

CYBERJUSTICE & ACCESS TO JUSTICE: CRITICAL PERSPECTIVES

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**WINKLER
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RESOLUTION

- Dispute Resolution Innovation Hub
- Action Oriented
- Advance accessible justice through research and design of user-focused DR process
- Generate new ideas about the justice system and its relationship to social and economic development.
- Focus on using technology, human centred design and other innovation methods to improve A2J.



CRITICALS PERSPECTIVES ON TECHNOLOGY

LIVE POLLING

<http://etc.ch/Jc6u>

What is technology?

Technology – “science of a craft” (Greek).

Technological Process – systematic treatment of an art, craft, or technique in order to produce something that accomplishes an objective.

Technological Object – objects created by the technological process.



***technology is
not neutral...***

***...but it is
also not
deterministic***

--> Doesn't simply convey information,
shapes it.

--> **Telephone, Twitter, Insagram**

--> Creates new ways of doing things.

--> Eliminates ways of doing things

--> Can't be detached from social
contexts

--> Technology is a human tool

Technology: Friend or Foe to A2J?

“Technology giveth and technology taketh away. This means that for every advantage a new technology offers, there is always a corresponding disadvantage.”

~ Neil Postman, *Five Things We Need to Know About Technological Change*

Live Poll: Question 2

Outline

- Arguments against technology
- Counter arguments/Arguments for technology
- Bridging the gap. Is there a middle ground?
- Ethical Obligations. Do we have any?

COMMON ARGUMENTS AGAINST TECHNOLOGY

Digital Divide

What is it?

- The gap in access to communication technologies that exists between demographic populations and regions.
- **How does the digital divide effect A2J?**

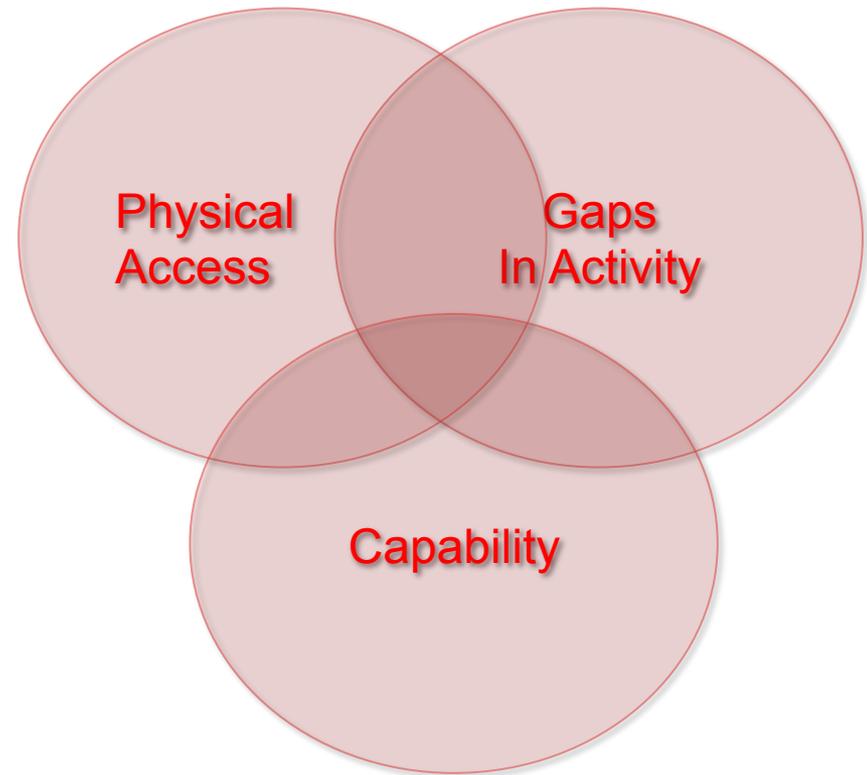
The "digital divide" means
technology can't be used to
improve A2J in many
communities?

Vote Now!

Live Poll: Question 3

Digital Divide – Three Aspects

- ① Physical Access
- ② Gaps in online activity and levels of engagement.
- ③ Capabilities



Argument: Tech is just not accessible for many.

Rural & Remote Populations

- ① Physical Access:
 - No or limited access
- ② Gap in Activity & Engagement
 -
- ③ Capabilities
 - Even with access many need help in navigating websites.

“ 51% of people living in urban areas are more likely to use the internet than those in rural areas.”

