



Action Committee on Modernizing Court Operations

UNDERSTANDING USER-CENTRED JUSTICE

A Statement from the Action Committee

Our Committee supports Canada's courts in their modernization efforts. It provides guidance for addressing challenges, and highlights opportunities and innovative practices to modernize court operations and improve access to justice for court users.

1. CONTEXT AND BACKGROUND

Equitable access to justice is one of the fundamental principles that guides our courts. It is grounded in the knowledge that the courts exist to serve the public, including litigants, victims, and witnesses. Realizing this goal thus requires filtering decisions about both modernization efforts and day-to-day service delivery through a lens that considers the needs and perspectives of the people who wish to use the courts. In other words, as court leaders across the country have begun to realize, court modernization will only be possible when courts listen to their users. The Action Committee has recognized this reality in its previous publications, including its [Orienting Principles on Leading and Managing Change](#) and [Orienting Principles for Reducing Backlog and Delay](#) and, as it increases its focus on modernizing court operations, considers it timely to examine user-centred justice in more detail.

Most people who come to court face stressful life situations and many are compelled to participate in the adversarial system. If their experience is negative and they are left feeling unheard, they may not turn to the courts to solve future disputes. Left unchecked, public dissatisfaction can undermine the trust that the justice system will meet the needs of the people and, ultimately, our social order, democracy, and the rule of law. As such, courts must continually examine what they are doing and what they could do better through the perspective of those who come to them seeking justice, while at the same time often balancing limited court resources.

2. WHO ARE USERS?

At the heart of user-centred justice is the proposition that court leaders increase their ability to deliver accessible justice when they understand user perspectives. And it follows that, to understand them, courts must find ways to access these perspectives. But who are users?

Any change to how a court operates will affect the people who work there on a daily basis – the judiciary, court staff, and the legal profession – and all of these groups will have valuable insight into both how well current processes are working and the practical effects of proposed reforms. However, ultimately serving the public, and making the courts accessible to end-users, remains the primary goal. For this reason, while user-centred justice may consider the perspective of those who work in the courts, it focuses predominately on these end-users (including those who would seek justice from the courts but are prevented due to existing barriers). Determining who should be engaged in any user-centred initiative will depend on the context, with the professionals who work in the courts on a daily basis, as well as those who support users – such as court navigators, Indigenous Courtworkers, victim services, community organizations, and social workers – all having unique perspectives. However, the starting point in a user-centred approach should be seeking to understand the ultimate beneficiaries of the system. This can be done by engaging primarily with end-users themselves, and then with connected system and community actors to further understand context and related issues and processes as necessary.

3. JUDICIAL INDEPENDENCE AND UNDERSTANDING USERS

Judicial independence and impartiality are enhanced by understanding the lives and experiences of the people who come before a court. As recognized in the Canadian Judicial Council's [Ethical Principles for Judges](#), judges serve the public, and can prepare themselves to undertake their work competently and diligently by learning about the experiences of the wider public, including social context issues.



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4. ORIENTING PRINCIPLES

The following principles can help guide the way to adopting a user-centred approach to modernizing court operations at all stages or phases of a given process.

4.1 Communication Promotes Accountability and Enhances User Confidence

Communicate your objectives and scope of work clearly, convey that participation in any engagement is voluntary and will not have adverse consequences on participating users, explain how you intend to use the information gathered and that only anonymized data will be shared or made public as appropriate, and report on outcomes – including what was heard and learned, actions taken, and reasons for not implementing any key suggestions – to ensure users feel their needs and perspectives have been heard.

4.2 Multi-Stakeholder Collaboration Can Help to Gather and Understand User Perspectives

Establish working relationships with related system and community actors who support court operations and users. These actors have relevant insights to help identify and understand affected users, their needs and experiences. In certain cases, these actors may also be best placed to engage with end-users and act as trusted intermediaries based on a pre-established relationship of trust. See the Action Committee's tip sheet on [Multi-Stakeholder Collaboration](#) for additional information and guidance on the benefits and key elements of successful collaboration.

