

# THE ALBERTA LEGAL SERVICES MAPPING PROJECT

## Final Report for the CALGARY JUDICIAL DISTRICT

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**Disclaimer**

This report and its appendices have been prepared by the Canadian Forum on Civil Justice and the Alberta Legal Services Mapping Team and represent the independent and objective recording and summarization of input received from stakeholders, service providers and members of the public. Any opinions, interpretations, conclusions or recommendations contained within this document are those of the writers, and may or may not coincide with those of the Alberta Law Foundation or other members of the Research Director Committee.

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## 1. INTRODUCTION TO THE PROJECT

The 'justice system' is a fundamental and far-reaching component of our system of democracy in Alberta. It is not one united system but an institutionalized process to address criminal and civil conflicts. It is made up of a complexity of organizations with overlapping provincial and federal jurisdictions. There are substantive and procedural laws with four broad divisions: civil, family, criminal and administrative. Many of these laws and the legal services associated with them, function to avoid conflict and legal problems. Ideally, legal services work to resolve conflicts without resorting to the courts or tribunals, the purpose of which is to act as a final resort in cases of high conflict.

Ensuring public understanding of laws, legal systems, and related services is a fundamental concern, especially as empirical evidence indicates that the majority of Canadians lack sufficient knowledge of how those processes relate to their legal issues and may fail to identify legal components of the problems they face (Currie, 2009; Genn, 1999; Stratton, 2007; CBA Task Force on the Systems of Civil Justice, 1996). Most often, people seek information about legal processes while experiencing serious social and/or emotional crisis. Being under stress increases the difficulty of identifying, accessing and negotiating the legal processes and services that they need (Gander, et al, 2005; Stratton & Anderson, 2008a).

Many justice community stakeholders in Alberta and across Canada recognize the importance of systematic evidence-based research to improving legal service delivery and developing effective policies, programs and facilities.

### 1.1 Background and Rationale

Conducted by the *Canadian Forum on Civil Justice* (the Forum) in 2006, the [Alberta Self-Represented Litigants Mapping Project](#) (SRLMP) provided an example of the practical value of evidence-based research. The SRLMP mapped legal services available to members of the public who were representing themselves in court (hereafter referred to as SRLs). Mapping occurred in three of Alberta's eleven Judicial Districts – Grande Prairie, Red Deer and Edmonton. Findings of this project identified strengths and gaps in legal services currently available to SRLs, and also confirmed the general lack of understanding members of the public have about legal processes and services. Report recommendations informed the design and approach of the [Law Information Centres](#) (LInCs, subsequently opened in each of the three Judicial Districts mapped by the SRLMP). The working relationships fostered through the collaborative research design of the SRLMP and implementation process for the LInCs provided a foundation for continued networking and information-sharing, which enhances doing business in the justice community in these judicial districts.

The example of the SRLMP<sup>1</sup> generated interest in using a similar research process to create a coordinated province-wide map aimed at increasing understanding of

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<sup>1</sup> The SRLMP provides a base of information from which the broader, province-wide project will benefit. This project included important and sometimes surprising findings, such as the finding that the Red Deer region is more under-served than the north. The understanding gained has significant implications for priority-setting both in government and for other service providing organizations.

existing legal services and of the needs of the citizens who use them. In November 2006, the Executive Director of the [Alberta Law Foundation](#) (ALF) asked the Forum to submit a [proposal](#) for funding to conduct a large scale project that would map all legal and related services in each of Alberta's eleven Judicial Districts. Such a broad map of legal services in Alberta has never previously existed.

Following the proposal submission, ALF approved a 50% share of the project funding for just over four years, the anticipated time required to complete the project and further funding for the renovations and occupancy of space in the Weir Memorial Library to house the Research Team.<sup>2</sup> Subsequently, Alberta Justice agreed to provide a 50% share of the funding for the first and then also the second year of the project, with the understanding that additional funding will be requested for each year that it is required.

## 1.2 Purpose, Vision and Goals

The *Alberta Legal Services Mapping Project* (ALSMP) is a large-scale endeavour, designed to gain an understanding of the legal needs of Albertans and of the legal services available in Alberta.<sup>3</sup> The ALSMP purpose is to provide a province-wide “map” of legal services that offer Albertans legal information, education, advice, representation, and/or other supports relating to legal problems. The map will extend to civil, family, criminal and administrative justice programs and services. The collaborative process employed will also reveal strengths to build upon in current programs as well as barriers and gaps in services that need to be addressed in order to improve access to legal services for all Albertans.

The ALSMP vision is that findings from the mapping research will provide both the justice community and the public with a full picture of the landscape of legal and related programs and services that exist in Alberta, contributing significantly to the legal education and knowledge of Albertans. The data compiled will provide a foundation of evidence to inform recommendations that address needed reforms to the law, and improvements to the administration of justice and related legal services. This will provide government, educators, service providers and funders with a shared base from which to move forward with reforms that are based on objective evidence about both current service delivery and the legal service needs of Albertans.

The goals of this project are to:

- Collect and share information about existing legal services in Alberta.
- Gain a better understanding about the characteristics of people and communities across Alberta and their legal needs.
- Identify strengths and gaps in current legal service delivery and resources.
- Strengthen relationships between legal service providers through the sharing of knowledge and expertise.

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<sup>2</sup> In addition to funding for this project, ALF contributes significant Core funding for the Forum. The Forum is providing administrative and research support for this project.

<sup>3</sup> Full details of the ALSMP, including the project proposal are available at: <http://cfcj-fcjc.org/research/mapping-en.php>.

### 1.3 Primary Research Questions

Three main research questions were developed to broadly describe the interlocking information goals of the ALSMP. The questions and their related sub-components frame the development of detailed methodology and specific [research instruments](#) described in Section 2 of this report. Findings presented in Sections 4-6 of this report are organized to correspond to these core questions.

The main research questions are:

1. **What programs, services and facilities relating to the administration of justice, public access and public understanding, are available in each Alberta judicial district?**
  - (I) Exactly which services are supplied? Are they:
    - Legal information, legal education, legal advice, legal representation or legal support?<sup>4</sup>
    - For which areas of law are these services provided (civil, family, criminal or administrative)?<sup>5</sup>
    - Do they address procedural questions? Substantive law?
    - To which courts and/or administrative tribunals do they apply (Provincial Court; Court of Queen's Bench; Court of Appeal; Federal Courts; Administrative Tribunals)?
  - (II) What organization delivers the services and where are these located in relation to the clients using or needing to access the services?
    - Do services correspond to population distributions?
    - Can clients readily identify and access the services they need (clear and easy to find service information; appropriate hours of operation; access to buildings, transportation, etc.)?
  - (III) To whom are the services available? Who are the actual users?
    - Are there eligibility criteria or other qualifying factors?
    - Do the service suppliers identify existing barriers and gaps in these services?
    - Are there gaps in the types of services available?

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<sup>4</sup> We adopt the distinctions used in the *Alberta Self-represented Litigants Mapping Project*: **Legal Information and Education**: information and education about the law in general, about the options that are available, about the basic court processes. This can be in the form of written materials (pamphlets, brochures, websites), educational programs, or telephone/in-person services. **Legal Advice**: involves individualized answers about how the law would apply to a person's particular case, what outcome is likely in the person's case, or what option the person should pursue. Legal advice can only be given by a lawyer and a law student or paralegal working under the supervision of a lawyer. **Legal Representation**: involves a lawyer, law student or paralegal recognized by the Court, preparing legal documents (pleadings, Affidavit, etc.) or appearing on behalf of a client. This could include duty counsel and unbundled legal services such as drafting of pleadings. **Legal Support**: services that offer court support programs or advocacy on behalf of clients needing legal assistance (Stratton, 2007 p. 65).

<sup>5</sup> A further breakdown of services was identified within each of these areas, e.g., family law includes separation, divorce, custody, maintenance, property. Calgary findings revealed **enforcement** as another significant area of services, which is now defined as: involving the application of a law or regulation, or the carrying out of an executive or judicial order; and/or ensuring observance of or obedience to laws.



- Are there service gaps affecting specific groups in the population?
- (IV) What are the organizational relationships between the service providers?
- Are service providers fully cognizant of the range of their own and other legal services?
  - Do local service providers have an established networking system?
  - Is there a duplication of services?
  - Are there functioning collaborations for service delivery?

**2. What do we know about the users of current legal education, information, advice, representation and support services?**

- (I) How many people are using currently available services?
- Are there reliable figures for clients served?
  - Are records kept of inquiries from members of the public who do not meet the service criteria?
  - Do services have capacity to increase client numbers?
- (II) What do we know about the way people access and use current services?
- Where and how do people use the services (do they travel to physical locations, use the telephone, use Internet, access only local services)?
  - When do they access the services (e.g., at particular junctures of a legal problem)?
- (III) Can we identify service use patterns specific to different population groups?
- Are some people more likely than others to access current services? (e.g., by income, gender, education, type of legal matter)
  - What reasons are there for use or non-use (don't know about the service, cannot get there, not eligible, too intimidated, problem not within service mandate, etc.)?
- (IV) Are there identifiable gaps in the current provision of legal services?

**3. How can current legal services be enhanced to better meet client needs and how can service gaps be effectively filled?**

- (I) Can the current delivery of public legal education and information be improved?
- What are the most effective elements of PLEI materials from the point of view of the public who use them?
  - Can improvements be made to the current content and/or delivery of public legal education and information (PLEI) in its various forms?
  - How can a continuing evaluation process be built into the system of PLEI design and delivery?

- (II) Are current legal advice and representation services adequate to meet client needs?
  - Are there aspects of current advice and representation services that can be enhanced?
  - Are new or extended services needed to address service gaps?
  - What are the best ways to improve current services?
  
- (III) How can information generated by this mapping research best be conveyed to legal service providers?
  - How can the actual service information collected be effectively shared?
  - Is it possible to set up a network to keep service information up-to-date with the help of local key coordinators who must be identified and recruited?
  - How can service critique be constructively conveyed, in a timely and cost-effective manner, to service providers in need of direction?
  - How can the information generated by this mapping research best be maintained and kept current over time?

## **1.4 Selecting Calgary as the Pilot Judicial District**

Calgary is Alberta's largest urban centre. Edmonton, the second largest centre, was included in the SRLMP, however Calgary was not included at that time because the city's new Court Centre was not yet complete. The Court Centre was intended to house several legal services and it was concluded that it was not optimum to map the Calgary Judicial District at that time.

Once the Calgary Court Centre was opened in 2008, Alberta Justice moved forward with plans to create a LInC onsite, requesting that Calgary be the first area mapped as part of the ALSMP so that preliminary findings could be available when the LInC opened in January 2009.<sup>6</sup>

As the largest centre to be mapped, Calgary also provided an excellent pilot test of the data collection instruments and interview protocols. Relevant provincial and federal services applicable to all judicial districts have been mapped as data were collected for this Judicial District.

