



# Legal Expenses Insurance (LEI) as an Access to Justice Intervention in Canada: Opportunities and Challenges

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Every aspect of our lives has a legal dimension. Yet, for those outside the legal system, the law remains elusive. Approximately 65% of Canadians are uncertain of their legal rights, do not know how to manage legal problems, are afraid to make use of the legal system, think nothing can be done to address their legal issue, or believe that seeking justice will be too costly or take too much time.<sup>1</sup> Our legal system is publicly funded, yet the data tells us that the vast majority of Canadians are lacking legal literacy. That lack of literacy means that most Canadians are not empowered to engage with the legal dimensions of their life, or even that they are equipped to recognize those dimensions.

The legal system is just that—a *system*. Systems are living, dynamic, and continuously changing. Every system has various “leverage points” embedded within it; these are “places within a complex system (a corporation, an economy, a living body, a city, an ecosystem) where a small shift in one thing can produce big changes in everything.”<sup>2</sup> The cost of legal services presents one such point of intervention. “Among the hardest hit,” remarked former Chief Justice of the Supreme Court of Canada, Beverley McLachlin, “are the middle class – who earn too much to qualify for legal aid, but frequently not enough to retain a lawyer for a matter of any complexity or length.”<sup>3</sup>

This work first analyzes the issue of cost in the legal system through the Power and Systems Approach (PSA), which acknowledges that to influence social change, we must first acknowledge power structures within a system and find points in which power can be redistributed.<sup>4</sup> It will then explore Legal Expense Insurance as a potential intervention for access to justice in Canada, not as a *complete solution* to cost barriers in the legal sector, but as a possible means of empowering legal literacy among Canadians, and subsequently raising access to justice as an issue in the public

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<sup>1</sup> Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians* (Ottawa: Department of Justice Canada, 2007) at 2, 10-12 [Currie, *Legal Problems*] 55-56, 55-67, 88.

<sup>2</sup> Meadows, Donella. *Places to Intervene in a System*. (Whole Earth: 2000) 1. online: <<https://www.bfi.org/sites/default/files/attachments/pages/PlacesInterveneSystem-Meadows.pdf>>

<sup>3</sup> Supreme Court of Canada McLachlin, Beverley. Canadian Bar Association Plenary, ed (Calgary, 2015), online: <<https://www.scc-csc.ca/judges-juges/spe-dis/bm-2015-08-14-eng.aspx?>>

<sup>4</sup> Green, Duncan. *How change happens*, ed (Oxford: Oxford University Press, 2016), online: <[how-change-happens.com/download/](http://how-change-happens.com/download/)>

consciousness. The work will briefly review the history of LEI and uptake in other jurisdictions. Finally, the writer will then explore the challenges and opportunities around expanding LEI in Canada.

## Part I: The Power and Systems Approach (PSA)

Wicked problems need more than conventional planning tools can offer. *Theories of change* can offer more flexible mental models, frameworks that serve “as a compass not a map, a dynamic process rather than a static document.”<sup>5</sup> The Power and Systems Approach (PSA) is one such framework.<sup>6</sup> The PSA was designed primarily as a framework for activists. Developed by Duncan Green in his work *How Change Happens*, the framework seeks to first understand how power is distributed in a system, and how “allies and opponents perceive the change, and why change *doesn't* happen—the forces of inertia and paradigm maintenance.”<sup>7</sup> The main goal of a power and systems approach (PSA) is to identify where power is concentrated in the system—the institutions and norms that drive or block change—and to explore strategies to disrupt those systems. “It should dissolve the monoliths of ‘the state’ or ‘big business’ or ‘the international system’ into turbulent networks full of potential allies as well as opponents.” The issue of costs of legal services is complex and multi-faceted, with no one clear solution. The PSA helps us to identify potential points of intervention in the system that may be more readily amenable to change.

