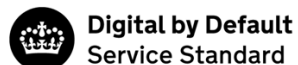


# B.C.'s Tribunal Transformation and the CRT: A Learning Event

*For: ICCS - PSSDC and PSCIOC, 08-13-2016*

*By: Mac Campbell, Shannon Salter, Darin Thompson & James Anderson*

# Agenda



## Discovery

A short phase, in which you start researching the needs of your service's users, find out what you should be measuring, and explore technological or policy-related constraints.

Topic	Description	Presenter	Length	Time
Introductions	Who are your presenters?	Mac	5 min	1:30-1:35
Problem Domain & Context	What's the situation in Justice systems across Canada & beyond?	Mac	5 min	1:35-1:40
Canada's first Digital by Default Tribunal: The Civil Resolution Tribunal	What is the CRT? How is it serving the people of BC? How is it different than the status quo?	Shannon	20 min	1:40 – 2:00



## Alpha

A short phase in which you prototype solutions for your users needs. You'll be testing with a small group of users or stakeholders, and getting early feedback about the design of the service.

Topic	Description	Presenter	Length	Time
Service Design	How to validate your service concept, ensuring you're serving real users and not entrenched interests?	Darin	15 min	2:00 – 2:15
Program Planning	Do you have a suitable technology platform? Are you reinventing the wheel? Are you set for success?	Mac	15 min	2:15 – 2:30



## Beta

You're developing against the demands of a live environment, understanding how to build and scale while meeting user needs. You'll also be releasing a version to test in public.

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Digital Service Delivery Rapidly improve your service right before the public's eyes!	Learn how to launch a digital service, rapidly capture user feedback, and drive enhancements. Manage increasing complexity as you scale to multiple organizations & services.	James	15 min	2:30 – 2:45
Audience Volunteer Sonja's Story	Solution Explorer demo – Can this self-help tool successfully guide an audience volunteer to an early resolution?	Darin	15 min	2:45 – 3:00



## Live

The work doesn't stop once your service is live. You'll be iteratively improving your service, reacting to new needs and demands, and meeting targets set during its development.

Topic	Description	Presenter	Length	Time
Q&A	Questions, answers and discussion with members of the audience.	Mac/All	30 min	3:00-3:30



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<b>Mac Campbell</b> Director, Business Transformation	With 16 years of experience as an IM/IT professional, in both private and public sector organizations, an undergraduate degree in Information Technology Management and numerous project management designations including Project Management Professional and Certified Scrum Product Owner, Mac Campbell has been leading the technology components of the Tribunal Transformation Initiative since 2012.
<b>Shannon Salter</b> Chair of the Civil Resolution Tribunal	Shannon Salter is the Chair of the Civil Resolution Tribunal, and an adjunct professor at the UBC Allard School of law, teaching administrative law and legal ethics. She earned her BA (2001) and LLB (2005) from the University of British Columbia, and her LLM from the University of Toronto (2011). Ms. Salter was a judicial law clerk with the British Columbia Supreme Court, practiced litigation at a large Vancouver law firm for several years, and has served as a vice chair of the Workers' Compensation Appeal Tribunal.
<b>Darin Thompson</b> Legal (Innovation) Counsel	Darin Thompson is Canada's foremost Online Dispute Resolution expert and has extensive experience in driving justice transformation initiatives involving the courts and tribunals. He currently oversees the team's knowledge engineering work, coordinating a team of lawyers, policy experts, plain language writers in developing legal content for the Solution Explorer.
<b>James Anderson</b> PwC Program Manager	James Anderson is a digital transformation specialist and has experience as a project and program manager on a number of large public sector technology transformation programs in BC and Australia. James also has significant agile product development experience and will lend his expertise to program alignment, commercialization, and DRS expansion to other jurisdictions/geographies.



<https://representingyourselfcanada.com/>  
<https://youtu.be/MPrpIVHfnsU>

***Tribunal Transformation will make access to justice easier, faster and more affordable for all British Columbians by enabling user friendly, multi-channel access to administrative justice in a way that enhances access, efficiency, effectiveness and fairness.***

## ***Desired Strategic Outcomes***

- Increase the prevention and early, speedy resolution of disputes
- Increase user satisfaction with the service experience
- Maximize value for money for taxpayers and users
- Increase the capacity of the justice sector to support public safety, justice and environment protection objectives.



## ***Technology-enabled innovation through shared tools***

*The Tribunal Transformation Initiative is developing technology and business capabilities specifically designed to benefit multiple Tribunals*



# Civil Resolution Tribunal

**Shannon Salter, Chair**



# What is the CRT?



Part of the justice  
system

1<sup>st</sup> online tribunal in  
Canada



Bringing the justice  
system to the public



# Strata Jurisdiction

CRT **can** decide strata property disputes such as:

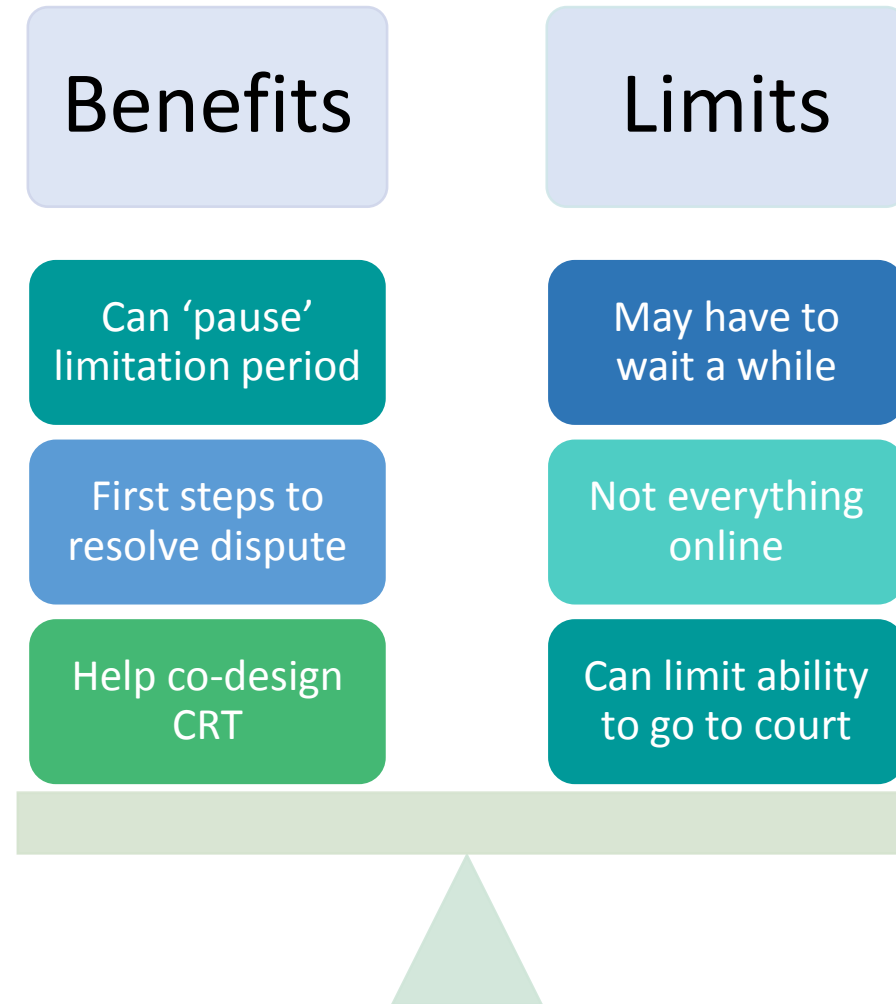
- fees and fines
- unfair actions by the strata council or majority of owners
- interpreting and enforcing:
  - strata bylaws
  - legislation
  - regulations
- problems with AGMs
- issues with repairs or common property

CRT **can** order a strata corporation, owner or tenant to:

- Do or stop doing something
- Pay money

CRT **can't** decide matters that affect land interest

# What is Early Intake for Strata?



# Why the CRT?



## Access

- Rural parties
- Complexity
- Limited support



## Time

- ~ 7-11 months (small claims)
- Delays & backlogs



## Cost

- Travel
- Legal fees
- Court costs (strata)



## Proportion

- Generic processes
- Limited ADR
- Few cases go to trial



# CRT Amendments

## *Civil Resolution Tribunal Act,* passed in 2012

- Voluntary jurisdiction:
  - most strata disputes
  - small claims matters

## *CRT Amendment Act,* passed in 2015

- Mandatory for:
  - strata claims
  - small claims

(monetary limit ↑ over time)

## Appeal Method

### Small Claims

- Appeal to Provincial Court
- Basically *trial de novo*
- Cost/deposit consequences

