Super Ordinary Lab

2020

Still waiting for disruption: Final report

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Foresight Workshop

EXPLORING OPPORTUNITIES IN LEGAL TECHNOLOGIES TO FOSTER ACCESS TO JUSTICE

March 3, 2020

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Section 1: **Introduction**

The Still Waiting for Disruption Workshop

The goal of the Still Waiting for Disruption project is to open up new opportunities for positive legal tech impact on the access to justice crisis in Canada, by exploring the existing barriers to innovative entrepreneurship and building future models that support increased access to legal conflict resolution.

This report details findings from the March 3, 2020 foresight workshop, exploring Access to Justice and Legal Technologies, hosted at the Super Ordinary Lab at OCAD University. Participants include diverse actors from the legal and legal technology innovation sectors. We thank the thoughtful participation of those who partook in the half day session:

Michelle Bouthiette
Will Morrison
Nuno Silva
Lisa Stam
Mona Datt
Tami Moscoe
Michelle Cader
Rui Chen
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Sheau Lih Vong
Nye Thomas

Project Partners

Super Ordinary Lab at OCAD University looks at emerging technologies to understand their social significance and tracks broad-based trends for the purposes of meaningful innovation in technologies, ethnographic methods and cultures of production as well as potential users of these technologies. Team Members: Suzanne Stein, Amreen Ashraf, Christine Martin

CALIBRATE works collaboratively with small non-profits and big institutions to find meaningful strategies to advance access to justice. CALIBRATE is providing the justice sector context, legal frameworks, professional culture and access to justice expertise. Team Members: Meredith Brown, Sarah McCoubrey

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The Still Waiting for Disruption Project

Tech disruption has arrived in the legal sector and has started to make a significant transformational impact. Legal tech innovations are creating customizable products, challenging the service monopoly historically held by a small number of large firms, introducing machine-driven contract review, case research and AI-supported legal analysis. For the most part, these innovations have been developed for law firms and in-house corporate legal departments with many big firms purchasing and embedding start-up technologies into their operations. While legal tech is improving lawyers' workflow and business model, it is not yet improving people's lives or access to legal conflict resolution on a larger scale.

Where We Are

This workshop sets the stage to explore prospective strategies to open up technology innovation for access to justice. *Marking a mid-point in the Still Waiting research project, a subsequent virtual workshop will be held to re-visit the scenarios and to conceptualize possible strategic options.*

The impact of COVID-19 will be a new layer to consider, both as a possible catalyst for lasting change and presenting new challenges.

Strategic Foresight Process

The strategic foresight process involves iterative steps as outlined below. In order to develop meaningful future scenarios for Access to Justice and Technology , the OCAD U/Calibrate research team, completed several stages of research and data synthesis.

Identification of trends and drivers that may have an impact over the next 5 years.

Trends were extracted from previous strategic foresight work done by the research team and from extensive literature review. These trends were refined into the areas of: social, technological, environmental, economic, political and values, as well as legal (STEEPV+L). Through an iterative process with the research team, the final list of trends and drivers was determined, and can be seen in Section 2.

Workshop participants Identified additional trends and drivers as part of the gap analysis, also identified here.

Scenario development set in the year 2035, with implications for A2J

Workshop participants used the trends, drivers of change and critical uncertainties to develop the scenarios for four distinct yet possible futures for legal technology and access to justice. Key trends and drivers were highlighted for each of the scenarios, along with key stakeholders and prominent technologies.

Participants identified on the scenario matrix where they felt we currently are and where we should be going.

Exploring potential opportunities and barriers for technology and access to justice.

As a group, workshop participants discussed key frictions, barriers and opportunities presented by these scenarios, with respect to legal technology innovation and access to justice.

The Workshop

Sixteen people in four groups over three hours delivered four future scenarios to consider for access to justice and technology. The participants also explored barriers, opportunities and frictions in each of the worlds.

The workshop took participants through a rapid foresight process, where they worked collaboratively to better understand potential scenarios and the implications for innovation. We constructed a unifying vision to consider across future states, articulated below, with a common quest for understanding the impact of technology in A2J.

Vision for 2035

(A future where) people are equitably supported (able) to prevent, avert and resolve conflicts equitably/fairly.

2020 Core Question: Why has technology in the justice system not disrupted A2J?

Overview of Scenarios

Scenario 1: What's Old is New A world in which control is restricted and adoption of change is incremental; technology brings efficiency to do the same things in new ways.

Scenario 2: Coup d'État A world in which control is restricted and adoption of change is disruptive; a high-control world with sustainability at its centre, resulting from a climate change catastrophe, with rapid tech innovation to support the cause.

Scenario 3: Accessia A world in which control is dispersed and adoption of change is disruptive; a "wild west" world of many actors, mediated by technology.

Scenario 4: Parallel Justice A world in which control is dispersed and adoption of change is incremental; a profit-driven world with new legal tech options.

(Forthcoming) Wildcard! Pandemic - Implications of the pandemic for the shift towards these scenarios and the potential of greater or faster short-term disruption and increased A2J.

Trend + Driver Identification

Trends and drivers identified prior to the March 3rd workshop were gathered through comprehensive desk research around legal technology innovation and the access to justice domain, prior foresight research, and scanning around issues identified through collaboration with the research team and networks.

The trend framework, STEEP+V +L, was used to cover the breadth of current factors in the external environment that could impact the Access to Justice and technology innovation sphere within the next 5 years, and should be anticipated, monitored and implicated as they shift over time.

These factors include social, technological, environmental, economic, political and values, with the addition of legal, to guide participants to dive deeper into how legal tech and access to justice is and may evolve in each scenario. Additional trends and drivers were identified during the workshop, as a gap analysis exercise. They are listed in the Appendix A.

Social

Changes in social Institutions and often brought on by demographics, lifestyle changes, and social inclusion.

Economic

Factors that alter, create or calculate (financial) value: international trade, business models, new currencies.

Technological

Shifting communication methods, digitalization impacts, new products, and emerging tech.

Political

Changes in the political landscape include policy and partisan viewpoints, taxation, and regulation.