4.3 Addressing the Diverse Needs of End Users Makes Access to Justice More Equitable

Different types of users may experience the same process quite differently, depending on their personal, cultural, and socio-economic characteristics, and in some cases, due to special needs. Consider the different groups of users affected and map out their specific needs to ensure processes are adaptable to those needs. Examples of relevant groups may include self-represented litigants; those with added barriers to accessing justice, such as physical impairments or mental health issues, language barriers, cultural or historical trauma; Indigenous persons; individuals from racialized minorities; immigrants and refugees; or individuals living in remote areas or who experience homelessness.

5. APPLYING A USER-CENTRED JUSTICE LENS

User-centred justice is a way of thinking and working. Although not a strict formula, applying a user-centred justice lens to modernization efforts and improving day-to-day service delivery generally involves three core phases. These include:

1. Preparing for user-engagement
2. Designing and undertaking user-engagement
3. Planning for and implementing change based on user input

These phases often overlap, and any phase can be repeated as necessary. Additionally, steps or phases can be added as necessary or appropriate. While recognizing that they are not rigidly linear, nor completely discrete and separate, a **checklist of considerations** to assist in working through each phase can be found in the Annex at the end of this publication.

5.1 Preparing for user engagement

This first phase sets the groundwork necessary to create the conditions for a successful user engagement. The overarching focus is on collecting information that already exists while adopting a user perspective. This information helps to define the issue to be addressed, the users and connected system and community actors to be engaged, and the parameters of the engagement initiative.



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Key outcomes of this phase include:

- ✓ Defining the issue that is to be addressed that requires user input.
- ✓ Determining what is already known and what needs to be learned from users and others in the system.
- ✓ Gaining an initial appreciation of the current court process or practice as a user would experience it.

Key activities and considerations of this phase include:

- Collect existing information that can provide insight into the user's experience and social context. This can include letters or complaints received by the court, observations of front-line staff or connected actors, existing studies, reports and research, past consultations done by the court or a court in another jurisdiction. It will be important to users to demonstrate the time was taken to "hear" what they have already said and get to know them and their experience in an initial way prior to engaging with them. Using everyone's time efficiently by not revisiting information already collected will be much appreciated. Map the information collected in timelines, process, or journey maps. This will help organize the information and determine where additional information from users is required.
- Decide on the scale of initiative: The resources, time and capacity that are available will significantly impact the scale of the engagement that can be undertaken. It may be better to undertake a smaller initiative that can be more successfully conducted and acted on than to ask people for input on how to improve processes or practices the court has no control over or lacks the resources to address. Starting small and delivering on more targeted initiatives may provide the momentum and confidence needed to move to an ongoing culture of user-centred operations.
- Identify users and connected system and community actors: Collecting existing information and mapping the process should provide significant insight into who uses or is engaged in the court process or practice under review. Mapping the users and asking who is most impacted, and who is connected and related is a helpful exercise at this point. Is this all users of the court? Users of a particular level or division of court? Users with particular needs or barriers? Once the overarching group of end users has been identified, it is also important to understand the characteristics, diversity, and complexity of the group. Is this a largely homogenous group? How does gender, literacy level, disability, racialization, etc. differently position users in this group? Finally, identify who the connected system and community actors or intermediaries are whose role and actions have an impact on end users (lawyers, Indigenous Courtworkers, victim services, court navigators, court staff, other judges and court administration staff) – add them to your map. Identifying all these elements provides a more holistic picture of the user's perspective and experience.

5.2 Designing and undertaking user engagement

Designing and undertaking user engagement lays at the heart of a user-centred approach. With the information gathered in the first phase, only part of the picture can be seen, but it can be used to inform how the additional information required to complete the picture can be gathered from users and connected system and community actors.

Key outcomes of this phase include:

- ✓ Designing an engagement approach that is accessible and respectful, feasible and collects the most relevant information.
- ✓ Undertaking the user engagement to build a more complete picture and understanding of end-user needs, perspectives, experiences, and lived reality (including surrounding social and psychological context)
- ✓ Listening for needed changes, innovations, and possible solutions.