### Strata

- Appeal to BC Supreme Court
- Leave required
- Question of law

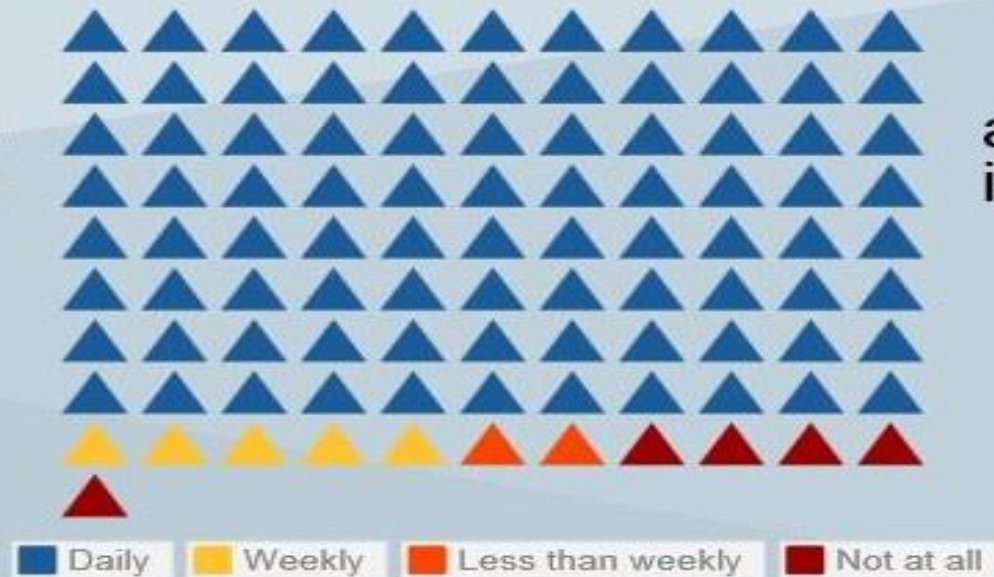
# Online Civil Justice Services

Survey 2015

## British Columbians are online

92% use the internet daily

another 5% use it weekly

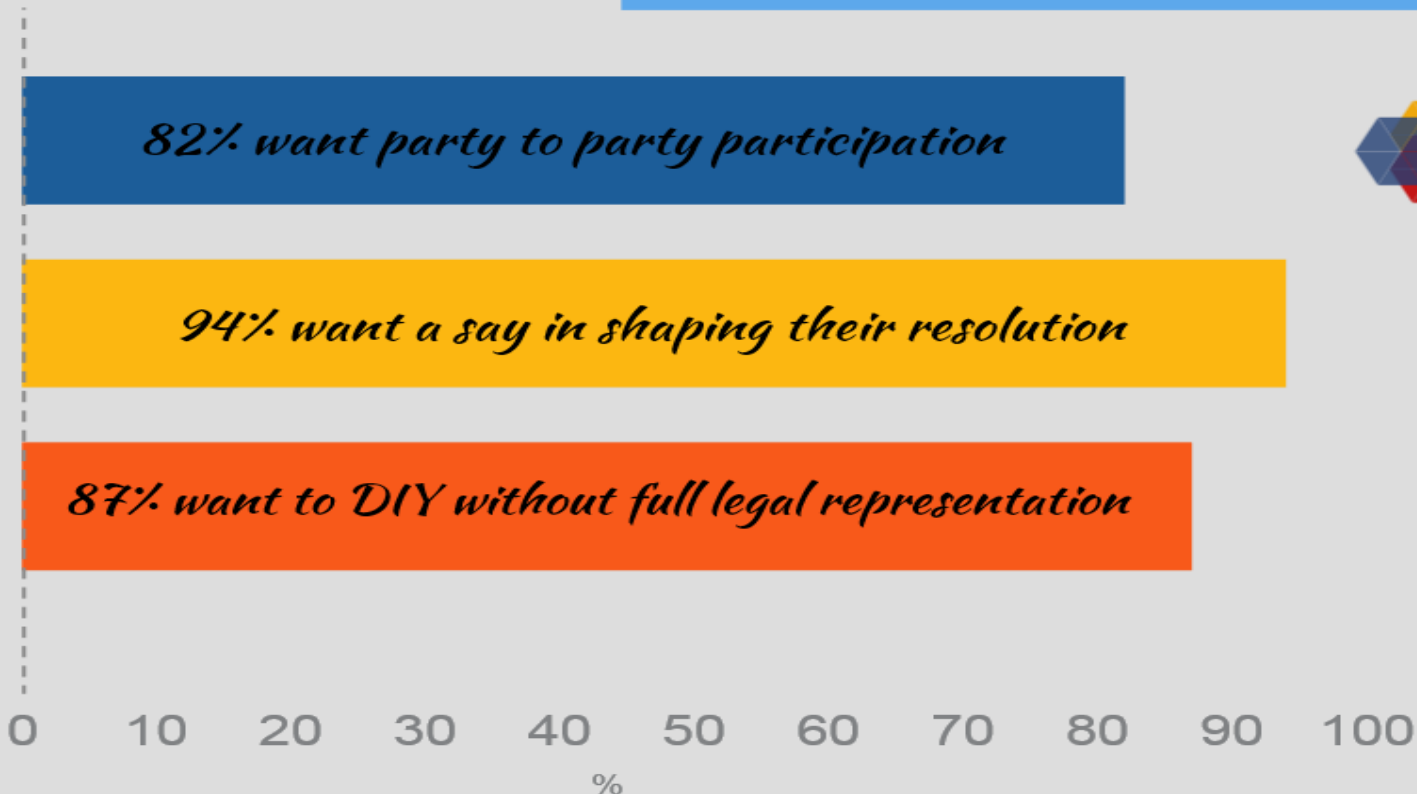


Civil Resolution  
Tribunal

# Online Civil Justice Services

Survey 2015

British Columbians want to participate in their civil justice process and shape resolutions



Civil Resolution  
Tribunal





# Online Civil Justice Services

Survey 2015



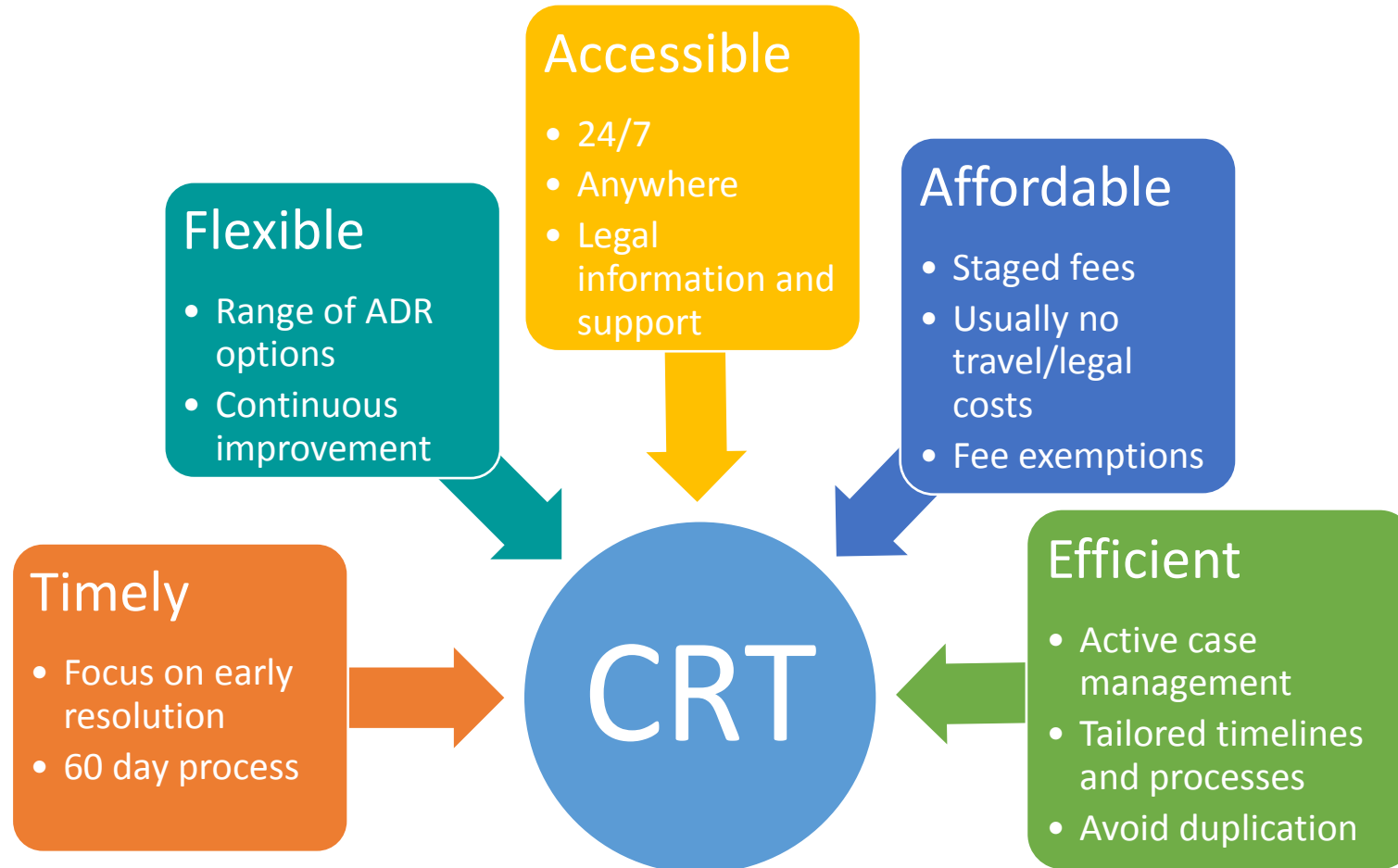
Civil Resolution  
Tribunal

81%  
would use an online civil justice process  
that was user-friendly and available 24/7