The PSA first seeks to place the change we hope to enact on a two by two matrix, which positions the change on a spectrum from informal to formal, as well as on a spectrum from individual change to systemic change. By examining the change through all four quadrants, “the framework stresses

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<sup>5</sup> Craig Valters, *Theories of Change: Time for a Radical Approach to Learning in Development* (London: Overseas Development Institute, 2015), online: [www.odi.org/publications/9883-theorieschange-time-radical-approach-learning-development](http://www.odi.org/publications/9883-theorieschange-time-radical-approach-learning-development)

<sup>6</sup> *Supra* note 4

<sup>7</sup> *Ibid* at 243

the need for work to happen at all levels (individual, community, formal politics, etc.)”<sup>8</sup> and allows us to identify gaps in our collective efforts. The following model was adapted to reflect the Canadian legal system:<sup>9</sup>

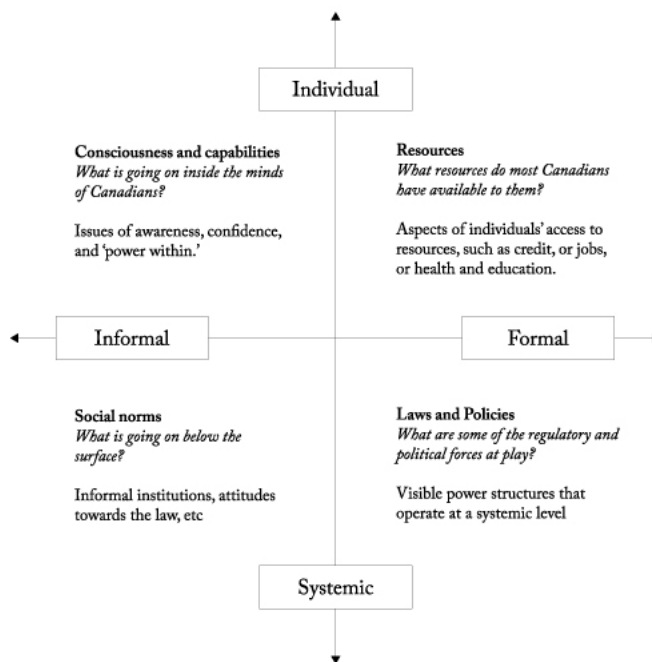


Figure 1: The Power and Systems Approach in the Canadian legal system

## The Individual

**Consciousness and capabilities:** *What is going on inside the minds of Canadians?*

Polling suggests that the public support legal aid in principle, but that “there is no public outrage at the current deficiencies, or any broad movement urging change.”<sup>10</sup> A study conducted in 2014 found that there is a widespread and troubling view that “money and class are key factors when it comes to the

<sup>8</sup> Rao, Aruna et al. *Gender at Work: Theory and Practice for 21<sup>st</sup> Century Organizations*, ed (Abingdon, Oxon: Routledge, 2016).

<sup>9</sup> *Ibid*

<sup>10</sup> Canadian Bar Association, *Reaching Equal Justice: An Invitation to Envision and Act, Summary Report*. (Ottawa: Canadian Bar Association, 2013) at 126, online: <[https://s3.amazonaws.com/tld-documents.llnassets.com/0005000/5056/cba\\_equal\\_justice.pdf](https://s3.amazonaws.com/tld-documents.llnassets.com/0005000/5056/cba_equal_justice.pdf)>

meaningful accessibility of justice.”<sup>11</sup> Research conducted by the Canadian Bar Association and several other sources found that the public’s confidence in the justice system is declining.<sup>12</sup> During consultations for the CBA’s *Envisioning Equal Justice Initiative*, Canadians described “described the justice system as not to be trusted, only for people with money, arbitrary, difficult to navigate and inaccessible to ordinary people.”<sup>13</sup> Because criminal justice issues tend to dominate the media, and criminal issues are tagged as *deviant* or blameworthy, that legal issues have “lower priority than other parts of the social safety net.”<sup>14</sup> Finally, people often “believe that legal problems happen to other people, not them.”<sup>15</sup>

