

THE JUSTICE SECTOR CONSTELLATION ACCOMPLISHMENTS

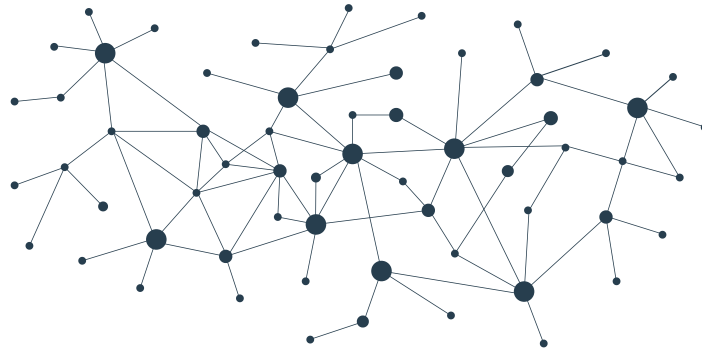
Written by Janice Pasay, BCom, LLB, former Justice Sector Constellation co-chair

OVERVIEW

Social science research has found that progress could be made to alleviate serious, complex social problems if stakeholders came together around a common agenda to create what has been called [Collective Impact](#). This involves bringing together a group of like-minded people to identify a common agenda, develop shared measurement systems and mutually reinforcing activities, and maintain continuous communication, all supported by a backbone.

The Justice Sector Constellation was a Collective Impact initiative whose mission was to intervene at the intersection of poverty and the legal system. With its longevity and accomplishments, the Constellation's history offers important lessons regarding each of the key elements of Collective Impact.

This is one of two case study reports on the Constellation. This report describes key Constellation projects and lessons learned from them. [The Justice Sector Constellation: Collective Impact at the Intersection of Poverty and the Law: Structure and Processes](#) analyzes the Constellation's structure and processes through the lens of Collective Impact.



THE INTERSECTION OF POVERTY AND THE LAW

Both poverty and the legal system are examples of complexity. Moreover, they are interrelated: poverty can contribute to legal issues, and legal issues can contribute to poverty.

Poverty ...

Poverty is a multi-dimensional issue that is more complex than simply inadequate income. According to the [Canadian Poverty Institute \(CPI\)](#), vulnerability to poverty is the result of various intersecting factors including individual attributes, life stage, social connection and systemic factors. For people living in poverty who are also dealing with legal matters, any or all of these factors may be at play.

... and the Law

The legal system is multi-faceted and, like poverty, its issues are multi-dimensional. Research commissioned by the Constellation identified the following challenges within the justice sector that impact the ability of people with everyday legal problems to resolve those problems: complexity of the system; lack of internal coordination; lack of communication among the justice sector's policymaking, implementation and support subsectors; territoriality of justice sector players; funding issues; and public indifference and competing political considerations.¹

¹ Other research, including that cited here, has identified many of the same issues.



The Intersection of Poverty and the Law: A Wicked Problem

Research has found that almost half (48 percent) of adult Canadians reported experiencing at least one everyday legal problem over any given three-year period, and 30 percent experienced two or more legal problems.² Such everyday legal problems included consumer, debt, discrimination, employment, family and housing matters: issues that most people will face at some time in their lives.

Legal issues can also “cluster”, in that having one legal issue may result in or contribute to another legal issue.³ Further, legal issues can create or exacerbate other problems such as physical and mental health issues, financial pressures and relationship breakdown.⁴

Specifically:

- People living in poverty are more susceptible to legal issues⁵
- People with mental health issues, cognitive issues or addictions are over-represented in criminal justice matters^{6,7}
- Indigenous peoples are overrepresented in the Canadian correctional system and disproportionately involved in child protection actions^{8,9}

² Currie, A., Moore, L., & the Canadian Forum on Civil Justice. (2018). Social and Economic Adversity Experienced by Canadians and Everyday Legal Problems. Toronto, Canada: Canadian Forum on Civil Justice; see at <http://cfcj-fcjc.org/wp-content/uploads/Social-and-Economic-Adversity-Experienced-by-Canadians-and-Everyday-Legal-Problems-Ab-Currie-Lisa-Moore.pdf>.

