

**Jon Khan,**  
**B.A. (York), J.D. (uOttawa), LL.M. (U of T), Ph.D. Candidate (Osgoode Hall – York)**  
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February 2023

**Re: Surveying the users of Canadian judicial decisions**

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Dear President Paul & Executive Director Kosokowsky:

I'm a Ph.D. Candidate at Osgoode Hall Law School. I write the Law Society of Manitoba to briefly explain my research and seek participation in my research.

**(i) What my research addresses**

My [research](#) explores ways to improve Canada's legal system, with a specific focus on judicial decision-making and judicial decisions. To interact with the people and groups who use judicial decisions and gain insight about their user experience, I'm surveying these groups:

- (1) [the judges who write judicial decisions](#); and
- (2) [the people who read, use, and interact with judicial decisions](#): Canadian common law s. 96 and appeal courts; lawyers; academics; lawyers that courts employ, *aka* staff lawyers or legal officers; journalists; law students; federal and provincial parliamentarians; Assistant and Associate Deputy Ministers; litigants; legal research, legal publishing, and legal tech organizations; and legal information professionals.

These surveys seek to provide insight on questions like “what do people need from judicial decisions”; “how do Canadian judges write judicial decisions”; and similar questions about accessing information about the court system, access to justice, judicial decisions, and judicial decision-making. Survey answers could greatly improve my research recommendations.

**(ii) What participation I'm seeking**

I'm inviting Manitoba's lawyers to participate in an anonymous [survey](#) that takes 13-15 minutes.

I've appended the informed consent letter that participants would receive and to which they must anonymously consent; the ethics approval certificate for this survey research; and a brief invitation for survey participants.

If appropriate, I'm hoping that the Law Society might be willing to distribute the survey invitation and discuss the survey in internal mailing lists or any other suitable mechanism.

**(iii) Thank you for considering this request**

Participation of Manitoba's lawyers would greatly aid my research. If the Law Society has any questions, I'd pleased to discuss them or any aspect of my research.

Best Regards,



Jon Khan

## Invitation to take user experience survey for Canadian lawyers

My Ph.D. research explores ways to improve Canada's legal system. To find out more about me or my research, please visit my [research webpage](#) or [contact me](#).

So far, my research suggests that a possible way to improve Canada's legal system is by better understanding the experience of individuals in it— including lawyers like yourself.

To better understand your experience, I am asking you to take an anonymous survey. It takes 13-15 minutes and covers three subjects:

1. judicial decisions & judicial decision-making;
2. accessing information about what occurs in Canadian courts and about Canadian judges; and
3. keeping up with jurisprudence and preparing for litigation.

Your insight is essential to my research.

Click [here](#) to take the survey.

## Informed Consent

**15 December 2022**

### Study Name

“Deliberate Design: Why Canada’s Legal System Needs It”

### Researcher name

Jon Khan  
Principal Investigator & Researcher  
Ph.D. Candidate (Law), LL.M., J.D., B.A.  
York University – Osgoode Hall Law School  
4700 Keele St., North York, ON M3J 1P3  
[jonkhan@yorku.ca](mailto:jonkhan@yorku.ca)

### Purpose of the Research

The principal investigator’s Ph.D. research explores ways to improve Canada’s legal system, with a specific focus on judicial decision-making and judicial decisions. To interact with the people and groups who use judicial decisions and gain insight about their user experience, I’m surveying these groups:

1. the judges who write judicial decisions; and
2. the people who read, use, and interact with judicial decisions: Canadian common law s. 96 and appeal courts; lawyers; academics; lawyers that courts employ, *aka* staff lawyers or legal officers; journalists; law students; federal and provincial parliamentarians; Assistant and Associate Deputy Ministers; litigants; legal research, legal publishing, and legal tech organizations; and legal information professionals.

These surveys seek to provide insight on questions like “what do people need from judicial decisions”; “how do Canadian judges write judicial decisions”; and similar questions about accessing information about the court system, access to justice, judicial decisions, and judicial decision-making. Survey answers could greatly improve the principal investigator’s research recommendations.

### What You Will Be Asked to Do in the Research

The principal investigator is seeking to survey lawyers on judicial decisions & judicial decision-making; accessing information about what occurs in Canadian courts and about Canadian judges; and keeping up with jurisprudence and preparing for litigation. The electronic survey is anonymous and takes an estimated 13-15 minutes. No inducements are offered.

## **Risks and Discomforts**

We do not foresee any risks or discomfort from your participation in the research.