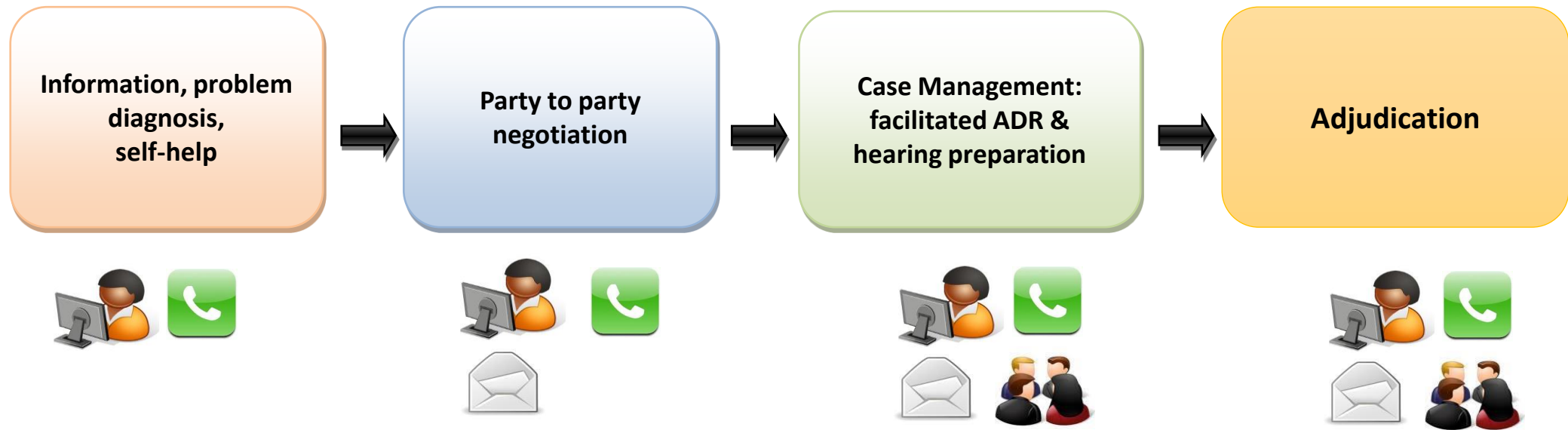
81%

# Guiding Principles

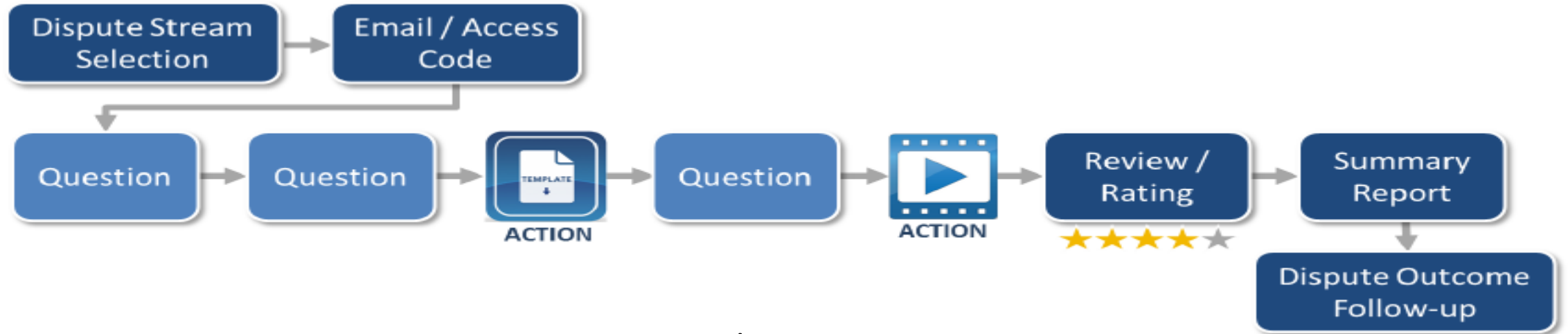


# CRT Overview

**Dispute volumes**



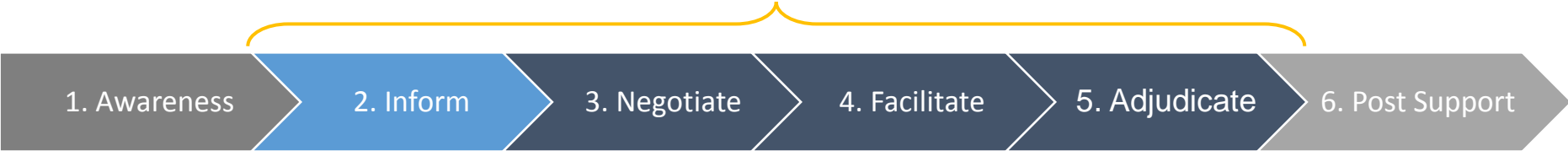
# Solution Explorer



- Free public information, available 24/7
- Guided pathways
- Interactive question and answers
- Tools, templates, resources
- Resolution or preparation for CRT process
- Ongoing strata beta testing and improvements

# 2 Core Dispute Resolution Systems (Digital Apps)

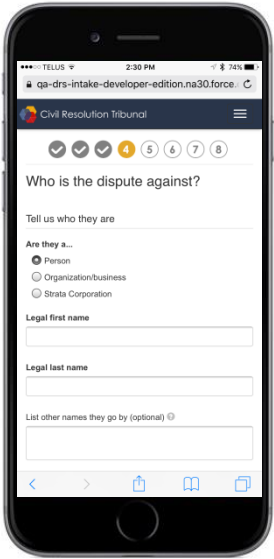
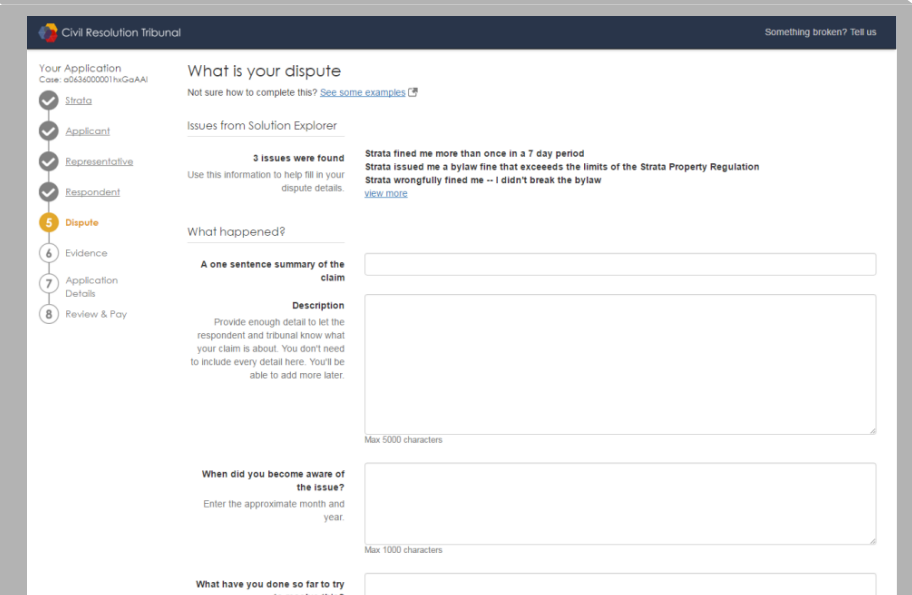
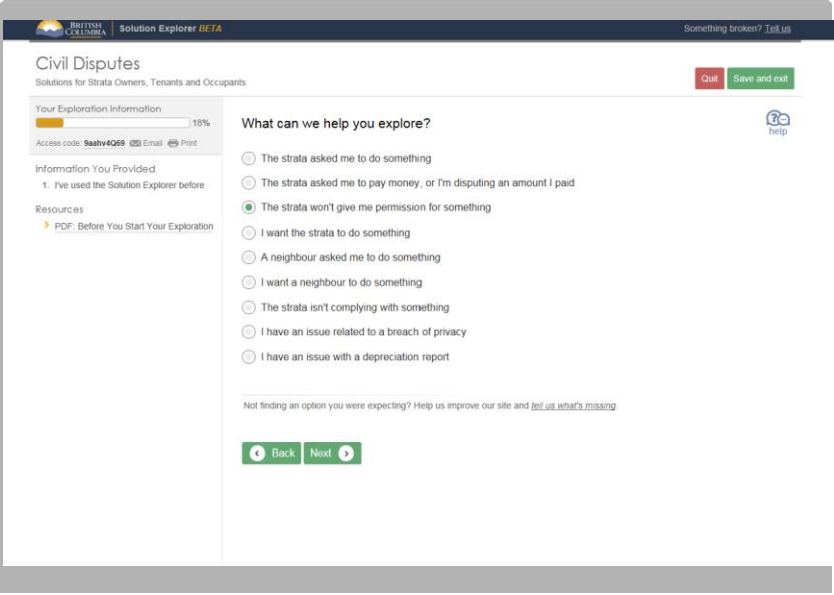
*Tied to a Dispute Resolution Reference Architecture*



Early Resolution Formal Resolution

Expert System Dispute Resolution Suite

Works on any ~modern device  
with  
“responsive” design & extensive browser and device  
testing



Built on a Common Cloud Platform

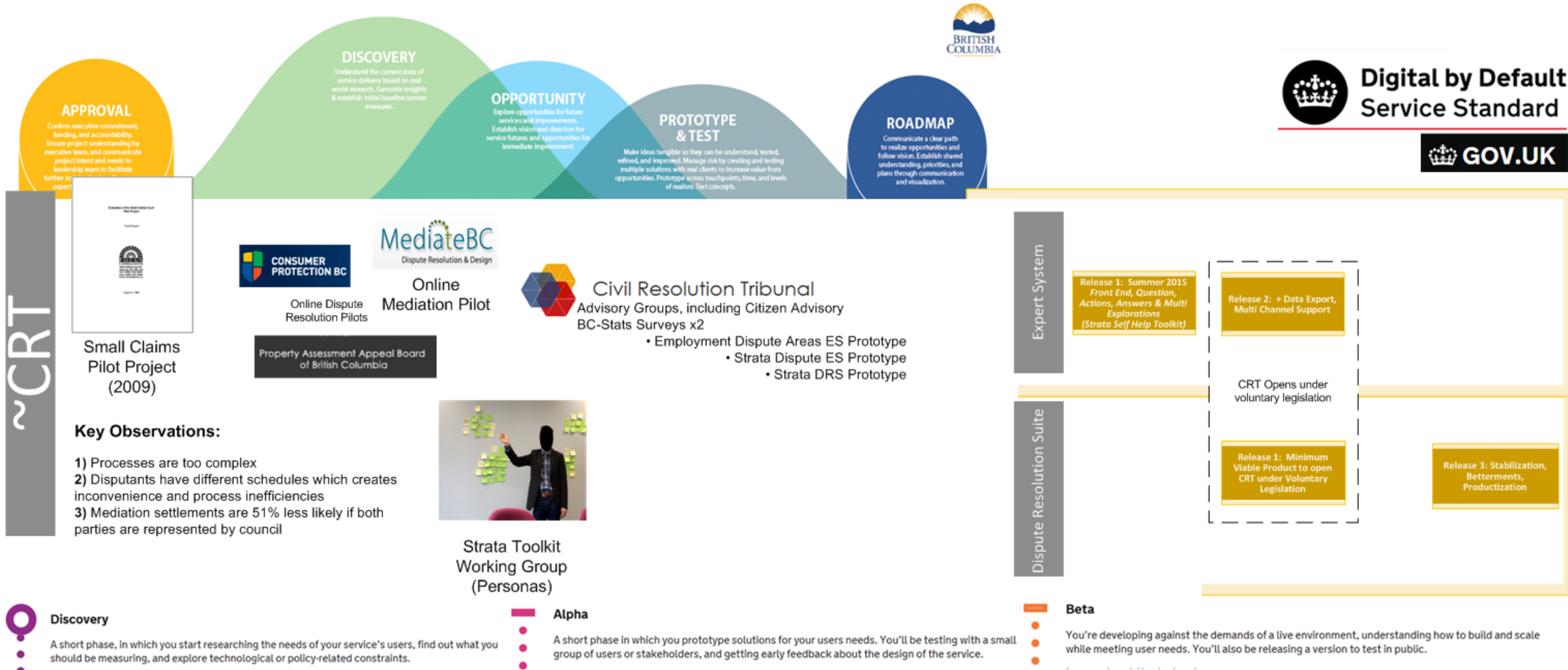


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# Where the idea of the CRT came from & how we validated it (~Service Design)







Province-wide

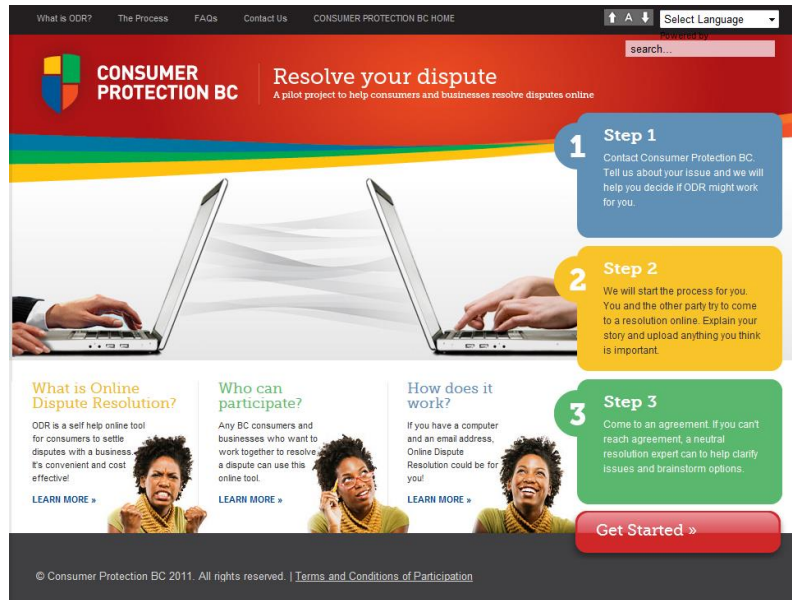
- Non-pilot processes:
  - All claims \$25,000 go through
    - *Short settlement and trial preparation conference before a judge*
    - *If necessary, to trial before a judge*