³ Buckley, M. (2010). Moving Forward on Legal Aid: Research on Needs and Innovative Approaches. Ottawa, Canada: Canadian Bar Association; see at http://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/Moving-Forward-on-Legal-Aid.pdf.

⁴ Stratton, M. (2011). Alberta Legal Services Mapping Project: An Overview of Findings from the Eleven Judicial Districts. Toronto, Canada: Canadian Forum on Civil Justice; see at <http://www.cfcj-fcjc.org/sites/default/files/docs/2011/mapping-final-en.pdf>.

Lieb, G., Abel, S., Stratton, M. and Lowe, D. (2009). The Alberta Legal Services Mapping Project, Final Report for the Calgary Judicial District. Edmonton, Alberta: Canadian Forum on Civil Justice; see at <https://cfcj-fcjc.org/sites/default/files/docs/2009/mapping-calgary-en.pdf>.

Buckley, M. (2010). Ontario Civil Legal Needs Project (2010). Listening to Ontarians: Report of the Ontario Civil Legal Needs Project. Toronto, Ontario: Ontario Civil Legal Needs Project Steering Committee; see at <https://www.yumpu.com/en/document/read/30299244/listening-to-ontarians-report-of-the-ontario-civil-legal-needs-project>.

⁵ Stratton (2011).

⁶ Stratton (2011).

⁷ Stratton, M. (2010). “Access to Justice? The View from the Street”, LawNow (November/December 2010); see at <http://www.cfcj-fcjc.org/sites/default/files/docs/2010/stratton-viewfromthestreets-en.pdf>.

⁸ Malakieh, J. (2020). Adult and youth correctional statistics in Canada, 2018/2019. Statistics Canada; see at <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00016-eng.htm>.

Malone, G. (2016). Why Indigenous Women Are Canada’s Fastest Growing Prison Population; see at <https://www.vice.com/en/article/5gj8vb/why-indigenous-women-are-canadas-fastest-growing-prison-population>.

⁹ Lieb (2009).



Unfortunately, as one study concluded:

Canada has one of the best legal systems in the world: independent judges, well-trained lawyers, predictable laws, and an open court process. Unfortunately, most Canadian cannot afford to use it. ... [S]ome Canadians, particularly those with fewer resources and those who see themselves more on the margins of society, do not view the justice system as fair, accessible or reflective of them or their needs.¹⁰

ENTER THE JUSTICE SECTOR CONSTELLATION

The Constellation began with a serendipitous phone conversation between the author and the Executive Director of the newly minted Calgary Poverty Reduction Initiative (CPRI).

The mandate of the CPRI was to develop a strategy to significantly reduce poverty in the city of Calgary. The strategy was developed by having groups called constellations identify the issues behind poverty and how to address those issues, supported by a secretariat.¹¹

Twelve Constellation Groups were organized around demographic groups, societal issues (e.g., food security), or sectors (e.g., housing, education), each of which identified the issues behind poverty and how to address those issues according to its organizational perspective.

The Justice Sector Constellation was the first justice-sector partner in a poverty-reduction initiative in Canada, making the CPRI the first poverty-reduction initiative in Canada with a justice sector component.

¹⁰ Farrow, T.C.W., Currie, A., Aylwin, N., Jacobs, D & Moore, L. (2016). Everyday Legal Problems and the Cost of Justice in Canada: Overview Report. Toronto, Canada: Canadian Forum on Civil Justice; see at <http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.

¹¹ Surman, M. and Surman, T. (2008). "Listening to the Stars: The Constellation Model of Collaborative Social Change." *Social Space*, 2008: 24-29; see at <https://socialinnovation.org/wp-content/uploads/2016/10/Constellation-Paper-Surman-Jun-2008-SI-Journal.pdf>.



The original mandate of the Constellation was to make recommendations for a poverty-reduction strategy in the context of the legal system, using a process facilitated by the CPRI Secretariat. This culminated in [Intervening at the Intersection of Poverty and the Legal System: Report by the Justice Sector Constellation to the Calgary Poverty Reduction Initiative Secretariat](#).

Over 90 percent of the 52 recommendations developed by the Constellation had previously been made in other reports. This underscored the enduring nature of the issues identified by the Constellation and the importance of action beyond making recommendations. So, the Constellation members agreed to continue to work together on implementing the Constellation's recommendations. The question was: where to begin?