Environmental

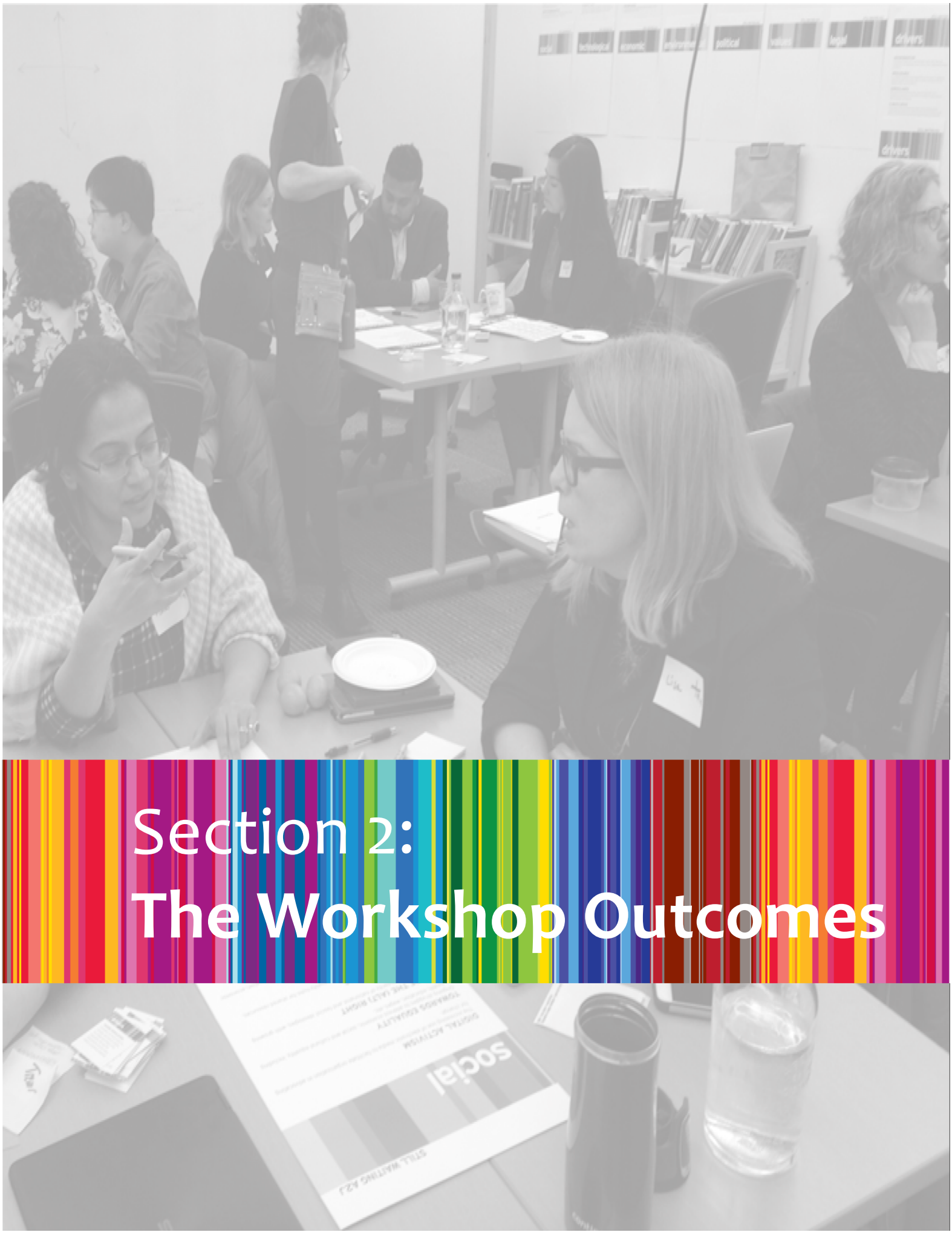
An often overlooked change variable, but of critical importance, including issues related to sustainability, climate change, natural world.

Values

The newest member to the framework, value-based factors isolate changing personal attitudes, beliefs, and preferences.

Legal

Key changes happening in the realm of law, legal services and access to justice.



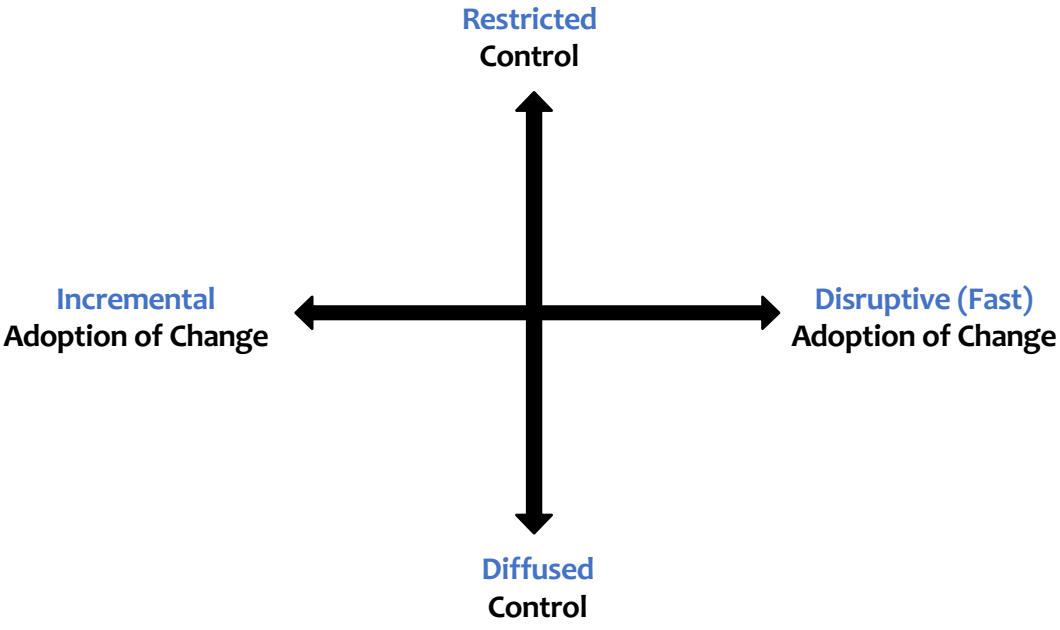
Section 2:
The Workshop Outcomes

Plausible Futures - 2035

Four plausible futures were derived using a 2x2 matrix mapping the two critical uncertainties.