### **1.4.1 Calgary Judicial District Time Frame**

The ALSMP is a four and a half year project, scheduled to be completed by October 2011. The Research Directors convened in July 2007, shortly after the Project Proposal was approved by ALF. The Research Team members were hired between July 2007 and April 2008. The Advisory Committee was formed in March 2008.<sup>7</sup>

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<sup>6</sup> The first Interim report of the ALSMP is available at: <http://cfcj-fcjc.org/docs/2009/mapping-interim-en.pdf>.

<sup>7</sup> See Appendix A for a list of Research Directors and Appendix B for Advisory Committee members. Further information about these committees and the Research Team can be found at <http://cfcj-fcjc.org/research/mapping-en.php>.

The Team began preliminary mapping in the Calgary Judicial District in January 2008. As part of this process in each judicial district, individuals working at the field level of legal, health and social services are invited to participate in a Community Working Group that meets periodically during the mapping of their district.<sup>8</sup>

Interim reports for the judicial districts will be released as the project progresses, with the final report for the ALSMP expected to be released in the fall of 2011.<sup>9</sup>

## **2. METHODOLOGY**

The ALSMP is a ground-breaking project requiring the development of innovative and complex methodology. This project further develops the approach taken in the SRLMP, which in turn developed mapping research conducted in British Columbia (Malcolmson & Reid, 2004). Collectively, Canadian justice community mapping research has attracted international attention (Stratton, 2009). The following provides only a brief overview of the ALSMP methodology along with reference to more in-depth resources.<sup>10</sup>

### **2.1 The Community-Based Mapping Approach**

Community-based mapping research is a form of collaborative needs assessment or environmental scan that recognizes, includes and values local knowledge as essential to understanding communities. Maps usually record geographical dispersement, resource allocation, services, physical barriers and social networks and relations. The active involvement of community members in creating the research knowledge and potential policy and program solutions helps to enhance ownership of the findings and buy-in to any recommendations for change. (Chambers 1994, 2006; Stratton, 2009).

### **2.2 The Participants**

Community-based mapping involves community members throughout the project. The scale of the ALSMP necessitated creating multiple ways and levels of possible contribution. Participation in the Calgary Judicial District occurred in the following ways:<sup>11</sup>

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<sup>8</sup> See Appendix C for Calgary Working Group members. Once the mapping of each district is completed, the Community Working Group no longer need meet for the purposes of the project, but these groups are encouraged to continue if they find it an effective means of networking. The Calgary Working Group has chosen to continue meeting to maintain the networking that began with this project.

<sup>9</sup> At the time of writing, the mapping in the Fort McMurray Judicial District is nearing completion. The tentative schedule for the Team to begin work in the remaining nine judicial districts is as follows: Lethbridge (fall 2009), Medicine Hat (late 2009), Drumheller (winter 2010), St. Paul (spring 2010), Peace River (summer 2010), Grande Prairie (fall 2010), Red Deer (late 2010), Wetaskiwin (winter 2011), and Edmonton (spring 2011). The three districts included in the SRLMP are scheduled last to allow maximum time for recommendations implemented from the SRLMP to have a measurable impact. Project updates, including a detailed action plan and released reports are posted at <http://cfcj-fcjc.org/research/mapping-en.php>.

<sup>10</sup> Stratton (2009) provides an in-depth discussion of community-based mapping of legal services, along with overviews of the British Columbia and Alberta mapping projects, available at: <http://cfcj-fcjc.org/docs/2008/stratton-reachingout-en.pdf>.

<sup>11</sup> It is possible to participate in more than way. For example it may be appropriate for some key informants to also participate in the Working Group, or as interview participants.

- *Research Directors.* Eight Research Directors (listed in Appendix A) representing key stakeholders, provide input and direction throughout project based on their respective expertise and knowledge of the Alberta justice system and relevant legal services.
- *Advisory Committee.* Representatives from 27 stakeholder organizations (legal and social, listed in Appendix B) provide input throughout the project, including with respect to research questions, methods, reporting and recommendations. Members also facilitate connections with front-line service providers in the 11 judicial districts.
- *Community Working Group.* The Calgary Working Group had 42 members who met to inform the ALSMP Team and each other about their respective services. Participants provided input to research instruments, identified other contacts, and facilitated service provider and public interviews.
- *Service Provider Interviews.* There were 175 interviews with service providers. Eighty were with sole purpose legal services and 38 with mixed legal/social services, for a total of 118 that provide some legal services. Of these, 76 were in the City of Calgary and 42 in the surrounding communities. Sole purpose social services completed 57 interviews (30 in the City of Calgary and 27 in the surrounding communities).
- *Lawyer interviews.* Eleven members of the Bar in private practice in the city of Calgary, participated in the interviews.<sup>12</sup>
- *Judicial interviews.* Four members of the judiciary representing the Court of Queen’s Bench and Provincial Court Civil and Family Divisions, participated in interviews.
- *Tribunal Interviews.* Five interviews were completed with members of administrative tribunals representing: Workers’ Compensation Board of Alberta; Law Enforcement Review Board; Alberta Human Rights and Citizenship Commission; Safety Codes Council; and Municipal Government Board.
- *Public interviews.* Interviews were completed with 31 members of the public who were recruited in a variety of ways. All service provider participants were asked to inform service users about the ALSMP.<sup>13</sup> Team members issued invitations at all opportunities including holding public recruiting days in promising locations.<sup>14</sup> Public participants wishing to complete interviews on the spot during public recruiting days were accommodated. Other potential

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<sup>12</sup> The CBA sent out e-mails requesting lawyer participation, to a number of relevant Sections. There was a very good response to this request, leading to 11 interviews in the Calgary Judicial District.

<sup>13</sup> Consent to Contact Forms (Appendix D) and project pamphlets were given to services who handed out the forms to service users, or left the forms and pamphlets in their reception area for people to take. Members of the public returned Consent to Contact forms to service staff (who then conveyed these to the Team), or they contacted the Team directly to arrange participation.

<sup>14</sup> Public recruiting days were held in the downtown branch of the public library (two days), the Sunridge Shopping Centre, the Calgary Urban Project Society (CUPS), the Calgary Court House, Siksika Nation Family Services Office, Calgary Legal Guidance and at Law Day.

participants were asked to suggest a date, a time, and a coffee shop in their neighbourhood where they would like to meet.

## 2.3 The Research Instruments

Beginning with the main research questions, research instruments were developed and tested collaboratively with contributions from the Team, Research Directors, Advisory Committee and Calgary Community Working Group.<sup>15</sup>

The ALSMP has four levels of data collection:

1. *Preliminary Identification.* All available resources (such as the Internet, telephone books, specialized service directories, lists and stakeholder input) are mined for the names and contact information of any legal and related services. Key descriptive and contact information is recorded for each organization and/or service identified.
2. *Basic Information Mapping.* Services identified in Step 1 are further investigated and evaluated with a *Prioritization Scoring Protocol* (Appendix E) to determine that they meet minimum criteria for relevance to this project.<sup>16</sup> Some organizations have multiple services that are of relevance to the ALSMP. Additional descriptive information is collected and recorded on a Basic Information Sheet (Appendix F) for each service that is of relevance. This level of information is entered into a database, which will be made publically available.
3. *Service Statistics Collection.* Services with sufficient *Prioritization Protocol* scores are contacted for an interview. Once a service has appointed an interview participant, that representative is asked to provide information about statistics that the service collects. They are asked for: any actual statistics that they are able to share; to explain how they collect statistics; and how they use the statistics (e.g., for reporting? funding applications? tracking referrals?).
4. *Interview and Questionnaire Completion.* In-depth interviews were designed to gain a full understanding of current legal services and identified public legal needs. A very detailed two-part questionnaire was first developed for use with providers of full legal services. Part One of the Legal Services Questionnaire is usually completed in-person and Part Two by telephone. This primary instrument was then adapted for use with brief legal services, social service providers, private Bar lawyers, the judiciary, Administrative tribunals and the public.<sup>17</sup>

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<sup>15</sup> These instruments are available from the ALSMP webpage at: <http://cfcj-fcjc.org/research/mapping-en.php>.

<sup>16</sup> It was recognized that in larger centres it would not be possible to interview representatives from all of the services mapped. To increase the objectivity with which service representatives are selected for interviews, the *Prioritization Scoring Protocol* was created by the Team, with the input of justice community collaborators. This tool awards points for meeting certain criteria that increase the relevance of the service to this project. A first priority is the delivery of direct legal services. Some other criteria that increase the score are: specializing in working with groups of people who are of particular interest to project partners (e.g., First Nations, seniors, people living in poverty, victims of domestic violence); having new and innovative initiatives; and/or is not-for-profit.

<sup>17</sup> The complexity of the justice and legal processes and service delivery precludes the use of one standard questionnaire. Meaningful answers to the project research questions need input from a wide range of stakeholders, so the questions posed must be appropriate to each role. All questionnaires can be accessed via links provided at <http://cfcj-fcjc.org/research/mapping-en.php>.

Interviews were designed to average about one hour to complete. In the Calgary district, completion time ranged between 45 minutes and 3.5 hours, with the majority lasting a little over 2 hours. This reflects the enthusiasm of participants to share their knowledge and experience.

## **2.4 Data Analysis**

A wealth of extremely rich data has been collected in the Calgary Judicial District. Various methods of analysis are applied. Primary data are entered into a specially designed database that will provide searchable access to information about available services in each judicial district.

Some of the questionnaire data is quantitative and can be analysed to provide useful facts and figures about existing services. Other data is qualitative and captures experiences and perceptions that help to explain the numbers and build an understanding of public needs and behaviour, as well as how services can be most effective. This kind of data is systematically analysed to reveal consistent themes and issues. In all cases, a consistent and rigorous analysis approach is applied.<sup>18</sup>

## **2.5 Strengths and Limitations of the Research**

The ALSMP has collected an unprecedented breadth and depth of information about legal services in the Calgary Judicial District, which is entered into an accessible, searchable prototype database (see Section 4.1) that has already attracted highly positive attention and feedback. The collaborative development of the project has generated high interest and participation among service providers, especially at the community level. The result is very rich data. Inevitably any research has limitations. In relation to the Calgary Judicial District It is important to recognize the following:

- Although basic information for all identified legal and related services was mapped for the database, the timelines for the project precluded in-depth interviews for all of these services. The necessity of prioritizing service interviews means that there is still minimal information available about some lesser-known services.
- Completing the two-part interviews designed for sole-purpose legal services demanded a very significant investment of time for service providers and the Team. Within the time available it proved difficult to arrange completion of Part Two interviews, significantly reducing the sample of these data available for analysis.
- Of necessity public participants had to be identifiable, available and willing to take part and cannot be considered as representative of the general public.