After prioritizing the recommendations, the Service Provider Capacity Building Project was developed to increase awareness by service providers and intermediaries of potential legal issues as part of client needs, and to increase awareness of – and referral to – appropriate justice sector services and resources. A Constellation member undertook the project, funding was obtained for a pilot which was well-received, and the Constellation had its first success.

JUSTICE SECTOR CONSTELLATION ACCOMPLISHMENTS

Over its history, the Constellation undertook many projects. While quantifying the impact of the Constellation's work at either a population level or systems-change level is difficult – if not impossible – notable results of the Constellation's work include:

- Successfully advocating for the integration of three databases of justice sector services into one database and developing the search categories used by the resulting database, to enable both those seeking justice sector services as well as service providers assisting such people to more readily identify and access appropriate services.

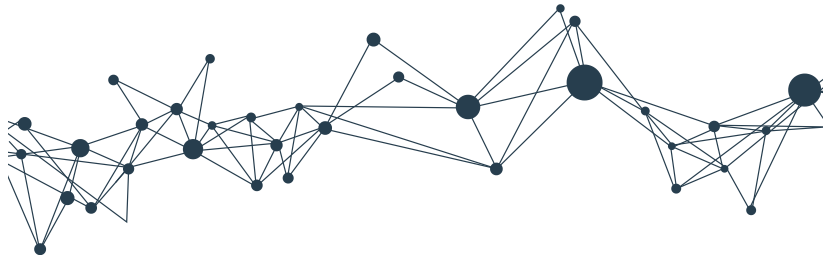


- Successfully advocating for the simplification of the website of the Residential Tenancies Dispute Resolution Service, which offers landlords and tenants a method of resolving disputes under certain statutes without going to court.
- Development of [Poverty and the Law: Expanding Perspectives](#), a free, interactive online module to sensitize participants to the issues that arise at the intersection of poverty and the legal system, to better equip them to serve their clients and communities, and the accompanying [Instructor's Resource](#). Since being launched in 2020, the Module has been taken by hundreds of people. Approximately 80 percent of survey respondents were professionals or students of social work (40 percent), education (22 percent), law (15 percent), or health care or psychology (3 percent). Some 90 percent of survey respondents indicated that the Module:
 - increased their understanding of the causes and impacts of poverty, and how poverty can contribute to legal problems and how legal problems can contribute to poverty; and
 - gave them confidence in addressing current and/or future client needs in a more holistic manner.

The Module has been used in various faculties and departments at a number of Canadian post secondary educational institutions, and has been approved for continuing professional development credits with several Canadian law societies and by the Alberta College of Social Workers.

- At the request of the Alberta Crown Prosecution Service, making eight presentations on the intersection of poverty and the law to its annual conference, to enhance the understanding of Crown Prosecutors and provide insights to Crown Prosecutors on how to better address the issues confronted by them in their work. The presentations described challenges faced by clients in dealing with legal issues and the effects of involvement with legal issues; addressed what prosecutors can do regarding bail conditions for both youth and adults; and highlighted opportunities for and the importance of diversion and other non-custodial measures.





Lessons learned from the Constellation's projects are highlighted below.

GET THE INFORMATION NEEDED AND MOVE ON

Start with an environmental scan. Just as the Constellation was about to pursue development of a resource to address issues in obtaining a criminal record suspension, a Constellation member mentioned that their organization was preparing such a resource. While this pre-empted additional work by the Constellation, it is unclear why that information had not been forthcoming earlier. A direct question to Constellation members inquiring as to the existence of such a resource may have unearthed this information earlier.

Do not assume the solution. The Constellation began the Courthouse Greeters and Mapping Project with an assumption that people seeking services at the Calgary Courts Centre would benefit from greeters. However, the Constellation rightly decided to begin with a needs assessment, which found that greeters would not have been well received.

Recognize when you have enough data. Both phases of the work under the Child-minding Project recommended additional research to quantify the extent of the issue. However, the Constellation concluded that useful results could be obtained without researching all the relevant issues.



KNOW WHEN TO BEGIN AND WHEN TO END

Wait for the right time. After the initial phase of the Child-minding Project, further work was tabled. The project came to fruition later, when additional capacity and resources became available.

