



ACCESS TO JUSTICE GAME

Teacher's Overview

The Access to Justice Game is a 1-2 class activity that introduces high school students to access to justice in Ontario. This guide contains:

- Teacher's Overview
- Backgrounder on Access to Justice
- Teacher's Guide - In Class
- Student Worksheet

Curriculum links

This game fits easily within any Ontario **Law** or **Civics** classes. It also pairs well with many courses in Family Studies, Politics, Equity Studies, Guidance and Career Education, and General Social Sciences. For detailed curriculum links, see the OJEN website.

Suggested time: 1 class period

20 min: Introduce access to justice

20 min: Play the game

15-20 min: Debrief and discuss

Materials required

- Internet access and a computer, tablet, or mobile phone
- Student Handout and Worksheet (1 per student, optional; can also be used to assign game as homework)
- Teacher's Guide - In Class

How the game works:

Players will choose one of three personas: **Jean**, who has a family law issue; **Jamie**, who has an employment issue; or **Dallas**, who has a housing problem.

Players will have the choice to visit a range of legal service providers (like a law firm, community legal clinic, or courthouse) to try and get help with their problem. They can visit them in any order, and return as many times as they want. The goal of the game is to get help with the character's legal problem and bring their issue to the court (or to the Landlord and Tenant Board, in the housing scenario). Players "win" the game when their character successfully starts a formal legal process to have their case heard, or by resolving the problem itself. Make sure this is clear to students, who might assume that winning the game means winning their character's legal dispute.

Different options will be available to each character based on their personal circumstances, how much money they have, and the kind of help they need. These limitations and rules are based directly on **real-world rules and constraints**. So, for example, the legal aid income cut-offs and the services legal aid offers in-game are directly reflective of how Legal Aid Ontario works in real life.

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How to win:

While it can be difficult to “win,” there are at least 2 paths to success for each character:

- Jean can get help filling out her forms from the Family Law Information Centre at the courthouse and file them without a lawyer or hire a lawyer through the Lawyer Referral Service
- Jamie can make a complaint to the Ministry of Labour or start a Small Claims Court process
- Dallas can pay back the money with help from the community legal clinic; or get a settlement through mediation (if they can pay a certain amount out of pocket)
- All 3 can hire a lawyer at the Law Firm if they have enough money.

Learning goals:

After playing the game, students should be able to:

- Understand the prevalence of civil justice issues in everyday life
- Identify and describe some functions of different legal service providers
- Name the most common barriers to access to justice
- Name at least one source of reliable, free legal information

Companion and extension activities:

- Visit a local courthouse. You can book a tour through OJEN’s website at ojen.ca/en/our-work/classroom/courthouses.
- Request a classroom speaker from your local legal clinic, LAO, or courthouse. OJEN can help connect you with an appropriate volunteer: ojen.ca/en/our-work/classroom/form.
- Steps to Justice workshops on:
 - o Family Law: ojen.ca/en/resource/steps-to-justice-family-law
 - o Employment Law: ojen.ca/en/resource/steps-justice-employment-law
 - o Housing Law: ojen.ca/en/resource/steps-to-justice-housing-law
- Landlord and Tenant Board Mock Hearing: ojen.ca/en/resource/landlord-and-tenant-board-mock-hearing-scenario-in-the-matter-of-159-alexander-street-unit-5b-between-john-smith-and-vera-stevens
- Ask students to research a legal clinic they find on the LAO website. They should find the legal clinic’s individual website. They can report on what the clinic does, where it’s located, and who it serves.

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ACCESS TO JUSTICE IN ONTARIO

Access to Justice is the measure of how easy it is for people to get the help or resources they need to solve legal problems. In 2013, a committee of lawyers lead by Supreme Court of Canada Justice Thomas Cromwell released a report called “Access to Civil & Family Justice: A Roadmap for Change.” They found that the justice system was too complex, too slow, and too expensive to deliver good results to the majority of people in Canada. This was the start of a major shift in how the legal community thinks about legal reform and priorities.