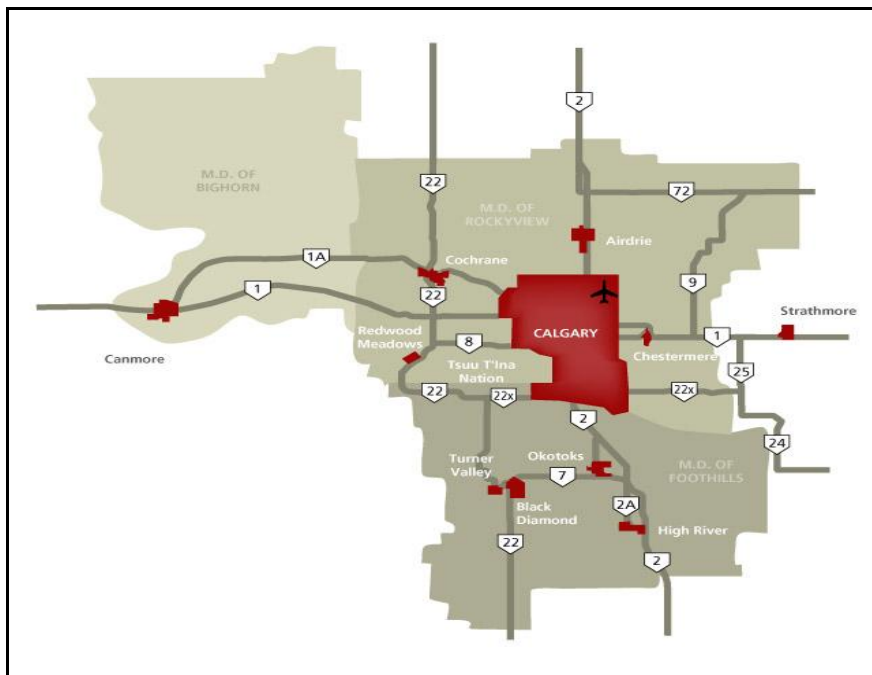
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<sup>18</sup> Database and SPSS Software is employed to analyze quantitative data. An initial pencil and paper approach involving Team members and Research Directors (known as a grounded approach) was used on a sample of qualitative data to reach preliminary agreement on themes and issues contained in the data. These themes were then tested as coding criteria for the larger interview sample, using Atlas.ti Software, specially designed as a qualitative analysis tool. The authors of this report are happy to provide technical analysis details if requested to do so.

Nevertheless, as Section 5 reports, a range of legal issues and population demographics are represented, including participants from groups who tend to be under-represented or excluded from general population research. While population-based data on the incidence of legal problems is available for Canada and Alberta (Currie, 2006, 2009), the ALSMP public participants add valuable in-depth insights.<sup>19</sup>

### 3. ABOUT THE CALGARY JUDICIAL DISTRICT

Figure 1: Map of Calgary and Area<sup>20</sup>



As illustrated in Figure 1, the Calgary Judicial District spans from Olds, east to Strathmore, south to High River, and West to Banff. Services were mapped and interviews conducted in the city of Calgary and 18 rural communities. Details are provided in Table 4 Section 4.4.1.

#### 3.1 Characteristics of Calgary

For optimum understanding, mapping research findings must be considered within the overall social context of the area. We outline some key characteristics of Calgary to help create this broader picture. Available statistics rely mainly on the 2006 Canadian Census and figures are not yet available to clarify the overall impact of the

<sup>19</sup> When the data from public participants across Alberta is combined, a broader picture can be expected to emerge. Ab Currie is also a project collaborator and the final ALSMP report hopes to include population data for Alberta from his surveys.

<sup>20</sup> Retrieved June 10, 2009 from: <http://www.calgaryeconomicdevelopment.com/liveWorkPlay/Live>.

recent economic downturn, which is reported to be affecting employment rates, migration and housing prices in Calgary.<sup>21</sup>

In the recent years of economic boom Calgary has experienced significant growth. The current population is estimated to be 1,109,646 (OMAC, 2009) and Calgary is reported as the fastest growing city in Canada with an annual population increase rate of approximately 2% (CED, 2009) also leading major cities for net interprovincial migration. Calgary is ranked fourth nationally for attracting new immigrants and the city's immigrant population doubled between 1991 and 2006, now making up over 20% of the total population (Statistics Canada, 2006a). The most common languages spoken by new immigrants in the Calgary area are Chinese (various dialects) and Punjabi. French, German, Tagalog, and Spanish are also common (CED, 2009; Statistics Canada, 2006c).

Calgary is also seeing an increase in the number of Aboriginal people who are relocating there. Statistics Canada (2009b) reported that First Nations people make up about 2.4% of the city's population. First Nations youth are the fastest growing segment of Calgary's child and youth population (Preugger, Hubac, & Sawatsky, 2005).

Like the City of Calgary, many of the surrounding communities saw an influx of people who have migrated from within Canada or emigrated from other countries during recent years. Participants in the ALSMP reported that the populations of their communities are changing and becoming more varied.

While the oil and gas industry remains a primary contributor to Gross Domestic Product and is a significant employer, the Calgary region now has a fairly diversified economy. Business related occupations (at managerial and basic levels) are now the highest source of employment. Technology and manufacturing as well as trades and retail are also important sources of employment. (CED, 2009; OMAC, 2009).<sup>22</sup>

Calgary has one of the lowest unemployment rates of any major city in Canada currently estimated at around 4.1%. Calgary is maintaining relatively high rates of employment during the current recession, but unemployment is projected to reach 5.5% by the end of this year (Legge, 2009).

Estimated average incomes for the city reflect Calgary's economic success. Statistics Canada (2006c) reports a median gross household income of \$68,000. Recent market estimates however, calculate average income in the city as 39% above the national average, with a per capita average of \$43,400 and a household average of \$109,800 (OMAC, 2009). However, composition of household has a marked effect on income levels, with the median for a male lone parent, \$55,567; a female lone parent, \$40,770; and a one-person household, \$35,940 (Statistics Canada, 2006c).

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<sup>21</sup> Canadian Census statistics are the most reliable source, but released only gradually, meaning local circumstances may have changed by the time they become available. Secondary sources we cite (such as the OMAC), also draw on Census data for extrapolated estimates, sometimes using 2001 Census figures to arrive at 2009 estimates. Therefore, population demographics must always be viewed with caution.

<sup>22</sup> Statistics Canada collects employment by type of job rather than employment sector, making it impossible to know clearly which sector is responsible for some employment such as managerial and trades (which covers many types of jobs). It is therefore possible that jobs related to the energy sector become underestimated.



Although on average gross incomes may appear quite high, the economic boom led to sharp increases in housing costs - 38% between 2005 and 2006 alone. A current surplus of homes coupled with the recent recession is beginning to drive down housing prices (Legge, 2009) but accommodation in Calgary remains very expensive. The City of Calgary (2008) using a low household income marker of \$44,000, calculates that over 72,000 households need housing that is more affordable than the cost of their current accommodation.<sup>23</sup> Furthermore, Calgary's homeless population has more than quadrupled in the past 10 years. Over 4000 people are sleeping in shelters or on the streets on any given night (Calgary Homeless Foundation, 2009).

The literacy and education level of service users is also an important consideration in designing appropriate legal services. Overall, Alberta high school completion rates are among the highest in Canada. Nevertheless, around 20% of city of Calgary residents 20 years or over, have not completed high school, and this rises to 25% across the Calgary region. Low income and low educational attainment tend to go together and in some areas of the city as many as 10% of residents have education below the grade 9 level and high school completion rates there are 7-8% lower than the city average (Alberta Health Services, 2008).<sup>24</sup> Furthermore, Literacy Alberta (2009) suggests that 40% of Albertans do not have sufficient literacy skills to manage well in a knowledge-based economy.

#### **4. CURRENT LEGAL AND RELATED SERVICES IN THE CALGARY JUDICIAL DISTRICT**

The first main research question (provided in Section 1.3) asks:

*What programs, services and facilities relating to the administration of justice, public access and public understanding, are available in each Alberta judicial district?*

This section of the report presents the findings for the Calgary Judicial District relevant to answering this question, divided into the following main topics:

- Explanation of the database of information about mapped services
- An overview of mapped services
- Finding the services
- Issues in accessing available services
- Service provider relationships

##### **4.1 Explanation of the Database of Mapped Services**

A total of 794 services were mapped in the Calgary Judicial District. Each of these has been entered into a database that can provide:

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<sup>23</sup> This is based on the widely accepted calculation that accommodation should not exceed 30% of gross income.

<sup>24</sup> The report cites Social Districts 6, 10, and 17 as having the lowest educational attainment.

- Contact information for each service and where appropriate, for the larger organizations responsible for delivering the service.
- Key contact people
- Service mandates
- Eligibility criteria
- Business hours
- Additional information useful to both the public and service providers (such as specifics about the areas of law covered).
- Searches that produce lists (and quantities) of services with specific criteria (such as all those that provide legal advice).

Figure 2 provides a screenshot of the ALSMP Database, which is intended to provide a valuable resource for Albertans and the organizations that assist them. As the project advances, a prototype is being made available so that stakeholders can provide input on format and content.<sup>25</sup> It is a goal of the project to ensure this resource continues to be maintained and updated after the ALSMP is completed.<sup>26</sup>

**Figure 2: Screen Shot of the ALSMP Database**

The screenshot displays the 'Alberta Legal Services Mapping Project' interface. The main heading is 'Alberta John Howard Society — Youth Advocacy and Support'. The interface includes a sidebar with navigation options: Services, Questionnaires, Organizations, People, Locations, Cities, Districts, Subjects, Tags, Reports, and Log out. The main content area is divided into sections: 'Locations & Questionnaires' (listing Calgary John Howard Society), 'Contacts' (listing Cruz, Mark), 'Service Name' (Organization: Alberta John Howard Society, Service Name: Youth Advocacy and Support), 'Service Details' (Website: http://www.calgaryjohnhoward.org/main/programs.html, Mandate: From participant: I meet with youth at risk and youth that are in conflict with the law and to provide support to lead them towards a healthier lifestyle, and away from their criminal behaviour. We'll try to lead them away from things like addictions, low self-esteem, negative peers, assault, conflicts, and gang life. We'll help with housing related issues. From website: - support to youth and their caregivers in the areas of education, housing, employment and conflict resolution; - assistance to youth at risk of conflict with the law as well as those currently involved in the criminal justice system by staff and volunteers who address issues that may impede their healthy development; Year Launched, Funding, Financial Eligibility), 'Districts' (listing Calgary, Drumheller/Hanna, Edmonton, Fort McMurray, Grande Prairie, Lethbridge/Macleod, Medicine Hat, Peace River, Red Deer, St. Paul, Westaskiwin), and 'Subjects' (listing Children & teens, Health).

