer and entrepreneur. He completed a PhD in cognitive psychology and a Masters in Law focusing on collaborative law, Brett is currently a Dispute Resolution Officer (DRO) at the Superior Court of Justice, Family Branch in Barrie. In 2013 he launched the Family Law Pathways Centre (www.FamilyLawPathways.com) which is a unique entry point centre and referral service for family dispute resolution. Brett is global founder of the process of Early Neutral Consultation (ENC), which is a single-session, structured, informational meeting designed to empower separating couples to better navigate the family justice system, and to stay out of court wherever possible. Brett provides ENC training to professionals across Canada and internationally. He also trained and practiced in the areas of collaborative family law, mediation, and screening for domestic abuse and power imbalances.

Cecil Fennell

Private Practice (Toronto): M.S. W. Specializing in Psychotherapy, Couple Counseling, and Family Mediation .1981-2012

Founding Member and Past President: The Ontario Association for Family Mediation

Founding Member and Board Member: Family Mediation Canada.

Carleton University: Training Program in Family Mediation

Judith Huddart

As a mediator and a Collaborative family lawyer, Judith Huddart works with mental health and financial professionals to support families going through separation and divorce. She is a board member of the Family Dispute Resolution Institute of Ontario, a board member and past President of the Ontario Collaborative Law Federation, past Chair of Collaborative Practice Toronto, past Chair of the Ontario Bar Association's Family Law Section and past Chair of the Canadian Bar Association's Family Law Section. She has played an active role in Family Reform projects.

Daryl Landau

Daryl Landau, M.S., Acc.FM, of Common Ground has a Masters in Conflict Resolution from George Mason University in Virginia and worked in family, workplace, human

rights and other areas of mediation practice. He now focuses on family businesses, partnerships and other closely-held businesses. Daryl is also a trainer of mediators.

Mary-Anne Popescu

Mary-Anne Popescu is the Executive Director of the Ontario Association for Family Mediation (OAFM). As an OAFM Accredited Family Mediator in private practice, and in association with Common Sense Divorce, she works to bring peaceful resolutions that help families adapt to their changing needs during separation. Mary-Anne is also a roster mediator for the Office of Independent Police Review Director (OIPRD). In recognition of her volunteer contributions to St. Joseph's Maternal Support Program, Mary-Anne received the Ontario Award for Good Citizens, from the Ministry of Citizenship and Immigration. Mary-Anne supports diversity and acceptance as an ally and volunteer for Toronto PFLAG. She served for eight years as a Panel Member on the City of Toronto's Committee of Adjustment. Mary-Anne is also the past Chair of the ADR Institute of Ontario's Family Section and past Board Member of the OAFM.

Dr. Steven Gedeon

Dr. Gedeon is a highly-regarded entrepreneurship educator and expert who has founded or led over a dozen private, public, venture capital and non-profit organizations; published over 100 articles, reports and patents; and delivered over 100 public speaking engagements and on-line videos.

Steve has won over 20 awards including the President's Award of Teaching Excellence, Experiential Teaching Award, and the USASBE National Award for Entrepreneurial Experiential Education Best Practices. His student teams have won over 35 regional and national entrepreneurship championships through empowering others in need and running some of the largest student-run social entrepreneurship programs in the world.

Dr. Gedeon has broad experience in designing and delivering entrepreneurship curricula, programs, courses, and high-impact workshops in North America and Europe including an MBA in Entrepreneurship and Innovation Management in Germany, National Angel Capital Organization Educational Program in Canada, and the Ryerson Entrepreneur Institute – a global leader in student experiential learning and winner of the Canadian Urban Institute's Prosperity Leadership Award.

Chris Bentley

Executive Director - Legal Innovation Zone and Law Practice Program

Chris practiced criminal defence and labour law for 23 years at every level of court. While teaching part-time for 10 of those years at Western's law school, he set up the Careers Office and was recognized for his teaching. He was a founder and the first chairperson of Neighbourhood Legal Services of London and Middlesex, established to help those who could not afford legal services. Chris was elected as the MPP for London West in 2003, and was a Minister in the Ontario Government for 10 years, including Labour, Training, Colleges and Universities, Energy, Aboriginal Affairs, and was the Attorney General for 4 years.

While in government, Chris led change initiatives such as Justice on Target, that reduced appearances and time to trial in criminal cases for the first time in 18 years (nationally recognized), a health and safety initiative that helped reduce workplace injuries by 20%, the 4 Pillars of Family Reform, Civil Justice Reform, the (then) largest funding increase in Legal Aid's history, and was part of a new approach to Aboriginal relations recognized by the United Nations.

After politics he joined Ryerson University and helped obtain and set up the Law Practice Program, a modern approach to transition year training for lawyers. He recently helped establish the Legal Innovation Zone, Canada's first, to help build an accessible 21st century justice system.

U of T Law and Cambridge U grad, Chris is also an author.

Hersh Perlis

Director - Legal Innovation Zone

Hersh Perlis is the Director of the Legal Innovation Zone at Ryerson University. Prior to coming to Ryerson he spent almost 5 years at Queens Park as a Senior Advisor to several ministers. While at Queens Park he helped create, expand and oversee a number of key initiatives on behalf of the government. These included the 2015 Pan and Parapan American Games as well as other initiatives such as the Industrial Electricity Incentive Program and the Right to Play program for rural and remote First Nation communities. Prior to his time in government he was Director of Development for a national not-for-profit organization.

Sports, politics and the lake are his passion and he enjoys them with his wife and two sons.

Josh Morrison**Program Coordinator, Legal innovation Zone**

Josh Morrison is a lawyer currently working for the Legal Innovation Zone at Ryerson University. He received his Juris Doctor from Osgoode Hall at York University and later completed the LLM program (Master of Laws) with a concentration in Business at the University of Toronto. He is now coordinating the Legal Innovation Zone's Family Reform Community Collaboration, a series of sessions dedicated to creating a less adversarial, faster, and less expensive approach to resolving family disputes. Josh is also managing the Legal Innovation Zone's Legal Entrepreneur Support Program (LESP), working to develop an updated infrastructure that will better service the needs of the entrepreneurs in the Zone community at Ryerson University.