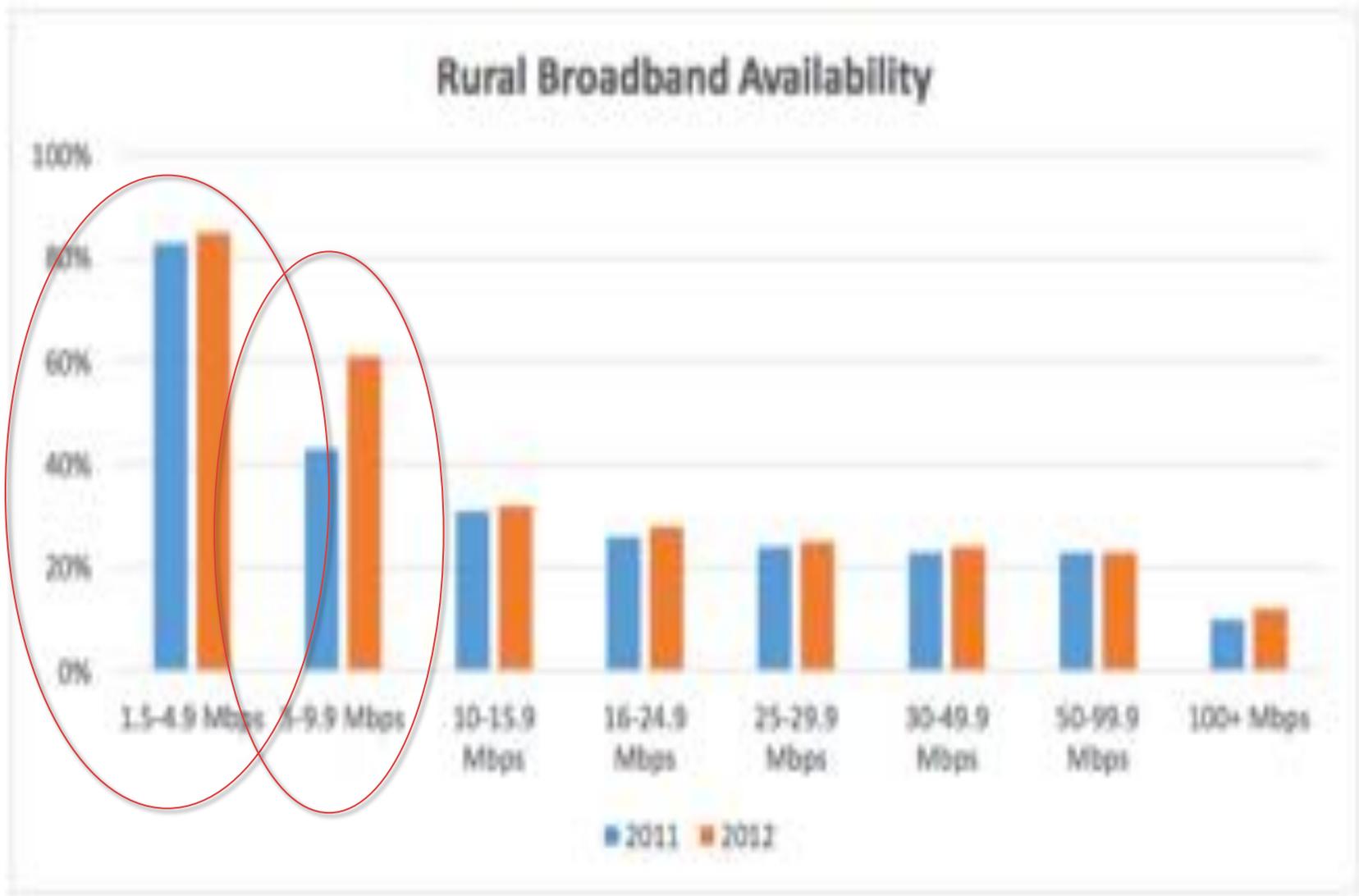
~ Michael Haight (2014)

Fun Facts...

98% of all aboriginal Communities in Canada have access to the internet in some capacity.

77 % of urban centers in Canada have access to download speeds of over 100 Mbps, while only 18 % of rural areas can expect the same service.

* See, Internet Connectivity Among Aboriginal Communities in Canada. National Aboriginal Health Organization PDF. [Link](#) and Canadian Internet Registration Authority 2015 FACTBOOK. [Link](#) (CIRA)



From: Rural Canada: The role of connectivity in building vibrant communities”2014 Federation of Broadband Access in of Canadian Municipalities Report

	2010	2012
Canada	79 %	83 %
Newfoundland and Labrador	74 %	79 %
Prince Edward Island	73 %	78 %
Nova Scotia	77 %	80 %
New Brunswick	70 %	77 %
Quebec	73 %	78 %
Ontario	81 %	84 %
Manitoba	73 %	80 %
Saskatchewan	76 %	83 %
Alberta	83 %	86 %
British Columbia	84 %	86 %

Canadian Internet Registration Authority 2015 FACTBOOK. [Link](#) (CIRA)

What does the data tell us about technology use in similar fields?

- 80% of the Australian Population collects health information and advice online.
- 70% of Canadians go online to search for medical or health-related information.