“There is a serious access to justice problem in Canada. The civil and family justice system is too complex, too slow and too expensive. It is too often incapable of producing just outcomes that are proportional to the problems brought to it or reflective of the needs of the people it is meant to serve. While there are many dedicated people trying hard to make it work and there have been many reform efforts, the system continues to lack coherent leadership, institutional structures that can design and implement change, and appropriate coordination to ensure consistent and cost effective reform. Major change is needed.”¹

— Access to Civil & Family Justice: A Roadmap for Change

Since then, our picture of the “access to justice crisis” has become a lot clearer. Civil law problems - including family, employment, housing, human rights, immigration, wills and estates, health law, education law, consumer protection, contracts, business law, and more - are extremely common among the general population. Recent studies estimate that almost **half (48.4%) of Canadians over the age of 18** will experience at least one civil justice problem in a given 3-year period and just about everyone will have a civil legal problem at some point over the course of their life.

The law is complicated. In many cases it’s difficult to get a fair legal outcome without support and access to some legal advice. Yet many of those people with civil

¹ Action Committee on Access to Justice in Civil and Family Matters. (2013). Access to Civil & Family Justice: A Roadmap for Change. Online: www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf

² Currie, A. (2016). Nudging the Paradigm Shift, Everyday Legal Problems in Canada. Canadian Forum on Civil Justice (CFCJ) Cost of Justice Reports. Online: www.cfcj-fcjc.org/cost-of-justice

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legal problems will not be able to get appropriate help for a variety of reasons: the cost of a lawyer, the time involved, a lack of knowledge about their options, the intimidation factor, and more.

Many of the people surveyed in recent studies tried to gather information: 61% got advice from friends and relatives, and 33% searched the internet for help. Fewer people successfully got help or advice: about 28% got help from a third-party organization, like a union or an advocacy group, while **only 19% ever got legal advice** from a professional. Only about 7% of people with a civil justice problem would eventually make it into the formal legal system (including courts, tribunals, etc.). About three quarters attempted to work the issue out directly with the other party, successfully or otherwise. About 30% never got a resolution to their issue at all.

Of those surveyed, the average person spent \$6,100 trying to solve their legal problem. That's almost as much as the average Canadian household in 2012 spent on food (\$7,739) and almost 10% of the average household expenditure.³ Indeed, cost is the most significant single factor in the access to justice crisis. A recent survey of legal fees found that the average cost of a relatively simple civil matter, including a trial that lasted 2 days or less, ranged from \$13,000 - \$37,000.

Everyone knows that lawyers are expensive, but most people don't know how much a legal problem can cost until they have one. While paralegals can now provide legal advice in many areas (like at tribunals and Small Claims Court), and can be a more affordable alternative to private lawyers, their fees for the same services will still typically amount to thousands of dollars. While **legal aid** is available to some Ontarians, the annual income caps are notoriously low (\$18,795 for a single person or up to \$54,289 for a family of four) and only cover a limited range of issues.⁴

Cost is not the only barrier. Fighting a legal battle takes an immense amount of **time**, in both intensity and duration. Many services are only available during standard workdays, which requires many people to take time off. Individual cases can take years to make their way through a court process or to get a decision from a tribunal. Over the course of that time, other problems may spring up that drain a person's attention and resources.

³ Farrow, Trevor et al. "Everyday Legal Problems and the Cost of Justice in Canada: Overview Report." Canadian Forum for Civil Justice, 2016 at 14.

⁴ Figures cited are accurate as of August 2020. See Legal Aid Ontario at www.legalaid.on.ca/en/ for current information.

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Beyond the logistical issues, many Ontarians are deterred from addressing their legal issues by the complexity, opacity, and intimidation of the legal system. Many people don't know their rights, where to get help, or when they should consider legal action. Many fear discrimination, poor treatment, or unfair results. As a result, a huge number of Ontarians are not able to assert their rights in important areas like family disputes, employment issues, housing, and debt management.

Understanding the Legal Aid system in Ontario

Legal Aid Ontario (LAO) is the major provider of free or low-cost legal services to low-income Ontarians. The legal aid system provides services in four different ways:

(1) Legal Aid Certificates. Areas of law: Criminal, family, refugee

If you meet the income requirements and you have a criminal or family matter, Legal Aid Ontario will issue you a certificate which you can take to a private lawyer. The lawyer will help you and they will get paid directly by LAO, at a rate set by LAO. Certificates are only issued for one legal problem at a time and they only cover a limited amount of a lawyer's time. Still, they can be extremely helpful to anyone who qualifies.