<sup>25</sup> The prototype of the database can be accessed at <http://albertalegalservices.ca/admin/>. The access username/password is guest/mapping data.

<sup>26</sup> The Forum undertook this project based on the understanding that stakeholders would reach a consensus about how the database will be supported and managed after this project is complete. There will need to be ongoing funding or in-kind support made available for the maintenance of the database, including ensuring the currency of the data.

### 4.1.1 Legal Services Excluded from the Database

The private Bar provides essential legal representation and advice to Albertans, and the role of these services are considered within this report. Calgary, however, has many law firms and small practices, some specialized and some general. It is not possible within the scope of this project to collect detailed information about each practice and it would not be appropriate to include some but not all for-profit businesses in the database.

The Law Society of Alberta has provided us with overall figures for the total of all registered (private practice, government, corporate, non-profit) and those in practice (Table 1). We do not know at this time how many of the private practice lawyers take individual clients, or in which areas of law they practice.

**Table 1 - Number of Lawyers In the Calgary Judicial District**

<b>Location</b>	<b>Registered</b>	<b>Practicing</b>	<b>Location</b>	<b>Registered</b>	<b>Practicing</b>
Calgary	4132	3001	Didsbury	3	3
Airdrie	12	12	Lake Louise	1	1
Banff	8	6	Okotos	8	7
Beiseker	1	1	Olds	6	6
Canmore	20	16	Siksika	4	2
Carstairs	3	3	Strathmore	7	7
Cochrane	13	13	Sundre	2	2
Cremona	1	1	Turner Valley	1	1
Crossfield	1	1	<b>Total</b>	<b>4223</b>	<b>3083</b>

Similarly, it would not be appropriate to include only some of the many for-profit businesses offering paralegal services that advertise through a variety of media. These services, which may or may not be supervised by a lawyer, can be important to the public and are of interest to stakeholders. There are many different types (such as credit counselling, bankruptcy, traffic offense related, and many more). The role of paralegals is discussed in Section 6.3 of this report and data is being collected to provide an overview for the final project report.

## 4.2 An Overview of Mapped Services

Based on the numerical data it is possible to make the following basic observations about the legal services in the Calgary Judicial District:

- Of the 794 organizations and services mapped in the Calgary Judicial District 621 are located within the City of Calgary and 173 are disbursed among 18 smaller communities within the district (See Table 4 in Section 4.4.1 for

details).<sup>27</sup>

- Legal services account for 242 of those mapped. The remaining 552 are health and social services, of which 259 provide some kind of legal information or support. The remaining 293 are included because their clients are likely to have legal needs, often of a critical nature. These services provide important public access points and can be expected to make frequent referrals to legal services.
- Some legal services are classified as dealing exclusively with one area of law, but many offer multiple kinds of assistance, often spanning more than one area of law, and offering several different types of services ranging from information through to representation.
- In Calgary, 196 legal services were mapped, 134 of which were sole-purpose. These 196 services provide a total of 428 types of service, divided among each area of law as follows: 175 criminal, 75 administrative, 93 family and 85 civil.
- In contrast, only 46 legal services (36 sole-purpose) were mapped for all of the 18 communities in the remaining judicial district. Collectively they provide 138 services related to each area of law: 93 criminal, 23 family, 15 civil, and 7 administrative. Clearly local access to non-criminal services is limited.
- Some types of legal service are more readily available than others (Table 2). In the City of Calgary, public legal education and information (PLEI) is most frequently offered, accounting for 216 of the identified services.<sup>28</sup> A further 82 services offer legal support of some kind, while 67 are concerned with enforcement, and 45 provide legal advice. Just 18 were identified as offering actual representation.
- In the outlying judicial district there are far more criminal services (93) than any other. These break down into the following types of services: 26 PLEI, 26 support, 20 enforcement, 16 advice and 5 representation.
- Family services are next most frequently found in the small communities (23). Of these, 9 are concerned with enforcement, 4 provide PLEI, 8 representation, 7 advice and 6 support.
- Few civil and administrative services were identified outside of the city of Calgary. Six civil enforcement services were mapped, 4 PLEI, 3 advice, 1 representation and 5 support. There were just 4 PLEI and 3 enforcement

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<sup>27</sup> Numbers used in this report may differ from those cited in the Interim Working Report. Database numbers have been adjusted to reflect accuracy refinements to the database entries in response to service provider reviews of initial entries.

<sup>28</sup> Some services did make a distinction between PLI and PLE services, usually the minority that actually offered PLE. If a service was interviewed it was possible to verify kinds of PLEI activities, but this was less clear for mapping based only on publicly available information. See also the PLEI discussion in Section 6.2.2, and Appendix I which further breaks down, by legal topic and delivery medium, PLEI materials available from services that were interviewed.

services for administrative law. No advice or representation services were found for administrative law matters.

**Table 2**  
**Calgary Judicial District Legal Services by Area of Law and Service Type<sup>29</sup>**

AVAILABLE LEGAL SERVICES <sup>30</sup>	City of Calgary #		Other Communities #	
	Database	Interviews	Database	Interviews
<b>Criminal Law</b>				
<i>Advice</i>	11	8	16	8
<i>Enforcement<sup>31</sup></i>	41	14	20	13
<i>Representation</i>	7	6	5	1
<i>Support</i>	44	27	26	15
<i>PLEI</i>	72	45	26	11
<b>Administrative Law</b>				
<i>Advice</i>	8	4	0	0
<i>Enforcement</i>	9	3	3	2
<i>Representation</i>	3	1	0	0
<i>Support</i>	11	4	0	0
<i>PLEI</i>	44	18	4	2
<b>Family Law</b>				
<i>Advice</i>	13	8	2	2
<i>Enforcement</i>	7	3	9	5
<i>Representation</i>	5	4	5	2
<i>Support</i>	16	10	3	1
<i>PLEI</i>	52	32	4	1
<b>Civil Law</b>				
<i>Advice</i>	13	3	1	0
<i>Enforcement</i>	10	4	6	4
<i>Representation</i>	3	1	1	0
<i>Support</i>	11	5	3	1
<i>PLEI</i>	48	19	4	3

<sup>29</sup> Categorizing types of service is not straightforward. Native Counseling Court Worker Program is classified as support, but court workers are able to appear on behalf of clients. A service was only counted as providing PLEI if substantive information was offered about laws, rights, responsibilities or procedures. Not all advice and representation services also met the PLEI requirements.

<sup>30</sup> Some services offered multiple types of services in more than one area of law. Therefore numbers are greater than the total number of *different service organizations* mapped and interviewed.

<sup>31</sup> Enforcement was not an area of services anticipated in the proposal. The Calgary mapping, however, revealed enforcement as a significant area of services. **Enforcement is** now defined as: involving the application of a law or regulation, or the carrying out of an executive or judicial order; and/or ensuring observance of or obedience to laws.

- Although Calgary appears to have numerous legal service options, lack of knowledge or misinformation about many of these services is a barrier to effective public access. Lack of knowledge also hampers access to already sparse legal services in the small communities of the Judicial District.
- Low knowledge of services is not just a problem of poor public understanding. The Team of trained researchers very often found it difficult to locate clear information that accurately described services and related eligibility criteria. Furthermore, service providers often had an incomplete understanding of other services offered by their own organization and were sometimes uncertain of details about their own service (Sections 4.3 – 4.5 elaborate on this issue)<sup>32</sup>.
- Eligibility criteria further reduce the number of services available to all members of the public. Most of the advice and representation services are tied to financial criteria considered low or very low by the City of Calgary (2008). Other services are directed to specific populations such as youth, victims of violence, women among others (See Section 4.4.3).
- Additionally, the mandate of some important services only allows them to assist with court-involved matters in particular courts. These are:
  - The Residential Tenancy Dispute Resolution Service requires orders be filed with the Court of Queen’s Bench
  - Calgary Student Legal Assistance can only help with matters at the Provincial Court level (whether or not they appear in Court)
  - Family Justice Services deals with matters filed in Provincial Court Family and Queen’s Bench
  - Family Law Duty Counsel is available through LAA in Provincial Court
  - Family Law Duty Counsel is available through CLG in Court of Queen’s Bench
  - Criminal Duty Counsel is available in Provincial Court, for Adult and Family & Youth
  - Mediation Services are available in Provincial Court, Civil Division
  - City of Calgary’s Community and Neighbourhood Services Department has a Youth Probation program which deals with youth in Provincial Court, Family & Youth Division
- Examined in detail, services in Calgary might be described as fragmented, but little if any actual duplication was identified. While multiple services may at times serve the same demographic populations, the services either meet different needs or combine to address the total need. The Team is unable to identify even one legal service that has unwarranted duplication.
- Outside of Calgary, only criminal services appear to be even close to adequate for the geographic dispersment involved. Furthermore, 28 of the 138 services listed in Table 2 are not physically located within the communities but available only via Internet or telephone.

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<sup>32</sup> This was also a major finding of the SRLMP (Stratton, 2007).

The numbers of potentially available legal services summarized above give only a limited picture of legal service delivery and public access requirements. The following sections of the report develop the contexts behind these numbers.

#### **4.2.1 Types of Service Organizations**

Services fall into four broad types of organization: Government, public service, community non-profit, and private for profit. The type of organization has implications for how services are funded and delivered and, therefore, also for how changes might be brought about.

Where larger organizations are concerned, the interrelation of legal, health and social components becomes impossible to completely untangle. In some cases, there may be partial or shared responsibility for a program. The following are summaries of the kinds of organization or service in each group, along with *approximate* numbers for all of the services mapped within each group.

- **Government**

Government services are those that are directly funded and administered by a government ministry. These include all services of Alberta justice via Court Services or other means; all services of the Ministry of Solicitor General and Public Safety; Services of the Federal Government.

There are 150 government services mapped, of which 70 were interviewed.

- **Public Services**

Public services are mandated by the government (and usually receive substantial government funding) but are organizationally independent and have their own Board of Directors. Legal Aid, Police services and Tribunals fall into this group.

There are 110 public services mapped, of which 50 were interviewed.

- **Community Non-profit**

Community non-profit organizations include Legal clinics such as Calgary Legal Guidance and Student Legal Assistance; the John Howard Society and Elizabeth Fry Society, Native Counselling Services of Alberta; and many more.

There are 386 mapping entries and 65 interviews for this group.

- **Private Services**

Private practice lawyers and for profit paralegal, mediation and other counselling services fall into this group. Eleven lawyers and one paralegal were interviewed.

Table 1 provides the number of practicing lawyers by community.