Your survey asks limited demographic questions. To ensure confidentiality and anonymity, the survey relies on limited demographic questions and the “[primary suppression](#)” method. If a respondent’s optional demographic answers (gender, age, *etc.*) do not overlap with at least four other survey respondents, I will remove your demographic answers from the dataset until your demographic answers overlap with at least four other individuals before relying on or releasing the dataset.

## **Benefits of the Research and Benefits to You**

Little is publicly known about how Canadian judges write decisions. Similarly, we know almost nothing about how individuals read and interact with Canadian decisions. Canadian research on these topics is sparse.

## **Voluntary Participation and Withdrawal**

Your participation in the study is completely voluntary and you may choose to stop participating at any time. Your decision not to volunteer, to stop participating, or to refuse to answer particular questions will not influence the relationship you may have with the principal investigator or with York University either now, or in the future. In the event you withdraw from the study, all associated data collected will be immediately destroyed wherever possible.

## **Confidentiality**

The online survey provider (Qualtrics) guarantees confidentiality for this anonymous survey: it will not record any personal information or browser metadata, and it will remove any contact association.

Even if Qualtrics fails its guarantee or you provide identifying information in open text, all information improperly gathered would be deleted (if possible) or otherwise held in confidence (unless you specifically indicate your consent, your name will not appear in any report or publication of the research). The principal investigator will keep a link that identifies you to your coded information, but this link will be kept secure and available only to the principal investigator. It would be stored in an encrypted folder. Any information that can identify you will remain confidential.

To validate any conclusions, for open access purposes, and for future research, the principal investigator will publish and archive this data under a standard data commons license (CC-0). The data collected in this research project may be used—in the same form—by the principal investigator in subsequent, similar research, and it will also be open to other individuals to use under the data commons license.

Despite its guarantee, the principal investigator acknowledges that the host of the online survey

(Qualtrics) may automatically collect participant data without their knowledge (i.e., IP addresses.) The principal investigator would report that error to Qualtrics and not use any of that data. Regardless, because this project employs e-based collection techniques, data may be subject to access by third parties because of various security legislation now in place in many countries and thus the confidentiality and privacy of data cannot be guaranteed during web-based transmission.

### **Questions About the Research**

If you have general questions about the research or your role in the study, please contact the principal investigator ([jonkhan@yorku.ca](mailto:jonkhan@yorku.ca)) or the principal investigator's supervisor, Dr. Sean Rehaag ([srehaag@osgoode.yorku.ca](mailto:srehaag@osgoode.yorku.ca) or 416-650-8274). You may also contact the Graduate Program in Law ([resGPA@osgoode.yorku.ca](mailto:resGPA@osgoode.yorku.ca) or 416-659-8208).

This research has received ethics review and approval by the Delegated Ethics Review Committee: it has delegated authority to review research ethics protocols by the Human Participants Review Sub-Committee, York University's Ethics Review Board, and it conforms with the Canadian Tri-Council Research Ethics guidelines and standards. If you have any questions about this process or your rights as a participant in the study, please contact the Sr. Manager & Policy Advisor for the Office of Research Ethics, 5th Floor, Kaneff Tower, York University ([ore@yorku.ca](mailto:ore@yorku.ca) or 416-736-5914).

### **Legal Rights and Consent**

I consent to participate in the study conducted by Jon Khan for this Ph.D. research project ("Deliberate Design: Why Canada's Legal System Needs It").

I understand the nature of this project and wish to participate. I am not waiving any legal rights by participating.



<b>Certificate #:</b>	<b>STU 2022-096</b>
<b>Approval Period:</b>	<b>09/13/22-09/13/23</b>

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## ETHICS APPROVAL

**To:** **Jonathan Khan**  
Graduate Student of Law  
[jonkhan@yorku.ca](mailto:jonkhan@yorku.ca)

**From:** Alison M. Collins-Mrakas, Director, Research Ethics  
*(on behalf of You-ta Chuang, Chair, Human Participants Review Committee)*

**Date:** Tuesday, September 13, 2022

**Title:** **Deliberate Design: Why Canada's Legal System Needs It**

**Risk Level:**  Minimal Risk  More than Minimal Risk

**Level of Review:**  Delegated Review  Full Committee Review

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I am writing to inform you that this research project, “**Deliberate Design: Why Canada's Legal System Needs It**” has received ethics review and approval by the Human Participants Review Sub-Committee, York University's Ethics Review Board and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines.

Note that approval is granted for one year. Ongoing research – research that extends beyond one year – must be renewed prior to the expiry date.