(2) Duty Counsel. Areas of law: Criminal, housing, sometimes family

All criminal courts, some family courts, and some housing tribunals have a Duty Counsel office on site. You can visit Duty Counsel on the day you appear in court/tribunal and they will help you that day. They can't take on your case in an ongoing way or help you between court dates. They don't draft court documents or submissions for you, but they can help you with your court appearance.

(3) Community Legal Clinics. Areas of law: Housing, income security, some others

These are independent organizations funded by Legal Aid Ontario to provide legal services directly to low-income people within certain geographical boundaries. All clinics help with housing and social assistance, and some also work on employment claims, immigration, or family law issues. You must meet an income cut-off to be represented, but many will give brief "summary advice" even if you are above the income limits. Summary advice is generally a short analysis of your case and advice on what to do next.

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You can find your area's community legal clinic on the Legal Aid Ontario website, where you can search based on your postal code. There are also **Student Legal Aid Services Societies** which operate out of law schools, with law students doing the legal work under lawyer supervision. They function like community legal clinics, but they may also offer criminal law, immigration, or other legal services.

(4) Specialty Legal Clinics. Areas of law: Various

Specialty clinics provide free legal services to people with a particular legal need or identity (anywhere in Ontario) who may not be well-served by other legal aid services. Generally you must still meet the income cut-offs set by Legal Aid Ontario to qualify for help.

Some examples of specialty clinics: The HIV/AIDS Legal Clinic Ontario; Advocacy Centre for the Elderly; Black Legal Action Centre; Justice for Children and Youth.

Funding and income cut-offs

In August 2020, the Legal Aid Ontario income cut-off was \$18,795 per year for a single-person household or \$45,289 for a family of four. Cut-offs and rates can change from year to year based on trends, funding, and changing demographics in Ontario. You can find the current income cut-offs on the Legal Aid Ontario website at www.legalaid.on.ca.

For comparison, a person working for minimum wage (\$14 as of August 2020) for 35 hours per week would have an annual salary of \$25,480 before tax – they would earn too much money to qualify for legal aid as a single person without dependents.

Also good to know...

Pro Bono Ontario offers some programs in which lawyers volunteer to help some clients with some specific types of legal problems. It's always worth checking whether there's a Pro Bono Ontario project that could help you: www.probonoontario.org.

The Law Society of Ontario's **Lawyer Referral Service** can connect you with a lawyer who will give you a free 30-minute consultation. They will not give you legal advice during that consultation, but afterwards you can choose to hire them (at their usual rates). You can request a lawyer who meets special accessibility needs or speaks a certain language, so this service can be useful for anyone without strong English.

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TEACHER'S GUIDE - IN CLASS

1. Introduction: 15-20 minutes

Questions	Answers
1. Introduce civil law if necessary. Explore how it differs from criminal law and list some examples of civil law issues.	Criminal law is based on the <i>Criminal Code of Canada</i> ; matters are between the individual and the state. Civil law is between individuals or organizations. It includes family, housing, employment, wills, human rights, real estate, immigration, etc.
2. How common are civil law problems?	Much more common than criminal issues! About half of all Canadian adults have a significant civil issue over any 3-year period.
3. What would you do if you were one of those people? Where would you go for help?	Most people try to talk to friends or family, or try to talk to a lawyer.
4. But in fact, most of those people don't end up working with a lawyer - only about 20% of them. Why do you think that is?	The most common reasons are: • Cost • Time required • Intimidated or confused by the process • Being unsure of their rights • Thinking that nothing can be done
5. Cost is the most famous one - everyone knows lawyers are expensive. But how expensive? What do you think it costs to have a lawyer help you with a problem that ends up in a 1-day trial?	\$13,000 - \$37,000. Depends on your area, issue, who the lawyer is.
6. What happens if you can't afford a lawyer? Has anyone heard of Legal Aid Ontario?	Legal Aid Ontario provides free legal help to low-income people in certain areas of law (criminal, some family, and a few others).
7. But Legal Aid is only for low-income people. Given how much a lawyer costs, what do you think the income cut-off for legal aid is?	(Check on LAO website for updated figures) About \$17,700 for a single person Up to \$42,700 for a family of four *A single person working full time for minimum wage makes too much to qualify.