1.5 Locations

- Pilot processes were specialized based on dispute types:
  - Most claims of \$5,000 or less go directly to a speedy trial before specialized adjudicators
  - Financial debt claims of \$25,000 or less go to speedy trial before a judge
  - All other claims go through
    - *Mandatory 2 hour face-to-face mediation with a mediator*
    - *If necessary, trial preparation hearing before a judge*
    - *If necessary to trial before a judge*

- Positive benefits
  - Reduced some backlogs
  - ‘Saved’ 2 judges
  - High satisfaction for users – especially simplified trials
- Opportunities for further improvement
  - Only available at 1.5 locations
  - Weren’t able to expand
  - Settlement rates
  - Didn’t use technology
  - Didn’t ‘put users at the centre’ (still court rules, court forms, court houses)
  - Failed to maximize cost per case
  - No ongoing effort to promote continuous improvement & data collection



- “Just do it!” approach to online dispute resolution (ODR)
- First adopters were Consumer Protection BC and the Property Assessment Appeal Board
- Partnership with Modria (eBay ODR people)
- Benefits
  - Low investment, nimble projects
  - Good results but low volumes
  - ODR became part of the BC justice and dispute resolution landscape
- Opportunities for improvement
  - Designed for ecommerce
  - Parallel processes & absence of strategic approach and scalability
  - Canadian Servers performance issues



- Early engagement with strata stakeholders
  - Condominium homeowner associations
  - Real Estate Foundation
  - Lawyers
- Early user experience (UX) design
  - Puts users at the centre
  - Guides conceptualization, development and implementation work
  - Gathers momentum and support
  - Creates a pool of willing ‘testers’, survey respondents

## Example of User Persona Development

Name	Arnold the Apathetic Avoider	Terry the Troublemaker
Goals	Avoid involvement or effort. Carefree living. A free ride.	Vigorously convince the world that they are right and those that disagree are wrong.
Key Tasks	Doesn't attend meetings or volunteer. Refuses council nominations or committees. Does not give proxies.	Lobby owners, initiate petitions and litigation. Invade council with emails
Attitudes / Beliefs	Doesn't want to be involved - apathetic. Someone else will take care of it. Sense on entitlement.	Believes the strata council is useless and ineffective. Listen to me because I'm right.
Environment	Well-educated owner. Skills would be useful on council. Impedes strata governance by not showing up. Won't read minutes or bylaws.	Middle class employee generally unhappy with life. Resident owner but not on the Strata Council.
Typical Day	Little interaction with neighbours. Comes and goes (to work, gym, etc).	Actively seek out things to complain about.
Quote	"Don't bother me, it's not my problem. Some else will take care of it."	"Why can't you see that I'm right and you're wrong"



1. Start by  
consulting  
your users

2. Never stop  
doing #1

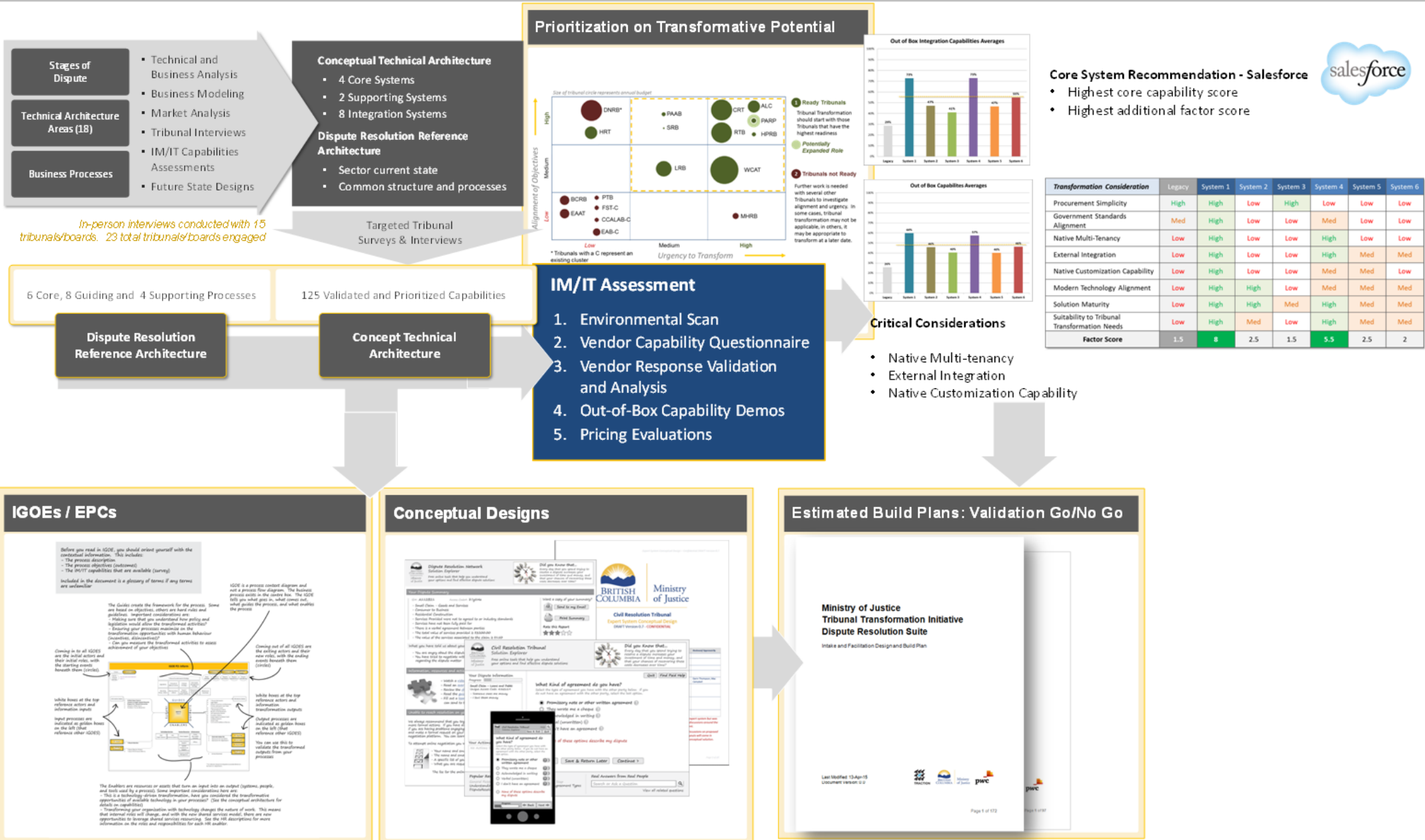
- ✓ Consult
- ✓ Conceptualize what we should build
- ✓ Consult
- ✓ Design what it should look like when we build it
- ✓ Consult
- ✓ Prototype the thing we're building
- ✓ Consult
- ✓ Build it
- ✓ Consult
- ✓ Refine while we're building it
- ✓ Consult
- ✓ Improve the things we've built

## How do we?

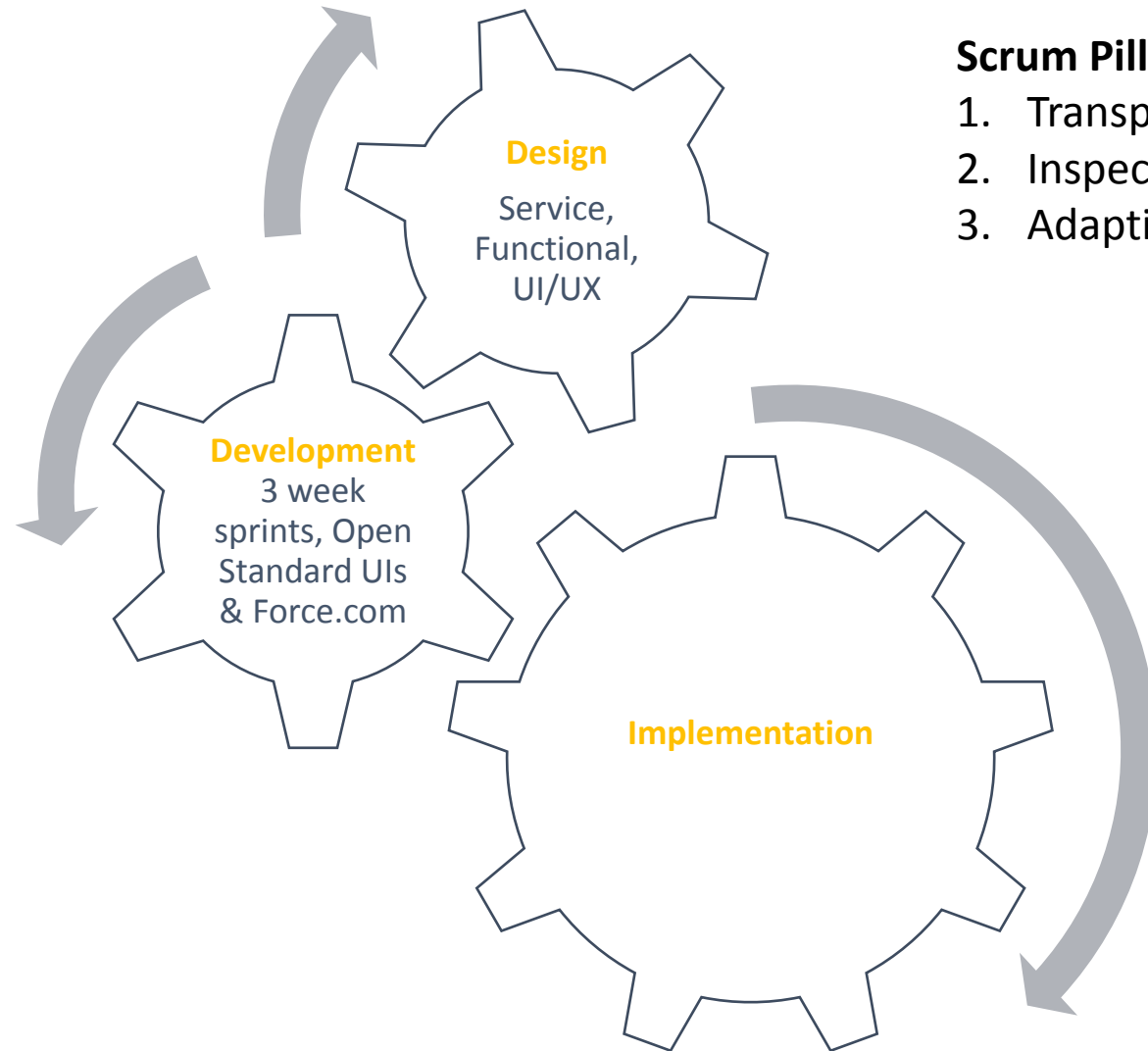
Successfully pioneer a new end to end dispute resolution process for Canada's first primarily digital Tribunal? (which doesn't currently exist)?