### 4.3 Finding the services

*I think it would be good if more services were advertised in the community so people know where to go when they have legal problems; it's hard to find services in the yellow pages. [Member of the Public - Calgary]*

Previous reports have repeatedly identified lack of public understanding as a major barrier to resolving legal problems (Gander, et al, 2005; Lord Woolf, 1996; CBA Task Force on the Systems of Civil Justice, 1996). Consequently, the ALSMP interviews specifically probed this issue with both legal service and public participants asking about accuracy of service expectations, limitations and barriers to accessing available services and referrals given and received.

ALSMP participants offering any type of legal service were asked if they advertised their services and how they went about that. It can be seen from Table 3 that most services used multiple means to make their services known. Only one participant did not report any form of advertizing. It can also be observed that frequency of use seems to decrease considerably when higher costs are associated (as with posters, radio and television).

**Table 3 - Services Advertizing Mediums**

<b>Advertizing Medium</b>	<b>Services Using % (N =143)<sup>33</sup></b>
Internet	78
Presentations	74
Other agencies	66
Phonebooks	65
Special directories	64
Posters	50
Newspapers	38
Verbal or written communications	38
Radio	23
Television	15

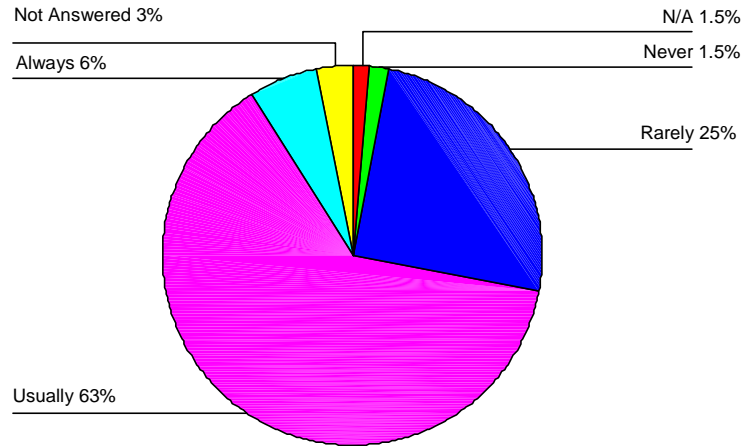
Most service providers feel that the majority of people seeking their services “usually” have reasonably accurate expectations about what the service offers. Nevertheless at least one quarter of potential users do not have an accurate understanding of available services (Figure 3).

<sup>33</sup> N stands for the number of participants who answered the question on which these data calculations are based. The N will vary because some participants may not have answered a question, or an answer may not fit the analytical categories and not be included.



**Figure 3: Accuracy of expectations about services**

N = 174



Interview comments strongly suggest that the accuracy of most first time users' expectations is limited to a very basic understanding of the service mandate. Providers reported that people tend to have misconceptions about what service staff can do, often thinking that staff will be able to immediately address and fix their legal problems. Public understanding is particularly confused about the distinctions between general information, legal information and legal advice.

*People sometimes think it's "court preparation" in a very literal sense - in other words, they think someone's helping them fill in documents and will be going to court for them. The reality is that [this service] helps prepare victims as witnesses in trials, helps with custody/access issues, and gives legal advice as to what can/may be demanded in court. [The service] doesn't provide a lawyer in the sense some people expect, but more "support" for the legal process. [Frontline Legal Service Provider - Calgary]*

Legal service providers also identified public lack of understanding about legal rights and responsibilities as being a significant barrier to accessing appropriate services (legal or social) in a timely manner. Public participants do not dispute their lack of knowledge about legal issues and services.<sup>34</sup> Because critical issues such as housing eviction, child protection, and life-threatening addictions or mental illness may be involved, the consequences can sometimes be tragic.

<sup>34</sup> For supporting research see Arshad, (2007); Gander et al (2005); Stratton & Anderson (2008a), among others.

*Ultimately, it just comes down to knowledge of what we legally can and can't do. For instance, we had a dad who wanted us to arrest his son for being an alcoholic. It's not against the law to be an alcoholic so we couldn't do anything, but refer them to other services. Ultimately, the son died and the parents just couldn't understand why we didn't arrest the son and keep him from drinking. [Policing Services – Rural]*

Lack of knowledge and/or misinformation about services is not, however confined to the public. In keeping with other research in Alberta (Gander et al, 2005; Stratton, 2007), ALSMP findings indicate a need for improved information and understanding among legal service providers. As was the case with the SRLMP, the ALSMP Team reported serious difficulties finding useful and specific service information, especially on websites. They report that:

- Services are difficult to find
- Websites are poorly organized and seldom up-to-date.
- It is almost impossible to find local information pertaining to the services of large provincial or national organizations [Section 6 speaks more specifically to this].
- In Section 4.5 the matter of service provider knowledge and referrals is discussed in more detail.
- Websites for municipalities proved to be better organized however, and listed most available services with contact information (but not details of the services provided, although links were often provided).

#### **4.4 Issues in Accessing Available Services**

Numerous factors affect public access to available services. In this section we discuss geographic location, how well services are known, eligibility criteria, and mandates for special populations and needs. Section 5 then expands on what we do and do not know about service users and how they access available services.

##### **4.4.1 Geographic Location**

As already discussed, availability of legal services is highly related to geographic location. Whereas the city of Calgary has a significant number of legal services, regional communities do not. Table 4 provides the number of services mapped for each Calgary Judicial District location. The total number of participants interviewed in each of those locations is also shown (see Appendix G for details of services interviewed).

**Table 4 – Mapped Services by Physical Location**

Location	Mapped	Interview <sup>35</sup>	Location	Mapped	Interview
Airdrie	7	9	Gleichen	1	-
Banff	11	4	High River	11	8
Beiseker	1	-	Kananaskis	1	-
Black Diamond	1	1	Lake Louise	1	-
Bowden	3	4	Morley	1	2
Calgary	255	156	Okotoks	7	8
Canmore	13	8	Olds	13	6
Carstairs	1	1	Siksika	1	1
Chestemere	1	-	Strathmore	11	4
Cochrane	5	6	Sundre	6	1
Cremona	1	1	Tsuu T'ina	2	1
Didsbury	9	4	Turner Valley	3	1

Participants repeatedly identified transportation as a major barrier to accessing services in Calgary as well as in the surrounding communities. Transportation is an infrastructure issue outside of the direct responsibility of justice and legal service stakeholders. It must, nevertheless be a consideration in planning the delivery of services. Section 5 is concerned with how the public access and use services, and transportation issues are illustrated in that discussion. Section 7 makes recommendations for addressing this and other social structural deficits that affect legal service access but go beyond service delivery mandates.

#### **4.4.2 Well-Known Services**

Some potential sources of legal assistance are well known to both the general public and legal and social service providers, mainly due to organizational size and social role. Police, legal aid and courthouse counters are primary among these. People also know about private lawyers but don't know which ones to approach, or assume at the outset that cost will be prohibitive. Public participants and service providers offered many comments, both positive and critical, about these well known services. These findings relate to improving legal service delivery and are discussed in Section 6 of the report.

Certain services are easier for the public to find, and/or are the most frequently provided referrals. Table 5 tabulates which legal resources the 31 ALSMP public participants found by themselves and which they recalled being referred to.

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<sup>35</sup> Interview numbers include public, lawyer, judiciary, legal and social service providers. For this reason it is possible to have a greater number of interviews in a small location than actual services available as mapping entries.

**Table 5 - Legal Resources Known to Public Participants**

<b>LEGAL RESOURCE<sup>36</sup></b>	<b>Found by Participant</b>	<b>Participant Referred to</b>
Court Counters	10	2
Legal Aid	7	4
Public Library	7	-
Alberta Law Line	3	-
Family Justice Services/ Family Law Information Centre	3	2
Law Library	3	2
Lawyer Referral Service	2	1
Victims' Services	2	4
Native Counselling	1	1
Native Friendship Centres	1	1
Community Legal Clinic	3	6
Student Legal Assistance	-	3

Section 4.5 discusses service provider referral patterns in detail. Section 5 more fully examines how members of the public identify and access legal services. Table 5 allows some preliminary observations:

- There is considerable overlap between services public participants found independently and those to which they were referred. It is possible that participants were more likely to recall referrals that echoed their own research, but the patterns reported are in keeping with SRLMP findings (Stratton, 2007 p. 34) and also with ALSMP findings in Section 4.5.1.
- The number of public participants is relatively small and so any patterns must be considered with caution. Nevertheless, the reported pattern is broadly in keeping with CJSP findings (Gander et al, 2005).
- People with legal problems tend to turn to courthouse counters for assistance - this is now a consistent Canadian research finding (Lowe et al, 2004; Malcolmson & Reid, 2006; Stratton, 2007).
- Public participants most often recalled a referral to a community legal clinic (probably Calgary Legal Guidance), and sometimes to Student Legal Assistance, but had not identified either of these important resources by themselves.
- In contrast, three participants identified the Alberta Law Line, but none reported a referral to that service. Although the numbers here are small, this is a pattern also consistent with SRLMP findings regarding this service.

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<sup>36</sup> Some participants found and often accessed more than one resource.

- The Calgary Law Information Centre (LInC) did not open until almost all of the Calgary field research was completed, but situated in the courthouse it is certain to be a frequent and welcome referral from the court counter staff.

#### 4.4.3 Eligibility Criteria

*I didn't qualify for Legal Aid, because I make just a little bit more than the \$40,000 and I own a home and so that just disqualifies me there and then. I think there should be some kind of resources, some kind of help, some kind of assistance for women like me, so we don't end up using all our resources fighting for our rights. [Member of the Public - Calgary]*

Eligibility criteria clearly have direct impact on who can access legal representation and other services. Fifty nine percent of legal services interview participants stated that there were eligibility criteria to access their service.

Table 6 provides full details of the number of reported eligibility criteria. As can be seen, possible criteria are varied and multiple criteria are quite common. For several reasons it is possible that eligibility criteria are under-reported. The closed-end question posed on eligibility had not anticipated this wide range of possible eligibility requirements and so initially 31% of responses were reported in the “other” category. When the data was tabulated and this result became apparent, responses to this question were reviewed and ten additional categories were created to capture the responses<sup>37</sup>. It must be noted that Researchers probed each of the original eligibility categories with Participants, often eliciting additional information through these follow-up questions. Because the additional 10 categories were not part of the original questionnaire, there were no further questions asked which might have yielded higher responses.<sup>38</sup> Furthermore, the interview data and Team observations suggest that service providers are not always completely certain about their own eligibility requirements.

Overall the findings point to the complexity of eligibility criteria. For the public, identifying a service that sounds as if it should meet a legal need is not enough. Many potential access barriers may be posed by an array of confusing eligibility requirements.<sup>39</sup>

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<sup>37</sup> These have been marked with an asterisk in Table 6.

<sup>38</sup> For example, quite a few justice services do require that legal action has started; “No conflict of interest” is likely a concern for more than two of the services interviewed; elsewhere data suggests “type of problem” is a factor in a range of services. It is even possible that being over 18 is so taken for granted, that participants did not think of it as an “age requirement.”

