



SOAR's 33rd Annual Conference 2021
Administrative Justice Reboot: Reflect and Respond
November 4, 2021

Institutional Best Practices to Promote Access to Justice for Self-Represented Litigants

1. Do not rely upon assumptions and stereotypes – seek feedback from parties, representatives and other stakeholders to understand the specific needs of the users that your agency serves.
2. Use data and metrics to measure the needs of users, obstacles in your processes, and your agency's performance and improvement.
3. When developing policies, practices, and programs, consider the perspective of all parties, including marginalized groups and how they might be differently or disproportionately impacted.
4. Direct self-represented parties to appropriate resources for advocacy, advice and representation, as well as general information and support, including (but not limited to):
 - [Community legal clinics](#),
 - [Student Legal Services Organizations](#)
 - [Specialty clinics](#)
 - [Pro Bono Ontario Free Legal Advice Hotline](#)
 - [Law Society of Ontario Referral Service](#)
 - [Steps to Justice](#)
 - Community organizations. See eg: The Appendix, "[Community Justice Help: Advancing Community-Based Access to Justice: A discussion paper](#)" by Julie Mathews and David Wiseman (June 2020).
5. Embrace plain language and monitor the specific needs for interpretation at your agency.
6. Support staff and decision-makers through:
 - a. Training, both general and specific, including but not limited to equity, diversity, and inclusion (EDI).
 - b. Compassion and support.

7. Consider how you can appropriately work with other organizations, including community and government organizations, other adjudicative agencies, and legal clinics, to support your users.

8. Adapt your processes to the needs of your users, including:
 - a. Using non-adversarial adjudicative approaches and alternative dispute resolution methods;
 - b. Implementing enhanced case management processes for select matters that require additional support;
 - c. Updating the role of tribunal counsel to directly respond to users, including self-represented parties. See eg: “Adapting the Role of Tribunal Counsel to Promote Access to Justice: How far can we go?” by Michelle Alton, Suman Furmah and Kayla Seyler, *Canadian Journal of Administrative Law & Practice*, Vol. 34, No. 1 (March 2021)
 - d. Employing “system navigators” to help self-represented parties navigate the adjudicative process. See eg:
 - The Social Security Tribunal (SST) Navigator Service: <https://www.sst-tss.gc.ca/en/your-appeal/navigators>
 - [“Examining the Social Security Tribunal's Navigator Service: Access to Justice for Marginalized Communities”](#) by Laverne Jacobs and Sule Tomkinson (Forthcoming)
9. Remember that access to justice is about more than just making process changes and that not every challenge requires the same response.