**Resources:** *What resources do most Canadians have available to them?*

Legal services are unaffordable for most Canadians. This is partially because they are only partially publicly-funded. If we are to consider justice services as human rights utilities like healthcare and education—to which every Canadian is entitled— legal services should too be proportionately funded. Relative to healthcare, federal spending in the justice sector is modest: while healthcare spending in 2018 was roughly \$253.5 billion (or \$6,839 per person),<sup>16</sup> the Department of Justice Canada estimated spending in 2017-2018 was \$639.7 million<sup>17</sup> (or \$17.26 per person). In 2017-2018, the Department of Justice contributed just \$138 million to the provinces and territories for criminal, civil, immigration and refugee legal aid.<sup>18</sup> Meanwhile, it is estimated that everyday legal problems cost Canadians just over \$7.7

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<sup>11</sup> Farrow, Trevor C.W., *What is Access to Justice?* (Toronto: Osgoode Hall Law School, 2014) at 19, online: <<http://digitalcommons.osgoode.yorku.ca/olsrps/12>>

<sup>12</sup> *Supra* note 12 at 14

<sup>13</sup> *Ibid*

<sup>14</sup> *Supra* note 13

<sup>15</sup> *Ibid*

<sup>16</sup> Canadian Institute for Health Information, *National Health Expenditure Trends, 1975 to 2018* (Ottawa: Canadian Institute for Health Information, 2018) at 4, online: CIHI <<https://www.cihi.ca/sites/default/files/document/nhex-trends-narrative-report-2018-en-web.pdf>>.

<sup>17</sup> Department of Justice, *2016-17 Report on Plans and Priorities*, online: <[https://www.justice.gc.ca/eng/rp-pr/cp-pm/rpp/2016\\_2017/rep-rap/p2.html](https://www.justice.gc.ca/eng/rp-pr/cp-pm/rpp/2016_2017/rep-rap/p2.html)>

<sup>18</sup> Department of Justice & Research and Statistics Division. “Legal Aid in Canada, 2016-17”, (22 August 2019), online: *Government of Canada, Department of Justice, Research and Statistics Division* <<https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/p1.html>>

billion per year.<sup>19</sup> We also know that legal problems put a strain on other public resources; it is estimated that managing legal problems costs the state an additional \$800 million Cdn in social assistance, loss of employment, as well as physical and mental health issues.<sup>20</sup>

## The System

### **Social norms: What is going on below the surface?**

Legal issues tend to be serious, with serious consequences. When people are seeking out legal support, it is usually because something has gone wrong. As such, legal services are widely associated with negative life events, a bitter pill for Canadians to swallow. Part of the challenge of an under-funded public legal system is that the resources are entirely concentrated on triage, court backlog, and downstream legal services. Put simply, “most people seek our legal information when they are in a legal bind, during a time of crisis.”<sup>21</sup>

The legal sector is also somewhat insular, not very visible, and has a reputation for being rather *elite*. The legal process takes time, energy, and resources. The emotional calculus has to pan out: the justice achieved must be worth adopting the burden of onerous legal proceedings.

### **Laws and Policies: What are some of the regulatory and political forces at play?**

In the Canadian justice system, there are several institutions that manage the flow of resources. The Department of Justice, as well as the provinces and territories, administer legal aid funds. It can be said

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<sup>19</sup> Farrow, Trevor CW et al. *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Canadian Forum on Civil Justice, 2016), online: <<http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>>

<sup>20</sup> Farrow, Trevor C. W.; Currie, Ab; Aylwin, Nicole; Jacobs, Lesley; Northrup, David; and Moore, Lisa, "Everyday Legal Problems and the Cost of Justice in Canada: Overview Report," 2016, *Osgoode Legal Studies Research Paper Series*. online: <<http://digitalcommons.osgoode.yorku.ca/olsrps/150>>

<sup>21</sup> *Supra* note 13 at 413



that legal services are not a political priority. During the lead-up to the 2019 federal election, Canadian Bar Association (CBA) President Vivene Salmon made a plea to increase the visibility of the legal aid, stating “Legal aid programs have never been adequately funded, but with government cutbacks over more than two decades they’ve been available to fewer and fewer people who need them for day-to-day legal issues like child custody, wrongful firing or sexual harassment on the job.”