To drive the process of building robust, plausible scenarios, it was essential to select two critical uncertainties that would be significant drivers of change towards the future of legal technologies and access to justice. Critical uncertainties are areas of change with both high impact and high uncertainty. A combination of research and analysis of the current landscape revealed that two key areas of change were **how control would be distributed** and **how quickly change would be adopted:** the speed of and locus of agency to change.

By setting the critical uncertainties as intersecting axes, we developed a 2x2 matrix. Each quadrant of the matrix thus represents a plausible future that could drive a different model for legal technology and access to justice. These scenarios set the foundation for subsequent discussion around opportunities, barriers and strategy for the future.



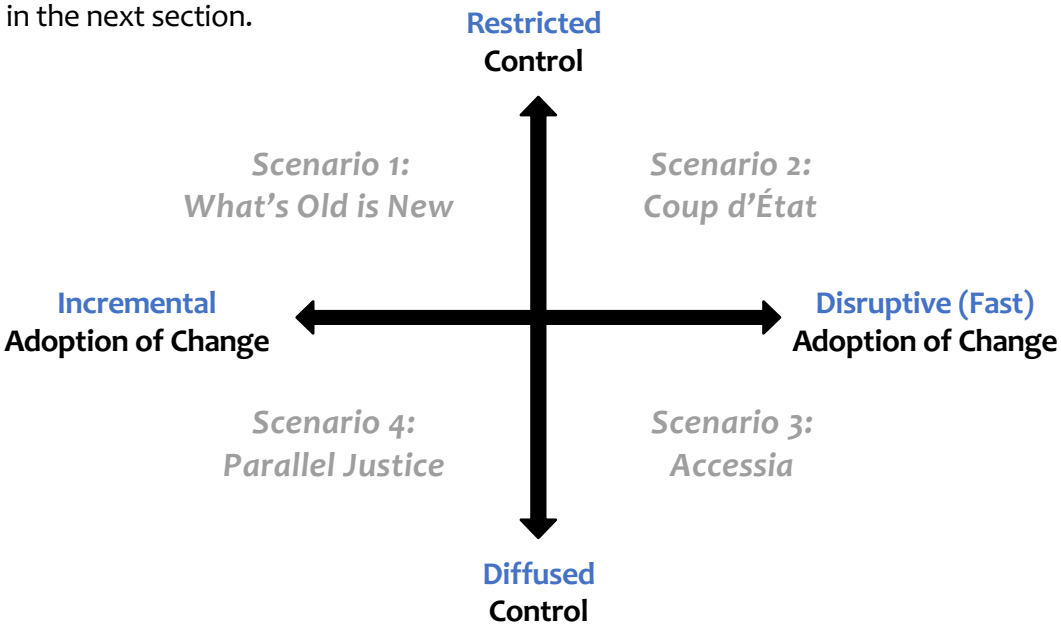
Plausible Futures - 2035

Workshop participants created rich descriptions of each plausible future in small groups, especially exploring access to justice and technology.

In the workshop, participants were divided into four groups and directed to consider the trends and drivers of change relevant to one of the possible futures. In order to develop what that possible future would look like and the potential impacts for legal technology and access to justice, participants answered questions such as:

- What trends and drivers are prominent and which ones are reversed?
- What is life like in this world? What is happening ?
- What might the prominent technology and key stakeholders be in this world?

The scenarios and associated opportunities and barriers are outlined in the next section.



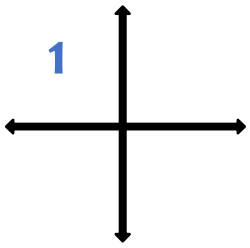
Workshop participants then explored potential barriers and opportunities for legal technology and access to justice in each of the scenarios, both in small groups and in large group discussion.

To further understand the realities of each of the 2035 scenarios, each group returned to their worlds and discussed **who's needs would be met or not met**. They explored the **frictions and barriers** to A2J and technology in their world. Finally, they also explored the potential **opportunities** for A2J and technology.

Following small group discussion, these opportunities were further elaborated on through large group discussion.

Scenario 1

What's Old is New



What's Old is New

- **Control:** Restricted
- **Adoption of Change:** Status Quo (Incremental)

In this 2035 world, control of the justice system is restricted, held by a few key players. This control is concentrated mostly in the government and established legal institutions. An increased deference to authority means people have accepted, and even find it comforting, that there is one clear avenue for dealing with legal issues. These processes are siloed between these institutions: the courts, government, law societies, and lawyer's associations.

Innovation is incremental. Familiar processes have been automated, but there has been no real change at the systemic level. Technology brings efficiency to do the same things in new ways. The justice system offers efficient, streamlined processes, that only work for the majority of cases. The legal system lags behind many of sectors who have adopted transformative technologies.

Legal problems and disputes in this world are similar to 2020, creating similar results and spiralling effects. Legal services are accessible to a smaller segment of society.

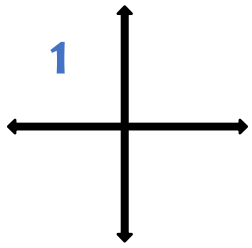
This scenario arises out of a sense of inertia and control, and a strong grip on the status quo. There is a lack of engagement with users and minimal change. Legal professionals and institutions, driven by economic concerns, privacy issues and tech instability, have become protectionist.

In this scenario, there are no new actors from 2020, and in fact the number of actors may shrink. Innovative efforts have not been able to integrate into the system and have dropped off. The public has accepted the status quo, either acquiescing or even finding assurance in an imperfect, but predictable system.

The prominent technologies that are expected in this world are largely with the governments, lawyers and courts. There will be some automation but email and pdf with still dominate.

Scenario 1

What's Old is New



What's Old is New

- **Control:** Restricted
- **Adoption of Change:** Status Quo (Incremental)

Opportunities, Frictions & Barriers

This world brings with it a number of frictions and barriers to access to justice and technology. It brings with it a "one size fits all" ethos, along with limited individual choice of service models. Less scrutiny of institutions is likely in this world. There is limited integration of the justice sector with other sectors or services.

There will be limited motivation or opportunity to innovate. There will be limited open source technology, data or system access, making it difficult for entrepreneurs to develop new products and tools. Only those with political capital will be able to influence the system.