Any changes to the approved protocol must be reviewed and approved through the amendment process by submission of an amendment application to the HPRC prior to its implementation.

Any adverse or unanticipated events in the research should be reported to the Office of Research ethics ([ore@yorku.ca](mailto:ore@yorku.ca)) as soon as possible.

For further information on researcher responsibilities as it pertains to this approved research ethics protocol, please refer to the attached document, “**RESEARCH ETHICS: PROCEDURES to ENSURE ONGOING COMPLIANCE**”.

Should you have any questions, please feel free to contact me at: 416-736-5914 or via email at: [acollins@yorku.ca](mailto:acollins@yorku.ca).

Yours sincerely,

Alison M. Collins-Mrakas M.Sc., LLM  
Director, Office of Research Ethics

## RESEARCH ETHICS: PROCEDURES to ENSURE ONGOING COMPLIANCE

Upon receipt of an ethics approval certificate, researchers are reminded that they are required to ensure that the following measures are undertaken so as to ensure on-going compliance with Senate and TCPS ethics guidelines:

1. **RENEWALS:** Research Ethics Approval certificates are subject to annual renewal. **Failure to renew an ethics approval certificate or (to notify ORE that no further research involving human participants will be undertaken) will result in the closure of the protocol.** No further research activities may be undertaken until such time as a new protocol has been reviewed and approved. **Further, it may result in suspension of research cost fund and access to research funds may be suspended/withheld;**
2. **AMENDMENTS:** Amendments must be reviewed and approved **PRIOR** to undertaking/making the proposed amendments to an approved ethics protocol;
3. **END OF PROJECT:** ORE must be notified when a project is complete;
4. **ADVERSE EVENTS:** Adverse events must be reported to ORE as soon as possible;
5. **POST APPROVAL MONITORING:**
  - a. More than minimal risk research may be subject to post approval monitoring as per TCPS guidelines;
  - b. A spot sample of minimal risk research may similarly be subject to Post Approval Monitoring as per TCPS guidelines.

**FORMS:** As per the above, the following forms relating to on-going research ethics compliance are available on the Research website:

- a. Renewal
- b. Amendment
- c. End of Project
- d. Adverse Event

Certificate #: STU 2022-096  
Initial Approval: 09/13/22-09/13/23  
Amendments: Amendment approved: 01/24/23  
Renewals:  
Current Approval Period: 09/13/22-09/13/23

OFFICE OF  
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## ETHICS AMENDMENT APPROVAL

**To:** Jonathan Khan - Graduate Student  
Osgoode Hall Law School  
jonkhan@yorku.ca

**From:** Alison M. Collins-Mrakas, Director, Research Ethics  
(on behalf of Janessa Drake, Chair, Human Participants Review Committee)

**Date:** Tuesday, January 24, 2023

**Title:** Deliberate Design: Why Canada's Legal System Needs It

**Risk Level:**  Minimal Risk  More than Minimal Risk

**Level of Review:**  Delegated Review  Full Committee Review

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With respect to your research project entitled, “**Deliberate Design: Why Canada's Legal System Needs It**”, the committee notes that, as there are no substantive changes to either the methodology employed or the risks to participants in and/or any other aspect of the research project, a renewal of approval re the proposed amendment(s) to the above project is granted.

Any further changes to the approved protocol must be reviewed and approved through the amendment process by submission of an amendment application to the HPRC prior to its implementation.

Ongoing research – research that extends beyond one year – must be renewed prior to the expiry date.

Any adverse or unanticipated events in the research should be reported to the Office of Research ethics ([ore@yorku.ca](mailto:ore@yorku.ca)) as soon as possible.

For further information on researcher responsibilities as it pertains to this approved research ethics protocol, please refer to the attached document, “**RESEARCH ETHICS: PROCEDURES to ENSURE ONGOING COMPLIANCE**”.

Should you have any questions, please feel free to contact me at: [acollins@yorku.ca](mailto:acollins@yorku.ca).

Yours sincerely,

Alison M. Collins-Mrakas M.Sc., LL.M.  
Director,  
Office of Research Ethics



## RESEARCH ETHICS: PROCEDURES to ENSURE ONGOING COMPLIANCE

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**Failure to renew an ethics approval certificate or (to notify ORE that no further research involving human participants will be undertaken) will result in the closure of the protocol.** No further research activities may be undertaken until such time as a new protocol has been reviewed and approved. **Further, it may result in suspension of research cost fund and access to research funds may be suspended/withheld;**
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