## While we ensure:

- a) the software can be easily reused by other Tribunals
- b) We mitigate technology and business risk
  - Immature processes
  - Load
  - Ever increasing business & citizen expectations
  - Rapidly changing technology landscape



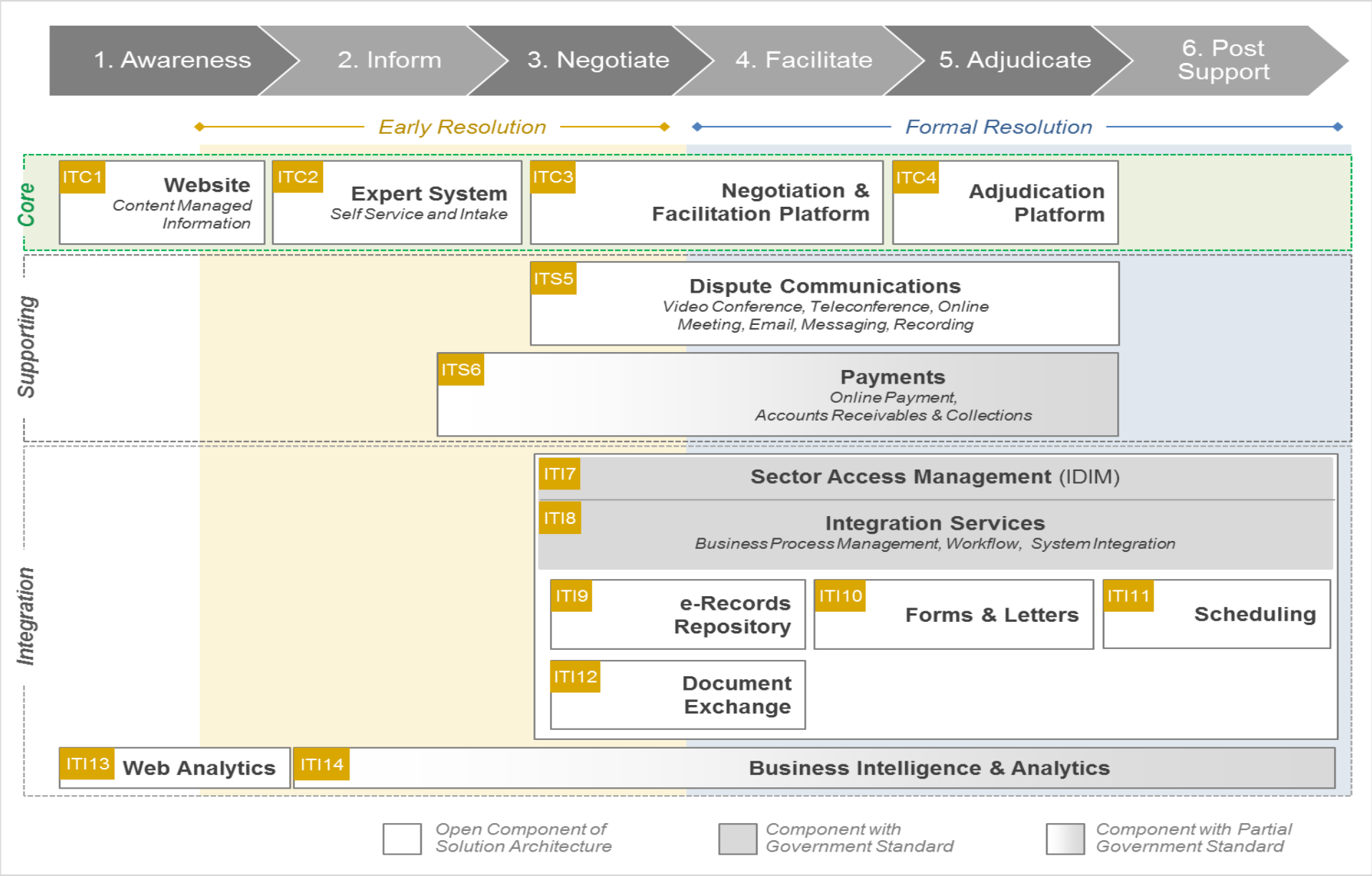


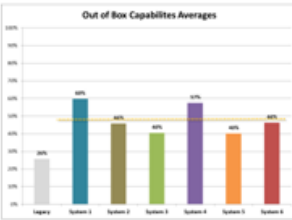
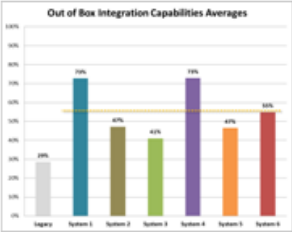
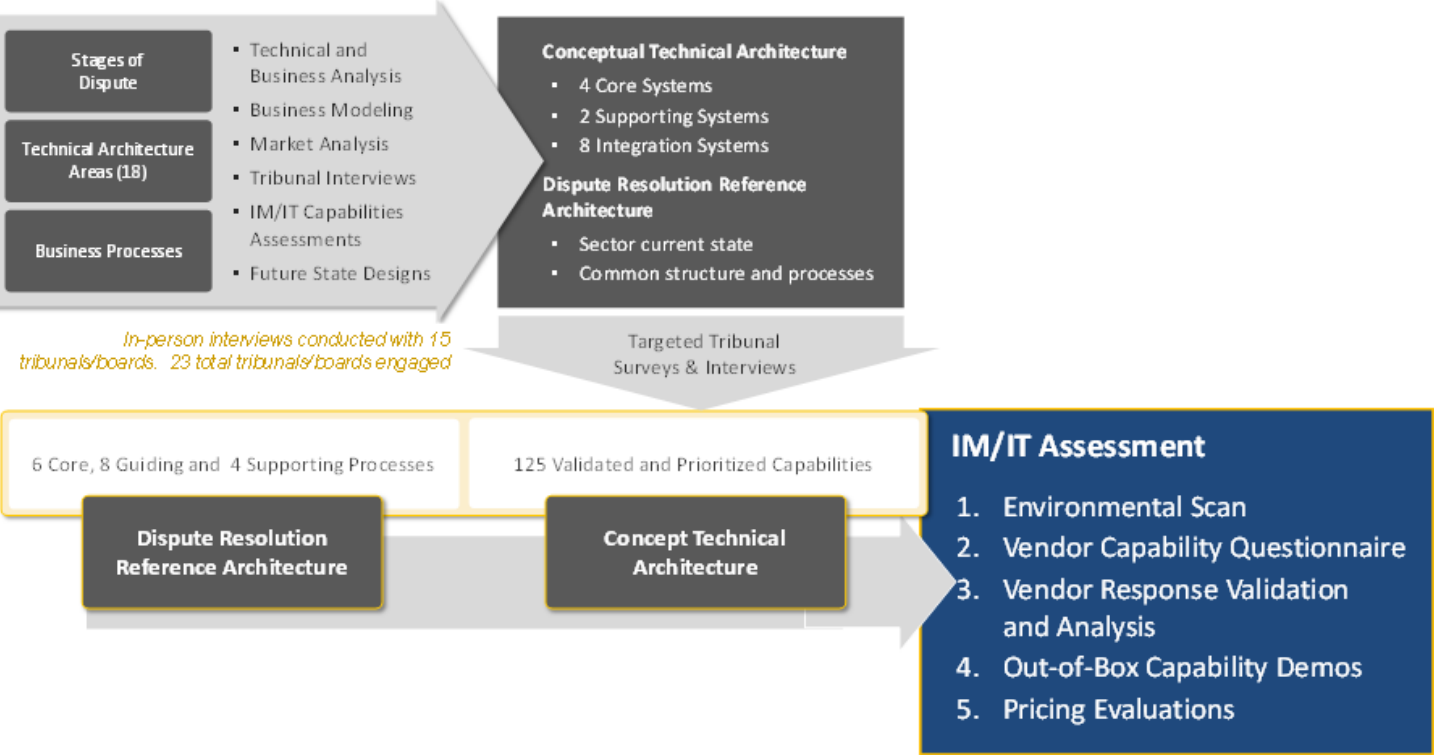


## Scrum Pillars:

1. Transparency
2. Inspection
3. Adaption







### Core System Recommendation - Salesforce

- Highest core capability score
- Highest additional factor score



Transformation Consideration	Legacy	System 1	System 2	System 3	System 4	System 5	System 6
Procurement Simplicity	High	High	Low	High	Low	Low	Low
Government Standards Alignment	Med	High	Low	Low	Med	Low	Low
Native Multi-Tenancy	Low	High	Low	Low	High	Low	Low
External Integration	Low	High	Low	Low	High	Med	Med
Native Customization Capability	Low	High	Low	Low	Med	Med	Low
Modern Technology Alignment	Low	High	High	Low	Med	Med	Med
Solution Maturity	Low	High	High	Med	High	Med	Med
Suitability to Tribunal Transformation Needs	Low	High	Med	Low	High	Med	Med
Factor Score	1.5	8	2.5	1.5	5.5	2.5	2

