

BOOK REVIEWS

ACCESS TO THE LAW. By M. L. Friedland. Toronto: Carswell/Methuen. 1975. Pp. IX and 198. \$10.95.

Dean M. L. Friedland and his collaborators begin their study conducted for the Law Reform Commission of Canada with the proposition that "the state has an obligation to ensure that its laws are available in an understandable fashion to laymen." The purpose of the study is to determine whether the public is in fact able to obtain information about the law and whether any new delivery systems and print sources will improve access to the law.

The study makes clear at the outset that questions about the law range from straightforward information questions to complex legal problems which require a variety of "intermediaries"¹ to provide the answers.

As relatively few citizens attempt to look up the law themselves, and the study shows that there is not much hope of their successfully doing so,² the authors undertook an empirical study in three Ontario cities to determine to which intermediaries the public turned for legal information. They found that the public approach a wide variety of sources and particularly the three levels of government to acquire legal information and advice.

A further test was then conducted to determine whether the sources named in the earlier empirical study provided accurate information and sound advice. The results of the tests are extensively reported in the book;³ it is sufficient here to point out that many incorrect answers were given, information was incomplete, conflicting answers were given to the same questions by the same source, and also that a high percentage of the highly recommended sources gave wrong answers. In a further test to evaluate the answers of different sources to the same question it was found that lawyers in private practice sometimes perform no better than other sources of legal information.⁴

Nearly one third of the book, which is only 99 pages excluding appendices, deals with the problems faced in providing legal information by the more important community sources: lawyers in private practice, legal aid offices and assistance clinics, government offices and information branches, community information centres, police departments and libraries.

A problem common to all sources of legal information, from lawyer to neighbourhood referral centre, is that printed legal materials including statutes, case reports, legal text books, encyclopedias and popular handbooks and government pamphlets are inadequate to provide information about the law. A chapter of the book is devoted to an examination of these legal materials.⁵ Regrettably, the chapter is all too short and the appendices, particularly those dealing with legal language and indexing are

¹ Friedland, *Access to the Law*, (1975), 5.

² *Id.* at 25.

³ *Id.* at 14.

⁴ *Id.* at 25.

⁵ *Id.* at 63.

themselves only abbreviations of the reports prepared for the study. Naturally enough the main focus of the chapter is on the statute law.

As the notes to the chapter indicate there has been much written recently on the preparation of legislation.⁶ Like the Renton Committee Dean Friedland laments the technical and convoluted language used, the long and complicated sentence structure and the lack of any useful aids to assist in interpretation. "The challenge is to simplify the manner of presentation, not necessarily to simplify the law."⁷

Dean Friedland's major proposal is for a new printed source of law. He suggests a new "multivolume legal encyclopedia, regularly updated, which could be directly available to those providing legal information."⁸ The encyclopedia, which would occupy 5 to 6 feet of shelf space, would divide the law into subject areas easily recognized by the ordinary citizen. The materials on each subject would contain the relevant legislation and regulations, summaries of case law, names and addresses of organizations and government offices able to give further assistance, together with an explanatory accompaniment; examples of summaries by a number of writers on a variety of subjects are included in the appendix to the book.⁹ It is estimated that the first encyclopedia, and one will be needed for each province, will cost about \$300,000 or a fraction of a percent of the present annual cost to government in providing information.

We would be delighted to have such an encyclopedia. However, the technical problems of providing such a work seem enormous and we wonder how intelligent is the "reasonably intelligent layman" who will be the primary user, and how do you balance readability and simplicity with certainty and predictability?

This study should be of interest to those of the Alberta public concerned with the Report of the Kirby Board of Review and particularly the public debate arising out of "Comments on the Criminal Law and the Legal Process" by Dr. Max Wyman, a member of that Board. Dean Friedland's study is well written, well organized and, in keeping with the author's conviction, is readily understandable to the layman.

The study itself is too short to do justice to the problems and issues raised. However, as further work is expected to be done in these areas, the study serves its purpose by alerting the reader to the problems of access which cripple the efficiency of the legal system. One hopes that the death of Information Canada does not indicate an end to further study. It is an ominous sign when a major agency for the dissemination of information is disbanded rather than expanded and improved.

It should be noted that the study does not discuss the opinion or suggestions of the institutions surveyed. Question No. 19¹⁰ of the survey form sent out asks "What suggestions do you have for increasing public access to the law?" The answers, if any, to this question are not mentioned. It would have been interesting to hear from those responsible for the dissemination of legal information.

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⁶ Note particularly the report of the Renton Committee on the Preparation of Legislation, 1975 Cmnd. 6053.

⁷ *Supra*, n. 1 at 65.

⁸ *Id.* at 91.

⁹ *Id.* at 171.

¹⁰ *Id.* at 196.

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