The law societies are also significant players who regulate the legal profession, and uphold the idea that “The principal ethical imperative engaged by lawyers’ monopoly is our duty as a profession to provide access to justice.”<sup>22</sup> This includes the development of policies that address unmet legal need. In England, law societies lost the power to self-regulate, partially because it failed to uphold that imperative and instead maintained a monopoly that curbed competition and de-prioritized access to justice. Power is also held by private institutions who can opt to include legal advisory services as part of their insurance and group benefits schemes.

This next section will explore Legal Expense Insurance as a potential intervention, disrupting the current balance of power in the system by reducing cost barriers and empowering Canadians to increase their legal literacy. The hope is that by increasing the average Canadian’s ease with legal principles and helping them to understand their rights, we can drive public engagement with the legal system and get access to justice on the public policy agenda.

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<sup>22</sup> Mackenzie, Gavin & Brooke MacKenzie. “Should lawyers have a monopoly over the provision of legal services? *CBA National*, ed (The Canadian Bar Association, 2016). Online: <<https://www.nationalmagazine.ca/en-ca/articles/law/ethics/2016/should-lawyers-have-a-monopoly-over-the-provision>>

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We can't impose our will on a system. We can listen to what the system tells us, and discover how its properties and our values can work together to bring forth something much better than could ever be produced by our will alone.

— Donella H. Meadows, *Thinking in Systems: A Primer*

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## Part II: Legal Expense Insurance as an intervention

### Introduction

Why explore LEI? Jurisdictions around the world have experimented with LEI to improve access to justice, particularly among the middle class. There is a fair presumption that most people do not have the upfront capital to afford a lawyer, and because lawyers remain the primary service providers in the system, a scheme to subsidize this cost could remove some access barriers. There is also a strong argument to be made for distributing the burden of legal costs in society. The law is a public good, and “whenever litigation costs discourage a plaintiff from pursuing a rightful legal claim, the deterrent effect of the legal system is undermined.” This section explores whether LEI can be effective in helping Canadians engage with the legal dimensions of their lives.

### What is Legal Expense Insurance?

According to the Insurance Bureau of Canada (IBC), legal expense insurance (LEI) is “A form of insurance to cover types of legal expenses incurred by individuals; often written on a group basis.”<sup>23</sup>

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<sup>23</sup> “Glossary,” online: IBC Public Assets <http://assets.ibc.ca/Documents/Resources/Glossary.pdf>



LEI typically offers members of the public an alternative means of paying for legal services, including legal advice, guidance, and coverage for the costs of pursuing legal action. Like other insurance schemes, LEI is designed to distribute risk across a group, thereby reducing the costs of any one holder and producing a profit for the insurance provider. Policyholders pay an annual premium covering a range of services, with a maximum coverage ceiling that varies according to the plan.

Legal insurance is not a new idea. Experiments with various insurance-like models began as early as the 1800s in Europe. Early LEI experiments were largely mutual insurance schemes, and expansion to coverage of all legal fees began to take hold in 1910, when German-run provider *Versicherungsverein der Haus Und Grundbesitzer* (“Insurance company of the house and landowner”)—which later rebranded to *DAS*—formed to fund litigation against mining companies with respect to damages caused by mining activity.<sup>24</sup> The first insurer of legal protection—the model which most resembles modern-day LEI—emerged in the context of motor vehicles. In a time where cars were not yet mainstream and seen to be noisy, dangerous, and the cause of collisions with cattle, horses, and carts on the road, a French auto club began offering its clients coverage for the costs of legal counselling and representation in court. The service was so successful that the founder formed a separate society, eventually expanding to provide insurance to anyone willing to pay the premium. When the motor vehicle market blew up after World War II, the position of LEI was solidified in the market.