This can be a complex phase of the user-centred approach. As such, the Action Committee has created a companion publication entitled [Gathering User Perspectives to Support Effective Court Operations](#) that



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provides guidance and further details regarding the various methods that can be used to gather user perspectives.

With that said, there are three key considerations to designing the engagement approach before choosing the specific method of collecting user perspectives. These include: 1) ensuring the engagement process is accessible and respectful; 2) determining what kind of data will be most informative; and 3) determining what is feasible.

- Ensuring an accessible and respectful engagement: The design of the user engagement approach must again consider user perspectives, to both accommodate their needs and safeguard their welfare. Being mindful of technology needs, power dynamics at play, culturally appropriate and trauma-informed approaches, history of past engagements, and generally the social context of the user group to be engaged is critical. When designing the engagement, ensure that participants are not disadvantaged or impacted negatively in any way. Equally ensure that communications throughout contain sufficient information to obtain the necessary informed consent to participate. Ultimately ensuring that users feel genuinely welcomed and safe to share their experience to improve the system is key.
- Determining the type of data to collect: Understand what different kinds of data tell you and determine which type will best serve the current context. Consider if it would be better to use quantitative data, qualitative data, or a combination of the two. Consider too what information already exists and what type of data can best assist in creating a more complete picture.
- Determining what is feasible: Taking the above two points into consideration, the design and method of the planned user engagement must also be feasible. If the user group is significantly spread out geographically, then focus groups in multiple locations may not be possible. On the other hand, if the court is interested in responding to access to justice issues experienced by traditionally marginalized groups, actually showing up and demonstrating a genuine desire to learn and problem solve may make focus groups facilitated by a trusted intermediary an ideal method.

5.3 Planning for and implementing change based on user input

Finally, the overarching focus of the last phase, planning and implementation, involves analysing what was heard and learned from the user engagement to inform and implement solutions, changes, and reforms.

Key outcomes of this phase include:

- ✓ Collating, synthesizing and analyzing what is being heard and learned from users and connected actors.
- ✓ Identifying patterns in perspectives, common themes, consensus points and points of divergence, and interpreting these in the context of users lived experience of the broader justice system.
- ✓ Planning and implementing changes and reforms based on the needs and perspectives received.
- ✓ Evaluating if the changes are having the desired outcome.

Key activities and considerations of this phase include:

Making sense of the information collected: As the information from users and connected actors is collated and synthesized, what is the information, data, stories and experiences saying? Consider who is best placed from the court or collaborators to analyze and interpret this information, taking into account the perspective of the user, the broader system, and the social context.

Planning for change: Based on the more complete picture of user context, experience and needs that is now available, generate solutions and changes that could be responsive to what has been learned. It is useful to brainstorm and generate multiple solutions, and then play them out to see which are most feasible and responsive. Often, as long as the more ambitious changes that require time and resources that are also needed are not forgotten, implementing low cost, quick changes can keep momentum going



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and help users feel that their input has been heard and valued. Consider prototyping ideas on a small scale for a short period of time to see if they provide the desired results before implementing the solution across the board.

Keep in mind the larger context. Whose cooperation might be required to make the solution work, and how will the solution impact other actors or aspects of the larger justice system? Ensure the solution has not simply pushed the problem out of courts to another place in the system in a way that will not ultimately benefit the end-user.

Implementation, evaluation, and adjustment: The final steps are 1) to actually implement the proposed solutions and 2) determine if they have in fact responded to user needs and positively changed user experiences and outcomes. Consider which methods might be best for measuring and evaluating the implemented solution. Is it feasible to have ongoing contact and input from users? Might a type of report card or analysis of statistical data captured be useful? For more ambitious initiatives, creating an ongoing iterative engagement and modernization strategy where repeated engagement and reform processes are an ongoing initiative might be implemented.