<sup>39</sup> In addition to those tabulated, 8 (5%) of participants each reported unique requirements such as: signing a liability waiver; having experienced homelessness or instability; being legally entitled to open a bank account; risk assessment (2); length of time in Canada; willingness to make changes. Such conditions appear to relate to particularly vulnerable people likely to be confused or frightened by complicated demands.

The most frequent criterion was age (48%). This is because the majority of services are only available to adults over 18 years of age. A much smaller, but significant group of criminal services are aimed specifically at youth. Very few services work only with seniors.

Residency requirements (19%) were the second most common eligibility factor. Given the scarcity of services outside of the city of Calgary this requirement may create insurmountable access barriers for people in the smaller communities. At the least, finding the needed services elsewhere is likely to involve costs – either direct or incidental.

**Table 6 - Legal Service Eligibility Criteria**

<b>Type of Criteria</b>	<b>Services % (N=174)<sup>40</sup></b>
Age	48
Residency	19
Income level	12
Criminal history/ charges	10
Gender	8
Immigration Status	6
Agency referral required	6
Health Status (physical/mental/cognitive)	6
*Justice system involvement	5
*Abuse/domestic involvement	4
*Non-legal considerations	4
Parental status	3
Citizenship	3
Ethnicity or culture	3
*Type of legal problem	3
*Victim of crime	3
Marital status	2
*Child welfare involvement	2
*Crisis	2
*Legal action initiated	2
*Parental/guardian consent	2
*No conflict of interest	1
Religion	1

Just 12% of interviewed services reported income as an eligibility criterion. Although a seemingly small proportion, these include many of the major service providers such as Calgary Legal Guidance, the mediation program of Family Justice Services<sup>41</sup>, Legal Aid Alberta (LAA), Student Legal Assistance, and some John

<sup>40</sup> N =174. This number includes all sole purpose providers and those who provide some legal component within their services, who took part in an interview. Percentages have been rounded to the nearest whole number. As multiple criteria were reported percentages do not total 100. AN asterisk marks criteria that were not specifically asked about but collected in the 'other' category of the interview questionnaire.

<sup>41</sup> Family Justice Services have a number of associated programs, most of which do not have eligibility criteria. Alberta Justice representatives had to clarify to the Team that it is just the mediation program that has financial

Howard Society services. Additionally there are income criteria for some critical legal information and referral organizations such as the YM-YWCA, and some community support, crisis and shelter services across the Judicial District.

Most services with financial eligibility criteria follow the LAA guidelines, which range from \$21,000 per annum for a one-person household to \$46,000 for six or more people.<sup>42</sup> The criteria for two family mediation services is that at least one adult in the household must earn less than \$40,000.00 annually. These criteria must be compared against the City of Calgary (2008) low-income guidelines, which consider \$44,000 as the low-income cut off, and \$20,000 as “extremely low.”

Ensuring accurate referrals and facilitating service access requires eligibility criteria to be transparent, readily understood and fairly consistently applied. However, 72% of the services with eligibility criteria also reported making a complex array of exceptions to basic eligibility, most often related to age. Where income was the eligibility criterion, providers said that exceptions are made on a case-by-case basis (e.g., for a LAA applicant fleeing an abusive relationship).

The inadequacy and complexity of the LAA income criteria was a concern often raised by service providers and public participants. As the quotes in this section illustrate, there is a perception among service providers and users that owning property precludes qualifying for legal aid.

*If we have a client whose name appears on a home title, even though she had to leave the home, according to Legal Aid she owns half a house or ... the home was purchased by her husband during the course of the marriage ... according to Legal Aid she has an asset. She doesn't qualify for services, but she has no money and no access to that equity. [Frontline Social Service Provider - Rural]*

*It's becoming harder to deal with Legal Aid. Pretty much if you have a job, they can't help you. People don't want to go back for a second time because they know that they owe money from the last time they used them and have no way of paying it back. The money thing is an issue with Legal Aid. You have to pay it back and lots of people can't do that and you have to make so little to qualify for it that others can't afford a lawyer but don't qualify for Legal Aid. [Legal Service Manager - Calgary]*

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eligibility criteria ( one party must earn \$40,000 or less).There is a perception among providers that financial eligibility criteria are attached to Family Justice Services generally and this was the impression gained by the researchers. Input from representatives of Alberta Justice has enabled us to enter more precise details into the Database for all Family Justice Services.

<sup>42</sup> See <http://www.legalaid.ab.ca/help/Pages/qualify.aspx#content>.

LAA representatives say that owning a home or other assets does not automatically disqualify applicants. Also, although clients are required to pay back legal aid on a sliding scale, owing money for one matter does not preclude further coverage.

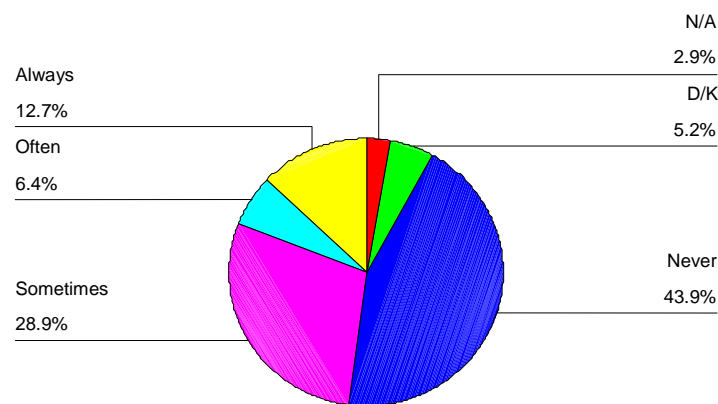
These ALSMP findings strongly support those of the *Legal Aid Alberta Needs Assessment* (PRA, 2008), which concludes that interpretation in applying eligibility criteria is complex and variable, posing potential barriers to accurate referrals from other services and clear understanding from clients.

- **The Matter of Having Identification**

*We've really tried to ... find some way to get people bank accounts when they don't have ID but it's next to impossible. They can get a photo ID card and it costs money and they have to have ID to get ID.... They can get a copy of their driver's license if they have a driver's license and if they don't have any fines, but many of our clients have fines, so we haven't actually been [able] to do that. Even if they don't have fines it still costs money and they don't have any money. An awful lot of it boils down to not having any money. [Frontline Social Service Provider - Rural]*

Having identification was not considered as a service eligibility requirement. Nevertheless, Figure 4 shows that almost half of legal services require ID at least some of the time, and not having proper identification is also frequently a barrier to accessing health and social services.

**Figure 4 - Services for Which ID is Required**



N = 175



The inability to afford government issued identification and/or to prevent it from being lost or stolen are common problems for low income and homeless people. Service providers persistently raised the problem as an important legal entitlement issue to address. Calgary Legal Guidance does offer a free or low cost identification replacements for low-income persons, but no similar service was identified in the surrounding communities. Accessing services requiring identification and dealing with those who provide it are serious challenges for people living with mental and cognitive disabilities, addictions, or homelessness.

#### **4.4.4 Services for Specific Populations and Special Needs**

Components of ALSMP main research questions 1 and 2 are specifically concerned with better understanding the legal service needs of vulnerable populations. This section summarizes findings about current services with components intentionally designed to meet the particular needs of specific groups of Albertans. Table 7 tabulates the number of mapped services reporting services designed for specific populations.

**Table 7 – Number of Legal Services for Specific Needs<sup>43</sup>**

<b>Services for Specific Needs<sup>44</sup></b>	<b>City of Calgary</b>		<b>Other communities</b>	
	<b>Database</b>	<b>Interview</b>	<b>Database</b>	<b>Interview</b>
Criminal (victims/ offenders)	69	18	27	11
Youth	58	18	4	2
Families	35	12	5	2
Children	32	9	5	1
Domestic violence/abuse	30	10	-	-
Women	28	9	6	3
Immigrants	13	2	3	1
Mental health	10	3	1	-
Addictions	9	5	2	-
Seniors	9	3	8	1
Men	7	2	6	-
Low income	6	3	-	-
Aboriginal	4	1	8	4
Divorce	3	2	-	-
Disabilities	1	1	2	-
Gay/lesbian/bisexual/transgender	1	1	2	1

Most services addressing specific needs in the Calgary district relate to criminal matters, followed by issues relating to families and/or their members. There is also a

<sup>43</sup> Database numbers rely on publically available information found on the Internet or in directories and are out of all entries offering legal services. It is likely that not all services fully advertize every component of their services. It is hoped that as the Database is shared, services will provide additional information. Interview numbers are out of the 174 offering a legal service of any kind.

<sup>44</sup> Some services, such as the Alberta Law Line, are available to all communities. Others, such as LAA travel to some communities occasionally. These services come up in the database for each community, but they are not repeatedly counted here as that would inflate the apparent overall number of services. This primarily affects the numbers for low-income services.

fair amount of interrelation between the group of family-related services and criminal matters.

Once again, there are far more services located in the city of Calgary than available in the other 18 communities combined. Some additional points are important to note:

When all 794 mapped legal, health and social services are considered it is apparent that some groups are generally underserved:

- Only 46 advertize a focus on Aboriginals, with just 12 offering legal services directly (as opposed to liaising with or referring to legal services).
- Forty services specialize in working with seniors and 17 of those offer legal services; of these just 2 report specializing in Wills and estate planning.
- A focus on immigrants (including refugees) is advertized for 45 services of which 16 offer legal services.
- Thirty-three services are reported for people with disabilities; just three offer legal services.
- Ten services report specializing in work with gay, lesbian, bisexual and transgendered people, with 3 offering legal services.

Groups reported in Table 7 as having the most specialized legal services, generally also have more health and social services. Nevertheless, there was no group for which interview participants reported adequate available services and the numbers of specifically legal services designed for these groups are quite small. Patterns of use and non-use of legal services among special populations is explored in Section 5.

#### **4.4.5 Other Access Issues**

There are a number of other important issues, identified by participants as barriers to accessing legal services for some Albertans, but discussed in detail elsewhere in the report. These are as follows:

- Languages other than English (Section 5)
- Legal literacy (Section 6)
- Transportation (Section 7)
- Homelessness (Section 7)
- Mental Health and Addictions (Section 7)

### **4.5 Service Provider Relationships**

Positive information-sharing and networking among service providers is an essential part of effective, coordinated service delivery that minimizes competition and overlap while maximizing collaboration and accurate referrals. For optimum access to and delivery of legal services, several elements of shared knowledge are involved:

- Do legal service providers have a sound knowledge of their own service?
- When an organization offers multiple services do staff have sufficient and accurate knowledge of the full range of services available?

- Do legal service providers have a sufficient and accurate knowledge of health and social services available to assist people with problems?
- Do health and social service providers know about the legal services available?