## LEI in Canada

There are two basic forms of legal expense insurance currently being offered in Canada. The first and

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<sup>24</sup> Loris Belanic, “The Historical Development of Legal Expense Insurance” [2014] 2014:2 *European Insurance L Rev* 26, at 4. Note: this article was originally published in Bosnian and translated to English using Google Translate.

most common type is Before-the-Event insurance (BTE), which is generally referred to as Legal Fees insurance in Québec and Legal Protection Insurance in Europe. The second category, After-the-Event (ATE), sometimes referred to as “Adverse Costs Protection” or litigation insurance, is less prominent in Canada.<sup>25</sup> This work will focus on the former category, BTE, the legal expense insurance for *bringing* claims, which is a means of preparing for potential future litigation. The range of legal matters that can be addressed by way of BTE varies by company. Generally, Canadian insurance providers offer corporate and individual coverage for a range of different matters. For example, Ontario-based *Sterlon*, which was the first LEI provider in Canada in the 1990s, offers Commercial Legal Expense insurance for small businesses with coverage spanning from contract and employment disputes, property disputes, criminal prosecution, and personal injury. They also offer professional coverage for physicians, teachers, and air crew. BTE insurance offered by DAS Canada covers a broader range of legal matters. In addition to contract and employment, and property disputes, and criminal prosecution, they also provide services for Highway Traffic Act infractions, tax audits and appeals, and landlord-tenant issues. BTE coverage generally extends to lawyer fees, disbursements (including fees incurred for expert witnesses), court costs, and the opposing party’s legal fees, should the insured be ordered to cover them. Generally, BTE does not cover damages that the insured is ordered to pay in the event that the claim is unsuccessful.<sup>26</sup> LEI premiums for Canadians are quite affordable. Most often, LEI is offered as an add-on to existing group policies. The average annual cost for a family premium is roughly \$150-200, while a group plan acquired through a homeowner’s policy is about \$50 per year.<sup>27</sup>

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<sup>25</sup> Sapon, Ingrid. “IIC - CIP Society Trends Paper: Legal expense insurance”, (March 2018), online: IIC - CIP Society Trends Paper | Legal expense insurance <https://www.insuranceinstitute.ca/en/cipsociety/information-services/advantage-monthly/0318-legal-expense-insurance>

<sup>26</sup> *Supra* note 23

<sup>27</sup> *Supra* note 14 at 450

Since they entered the market in 2010, DAS Canada has seen the growth of the BTE insurance market grow from \$3 to 4 million Cdn to about \$50 million Cdn.<sup>28</sup> Still, there has not been significant uptake of LEI in Canada. Canadians purchase just \$11-12 million of legal coverage annually, most of which is in Québec where 10% of citizens have legal fees insurance.<sup>29</sup>

The most common legal fees insurance in Québec is designed to protect against the day-to-day legal expenses, which generally captures contract and employment, landlord tenant, and workers' compensation disputes. Relative to other BTE plans, coverage limits for these plans are lower, at about \$5000 per case with a maximum of three issues annually.<sup>30</sup> Also distinct from typical LEI schemes, policy holders may choose to hire the lawyer that is suitable for them. And legal fees insurance in Québec also does not typically cover the fees of the opposing party, largely because that practice is rare in Québec more broadly.<sup>31</sup> Significantly, legal fees insurance in Québec does not cover family law disputes. In fact, coverage in most LEI schemes in Canada does not extend to family matters, which remains the largest area of unmet legal need in the country.