Wealthy individuals and corporations benefit in this world and have their needs met. Legal professionals thrive.

Most vulnerable people will not have their legal needs met, and will have stopped turning to the justice system for help.

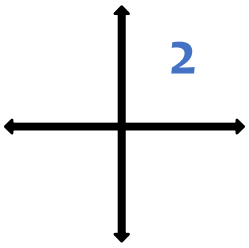
Outliers, both individual or corporate, will not take new issues to the legal system as there is limited room for legal evolution.

This world does offer some key opportunities for Access to Justice. There is the potential in this scenario to develop more consistency and uniformity in how issues are handled. This would then create more certain outcomes, on these issues, for everyone. There is the opportunity to also create a simpler system overall

While there may be a narrower range of options to resolve legal problems in this world, there is the opportunity to develop a higher quality within those options. There is the potential to engage users more in any reform initiatives. Eliminating Latin and moving to a clear language approach is a potential in this world.

Scenario 2

Coup d'État



- **Control:** Restricted
- **Adoption of Change:** Disruption (Fast)

This world in 2035 is managed by the use of top-down control. Life is very structured and bureaucratic. Government exerts significant control over corporations. There is a strong consciousness around sustainability, with significant control around environmentally sensitive activities.

This scenario arose out of a catastrophic climate disaster, resulting in rampant disease, migration and urbanization. An entirely new party came to power, one driven by sustainability. People willingly gave significant power to the party in exchange for strong ecological and health management.

There is little grassroots movement and limited protest. People appear relatively happy/cooperative with the structure.

Innovation is happening rapidly, with a lot of openness to change. This change is largely service institutions, especially government, to support their structures and priorities.

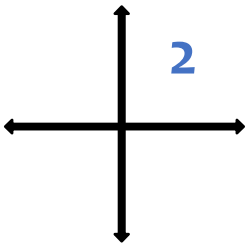
This world is dominated by government as the primary actor. Additionally, diverse communities have surfaced as more significant actors.

Technologies that can support monitoring and tracking are prevalent in this world. These include applications for surveillance, including facial recognition. Artificial intelligence and machine learning are often applied to these applications.

The need for rapid change and the ability to respond quickly to emergencies means the government is willing and readily able to work with technology entrepreneurs.

Scenario 2

Coup d'État



Coup d'Etat

- **Control:** Restricted
- **Adoption of Change:** Disruption (Fast)

Opportunities, Frictions & Barriers

A range of frictions and barriers emerge in this alternative world, that have bearing on access to justice and technology. Data protection and access to data become issues, as more monitoring is implemented. Along with this come privacy concerns.

In the legal system in this scenario, there is a decreasing use of the courts as an independent check on power.

Environmentalists and entrepreneurs alike benefit in this world. If people can access the tech, their needs can be met. There is the potential that the needs of remote communities might be better served as well. More than anyone else, those who hold control, institutions, have their needs met the most.

Those without adequate access to technology or technological literacy are the key people who lose out.

Additionally, people with everyday legal problems do not benefit from creative resolution, with a focus on AI-formula decision-making.

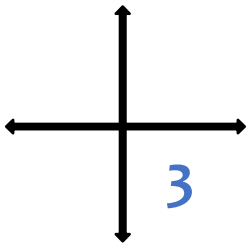
A more centralized platform in this scenario opens up the opportunity for building on it. The data would be of higher quality and security.

With a focus on innovation to address challenges, there would be more funding for change initiatives as well as more adoption of that change.

This world would include more open source options, but with increasing regulation and accountability. More data for tech entrepreneurs would be available. Centralized control would ensure that those on the fringes or the less educated would not be left behind. The hope is that this would be a democratic approach.

Scenario 3

Accessia



- **Control:** Diffused
- **Adoption of Change:** Disruption (Fast)

Opportunities, Frictions & Barriers

This world feels more like a "wild west" which brings a number of potential frictions and barriers for access to justice and technology. There would be a lack of consistency which could lead to imbalances and a lack of quality control. Additionally, competition could become too high in the market.

In this world, private corporations would be the big winners. Private sector entrepreneurs would thrive. It is unlikely but possible that low-income or marginalized people would have more options. This could also include self-represented litigants.

On the other hand, marginalized populations would likely be either left out or taken advantage of. Those without digital literacy or digital access would equally be left out. Government and public sector would not have their needs met.

The opportunities for technology and access to justice in this world are broad. There is great potential to achieve more equality along gender, racial and other lines. Costs could go down and conflicts might be resolved more quickly, such as through online dispute resolution.

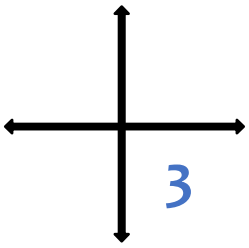
This world opens up the opportunity for more players in the legal system, not just legal professionals. They could even have equal power to lawyers.

Additionally, this world would see more integration with other sectors or services.

This world, with a trust in more open data, would spur more action towards innovation. To provide oversight, independent review boards could be established.

Scenario 3

Accessia



Accessia

- **Control:** Diffused
- **Adoption of Change:** Disruption (Fast)

In this 2035 world, power is spread out across different actors. This contributes to the development of multiple and concurrent legal systems. These might include a national system, an indigenous system and/or alternate religious systems. Everyone in this world is informed and empowered to use these systems.

Innovation is disrupting society rapidly and there is a strong openness to change. Due to the increasing tools to access justice, more people are able to have their legal needs met by the system. The justice system is deregulated leading to faster and more efficient decision making.

This is a world mediated by technology, that emerged out of a move toward decentralization and deregulation. This allows new players like large technology corporations to enter the field, with their resources for data gathering and storage. At the same time, entrepreneurs are the driving force in creating access to tech tools.

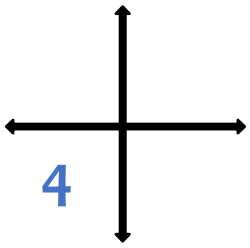
This scenario is populated by a range of key actors. Governments and the justice system continue to play a role, but they have agreed to de-regulation. Communities have become key.

Entrepreneurs are essential players and tools like AI lead to more algorithmic decision making in the access to justice sector. In some ways, AI may even emerge as a stakeholder.