For the most part, ALSMP interview data indicates that legal service providers are enthusiastic and informed about the services they deliver.<sup>45</sup> Findings indicate however, that there is considerable room for improvement of knowledge about other services, both legal and social.<sup>46</sup> This section discusses service provider referral patterns and current networking and collaboration among services.

#### 4.5.1 Referrals

*We serve as an access point to services. Often people are having a lot of issues and don't know where to turn. It is a good starting point for us to help them prioritize the issues and get their immediate needs met, and then get them connected on a longer term basis... Really kind of reducing that frustration of "where do I go from here?"*  
[Social Service Manager - Calgary]

*Clients often have multiple criminal charges. Not all are appropriate for this service. We only work with the charge that the client has been referred here in regards to.* [Legal Service Provider – Calgary]

Referrals should facilitate access to appropriate services. Currently, inaccurate referrals are extremely common, a finding also reported by the CJSP and SRLMP research (Gander et al, 2005; Stratton, 2007).

All participants were asked about their experiences with referrals; professionals were asked about making and receiving referrals and members of the public were asked about their experiences of being referred. It is possible to make the following observations:

- The majority (71%) of legal service providers reported that they receive referrals but only 17% receive them often. Close to one quarter (23%) either never receive referrals or do not know whether they do.
- Eighty-four percent of legal service participants also reported making referrals to other services; 28% do this always or often. Only 25% percent ever find out whether or not the referrals they make are successful. Fourteen percent said that they never make referrals.

<sup>45</sup> There are a few exceptions and these are addressed in Section 6, which looks at potential service improvements.

<sup>46</sup> This was also a finding of the CJSP and SRLMP research in Alberta.

- All interviewed health and social services providers reported making referrals to legal services.
- Social Service providers, most especially in small communities, tend to offer a broad range of services and will often attempt to help clients with both their legal and social needs. For both legal and social services, the ability to do this is likely related to combinations of service mandate, capacity, and individual understanding of how client needs interrelate.

*My main duties ... are to help women integrate into society by connecting them with social services, educational services, legal services, family services and to other programs within our own agency. We make sure people can access the services they need, whatever they are, and we provide support and language help.*  
[Frontline Social Service Provider - Calgary]

*In terms of legal services, our counsellors can provide referrals as well as interpretation for clients going to court or to the Immigration and Refugee Board or visiting with lawyers. We go with our clients to the Immigration and Refugee Board if they need support and someone who can explain to them what is going on. We also help clients with applications for immigration and refugee claims.* [Frontline Social Service Provider - Calgary]

*We have a dedicated outreach nurse who will look after the hard to reach, hard to find clients that have been in trouble with the law in the past and we want to do some follow-up with them - she provides the medication and advocates for getting them housing, services etc...*  
[Health Service Provider - Calgary]

Providing useful referrals requires appropriate knowledge of available services and this is sometimes lacking.

*We sometimes find we don't know where to send people .... Sometimes you call a place and they say, "that's not under my jurisdiction," but they don't help you figure out where you should call next.* [Social Service Provider – Rural]

Sole-purpose legal service providers were asked how they decided which referrals to provide. Responses are summarized in Table 8.

**Table 8 - Reasons for Service Providers Referral Choices**

<b>Reason for Referral Choice (N = 37)<sup>47</sup></b>	<b>Always %</b>	<b>Often %</b>	<b>Sometimes %</b>	<b>Never %</b>	<b>D/K %</b>	<b>N/A %</b>
Good reputation	10	32	10	35	5	5
Good service	5	35	14	32	8	5
Client's request	5	14	43	27	-	11
Only known service	5	22	27	35	3	8
Not-for-profit service	5	16	11	57	5	5
They refer to me	5	8	14	65	-	8
Same funders	3	-	3	84	5	5
Other Reasons	5	8	8	51	3	22

Some participants are mandated to accept referrals from particular sources (e.g., from prison or courts) and these responses were captured under “other.”

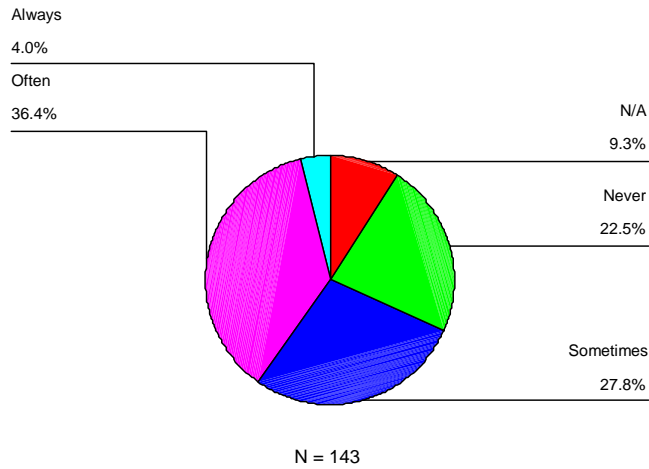
Responses to this question suggest that legal service participants did not have very clear explanations for the choice of referrals they make. The number of participants who never gave referrals for any of the suggested reasons is puzzling, especially as only a few offered alternative explanations. Table 5, showing referrals reported by the public (Section 4.4.2), does however suggest that there is a pattern of providing referrals to a limited range of well-known services.

Participants did say that there were often referrals they wished to make, but for which they could not identify suitable services. These were primarily for mental health and housing resources. That legal service users need such referrals is borne out by the public participants' reports of the health and social services referrals they received. Of the 31 public participants 26 (84%) recalled receiving referrals. Physical, mental and addictions health concerns accounted for 62% of these. A further 15% were to shelters; 12% to children's services; 8% for other social services and 4% (just one) for credit counselling.

When asked about the accuracy of referrals (Figure 5) most legal service participants thought that the referrals they received were often or sometimes accurate, but close to a quarter said they were never accurate. Only 4% found that referrals were always accurate and these tended to be services that either offered a very specific service or required clients to be referred by another agency.

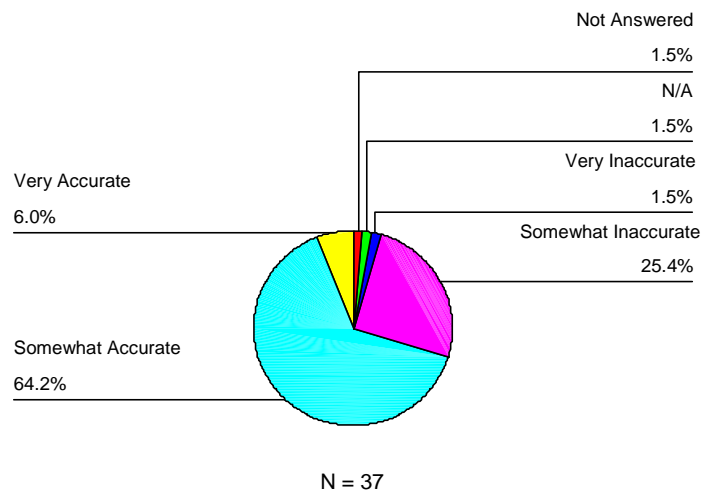
<sup>47</sup> Service providers were asked all of their reasons for referral selection, therefore total percentages do not add to 100.

**Figure 5 - Accuracy of Referrals Received**



Sole-purpose legal services participants were given five scenarios and asked what referrals they would provide in each case. Interestingly, only 6% provided “very” accurate responses (Figure 6).<sup>48</sup>

**Figure 6 - Accuracy of Referrals for Scenarios**



The ALSMP findings concur with earlier research<sup>49</sup> in pointing to low knowledge and understanding about legal processes as a problem for social and legal service providers as well as the general public. Participants explained that it is very difficult

<sup>48</sup> Five scenarios were provided in the Legal Services 1 Questionnaire. Participants were asked to review each scenario and list the services that they would refer a person to in that circumstance. The Team then reviewed the answers and scored each scenario out of 2 points (10 total). Scores above 8 qualified as very accurate, 7-8 were “somewhat accurate,” 4-6 were “somewhat inaccurate,” 0-3 were “very inaccurate.”

<sup>49</sup> The CJSP and the ALSMP also report low, and often inaccurate, knowledge and understanding of other legal and social services among providers.

to keep track of information they receive about different services, a substantial number of which change or disappear – a problem the ALSMP team also encountered. The complicated eligibility criteria for some services (see Section 4.4.4) adds to the problem.

*Ways of staying constantly updated, what programs are new what programs are being funded - who do I call? Keeping us updated on staffing changes, funding criteria - we almost need to sit down and call. We get calls from other places that do the same thing. [Frontline Social Service Provider - Rural]*

Accuracy of referrals could be enhanced with increased inter-service awareness and service providers expressed the desire to access more information about other services. Keeping staff up to date with information on available services is a major challenge, however. Many participants believed personal networking to be more effective than paper or electronic information.

#### **4.5.2 Service Networking and Collaboration**

Legal and social service participants were asked about their experiences with networking and/or collaborations.

The majority of social and legal service providers (including lawyers and the judiciary) valued networking/collaboration activities as opportunities to work with others in addressing service users' needs and also for the knowledge gained about other services. Over 80% of service providers (including lawyers, judiciary and tribunal members) engaged in these activities.<sup>50</sup>

*It is a good use of time and an effective group. It is essentially a chance for the involved organizations to sit down, confirm what their organizations do, and update the other organizations on any new initiatives that may be happening. [Legal Service Manager - Calgary]*

*In a smaller community for all of us to be successful we recognize that we cannot provide all the services, so we really rely heavily on each other to build those partnerships in order to build strong programs, so we're not repeating services and making sure that all cracks are filled. [Frontline Social Service Provider – Rural]*

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<sup>50</sup> This is an estimate. Analysis revealed that, despite providing definitions, the distinction between networks and collaborations is not well understood so an aggregate of relevant answers is used.

## ***Networking and information sharing***

Depending on service provider role, between 73 – 83% consider the quality of available networking to be 'good' while only 1% said the quality was 'poor.' In rural communities especially participants mentioned that inter-agency meetings were the primary means by which service providers kept informed about what was happening in their communities. They felt that networking is essential to providing quality service.

Networking takes time that is not always available to busy service staff, who may have to choose between being available to clients and attending networking events. As one participant explained, "frontline staff are working at over capacity and are so busy there just isn't always that time to build those relationships." Taking part in events can also cost money especially if travel is involved and services do not always have funds available to allow participation. Consequently some participants were unable to participate as fully as they would like in networking activities.

Although they usually valued networking in theory, a small minority of participants (mostly in Calgary) did not find currently available networking opportunities useful for them and gave the following reasons:

- Didn't have any opportunity to network
- Didn't know of any suitable network groups
- The networking isn't formalized.
- Others in the office do the networking
- Not interested (just one person).