See, Ally, Mohamed et al. "Expanding Access to Legal Services in Alberta through E-Learning: A research report." November 2012. Athabasca University, and the Alberta Law Foundation and 2009 Canada Internet Use Survey, Statistics Canada [website]. 2009 Canadian Internet use survey. Ottawa, ON: Government of Canada; 2011. Available from: www.statcan.gc.ca/da

Argument: Tech is just not accessible for many.

Immigrants

① Gap in Activity & Engagement

- Language barriers
- Income, education, etc.

On average, new Canadians spend 4 hours on their mobile devices, compared to 2.6 hours for Canadian born residents, which is 54% more time

Within the first three months of their arrival, new Canadians purchase a mobile phone and open a bank account

~ Yahoo Canada's "Digital Acculturation" (

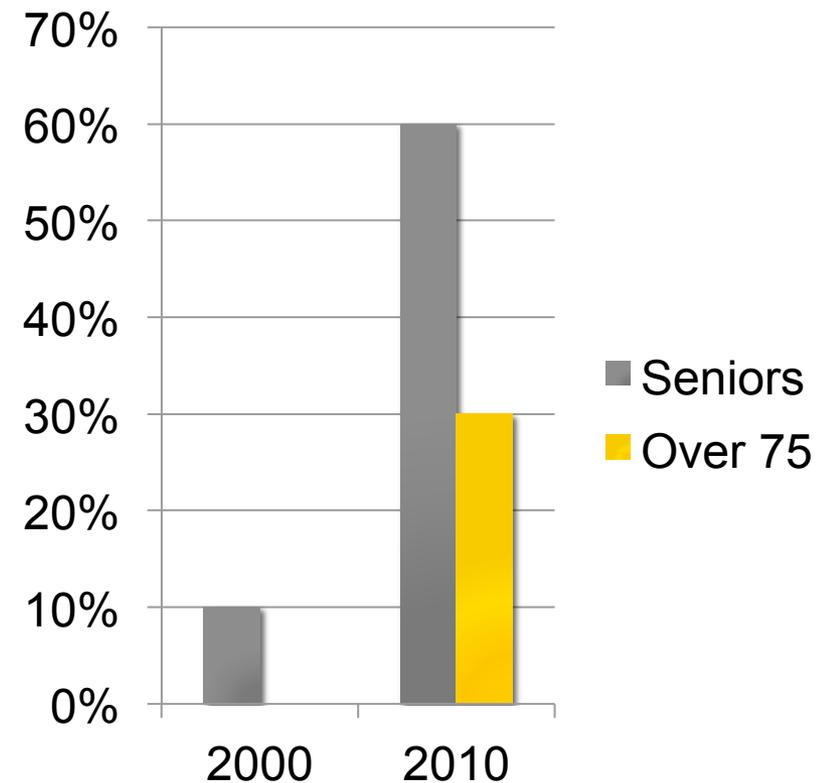
	Canadian-born	Immigrated 1997 or later	Immigrated before 1997
% of home users performing activity			
Other information			
Travel information or making travel arrangements	65.4	66.4	68.6
Searching for medical or health-related information	59.5	53.3	55.5
Searching for Canadian government information	51.5	54.6	49.0

From: Statistics Canada, Canadian Internet Use Survey, 2007.

Argument: Tech is just not accessible for many.

Elderly

① Gap in Activity & Engagement



See: Allen, Mary. "Consumption of Culture by Older Canadians on the internet." January 2013, Statistics Canada.

Argument: Tech is just not accessible for many.

Homeless Youth

- ① Physical Access:
 - No or limited access
- ② Gap in Activity & Engagement
- ③ Capabilities

“Recent research shows street-involved youth’s use of cell phones and computers is similar to use by housed youth.”

“94% use facebook to stay connected”

44% used their phones to look up health information

How might we design legal tech that takes into account these limitations?

Supplement technology (i.e. with trusted intermediary support)

Design from a user-centred perspective (co-design solutions)

Use a range of technologies

Remember the Fork?

- In 2014, 28,412,638 Canadians subscribed to a mobile phone service plan.
- Approx. 68% of those subscribers owned a “smartphone”
- **19% owed “feature phones**

FrontLine SMS:

- Software program that allows an organization to monitor & interact with individuals via text message.
- Does NOT require internet.



“Technology can transform social change work, bridging gaps and starting new conversations—or miss its mark, and push people further away.”

What about the other 52%?

Better Leveraging of Services Through Technology.

Use of AI in legal aid organizations?

More tech-based coordinated intake systems?



...may not reach that estimated 50%, but could expand service and provide more resources....

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Pathways help you find solutions to your legal problem.

The "digital divide" means
technology can't be used to
improve A2J in many
communities?

Vote Now!

Live Poll: Question 4

Is there something specific about
the legal culture that makes it
resistant to technology
adoption?

Technology: Friend or Foe to A2J?

Question 6

Is the legal profession ethically
obligated to use tech to address
A2J issues?



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Thank you.

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