## LEI in Europe

Across Europe, countries take a range of different approaches to legal expenses insurance, with varying levels of success. In Germany, research suggests that over half the population is “unable to understand the meaning of most laws,”<sup>32</sup> which is largely thought to be the result of exorbitant legal fees. When it was introduced, uptake for LEI in Germany was slow. But the market for LEI in Germany grew over time, and by 1996, market penetration was six times higher than any other

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<sup>28</sup> *Supra* note 23

<sup>29</sup> *Supra* note 14 at 449

<sup>30</sup> *Supra* note 25

<sup>31</sup> *Ibid*

<sup>32</sup> Matthias Kilian, "Alternatives to Public Provision: The Role of Legal Expenses Insurance in Broadening Access to Justice: The German Experience" (2003) 30:1 JL & Soc'y 31.

market in Europe.<sup>33</sup> Recent estimates suggest that 42% of German households are covered by a LEI policy. Still, these policies account for just 6 percent of all insurance premiums in Germany.<sup>34</sup>

Today, Sweden appears to have the highest uptake of LEI uptake; an astounding 97% of Swedes aged 20 and 64 have legal expense insurance. This is largely attributed to the fact that LEI is automatically included in most household insurance policies at no extra charge. While Swedes are not legally obligated to secure household insurance, it is broadly understood to be a cultural norm to obtain such a policy. But the high uptake of LEI does not guarantee access to legal services; instead, the Swedes are left with what is a fairly complicated mixed scheme of LEI and legal aid. Sweden has a long history of generous social welfare policy. But in 1997, the country went through a series of reforms designed to reduce public spending on legal aid, which resulted in several gaps in the legal services that are not filled by either legal aid or LEI. For example, neither legal aid nor LEI offer legal advice or assistance with minor legal issues, which has “actively discouraged many Swedes from seeking advice or assistance from lawyers”<sup>35</sup> who typically charge their full rates for these upstream legal services. Likewise, to discourage family matters from landing in the courts, most family law disputes are no longer covered by the legal aid scheme, while LEI policies exclude many family matters like uncontested divorce and litigation relating to divorce for a period of two years after the filing.<sup>36</sup> Subsequent evaluations of the Swedish system in 2001 revealed that the reforms excluded approximately 40,000 from the legal aid scheme; however, the number of cases covered by LEI policies rose by just 3,225. While some of the discrepancy can be explained by new family mediation and conflict resolution processes, exactly how many Swedes lost legal expense coverage or were

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<sup>33</sup> *Supra* note 32 at 40

<sup>34</sup> *Ibid* at 38

<sup>35</sup> Schoultz, Isabel. “Legal Aid in Sweden” in Olaf O Halvorsen Rønning & Ole Hammerslev, eds, *Outsourcing Legal Aid in the Nordic Welfare States*, (Switzerland: Palgrave MacMillan, 2018) 43-76.

<sup>36</sup> Francis Regan, “The Swedish Legal Services Policy Remix: The Shift from Public Legal Aid to Private Legal Expense Insurance” (2003) 30:1 *JL & Soc'y* at 55

disincentivized from using the courts remains unclear. The review committee also found that those 3% of Swedes that do not have LEI—often already-vulnerable groups like youth under 25 and immigrants—who are not eligible for legal aid, are completely exposed to expensive legal services.<sup>37</sup>

Across all jurisdictions in Europe, and indeed in Canada, LEI is not comprehensive. They may offer coverage in particular areas of law, but even within those areas, there are some risks that cannot be insured. Most LEI also have an exclusion period from the date the policy is signed, within which policy holders do not have coverage. One serious challenge in both Sweden and Germany is that LEI policies do not extend to abstract legal advice; rather, coverage is limited to action within the context of a specific claim. This essentially disincentivizes policy holders from obtaining legal advice until the issue becomes judicable.