Take a multi-step and multi-faceted approach. The Post-release Issues Project was undertaken over an extended period using a series of working groups and supporting resources. The phased approach enabled the Constellation to identify and then focus its attention on the most relevant area of need, namely: people remanded in custody as opposed to those with custodial sentences.

Recognize that developing a resource is not enough. An unused resource can never accomplish the intended goal. Considerable work was required after the Poverty and the Law Module was finalized to promote it to educational institutions, law societies, and others.

Persevere. At the encouragement of the Constellation, two databases of justice sector service providers were integrated into the database used by [211](#), rather than being updated for a competing purpose. However, the entire process required years of dedicated work to bring the relevant parties together and to pursue the project goals to full realization, including the adoption of search categories developed by the Constellation working group.

Value longevity, it matters. The Constellation had been working together for a considerable period and had developed both relationships and a reputation for its work before being approached to present to Crown Prosecutors under the Prosecutor Engagement Project.



BE STRATEGIC AND SELECTIVE IN WHAT TO UNDERTAKE

Identify the desired outcome and how to achieve it at the beginning. The Constellation's Bylaws Project had a clear endpoint: encourage a reconsideration of municipal policies underlying infractions that have a disproportionate impact on vulnerable populations. The Constellation also had a clear understanding of the quantitative and qualitative data and analysis required to support such a reconsideration, and successfully commissioned reports setting out those data and analyses. However, the Constellation lacked a plan and the expertise to use the research results, and so was unsuccessful in encouraging the policy reconsideration it sought.

Do not try to address every issue. Considerable effort was expended under the Form Literacy Project in researching issues associated with four categories of legal forms, and in seeking to complete the research for a fifth category of legal forms. Although meaningful results were produced in two categories of forms, time and effort were spent on two other categories that produced no tangible results.

Understand what you can influence or change. Many of the issues identified in the Post-release Issues Project were outside of the purview of the Constellation. The phased approach to its work enabled the Constellation to identify what it could do to address the issues that had been identified, and to focus on that.

Do not assume you have to be part of the solution. The Courthouse Greeters and Mapping Project identified a number of issues in navigating the Calgary Courts Centre. By working with courthouse staff, relatively simple navigational fixes that addressed many of these issues were implemented, but by courthouse staff rather than the Constellation.



Ensure that recommendations resulting from research are within the realm of influence and the capacity of the Collective Impact initiative. The Justice Sector Service Coordination Project report made a number of valid recommendations. However, in most cases implementing them required a level of influence and resources beyond those of the Constellation. Specific guidance to the researchers may mitigate against such outcomes.

UNDERSTAND WHO TO INVOLVE AND LEARN HOW TO INVOLVE THEM

Involve those directly impacted. The impact of the Form Literacy-Residential Tenancy Dispute Resolution Service (RTDRS) project was meaningfully enhanced by observational study involving users of the RTDRS website, and particularly impacted staff responsible for all provincial government websites.

Draw on the wealth around the table. The personal connection between a Constellation member representative and a key official was fundamental to the positive results the Constellation was able to realize in the Form Literacy-RTDRS project.

Get and confirm commitment from external stakeholders. Although the Constellation had consulted with other stakeholders in advance of commissioning the Bylaws Project, once the project was launched, some of the critical data that had been offered was not made available. Ultimately, the researchers had to take a different approach to obtain other qualitative and quantitative data.

Balance collective interests with organizational capacity. The interest of the Constellation in advancing the Service Provider Capacity Building Project was stymied at times by limited organizational capacity within the Constellation member leading the project. Although the Constellation facilitated additional funding to further the project, funding is not always sufficient if organizational capacity or interest is lacking.



CONSIDER HOW BEST TO ADVANCE THE WORK

Coordinate the work. The Bylaws Project included both legal and social science research conducted by experts in their respective field. Despite encouragement to work toward a common endpoint, the result was the creation of two helpful but disparate pieces of research rather than a single synchronized output.

Find a home for projects, and leave them there. As the first Constellation-initiated project, the Constellation sought regular updates on the progress of the Service Provider Capacity Building Project. Regular progress updates can provide accountability, but the member implementing the project can feel micromanaged. Once an organization has been found to advance the project, the collective should entrust the project to the organization as its own.