### Critical Considerations

- Native Multi-tenancy
- External Integration
- Native Customization Capability

## Beta



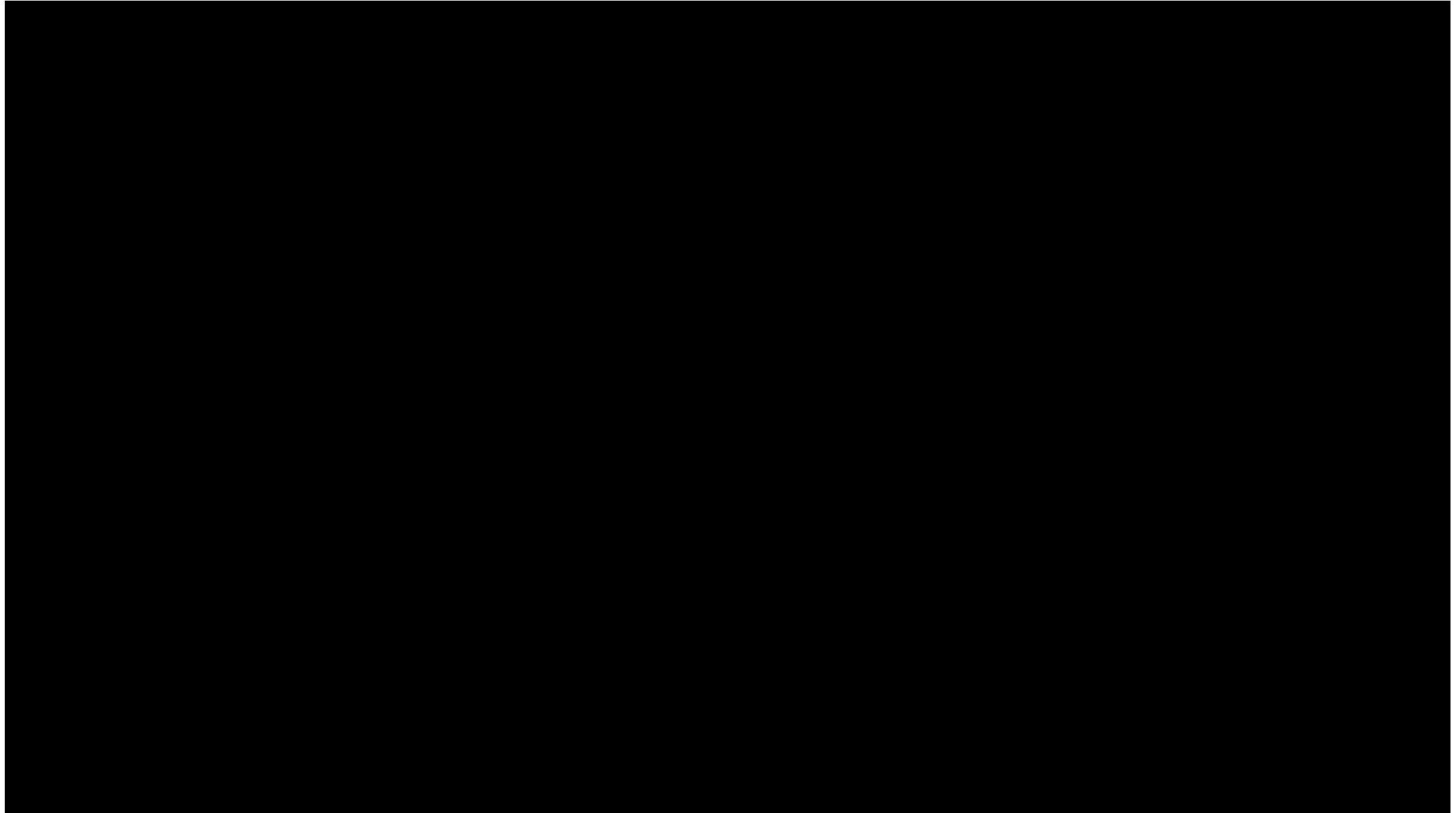
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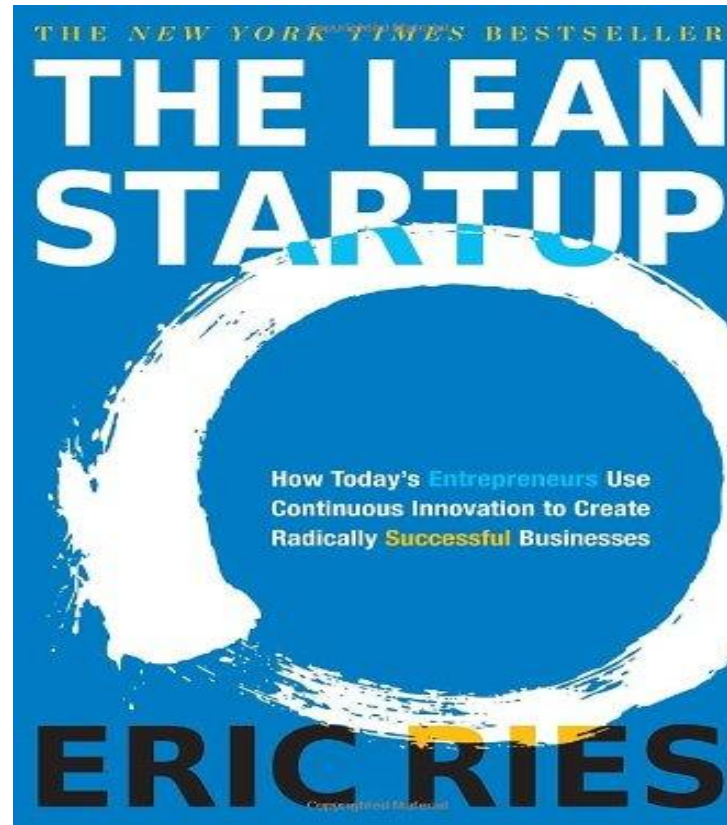
Digital by Default  
Service Standard

GOV.UK



How do we marry agile software development best practices with a typical Government Governance Framework?

We don't need to reinvent the wheel. We can pick a pre-existing approach like the Lean Startup approach.





## Types of Change

Product

→ Optimization

Strategy

→ Pivot

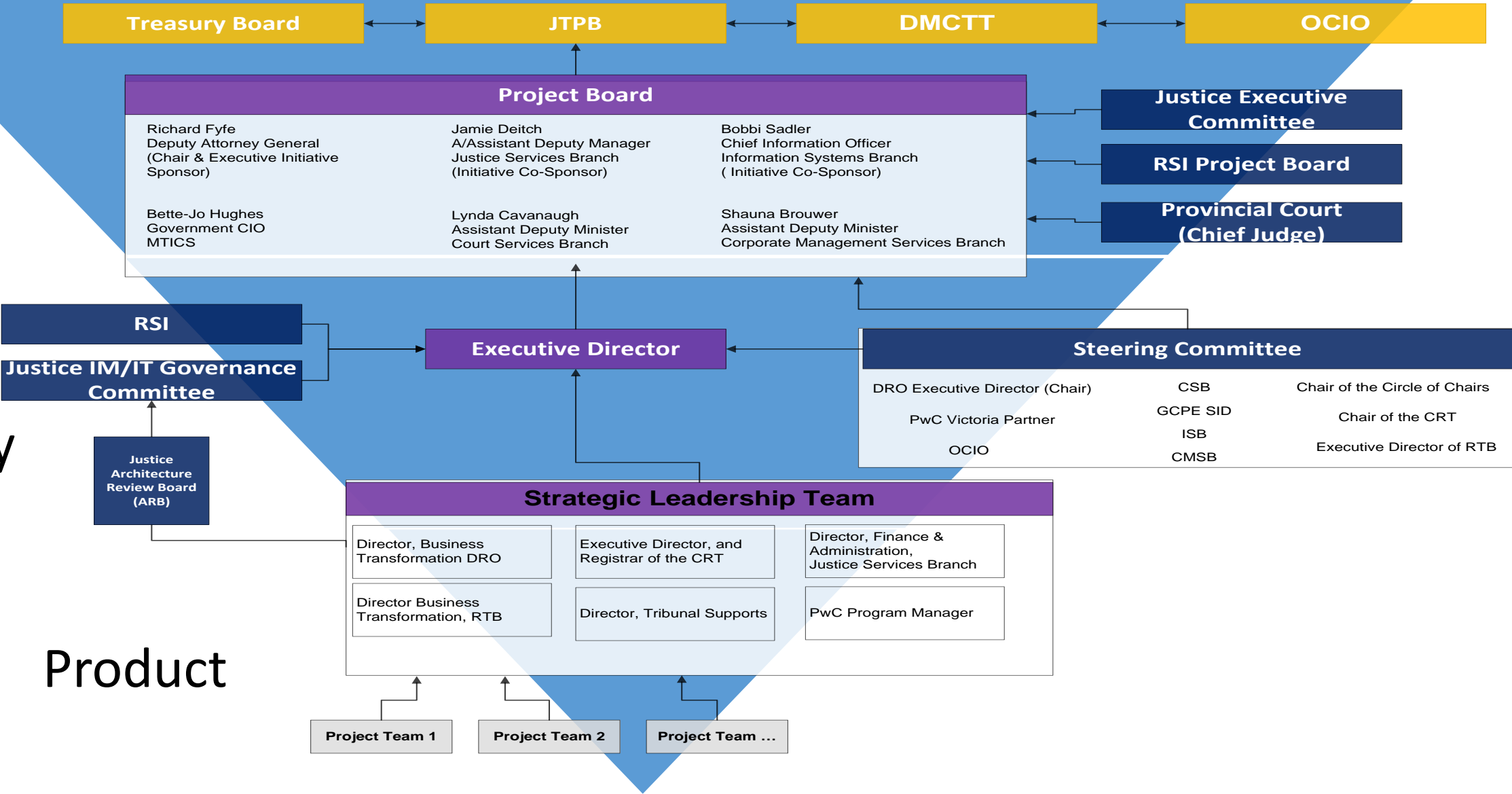
Vision

# Lean Startup & Our Governance Framework

Vision

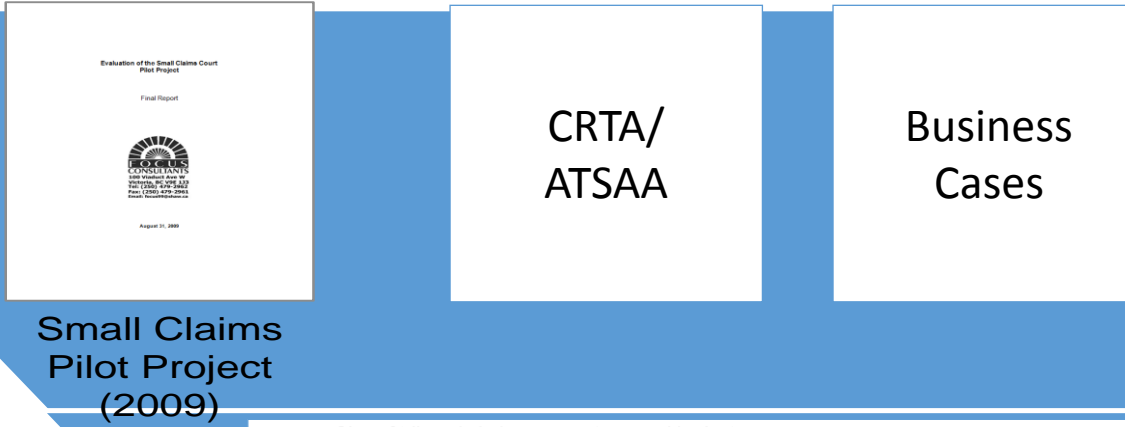
Strategy

Product

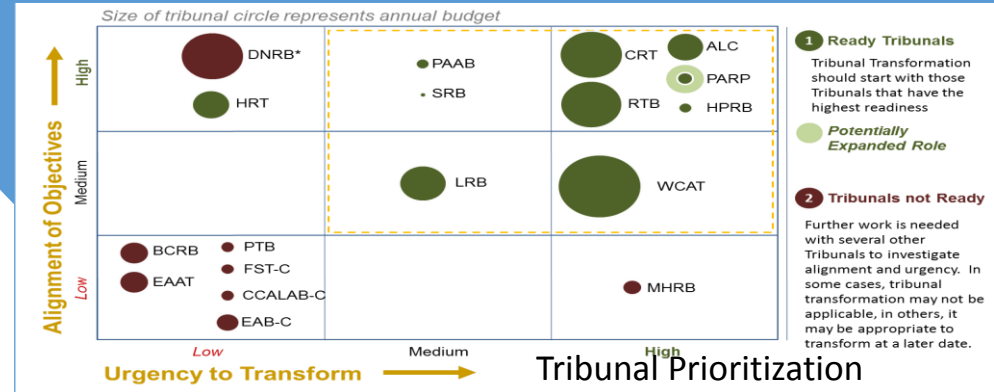


# Lean Startup & A Few of Our Artefacts

Vision



Strategy



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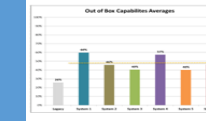
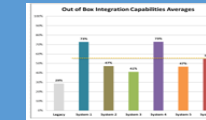
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- Increase the prevention and early, speedy resolution of disputes
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- Increase the capacity of the justice sector to support public safety, justice and environment protection objectives.



