

News

Appointments

- Pratibha Sharma and Lauren (Rong) Liang** have been appointed as partners with **Clark Wilson**. Sharma practises in the corporate and commercial, private company transactions and labour and employment groups. Liang practises in the estate and trust litigation, wealth preservation and strata groups.
- Stikeman Elliott** announced eight lawyers have been invited to join the partnership in various offices. In Toronto, **Mike Devereux** (corporate group), **Patrick G. Duffy** (aboriginal law, energy law, environmental law), **Samaneh Hosseini** (litigation group), **Meaghan Obee Tower** (corporate) and **Kevin Smyth** (corporate). In Montreal, **Joseph Reynaud** (bankruptcy, insolvency and restructuring). In Calgary, **Benjamin S.P. Hudy** (corporate finance and securities). In Vancouver, **Jamie Templeton** (corporate finance, P3s and banking).
- Miller Thomson** announced two new partners in Calgary. **Steven T. Robertson** is a partner in the commercial litigation group. **James T. Swanson** is a partner in the intellectual property group.
- Osgoode Hall Law School** at York University announced the appointment of The Honourable **Marshall Rothstein** as a distinguished visiting professor for a one-year term. Rothstein most recently served on the Supreme Court of Canada from March 2006 until his retirement in August 2015.
- Len Glickman** has been appointed as chair-elect of the American Bar Association Forum on the Entertainment & Sports Industries. It is a first for a Canadian lawyer. Glickman is a partner in the entertainment and sports law group at **Cassels Brock**.

Non-lawyers to help self-represented

DONALEE MOULTON

Canada's legal system involves complex protocols and processes. For lawyers, traversing this terrain is second nature. For self-represented litigants, it can be daunting.

With that in mind, the Legal Information Society of Nova Scotia (LISNS) is poised to launch Canada's first program using non-legal community members to help self-represented litigants find their way.

"Our goal is that a self-represented litigant will feel confident and informed. We are not trying to ensure satisfaction with the outcome," said LISNS's executive director Heather de Berdt Romilly in Halifax.

The Public Navigator Project, which will start early this year, is focused on self-represented litigants going through proceedings in the Supreme Court Trial Division in regional court houses outside of Halifax.

In many ways, launching the legal navigator program in Nova Scotia's small claims court might have been more manageable, but the need was not as great.

Regional court administrators in the province identified self-represented litigants as their top priority, and the public navigator program has received the endorsement of Michael MacDonald, Chief Justice of Nova Scotia.

The focus will be on self-represented litigants in the early phases of their legal journey.

"The research is clear that when legal information is provided at an early stage, it will help resolve (issues) in 80 per cent of cases," noted de Berdt Romilly.

That research mirrors the experience of LISNS staff. The society's legal information helpline has served more than 100,000 callers since its inception.



“Public navigators will be sufficiently confident to talk about the options and what is involved in going to court.”

Heather de Berdt Romilly
Legal Information Society
of Nova Scotia

"Only 15 per cent require referral to a lawyer," de Berdt Romilly said.

Materials to assist self-represented litigants will be made available online. But a core element of the new navigator program — which will require ongoing funding to be sustained — is training community members to serve as resources for self-represented litigants.

Six navigators were trained during a test run last year and now LISNS is looking to train more in Bridgewater, about 105 kilometres outside Halifax, where the pilot program is slated to run.

"Public navigators will be sufficiently confident to talk about the options and what is involved in going to court," said de Berdt Romilly.

Key outcomes of the project include self-represented litigants understanding their legal issue, gaining self-assurance with their role, and being satisfied with the process.

The judicial system is expected to benefit as well as individuals. It is anticipated that there will be a reduced number of self-represented litigants going through the formal court process and proper documentation will be used, which will save the court system time and money.

In preparation for the pilot program, the information and educational materials that the society developed were tested on 70 individuals with legal and non-legal backgrounds. This included several 13-year-olds who reviewed the materials for Grade 8 comprehension.

"No one said this is not useful," de Berdt Romilly noted.

Part of the initiative is helping self-represented litigants understand if they can or should commence legal action. Identification of issues and exploration of alternate methods of dispute resolution are key components of the

new program.

There is also a partnership with mediators in Nova Scotia that will support diversion away from court where appropriate. In addition to helping self-represented litigants wind their way through the legal system, the society's navigator program also hopes to involve social and community health workers as part of a triage of support services.

According to research from the Department of Justice Canada, nearly 12 million Canadians will experience at least one legal problem in any three-year period.

Many will lack the financial resources to pay for legal services, and most do not seek out information until they have a pressing legal issue.

The society developed its navigator program after learning about a similar initiative in New York. That program, still in its early stages, raised the ire of the New York bar.

No such opposition has been experienced in Nova Scotia. Chief Justice MacDonald endorsed the program in its infancy and the initiative complements the weekly free legal clinics he has established to help self-represented litigants.

The program, which was recognized by the Canadian Forum on Civil Justice for innovation in access to justice, is currently rooted in Nova Scotia. But it is anticipated similar initiatives may be launched elsewhere.

"Our goal is to share this as widely as possible in the hope other jurisdictions will see the value and adapt it to their needs," said de Berdt Romilly. "This is a concept that came out of necessity."

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Toll-free: 1-800-668-6481

Email: comments@lawyersweekly.ca

Main Office

111 Gordon Baker Road
Suite 900, Toronto, ON M2H 3R1

Ottawa Bureau

c/o Parliamentary Press Gallery
Rm 350-N, Centre Block
Parliament Hill, Ottawa, ON K1A 0A6
Tel: (613) 820-2794 Fax: (613) 995-5795

Website

www.lawyersweekly.ca

Member, Ontario Press Council

2 Carlton Street, Suite 1706, Toronto, ON
(416) 340-1981; Fax: (416) 340-8724

GST/HST/QST No.: R121051767

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Advertising Sales

Jim Grice (905) 415-5807

Ritu Harjai (905) 415-5804

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Advertising Traffic Co-ordinator

Jackie D'Souza (905) 415-5801

Circulation Controller

Scott Welsh (905) 479-2665, ext. 324

Print Subscription Rates

1 year (48 issues): \$315, plus tax

2 years (96 issues): \$535, plus tax

1 year U.S./international: \$435

1 year student: \$70, plus tax

Individual copies: \$12, plus tax

Digital Subscription rates

1 year (48 issues): \$285, plus tax

2 years (96 issues): \$485, plus tax

1 year U.S./international: \$385

1 year student: \$60, plus tax

Postal Information: Please forward all

postal returns to: Circulation Controller,
The Lawyers Weekly, 111 Gordon Baker
Road, Suite 900, Toronto, ON M2H 3R1.
Return postage guaranteed. ISSN 0830-
0151. Publications Mail Sales Agreement
Number: 40065517.

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48 times a year, by LexisNexis Canada Inc.,
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