

Arbour remains optimistic about humanity's fate

GEOFF KIRBYSON

When Louise Arbour was notified that she had been selected as the 2016 winner of the Tang Prize for rule of law, she wasn't quite sure what to make of it.

After all, it's not every day you win an award you didn't apply for and that wasn't even remotely on your radar.

"It took me entirely by surprise," says the jurist in residence at the Montreal offices of Borden Ladner Gervais LLP. "I had never heard of it."

She also didn't know who had nominated her or who was on the jury but once she did a little research and discovered that the Tang, which is organized by the Academia Sinica, Taiwan's top research institution, and is aiming to be the Asian version of the Nobel Prize, she was honoured to be selected. She also hopes she can leverage it to bring more attention to her work for the rule of law around the world.

(True story: When the Tang people tracked her down recently, she was on her way to Hong Kong. "It made it more surreal to receive something from Taiwan

when you're in China," she says).

The Tang Prize is an international award founded in 2012 that celebrates achievements in four categories — sustainable development, biopharmaceutical science, sinology and the rule of law.

The rule of law prize is awarded to people or institutions who have made significant contributions through the advancement of legal theory or practice, or the realization of the rule of law in contemporary societies through the influences or inspiration of their work.

Despite the seemingly endless string of negative news surrounding international conflicts, terrorism, human rights violations and the rule of law, Arbour says she's not discouraged.

"I'm very realistic about the immense amount of work that needs to be done to bring a decent life for millions of people around the world and to provide an environment for them where they can be fulfilled as human beings," she says, giving a nod to the heavy lifting done by non-government organizations, humanitarians and philanthropists.

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Louise Arbour, a former justice of the Supreme Court of Canada and now jurist in residence at Borden Ladner Gervais LLP, says she hopes she can leverage her recent win of the Tang Prize to bring more attention to her work for the rule of law around the world. PHOTO BY LOUIS PRUD'HOMME PHOTOGRAPHE

Legal woes taking toll, report says

KIM ARNOTT

Everyday legal problems — from getting divorced, to fighting eviction notices, to disputing cell phone bills — cost Canadians about \$7.7 billion a year.

But the physical, emotional and psychological consequences of these problems are also estimated to cost society about \$800 million a year in health-care and social services payments.

The Canadian Forum on Civil Justice (CFJA) has released a report analyzing data gathered from more than 3,000 Canadians through extensive phone surveys that asked them about their experiences with legal problems.

The results highlight the need for serious political attention to be focused on the "justice health of Canadians," says CFJA chair and Osgoode Hall Law School professor Trevor Farrow.

"The evidence of the cost of justice project shows us that the impact of poorly handled legal problems is dramatic," he said.

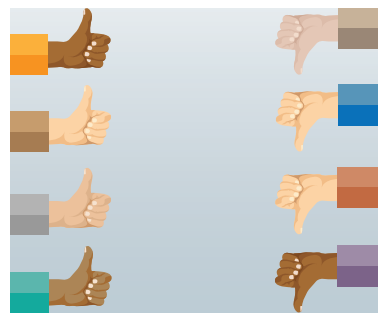
The study found that almost half of Canadian adults will experience a serious family or civil law problem in any given three-year period. Consumer, debt and employment issues are **Macfarlane, Page 10**

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News

Macfarlane: 'Untapped market' of the self-represented

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the most frequent source of legal problems, followed by neighbour, discrimination and family matters.

Those problems are almost always resolved outside the formal justice system, according to the *Everyday Legal Problems and the Cost of Justice in Canada* report, often without the person receiving any advice from a lawyer.

Despite that, the average cost of resolving an everyday legal problem is \$6,100.

Stress and emotional difficulties accompanied the experience of a legal problem, according to more than half of the survey respondents. Along with increasing healthcare spending, the survey found that everyday legal problems result in an increase in employment insurance and social assistance payments.

"One of the things this study shows is how deep justice issues cut into the welfare of society," said Farrow.

Michele Leering, a lawyer and



Macfarlane

executive director with a community legal clinic in eastern Ontario and a member of the Canadian Bar Association's Access to Justice Committee, says the report's findings reflect "exactly what happens on the ground."

Without early or effective intervention, she says, a single everyday legal issue can result in multiple impacts for affected individuals and their families.

"We call it the domino effect — when a triggering legal problem leads to a cascade of

other issues," says Leering.

Following on the heels of several national reports identifying access to justice issues, the CFJA study's evidence of the costs of an ineffective justice system provides a call to action, says Farrow.

He says the legal community must take leadership on "a menu of innovations and potential new ideas" that address the delivery of legal services, the functioning of courthouses and the availability of self-help tools.

"It's time to face up to the reality of what's actually happening in people's lives. We need to make our legal services responsive to what people are actually needing and experiencing."

"I think if lawyers don't get out in front of the problem, at some point society's going to get tired of the impact that's happening and everyone's going to go around the legal profession," Farrow warns.

The unbundling of legal service is one option that has been gaining increasing momentum

in recent months, says University of Windsor law professor Julie Macfarlane, whose latest work has focused on self-represented litigants.

"It almost feels like it's coming out of the closet," she says. "We know that lots of lawyers have done this for years, if they had a former client who came back to them and begged and said, 'I've only got \$500, please help me.' But they weren't putting it out on their website that they offer unbundled services."

With a growing number of conversations and professional development offerings around the topic, she decided the timing was right to create a database of professionals offering services to the "primarily self-represented market."

Due to launch in October, the database will include lawyers, paralegals and other professionals offering services such as counselling and coaching. About 160 professionals are currently registered, most in family and general civil law, with more

being sought at www.representingyourselfcanada.com.

While unbundled services can provide significant assistance to clients who can't afford full-time representation but require some help with their legal problem, the model is a different way of managing files that can also work for lawyers, Macfarlane says.

"There is a market — an untapped market — and it might not make you \$1 million, but you could make a perfectly good living this way," she says.

Along with different models for doing business, Leering is hopeful that the recent studies will build an "access to justice consciousness" in the legal profession, and particularly in law students.

"This needs to be the hottest issue in law school," she says. "I think that will have a transformative impact on the profession."

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