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2. Playing the game (20 minutes)

Ensure each student has access to the game, or project it at the front of the class. Explain how it works:

- This is a game about getting legal help in Ontario.
- You will play as one of three people: JEAN, family law; JAMIE, employment law; DALLAS, housing law.
- Your goal is to get help and get your legal issue resolved or heard by the court (or the Landlord & Tenant Board, for Dallas).
- To do that, you will be able to visit different buildings and services to try and get information or help. Visiting one will advance the story.
- You can go anywhere, in any order, and you can visit the same place more than once.
- You may also have things happen to your character that open up new options or change how much money you have.
- Remember to read carefully and keep an eye on how much money you have (it's listed at the top of the screen).

Give students 20min to play the game. They may do a second scenario if they finish early.

3. Discussion questions (15-20 mins, remainder of class time):

Were you successful? How did you make it through the game?

How did it feel? Was it frustrating? Confusing?

- The constraints in the game reflect real-world limits, like who can help with what, income cut-offs, and so on

Do you think your character is going to win their case in the end? Will they be happy with the outcome?

- If Dallas didn't pay back their landlord, they will probably still be evicted.
- Jamie won't get his job back. He may get his money back in a few months, if he wins.

What are some other factors that could make it even harder for real people to get legal help?

- Lack of transportation/mobility (especially in rural areas)
- Work schedules (most offices are only open 9-5)
- Having children or doing elder care
- Language or literacy barriers
- Comfort with technology

What happens to society if people can't actually enforce their legal rights in housing, employment, or family law?

What would have helped your character?

What could we do about this situation?

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ACKNOWLEDGEMENTS

The Access to Justice Game was made possible by a generous grant from the Law Foundation of Ontario. We are continually grateful for their steadfast and vital support of public legal education for youth and of OJEN in particular.

The Access to Justice Game was also developed with financial or content support from the Law Society of Ontario, the Justice Education Society of British Columbia, Community Legal Education Ontario, Sonia Masih, Sarah McCoubrey, Squinky, Carolyn Jong, Allison Cole, and the many teachers and students in Ontario who allowed us to test and refine it in their classrooms and professional development sessions and provided constructive feedback. OJEN very gratefully acknowledges these contributions.

Under the leadership of former Chief Justice of Canada Beverley McLachlin, the Action Committee on Access to Justice in Civil and Family Matters has emerged as a national body coordinating the efforts of many individuals and organizations concerned with access to justice in Canada. OJEN became involved with one of the Committee's sub-bodies, the Prevention, Triage and Referral Working Group. This group highlighted ways in which public education strategies could support access to justice efforts by building engagement and legal capability in people. OJEN developed the game as a strategy to present the access to justice crisis to young people in an accessible way while teaching them about real civil justice processes and sources of support in the community for people who find themselves facing legal issues.

Since then, the game has become one of OJEN's most popular and effective teaching tools. The game has been run in both English and French with participants that number in the thousands and audiences comprising high school, community college and law students, but also teachers, teacher candidates, lawyers, judges, community workers, young parents, newcomers and others. OJEN hopes you and your classes enjoy it and we welcome your feedback. Please feel free to contact us at info@ojen.ca.

STUDENT WORKSHEET

I played as _____

I DID / DIDN'T get to the end. (circle one)

Your access to justice journey: track your path!

	Where did you go?	What happened?
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

1. How did you get success in the end? Who helped you?
2. If you were this person, would you be happy with the outcome you got? Why or why not?

Legal Aid in your community

1. What is the current income cut-off for Legal Aid Ontario for a single person? How about a family of 4? Look on the Legal Aid Ontario website to find this information: www.legalaid.on.ca.

Single person: _____

Family of 4: _____

2. What is the name of your local Community Legal Clinic? Look it up using your postal code on the Legal Aid Ontario website: www.legalaid.on.ca.
3. Find your local clinic's website. What kind of legal services do they offer?