In this scenario characterized by innovation, new technologies are being developed all the time. These might include the widespread use of artificial Intelligence, cryptocurrency and open data platforms and possibly surveillance. Data will be privatized leading to more efficiency, but there will be increasing risk of misuse due many private stakeholders having access to personal data.

Scenario 4

Parallel Justice



Parallel Justice

- **Control:** Diffused
- **Adoption of Change:** Status Quo (Incremental)

This future world of 2035 is a profit-driven one, characterized by two parallel justice systems. One is managed by the government for major cases. The second is more outside the formal system, using alternative means to achieve resolution.

This is a world rich in innovation. Online legal products abound, including more automatic dispute resolution. There is a move from "winners" and "losers" to more give and take and compromise.

Self-represented litigants are driving better outcomes for themselves in this world, encouraging innovations that serve their needs.

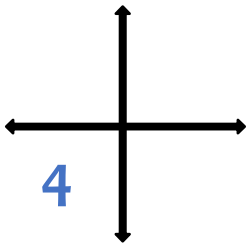
Government cutbacks were a key driver in the emergence of this world. Additionally, online information became democratized, with data becoming a leading profit-driver and decision-maker.

The primary actors in this scenario are focused in the private sector. Non-legal experts and entrepreneurs have taken centre stage as stakeholders. Self-represented litigants have emerged as important stakeholders as well.

A number of technologies are prevalent in this future scenario. Document automation and artificial intelligence prediction are both prominent. Technologies that provide personal services and translation are common. Undergirding these is a blockchain infrastructure.

Scenario 4

Parallel Justice



- **Control:** Diffused
- **Adoption of Change:** Status Quo (Incremental)

Opportunities, Frictions & Barriers

This world brings with it a range of potential frictions and barriers for access to justice and technology. Issues related to supply and demand, as well as heavy costs, could emerge. Varying levels of technological expertise may influence the quality of tools and services that are developed.

With much of justice moving online, in a more pragmatic system, the opportunity to be heard may be challenging. In some situations, particularly in personal plight, the need to "have your day in court" is part of the desired resolution.

Businesses and small and medium-sized enterprises all have their needs met in this scenario. Entrepreneurs have ample opportunity to develop. Self-represented litigants have more options available to serve to meet their needs in this world. Governments benefit as well, with lower costs.

On the other hand, traditional law firms and partners struggle more.

The system(s) do not adequately serve those on the fringes, such as low income and vulnerable people and those with poor internet-connections. Harder cases and those that are based in credibility also struggle.

This scenario presents a range of potential opportunities to serve access to justice. New entrepreneurship mindsets stimulate new ideas and approaches. Data would be more open, to support systems and other innovation.

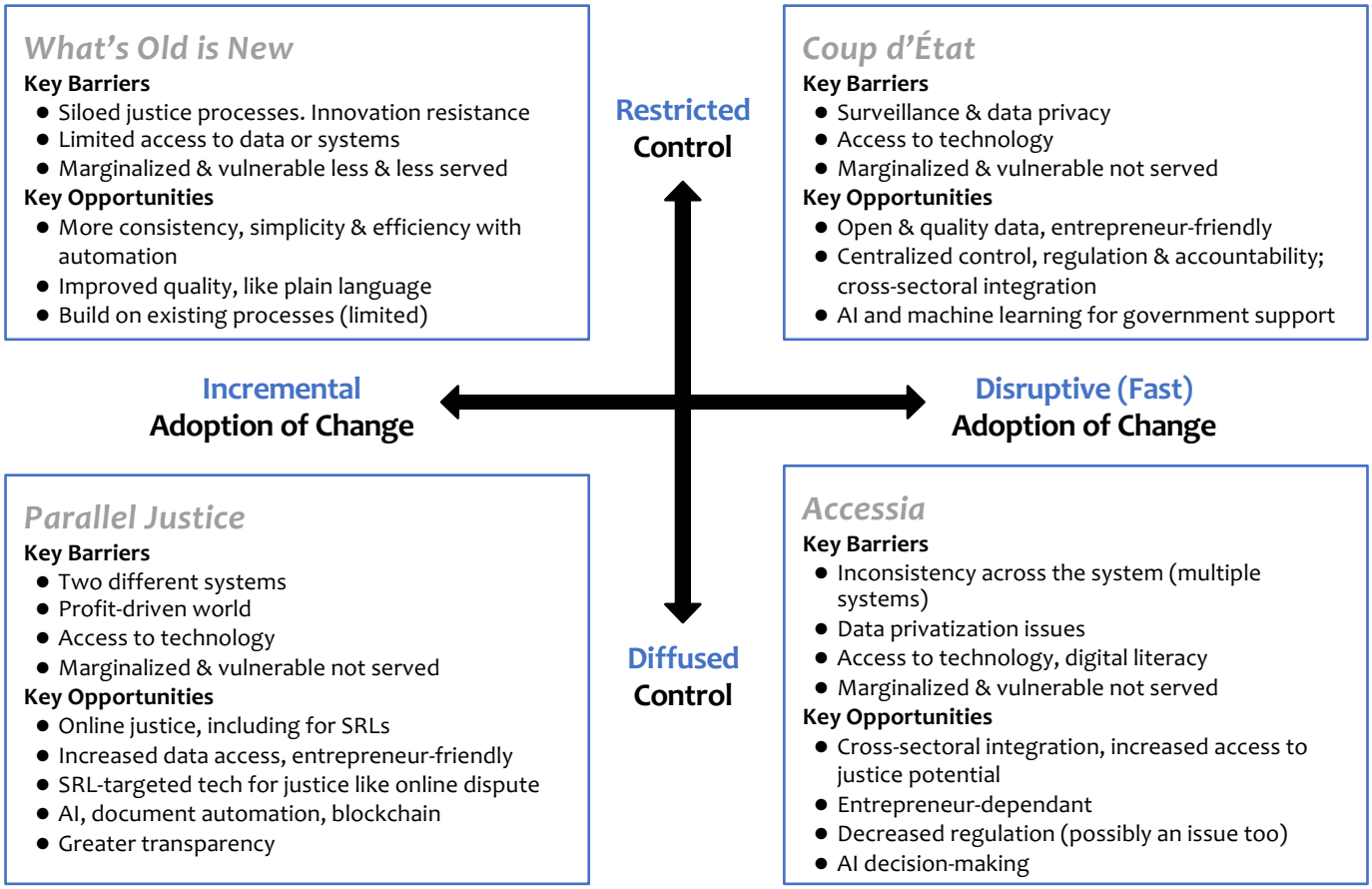
Services could become more user-centred, with plain language and better interfaces. More online dispute resolution tools are likely to emerge, possibly incorporating a video element.