## Technology-enabled innovation through shared tools

The Tribunal Transformation Initiative is developing technology and business capabilities specifically designed to benefit multiple Tribunals



### Critical Considerations

- Native Multi-tenancy
- External Integration
- Native Customization Capability

### Core System Recommendation - Salesforce

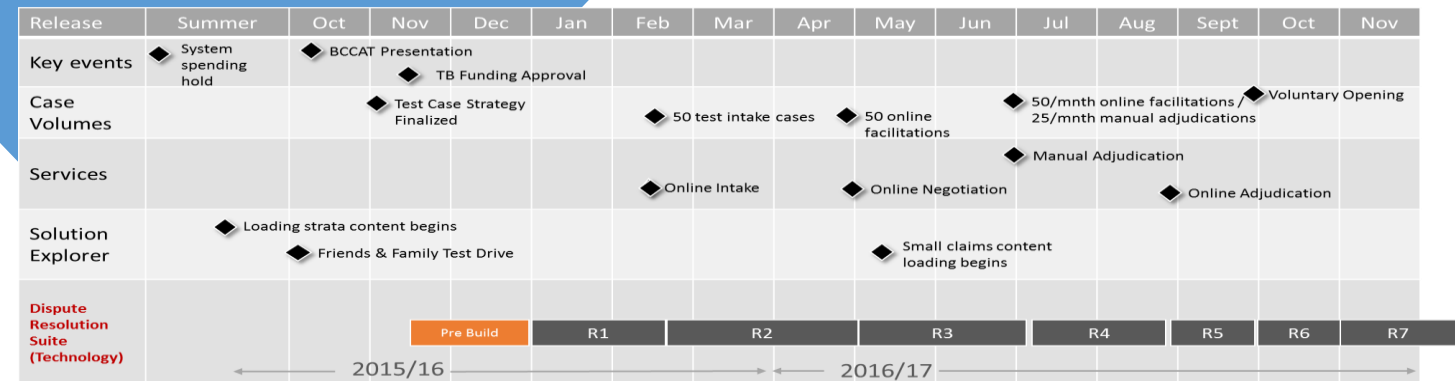
- Highest core capability score
- Highest additional factor score
- Closest Competitor (all factors) - IBM Case Manager



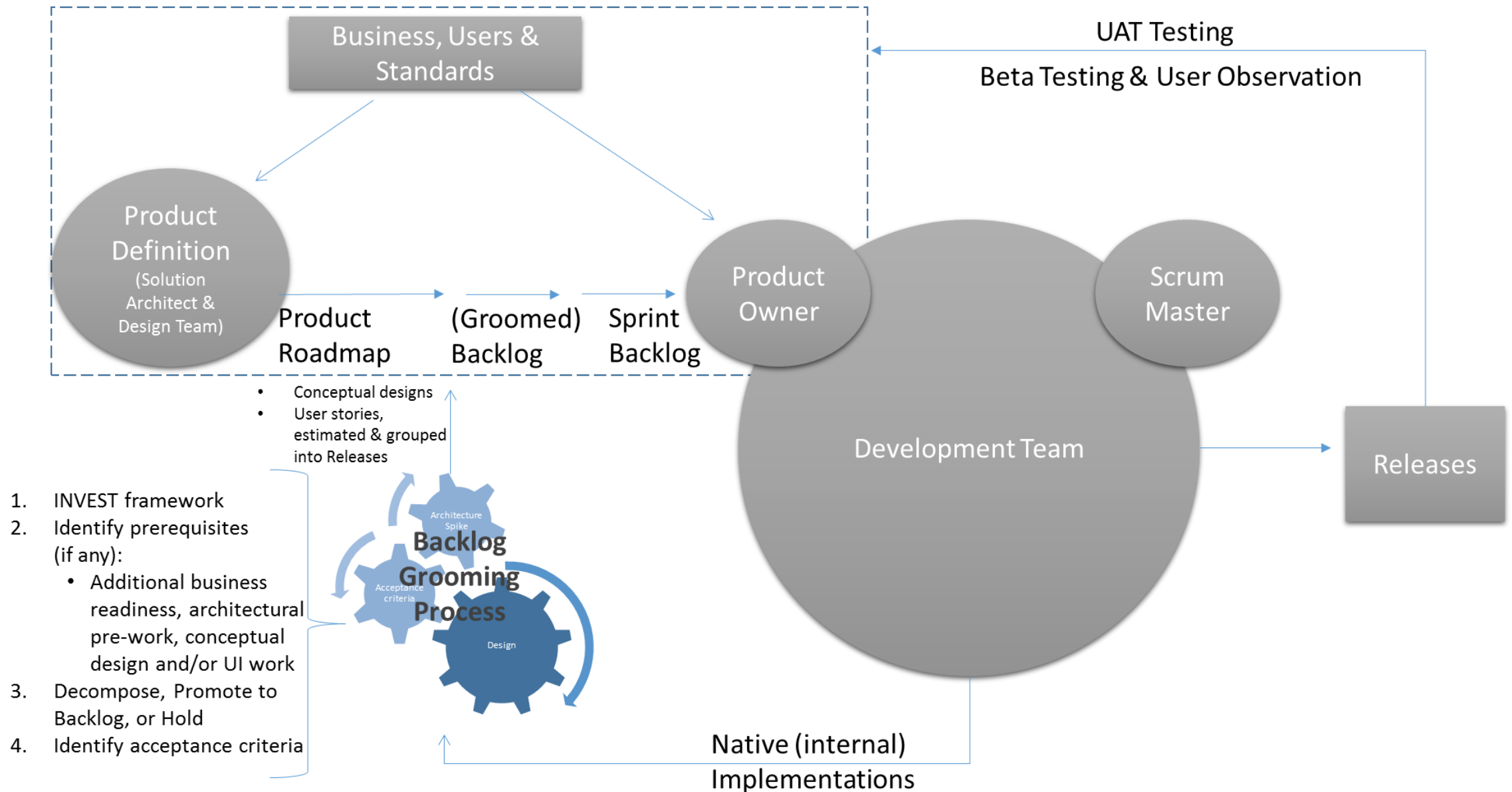
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## IM/IT Assessment