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ANNEX

CONSIDERATION CHECKLIST

FOR USER-CENTRED COURT REFORMS AND MODERNIZATION INITIATIVES

I. Preparing for user-engagement

Key Outcomes:

- ✓ Define the issue that is to be addressed that requires user input.
- ✓ Determine what is already known and what needs to be learned from users and others in the system.
- ✓ Gain an initial appreciation of the current court process or practice as a user would experience it.

Collect existing information: Identify resources that provide insight into the users' experience.

- Determine what is known:
 - simply as a result of day-to-day work and ongoing reflections
 - from letters, complaints, or queries from users
 - from media reports of user experiences
 - from informal communication with users, front-line staff, or colleagues.
 - from existing studies, reports, or research in the area
 - through observations of court users going through the process.
- Identify areas of friction that require attention.
- Ensure a holistic approach that considers both the lived experience and perspective of users and elements of the broader context that may be contributing to the issue.

Decide on the scale of initiative: Identify an appropriate and realistic scale of initiative or level of desired change.

- Determine the resources, time frames and capacity available for the engagement initiative.
- Gauge whether there is a desire to address a discrete issue or if the initiative may address more systemic change that would impact the larger court process.
- Given that it is unlikely a court can respond to all needed changes at once, decide what changes are most critical. Consider:
 - what will provide the most impact
 - where the court can be the most responsive, based on available resources and areas of control
 - whether there are any quick wins to get the ball rolling on responsive user-centered change
- Identify relevant actors and collaborative working relationships that can support the engagement efforts.

Identify users and connected system and community actors: Identify the users most impacted by the relevant court process, as well as other actors who are naturally connected or related to the process.

- Consider different groups that will experience the court process differently:
 - Consider how gender, literacy level, disability, racialization, homelessness, mental health, sexual orientation, etc. impacts users' experience of the process.
 - Identify groups that may require specific attention because they are differently situated or marginalized. In doing so, consider a diverse cross-section of these populations to ensure accurate representation.



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- Decide whether the engagement will focus on all end-users or if there are groups that are of particular concern given the context (this could include victims, marginalized users, or self-represented litigants, for example).
- Map out who plays a role in the court process and related context.
- Identify:
 - important players and resources within the court process from a user's perspective.
 - who provides support to users as they go through the court process.
 - who provides information to users about the court process.
- Consider collecting information from different user perspectives to provide a holistic understanding, including for example, from jurors who are neutral parties but who still witness and experience the system firsthand.
- Prepare for potential resistance, especially from those within the system that may find change difficult.
 - Consider what can be learned from such resistance.
 - Ensure these concerns are authentically heard and responded to.
 - Communicate that concerns are valid and have been considered.

II. Designing and undertaking user engagement

Key Outcomes:

- ✓ Design an engagement approach that is accessible and respectful, feasible and collects the most relevant information.
- ✓ Undertake the user engagement to build a more complete picture and understanding of end-user needs, perspectives, experiences, and lived reality, including surrounding social and psychological context.
- ✓ Listen for needed changes, innovations, and possible solutions.

Engagement Approach: Choose the method of gathering user perspectives that is most accessible and respectful, and best allows users to share their experiences while also matching available resources and capacity.

- Considerations will include:
 - the size, diversity, and geographic location of the target user group.
 - how accessible technology is to the target user group.
 - what kind of information is of most use from the target user group.
 - whether these users have been engaged previously. Consider whether there are already reports, studies, or survey results that provide insight into their perspectives and experiences, and if there is a potential for consultation fatigue with this group.
 - the nature of the court's relationship with the user group or particular community
 - how important it is for the court to hear directly from users, as opposed to engaging with an intermediary.
 - any power dynamics that need to be taken account of and the ability to ensure participants feel their engagement is fully voluntary.
 - the likelihood or possibility of negative impacts to participants regarding their social or emotional wellbeing including concerns around stigmatization.
 - whether a trusted intermediary such as a legally trained member of the particular community could act as a bridge.
 - whether there are academics, community groups, civil society or front-line workers (such as Indigenous Courtworkers, community legal clinics, or refugee settlement organizations) who already have trusted relationships with users that could support or lead the engagement.
 - what level of preparation is necessary to ensure the chosen method of engagement would be meaningful, trauma-informed and culturally appropriate.
 - whether there are reasons to work with different groups separately or together, such as whether information is needed from some users before others.