Justice could become more transparent and open, building more trust. Integration with other sectors and serves is more possible as well.

World Summary

Exploring these scenarios surfaced a number of **notable insights** for consideration in advancing technology innovation and access to justice. Core systemic issues are revealed here, where across scenarios A2J is predicated on fundamental divisions in wealth, and related technology factors of access and literacy. The key barriers and opportunities in each scenario are summarized in this diagram, further illustrate both **commonalities** and **unique opportunities:**

- **Access to and quality of data**, a key consideration for entrepreneurship and innovation in A2J is widely varied across the scenarios.
- The **nature of the system** brings varied implications - centralization increases consistency and predictability, while multiple systems allow for different options serving different needs.
- **Personal access to technology** is critical for all - without it people are disadvantaged and marginalized.
- **Entrepreneurship drives innovation** across the scenarios and only occurs with an open system, even with high government control. However, a benefit for A2J is not guaranteed.
- **Increased reliance on AI and machine learning** is common, where case conduct and decision-making rely more on it. Consistency and speed improve but limit responses for non-typical cases.



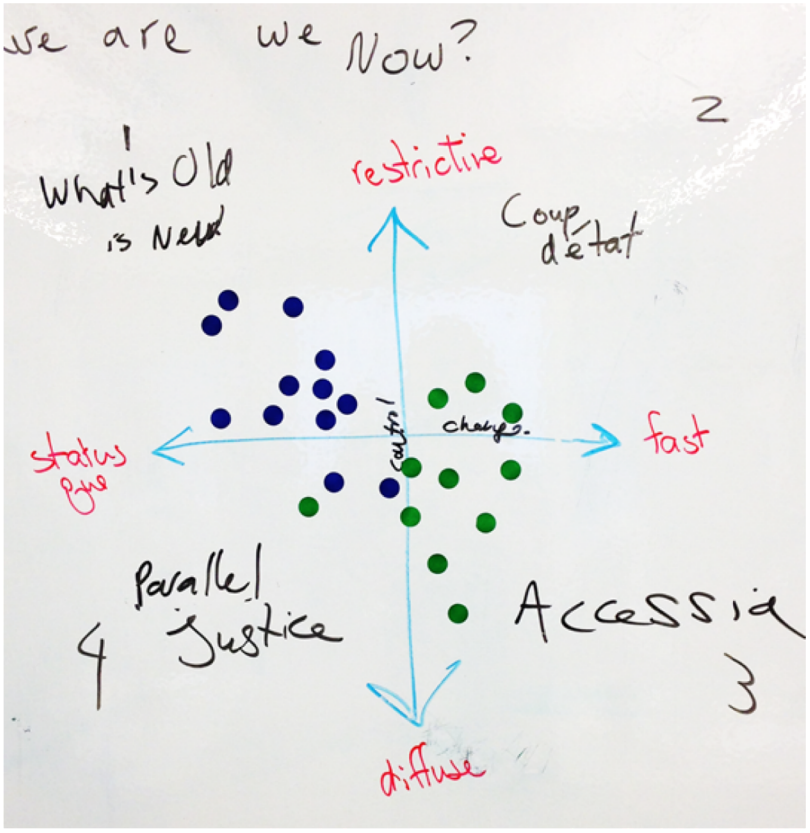
Where are we? | Where should we go?

During the workshop, participants were given two opportunities to reflect on the four scenarios.

After the scenarios were first developed, they marked where they thought the current state in Canada was with a blue dot.

At the end of the workshop, they marked where they thought we should be heading to achieve access to just with a green dot.

The general sense was that Canada is currently in more of the "What's Old is New" type of world and **should head more towards the "Accessia"** type of world, with some variation as seen in the image below.



Section 3: Moving Forward

And then…..Wildcard!

Pandemic!

The COVID-19 pandemic has impacted the justice system in Canada and around the world. New forces and patterns are emerging, impacting legal technology and access to justice realm.

In January of 2020 the world started hearing of a respiratory illness sweeping the world. The disease first identified as a type of Coronavirus, moved and spread globally. Canada reported its first case in February. In March, the disease escalated to become a pandemic with the official name Covid-19. Canada, like many countries around the world, began to shut down of all but essential services.

These unprecedented times have put pressure on all systems to adapt in the short term to this "new normal". The legal system across Canada has had to quickly react to the changes by adapting digital tools and methods.

The pandemic creates a wildcard situation in which to think about the immediate applicability of the trends and drivers to COVID-recovery. The pandemic has shifted, accelerated or reversed drivers and trends both generally and for the legal sector in particular.

As society is forced to socially distance, we are adapting to technological tools, non-essential services and online work have. Drivers such as "digitizing our lives" have seen exponential adoption across sectors. The legal sector is transforming service delivery, at least temporarily, in response to the current crisis. Courts, often regarded as the most traditional of institutions, are moving hearings online. Already, family disputes, bail hearings, injunction requests and full trials have been held online using video conferencing tools.

As the legal sector adapts to accelerated changes, courts, judges, lawyers, and legal institutions are turning to technology. This presents many opportunities for permanent shifts in legal technology. Post-COVID response may still see resistance to change or fears of changing delivery models. In the short term, we see real potential to use this disruption to the current system to ensure that permanent changes focus on A2J and legal technology. This is a crisis, but positive change may result if we put our efforts towards exploring and securing these during and after this turbulence.

Next Steps

This workshop was part of an iterative process exploring barriers and opportunities for innovative legal tech to support increased access to justice. Scenario development for 2035, along with a horizon scan, identifying patterns of change in legal and surrounding environments have revealed some of the key areas of opportunity and of challenge. A desired direction is starting to emerge.

The workshop and research analysis phase has coincided with the global COVID-19 pandemic, with its deep impacts.

Now, we are poised to think about how best to support a movement in the desired direction for positive legal tech impact for access to justice, with special consideration of the pandemic.