Recognize that success may come in an unexpected form. The positive response to the Poverty Law Course for Lawyers Project workshop as well as connections made through it paved the way for the Constellation's Poverty and the Law Module, which proved a more enduring way to deliver some of the workshop content to a much wider audience.

Be creative. The Constellation's initial thinking under the Poverty and the Law Module Project was to develop a poverty law course at one or more institutions. After further discussion and consideration, the Constellation decided on an online module which could be made available to any number of faculties and departments within any number of institutions.

A FINAL LESSON: FINISH WELL

Despite best efforts to the contrary, the Constellation remained heavily dependent on the support of its volunteer co-chairs throughout its history. As the Constellation, and the rest of the world, came out of the worst of the impacts of the COVID-19 pandemic, the capacity of all Constellation members was at a low ebb.



Funding was obtained for a Developmental Evaluation (DE) coach, which was hoped would provide some new direction and impetus for the Constellation. While the DE process was both informative and helpful, the results only underscored the underlying issue of capacity.

Independent of these issues, one of the Constellation's co-chairs had already decided to retire from the Constellation at the end of that calendar year. The other co-chair decided to follow that lead, to give the remaining (organizational) Constellation members the opportunity to decide for themselves whether to continue. Within a year of the departure of the co-chairs, the Constellation ceased operations.

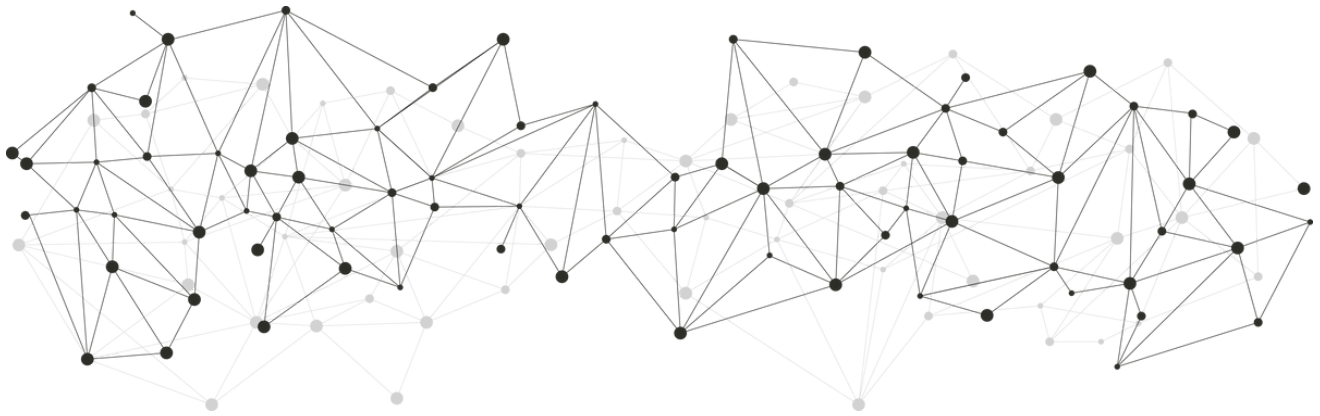
This need not be perceived as an unfortunate result. Collective Impact initiatives, like many things in life, have a beginning and an end. Input received along the way suggests that the Constellation beat the odds in lasting as long as it did. However, the length of tenure is not the issue. The issue is more so whether success was enjoyed along the way and whether the initiative finished well. The Constellation appears to have succeeded in both regards.

CONCLUSION

The history of the Constellation illustrates both the challenges that may arise and the successes that may be realized through a Collective Impact initiative. In the end, this is largely driven by the people around the table and their level of engagement with the issues the initiative is seeking to address. In that regard, it is fitting to close with a quote from Margaret Mead that was used as a tagline for the Constellation:

*Never doubt that a small group of committed people can change the world.
Indeed, it is the only thing that ever has.*





ACKNOWLEDGEMENTS

The author would like to acknowledge each member of the Justice Sector Constellation and their member representatives: a small group of committed people seeking to change our small corner of the world. It was an honour and a privilege to have worked with you over the years.

Each funder of the Justice Sector Constellation is to be commended for believing in the Constellation and supporting it in a concrete way. We could not have accomplished what we did without you.

The views expressed in this case study and any errors, omissions or misstatements are the author's alone.