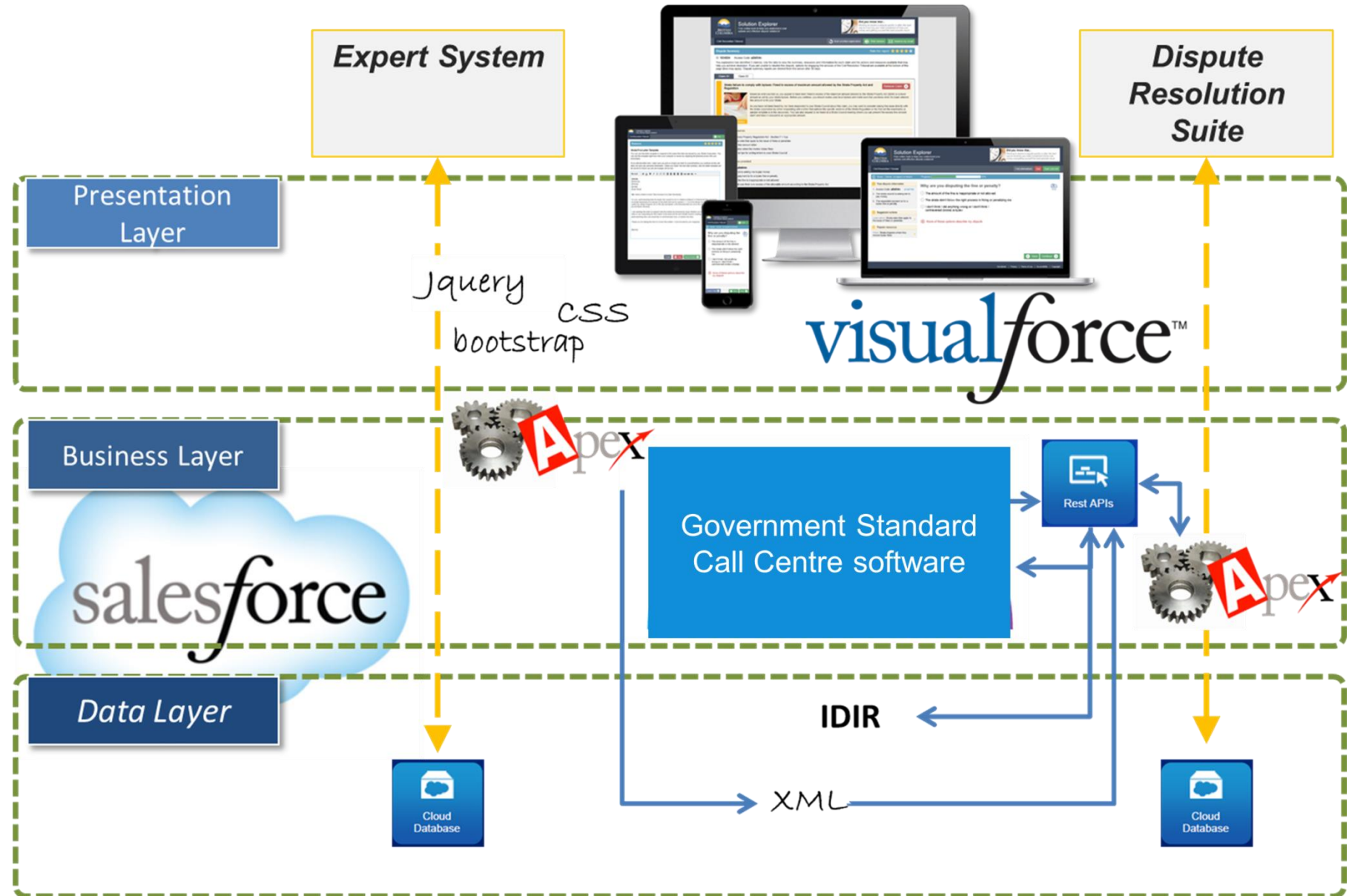
Product



# (Scrum) Product Development Process

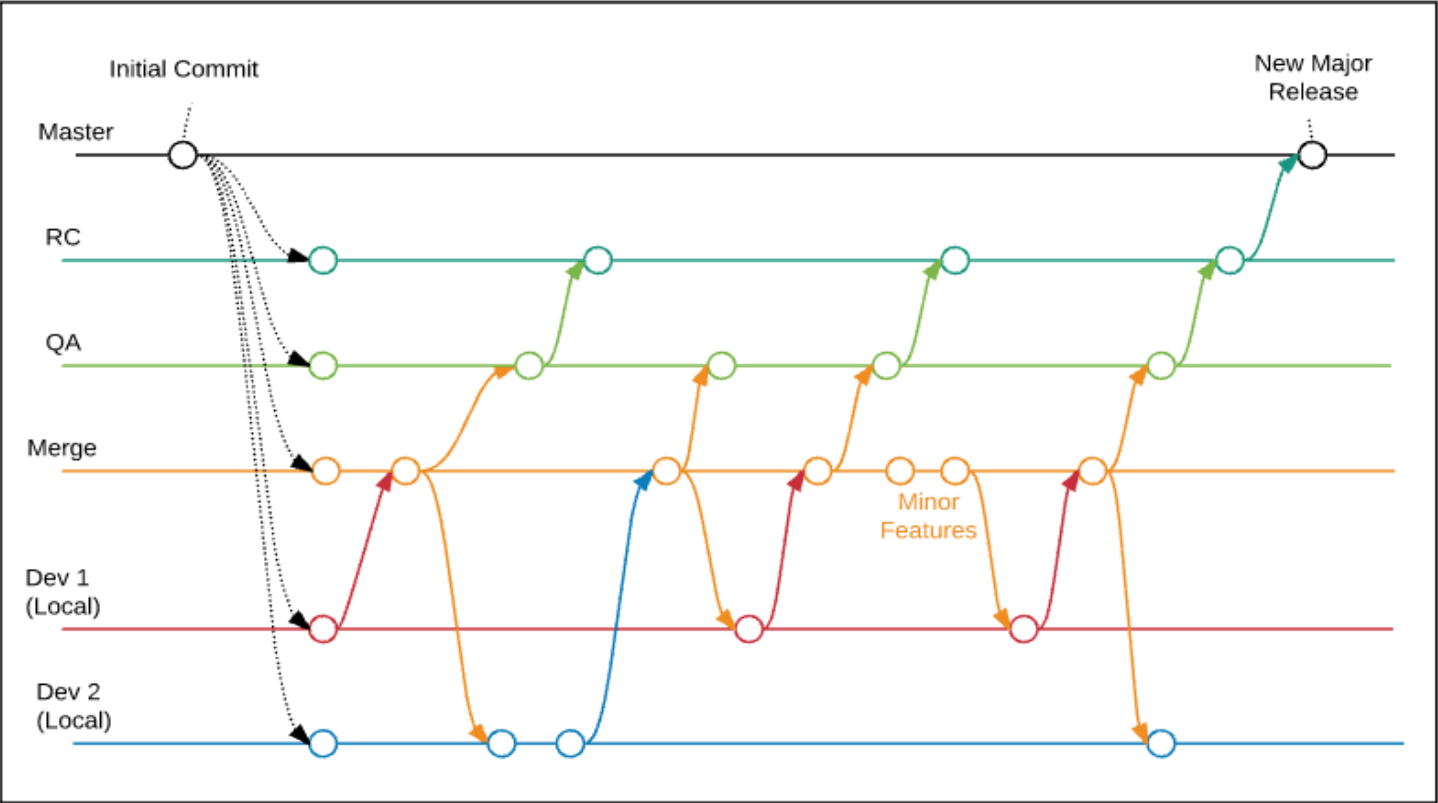


- ✓ Design First
- ✓ Decouple Systems
- ✓ MVC Layers
- ✓ Open Standards
- ✓ Iteration





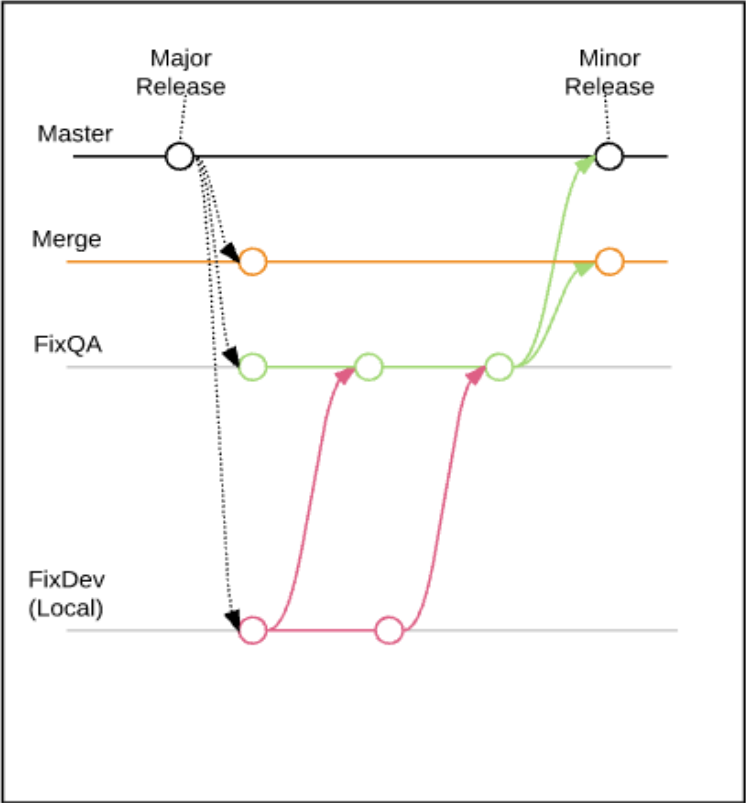
Major Feature Use Case

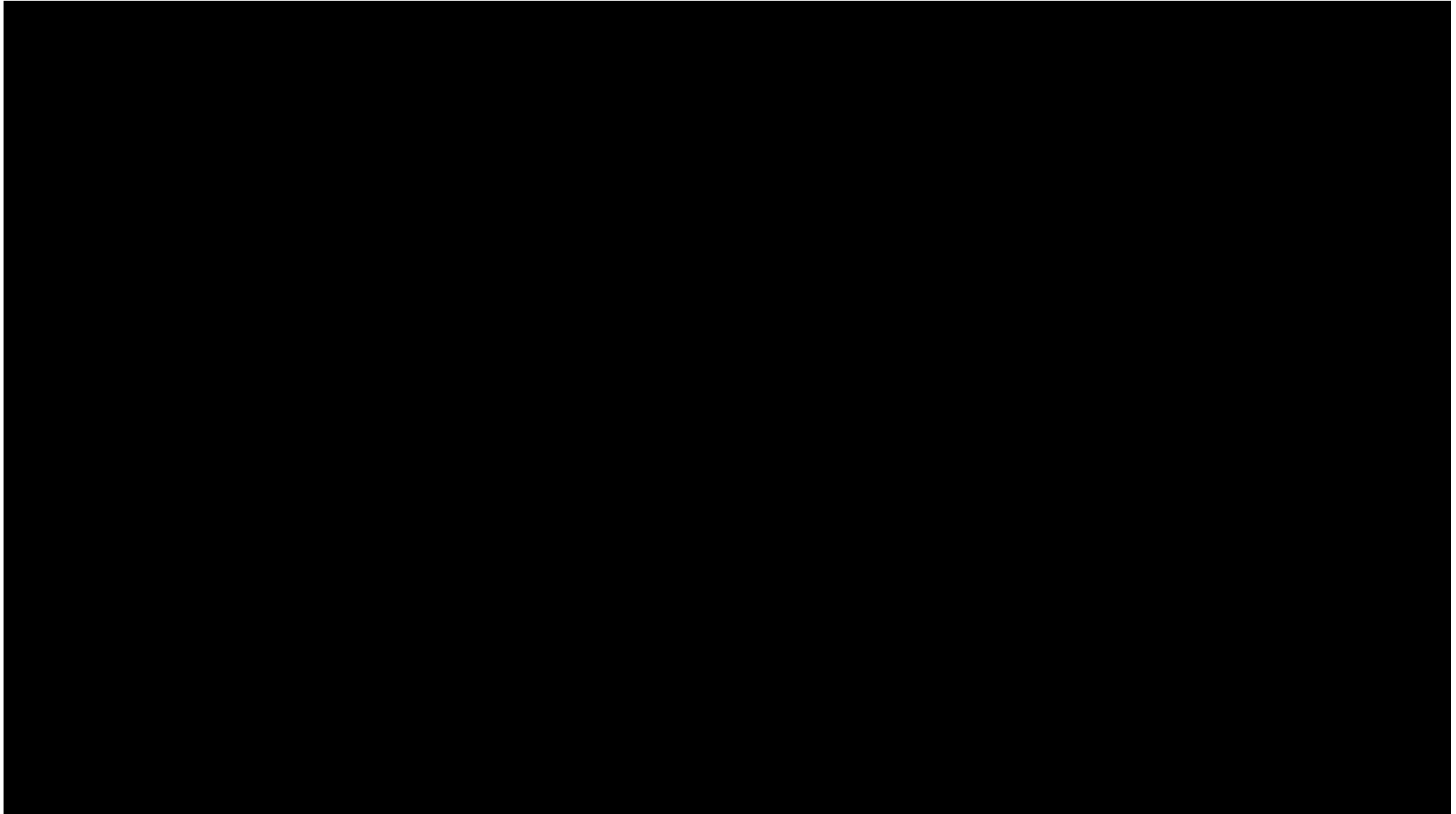


Legend

- Git Commit & Build
- Refresh

Minor Feature Use Case





<https://youtu.be/FtThjYWEVEI>



- Who would like to be Sonia and try the Solution Explorer?
  - <https://explore.civilresolutionbc.ca>



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Thank you.

Mac Campbell

[mac.campbell@gov.bc.ca](mailto:mac.campbell@gov.bc.ca)

Justice Services Branch | Ministry of Justice