The stages of thinking covered in the workshop described here reflect the overall stages of the research project, iterative in its sensing and sensemaking process, incorporating (COVID-19) pandemic implications.

A second workshop (virtual) will be held to explore pandemic implications and opportunities and to discuss draft tools for making things actionable. Following this, a virtual symposium will be held to share the overall research insights.

Stay connected at stillwaitingA2Jtech.ca

Appendix A: **Horizon Scan**

SOCIAL

DIGITAL ACTIVISM
The increasing use of electronic media to facilitate organization in advocating for change.

TOWARDS EQUALITY
Ongoing struggles to address economic, social and cultural equality, including in health, education, wages, etc.

RISE OF THE (ALT) RIGHT
The increasing popularity of nationalist and fascist ideologies, with growing influence on society.

LIBRARIES AS HUBS
Libraries are transforming into key community hubs for shared resources, diverse services, and citizen wellbeing.

SHIFTING DEMOGRAPHICS
The make-up of Canada's population is shifting due to immigration, economic and age distribution and growing Indigenous communities.

TECHNOLOGICAL

PORTABILITY & MOBILITY
Mobile devices are permeating most areas of our lives, strongly shaping the consumption and communication behaviors of society, changing how we interact with location and each other.

TECHNOETHICS
People are increasingly concerned about the ethical uses and applications of new technologies, including issues of algorithmic bias and transparency. Technological 'progress' may mean moral erosion.

GRIN...BANG...WHAT?
Acronymns proliferate as mnemonic devices to help use think through emerging tech, but our social understanding and inter-institutional capacity to respond lags behind their deployment.

IT POVERTY LOOP
The inability of people in schools, communities and families to access information and communication technology such as internet, laptops, cell phones, software and applications perpetuates the cycle of poverty.

ENVIRONMENTAL

CLIMATE MIGRATION
The increasing pace of people moving internally and across borders as the result of climate change.

TOXIC TECH
The health risks associated with the hardware and connective software associated with our digital devices.

CLIMATE EMERGENCIES
The frequency and severity of extreme natural disasters is on the rise, including flooding, wildfires, and storms, causing displacement and increased vulnerability.

DIGITAL CARBON FOOTPRINT
Requirements to power the internet are outstripping capacity to generate and putting undue pressure on the environment.

ECONOMIC

PRECARIOUS EMPLOYMENT
Full time, permanent, benefit protected work is becoming more and more elusive for Canadians in the workforce due to the rise of the technologically facilitated by the "gig economy".

INCREASING DEBT LOAD
Household debt is increasing rapidly, leaving people vulnerable to unexpected expenses and stretched budgets.

SHARING ECONOMY
Alternative economic systems of asset and service sharing that are on the rise, often mediated by technology.

(AFFORDABLE) HOUSING CRISIS
Finding affordable housing (rental or owned) is an increasingly difficult challenge for many Canadians of all ages, especially in cities.

THE APP DIVIDE
The disparity between the thoughtfulness, quality, programming of paid mobile applications and free ones.

POLITICAL

GOVERNMENT CUTBACKS
The prevalent pattern of governments reducing, or even eliminating, key funding for public services and institutions.

GOV 2.0
New internet-enabled applications and services create access and participatory opportunities for engaging citizens while also spawning an increasing demand for transparency and accountability.

ACCESSIBILITY AS A RIGHT
Accessibility rights are enshrined in law, such as Ontario's AODA 2025. Organizations are investing in barrier-free physical and digital infrastructure and processes to comply.

INDIGENOUS RECONCILIATION
The obligation to address the historic and current harms of colonialism against Indigenous peoples in Canada, as called out by the Truth and Reconciliation Commission and the MMIWG Inquiry.

VALUES

ERODING INSTITUTIONAL TRUST
Trust in various long-standing institutions meant to serve and protect the public is on the decline.

INFORMALISM
With flattening hierarchies and a distrust of assertions or symbols of authority, professional and social interactions are becoming more informal.

FROM SYSTEM TO HUMAN
Companies and institutions are increasingly putting the user or client first, applying design principles and empathetic mindsets.

ENTREPRENEURIAL SPIRIT
Many Canadians are looking towards creating their own initiatives and businesses, rather than filling traditional employee roles.

LEGAL

OPENING UP THE LEGAL PROFESSION
There is a push to allow non-lawyers to deliver ancillary or traditional legal services.

UNFILTERED ONLINE INFORMATION
A wealth of legal information online is difficult to understand, to search or to trust.

PRIVACY CONCERNS
Increasing worries and fears about violations of personal privacy and data, both online and in physical space.

TECH EFFICIENCIES
An accelerating adoption of technologies to augment the work of lawyers and law firms, adding efficiencies and sometimes profit.

LIMITED ACCESS TO GOOD DATA
Unreliable or restricted data sets limit solution-oriented innovation, along with the lack of interoperability of institutional databases and systems.

Drivers are the larger undercurrents fostering trends. These forces are often systemic and involve complex interrelationships with multiple groups and structures. Drivers analysis looks at these forces and how each may influence and alter several different trends due to their large scale and complexity.

DRIVERS

AI TAKEOVER
The swiftly expanding application of deep machine learning, natural language processing, and related technologies across sectors.

AGEING POPULATION
Canadians are living longer on average, with seniors making up a larger perceNtage of the population. Serving this demographic and its unique needs is a growing challenge.

URBANIZATION
The large majority of the world's population is moving into cities, a dramatic shift of people moving from rural and remote settings to larger urban centres. Mega-city epicenters may emerge, with a promise of employment and infrastructure, that could crumble under their own weight.

BLOCKCHAIN
Decentralized digital ledger technology through networked computers, to create a more secure way to exchange, authenticate and track value, including goods, services and currencies.

DIGITIZING OUR LIVES
More and more aspects of people's lives are being moderated online, from social media and online tools to apps for everything. Digital banking and health services draw on more personal data than ever, while asynchronous communications are the norm.

MISINFORMATION
The spread of inaccurate or false information that is often rapid and ubiquitous. It may sometimes include 'disinformation', deliberately intended to deceive.

OPEN SOURCE
In contrast to proprietary technologies that may lock users into platforms and systems, open source allows users to access, contribute and further develop content, code and software.