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- if bringing users and/or other parties together would help to build a clear picture of the issue, break down silos, and contribute to a better understanding of the full user lived experience.

Communication: Develop a communications plan to ensure users and others receive clear and relevant information throughout the engagement initiative and planning and implementation phase.

- Work with communications' experts within the court, if available.
- Ensure that those who will be engaged understand the initiative, what information is being sought from them, how it will be used, the anticipated outcomes of the initiative, and are able to provide informed consent to participate.
- Address any relevant privacy concerns regarding the information being collected and communicate the plan to address them to those being engaged.
- Consider how to keep users and other relevant parties up to date regarding progress on the initiative.
- Develop a mechanism to report what has been heard back to users. This helps ensure those engaged feel their time and input has been respected.

Reflection and Validation: Built moments of reflection and validation into the engagement process.

- During these times of reflection, consider whether:
 - all relevant voices have been heard from
 - those heard from are a representative sample of the relevant group(s)
 - there are voices or perspectives missing.
 - those with first-hand experience have participated, or if the data is mostly from those with second-hand knowledge.
 - the engagement to date has provided a clearer picture of the user's perspectives, needs, social context and lived experience as it relates to the court process.
 - there are any areas that need clarification or warrant further discussion.
 - there has been an opportunity to validate new understandings and emerging conclusions. This can be done by providing an opportunity for feedback to a What We Heard document, for example.
 - there is a clearer understanding of what is happening within other parts of the justice system that may be impacting the court process or users' experience of the court process.

III. Planning for and implementing change based on user input

Key outcomes:

- ✓ Collate, synthesize, and analyze what is being heard and learned from users and connected actors.
- ✓ Identify patterns in perspectives, common themes, consensus points and points of divergence, and interpret these in the context of users' lived experience of the broader justice system.
- ✓ Plan and implement changes and reforms based on the needs and perspectives received.
- ✓ Evaluate if the changes are having the desired outcome.

Making sense of the information collected: Identify what the information, data, stories, and experiences are saying.

- Identify common themes and issues.
- Pinpoint specific user needs.
- Identify what is working well, as well as areas where users experience breakdown or friction.
- Identify promising examples and best practices and the key catalysts and drivers behind them.
- Determine what barriers and challenges are getting in the way of positive user experiences.
- Identify what key actors might be needed to make things work better.
- Think about what the different kinds of data are saying, including how the qualitative data can help make sense of the quantitative data.



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- Determine whether anyone or any technology can provide relevant context or help make sense of the information received. This could include subject-matter experts, colleagues who are connected or part of that community, consultants, or software tools.
- See what potential solutions the information is pointing towards.

Planning for change: Identify which actors and what processes will be affected as the court begins to plan for change. For more information on planning for change in the courts, see the Action Committee's publication on [Leading and Managing Change in the Courts](#).

- Identify what can be improved to positively change the experience and outcomes for court users.
- Articulate any overall principles emerging from the engagement that could guide the change process.
- Identify the solutions that are most responsive, easiest, and quickest to implement.
- Consider whether other jurisdictions have undertaken reforms that could serve as a model to respond to what was heard in the engagement process.
- Consider what has been learned about the broader context that will help to understand and solve this issue.
- Identify how a change in court process will impact other aspects of the larger justice system and who needs to be involved to address the root causes of this issue.
- Communicate back to users what was heard and what is going to be done, including why action will not be taken, as relevant.

Implementation, evaluation, and adjustment: Identify key considerations as implementation begins.

- Look for opportunities to prototype proposed changes on a small scale to refine processes and see if they meet user needs.
- Measure whether the changes are having the desired outcomes.
- Make adjustments as necessary.