### **Expanding LEI to increase legal literacy in Canada: Opportunities and Challenges**

Could LEI help us to increase legal literacy in Canadians and them to engage with the legal dimensions their issues? LEI is unlikely to be an effective intervention to this challenge for a number of reasons. As many of the LEI experiments in jurisdictions around the world have shown, LEI remains largely ambulatory. In fact, both legal aid and LEI are poised to intervene when a person is already in crisis. The current model of LEI also requires forethought around potential legal risks. And, stand-alone LEI policies are rare and expensive, which means that LEI is either available as an add-on to existing homeowners' policies, or, offered through "affinity groups and associations" like unions or other professional associations.<sup>38</sup> Even if stand-alone plans were more widely available, LEI plans must be underwritten, and many lower- and middle-income Canadians may not have sufficient credit or liabilities to allow them to qualify for such plans. Some Canadian providers have

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<sup>37</sup> *Ibid* at 60

<sup>38</sup> Interview with Breann Coulter, Business Development Coordinator of DAS Canada. (2019).

even directed their LEI products towards “high net worth homeowners”<sup>39</sup> or as add-ons to premium level insurance packages. This means that a considerable subset of the population—those who make too much to qualify for legal aid, but too little to afford a home—would remain exposed.

There are some concerns that LEI will have the effect of creating a more litigious society, but this is not supported by any empirical evidence.<sup>40</sup> The insurance industry is categorically risk-adverse, and thus, function as gatekeepers ensuring that only meritorious claims come to bear. One very real concern however, is that LEI introduces yet another layer of bureaucracy that stands between an individual and their access to the justice system. The insurance industry is notoriously bureaucratic, and we would be imposing a significant administrative burden onto individuals.

Still, there are a number of ways to design a LEI scheme in Canada to promote upstream engagement and legal literacy. Part of the challenge with the current LEI scheme is that litigation is expensive. The claim-to-cost ratio renders these plans prohibitively expensive to deliver on a small scale. Thus, the key to widespread uptake to LEI will be to find ways to integrate it into existing *cost-sharing* schemes. Employee benefits packages, for example, could offer an opportunity for individuals to access legal advice around employment contracts, landlord-tenant disputes, and any other civil matters that could impact a person’s well-being. Legal coaching has also proven to be an effective strategy for supporting self-represented litigants. Instead of taking on the responsibility of litigation, LEI could offer legal coaching and unbundled services at a preferred rate for certain types of legal issues within those employee benefits schemes.

LEI providers must also develop strategies for specialized family law coverage, which continues to be an area of chronic need in Canada. One approach in Canada has been to include

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<sup>39</sup> “Personal Legal Insurance”, online: Products | Guarantee Gold  
<<https://www.theguarantee.com/gold/en/products/personal-legal-insurance/>>

<sup>40</sup> *Supra* note 34 at 183

legal advisory services, as an extension of their homeowner's policy or as part of a bundle of other insurance products. For example, Toronto Dominion (TD) Insurance offers legal assistance as part of their home and auto insurance bundle. Thus, any customer who purchases home and auto insurance with TD has access to legal assistance over the phone for personal matters in family law, wills and estate, taxation, and other civil matters (no coverage for criminal or insurance matters). Extending this coverage to tenant's insurance, as well as building it into credit card insurance coverage, could help to expand the scope of upstream legal advice in Canada.

From a public policy perspective, “whenever litigation costs discourage a plaintiff from pursuing a rightful legal claim, the deterrent effect of the legal system is undermined.”<sup>41</sup> A disempowered middle class lacking legal literacy is a threat the rule of law. LEI is not the great equalizer. It will not solve the access to justice issues in Canada. But in a system where cost precludes most low- and middle-income Canadians from accessing their rights, LEI could help bridge the gap. And if LEI is able to empower even a few thousand Canadians in bringing their claims, it could be sufficient to coax access to justice into the public policy agenda.

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<sup>41</sup> Ben Depoorter, Ben, Michael G Faure & Jef De Mot. “The Multiplication Effect of Legal Insurance” (2016) 13:1 *Journal of Law and Business* 1, online: < [https://repository.uchastings.edu/faculty\\_scholarship/1555](https://repository.uchastings.edu/faculty_scholarship/1555) >