SURVEILLANCE
Both online and in the physical world, issues of covert and overt surveillance are emerging as a side effect of a society in a deep embrace
with technologies and networks.

CLIMATE CRISIS
Accelerating climate change will mean water scarcity and ecosystems
collapse. Warnings sound that we only have only a few short years to enact pollution and gas emissions control and change the way we do business.

Additional trends and drivers identified by workshop participants are listed on the next page: Workshop: Gap Analysis.

Workshop Gap Analysis

These are additional trends and drivers added and discussed by the workshop participants.

SOCIAL

CANCEL CULTURE
A rise in online bullying and rise of "cancellation" of people and ideas.

DEMOCRATIZATION OF INFORMATION
A plethora of open platforms for dissemination and congregation for the potential of crowd sourced wisdom: e.g. wikipedia, reddit. And caution: ubiquitous information and assertions come without mechanisms to assess validity.

NEW FAMILY STRUCTURES
New family structures emerging as society moves away from heterosexual nuclear families.

GENERATIONAL EXPECTATIONS
Differing generational aspirations and comfort with technology.

CHANGING SOCIAL DYNAMICS
Social structures being driven by modes of communication facilitated by technologies.

CONCEPT OF CONNECTEDNESS
Connection to others is experienced easier than ever before because of technologies like social media.

EXPECTATION RE:AVAILABILITY
People are experiencing increased pressure to be connected and available through technology.

TECHNOLOGICAL

LEGACY SYSTEMS (TECH INFRASTRUCTURE)
Embedded older software systems lack the ability to keep up with modernizing of technology.

INVESTMENT IN INFRASTRUCTURE
A underinvestment for infrastructure of the system.

PRIVACY CONCERNS
A growing concern around privacy and data due to cases of growing breaches.

API AND COMPUTER TO COMPUTER ACCESS
An increase in Application Programming Interface (API) and peer-to-peer networks allow for data sharing across systems.

HYPER-CONNECTIVITY
Global rate of internet usage indicate a hyper connected environment.

24/7 ACCESS
Continuus access to information, people and work through technology.

QUALITY CONTROL
Concerns around quality of tech due to the rapid proliferation of countless new products and services.

ABILITY TO SOLVE LARGE GEO PROBLEMS
An interconnected world presents opportunities to use tech to solve issues across borders.

ENVIRONMENTAL

NEW JOBS & CHANGING JOBS
New jobs around green technologies added to the job market.

CHANGING LANDSCAPES
Climate change is transforming landscape structures leading to disappearing of geographies.

MASS EXTINCTION
A mass extinction of plants and animals due to climate change.

RISING URBAN POLLUTION
As populations migrate to urban centers for opportunities, a rise in pollution due to congested cities.

ENVIRONMENTAL JUSTICE
Climate migration is causing a rise in immigration cases that require environmental justice.

ENVIRONMENTAL RIGHTS
The extension of human rights applied to nature granting environments rights under rule of law.

ECONOMIC

WORKFORCE SKILL UPDATE
Education reform to update skills of workers to allow for more comfort with technology.

GLOBALIZED ECONOMY
Increased interdependence on global markets and economy.

TRANSPLANTING TO DIGITAL
Economic models are moving to purely digital formats.

PARENTAL WORK PATTERNS
Work patterns are changing due to increased demands on parents to meet the costs. Increased pressure on dedicating time for work.

STAGNATING INCOME
Income levels are not keeping up with basic living standards: inflation, disproportionate salaries, automation with freezes affecting workforce.

POLITICAL

PRIVATIZATION OF GOVERNMENT
Some functions of the federal and provincial governments are increasingly being privatized.

RISE OF POPULISM
The rise of the alternative rights groups are pushing for increasingly extreme right politics.

WEAPONIZATION OF TECHNOLOGY
Use of data and technology for the use of political sway through third party collaborations eg: Cambridge Analytica.

HARMONIZATION
A push to harmonize legal rules across jurisdictions.

TRENDING TOWARDS THE RIGHT
Now louder, more connected and organized, governments are being pushed by constituents to right leaning policies.

POLARIZATION
A rise in "filter bubbles" created by technologies that lead to polarizations of facts, opinions and ideas.

INCLUSIVE DIVERSITY
Diversity is increasingly being recognized as an important component of robust and functioning democracy.

VALUES

DIY ATTITUDES
A shift in attitude from consumption of finished products to DIY mentality. Cheaper electronic components leading to DIY tech.

EDI VALUE SYSTEMS
Electronic Data Interchange is leading to a paperless way of conducting business.

COST BENEFIT/ VALUE PROPOSITION
A higher value of products and services requiring a a cost benefit determination by users.

PROTECTIONISM
Governments increasingly adopting protectionist policies by taxing goods and services outside of borders.

SOCIAL RETURN ON INVESTMENT
An investment in legal systems could see positive societal benefits in overall structures.

INSTANT GRATIFICATION
Speed of technology raising expectations and needs around instant gratification.

EMBRACING ADR
A shift to embrace American Depository Receipt for collaborative solutions.

EQUALITY AS A STARTING POINT (NOT AN END GOAL)
A shift in attitude to adapt equality (and equity) understood as a fundamental condition for positive change rather than a goal to be achieved.

LEGAL

CULTURAL AND RELIGIOUS SYSTEMS
A growing awareness of the need to understand how different cultural religious systems affect different constituents.

.REACTIVE LEGAL SYSTEM
Current legal systems are reactive, lacking foresight to be proactive.

CULTURAL AND RELIGIOUS SILOS
An interaction of the system with religious and cultural sectors due to variety of reasons such as language, create silos and restrict access to services.

DIFFERENT ACCESS POINTS
Systems to require multiple access points for different needs to be met efficiently.

UNCONVENTIONAL RESOLUTION
Unconventional methods for conflict resolution using technology to unburden the system.

DRIVERS

Drivers identified by participants in our Gap analysis.

HEALTH CRISIS PANDEMIC
A looming pandemic and its impact on the system might change the landscape.

LESS GOVERNMENT OVERSIGHT
Deregulation and less government oversight leading to changes.

GLOBAL CONNECTION
Rapid information sharing, global conversations and problem solving to foster a global collaborative environment.

INDIGENOUS BOOM
A boom in indigenous populations of Canada.