More commonly, service providers felt that networking opportunities increased both information and good relationships between staff at different services, as it promoted mutual appreciation of the work providers undertook. Friendly interactions between staff then became an everyday occurrence.

## ***Collaborative alliances for effective service delivery***

Service providers involved in strong agency networks were enthusiastic about the benefits. Smaller communities were more likely to report regular inter-agency meetings and alliances. Participants involved in service delivery alliances were more aware of clients' interrelated legal and social needs and the necessity of working collaboratively to meet these.

A lack of available services plays a role in bringing providers together to find innovative solutions and give the best service they can in difficult circumstances. Of course when there are fewer services confined to a smaller geographic area it is easier to identify each other and avoid fragmentation.



*We have service coordination ... on a regular basis so we all know about each other and what's going on ... There aren't many of us in the community, so we can support each other and ensure we aren't duplicating services. We have collaborated with other agencies on projects. [Frontline Social Service Provider - Rural]*

*We have a lot of great people and strong goals in the service agencies and the communication is really good ... and we get really good turn outs at interagency meetings. There doesn't seem to be that competition you find in larger areas. I notice it personally with organizations in Calgary - the goals kind of get lost - its more about taking ownership as opposed to just providing the services. [Frontline Social Service Provider – Rural]*

*If they have legal needs and they also need support - we're out there. Getting the legal backup is important. [Legal services] can give you information, representation and direct you and do all of what they're supposed to do, and they're very supportive people in that way, but they don't necessarily have what you need if you have an anxiety attack, or if you're really depressed and can't get out of bed, or you're really worried about the effect a divorce will have on your kids. So we can work as an adjunct on what legal services can do. [Health Service Manager – Rural]*

At the same time, tension between agencies in small communities leads to poor networking relationships that are difficult to avoid. Service delivery is often negatively affected for staff and service users. Sometimes as a result of tensions, clients are referred to out of town rather than local services.<sup>51</sup>

The need for improved working alliances to meet people's needs holistically was a point raised by both service providers and the public. The majority (but not all) examples of lack of cooperation concerned legal service shortcomings. Participants made the following specific comments:

- “The justice system tends to forget about family involvement for people with FASD. They're really not very good at working with the family for solutions.” [Frontline Social Service Provider – Rural]
- “I also found it very difficult to find a lawyer who specialized in both immigration and employment.” [Member of the Public - Calgary]
- “Provincial agencies should work better with federal ones. Right now they're miles apart.” [Member of the Public - Calgary]

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<sup>51</sup> This is an important factor in smaller communities and supports previous findings in the CJSP and SRLMP.

- “They said, ‘that’s civil take it back to court,’ and the judge said, ‘there is a police enforcement clause there, take it to the police.’ And police said, ‘take it back to court.’ There is a massive amount of deflection. There’s a lack of due diligence. [Member of the Public - Calgary]

## 5. UNDERSTANDING THE LEGAL NEEDS OF SERVICE USERS

The second primary ALSMP research question asks:

*What do we know about the users of current legal education, information, advice, representation, and support services?*

Section 5 reports on two main areas of findings:

- The Statistics and other information available concerning legal needs among users and potential of legal services, and current usage and capacity of legal service to meet the need.
- What we know about the way people access and use available legal and related services.

### 5.1 Legal Need and Usage of Current Legal Services

National statistics on the prevalence of legal problems among Canadians paint a picture of vast everyday legal need.

As Section 5.1.1 reports, there is a lack of available statistics relating to service usage in the Calgary Judicial District. This leaves a significant gap in our understanding about both local service capacity and the people using or not using available resources. In the absence of these hard numbers, much of the discussion in this section relies upon the in-depth interviews with public participants, the related experience of service providers, and Team observations.

The national research concerning the prevalence of justiciable legal problems (Currie, 2007), does however, provide a foundation of both national and Alberta specific data within which to consider the ALSMP findings for the Calgary Judicial District. The findings of the national survey research (presented and discussed in Section 5.1.2) indicate a much greater need for legal services than has traditionally been understood.<sup>52</sup>

#### 5.1.1 Service Statistics in the Calgary Judicial District

One of the aims of the ALSMP is to discover what statistical records are kept by legal services. The need for this information, and the difficulty in collecting it was noted in the SRLMP report (Stratton, 2007) and the ALSMP Proposal. The team used a specially designed form to collect any available information about legal

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<sup>52</sup> We are grateful to Dr. Currie for providing us with detailed supplementary statistics for the province of Alberta, taken from the “Legal Problems of Everyday Life” survey, 2006 – the second in a series of three surveys (2008 data are not yet published).

service statistics. The goal at the conclusion of the project is to identify common ground for comparable collection categories and make related recommendations in the final project report.

Basic numbers for how many people use a service are essential to understanding capacity. It is essential to collect numbers for: a) how many people access/use a service; b) the time involved in delivering the mandated services. Related demographics are also desirable to understanding who is and who is not using the service.

The SRLMP indicated that these numbers seemed not to be readily available and this was certainly the case in Calgary. It proved challenging to obtain answers to even the most basic of questions, “Do you keep statistics about your service?”

Of the 175 legal service providers asked, 30 have now provided at least some statistical information.<sup>53</sup> Twelve have said they do not keep statistics and five responded that they do not know. This leaves 128 who have not provided a clear answer to this basic question.

The Team report that many of these services gave hesitant ‘yes -maybe’ type answers, but were reluctant or unable to provide details. Participants’ reasons for not keeping statistics were that there was no time or it was too difficult to track. No one said there were statistics they were not already keeping, but would like to keep. It has taken Team members the initial call, the interview and three e-mailed follow-up requests to obtain just this small amount of information.

It is not possible to make a generalized conclusion based only on data from one Judicial District. We do anticipate a similar pattern across the province, but we need to better understand the reasons behind the reluctance to provide statistics. It is not clear whether statistics are simply not collected or if service providers do not wish to provide what they have to researchers. A possible recommendation might be that funders take the lead by insisting that essential numbers are part of grant reports. However, any such action must also provide a practical template as to the desired numbers and must be instituted with sensitivity to service providers’ concerns. Developing an appropriate template was one of the proposed final outcomes of the ALSMP.

### **5.1.2 National Statistics on the Prevalence of Legal Problems**

National research provides us with reliable general population statistics about the prevalence of legal problems among Canadians (Currie, 2006, 2007, 2009). This research employed random population telephone surveying that presented respondents with 76 carefully designed problems with legal aspects. Respondents were asked if they had any of these problems within the past three years that they “felt were serious and difficult to resolve.”<sup>54</sup> Three rounds of this survey (conducted in

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<sup>53</sup> Five of the organizations sharing statistics are involved in the project at the Research Director or Advisory Committee levels.

<sup>54</sup> ‘Serious’ was defined as “ a large enough problem that you felt it could not be easily answered or solved, and that if you ignored it there would be negative consequences.” (Currie, 2007, p.92). However, respondents were

2004, 2006 and 2008) have repeatedly found that, at any given time, approximately 47% (11.6 million) Canadians have a legal problem with potentially negative consequences for their everyday lives. Analysis of the data specific to this province indicates that at any given time, 52% of Albertans currently have or recently experienced a legal problem.<sup>55</sup> This is evidence of prevalent need to effectively address legal problems.

Table 9 provides a breakdown of legal problems by frequency according to type of problem and compares national and Alberta rates. Participants tended to report more than one legal problem with the average nationally and in Alberta being around three.

**Table 9 – Prevalence of Legal Problems in Canada and Alberta**

Type of legal Problem	Respondents with Problem <sup>56</sup>	
	National % (N =8873)	Alberta % (n= 600)
Consumer	22.0	25.4
Debt	20.4	27.0
Employment	17.8	19.0
Wills & Power of Attorney	5.2	6.7
Family: Relationship breakdown	3.6	5.0
Personal Injury	2.9	4.3
Police Action	2.0	3.0
Discrimination	1.9	1.7
Housing	1.7	1.0
Hospital treatment or release	1.6	1.8
Other family	1.4	2.0
Threat of legal action	1.2	1.3
Social Assistance	1.2	1.7
Disability Benefits	1.0	1.2
Immigration	0.6	0.2

As can be seen in Table 9, the general patterns for incidence of problems in Alberta are very similar to the national pattern.<sup>57</sup> It should be noted that family law problems

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only provided with this definition if they queried what was meant by 'serious.' Otherwise, given the justiciable potential of the problem, the researchers assumed the perception of seriousness to be sufficient.

<sup>55</sup> Currie (2007, p.16) reports a trend for western Canada to report a higher rate of legal problems. Saskatchewan was by far the highest at just over 64%. Because the year in which the problem occurred was recorded, Currie was also able to calculate that within a shorter period (15 months) 26% of the population was likely to have a current legal problem.

<sup>56</sup> Percentages do not add to 100% because some respondents reported more than one problem within each category. Percentages are not rounded because of the extremely large number of Canadians potentially represented by the national statistics (95% confidence ratio), where 1% equals approximately 250, 000 Canadians. National percentages are taken, with permission, from Currie (2007, p.12). Alberta numbers provided in a personal communication from Ab Currie, December 7, 2009.

<sup>57</sup> The small percentage differences that occur cannot be considered significant because the sample sizes are not comparable. While 600 respondents is a sufficient number to make the Alberta results reliable within the province, it is a mere fraction of the total national sample. Percentages were also provided for the number of each type of problem reported by Alberta respondents (a total of 938). While this changes the numbers within each category, the overall frequency pattern is very similar.

are divided between relationship-related and other matters. When combined, family matters at 7% are the third most frequently reported problem in Alberta. When both disability and other social assistance are combined, benefits rank eighth in Alberta accounting for 2.9% of reported problems.

Frequency of a problem does not, however correlate with perceived seriousness. By far, respondents considered social benefit problems, followed by family matters, to be the most serious. In contrast, consumer and debt problems were viewed as the least serious.<sup>58</sup>

As explained in Section 5.1.3, the public participants in the ALSMP were not representative of the general public. Deliberate effort was made to include people least likely to take part in telephone surveys. Despite this, Table 10 (Section 5.1.4) reports legal problems in many of the above categories, excepting consumer and debt (the latter was however a factor in participants' discussions). The ALSMP participants did report much higher rates of police involvement than the national survey.

The prevalence of legal problems demonstrated by this research reveals the potential need for legal services as an everyday occurrence for a significant portion of the population. In fact, as the survey focuses on problems already perceived as serious, it likely underestimates actual legal need, which would also include many non-problematic everyday matters such as making a will, formalizing a contract, etc.

Currie (2007, pp. 55-57) reports that 44% of the people experiencing a problem acted to resolve it without any kind of assistance. Another 22% sought non-legal help, while slightly less than 12% had legal assistance. Most of the 22% who took no action gave reasons that indicate a lack of knowledge about what options might be available.

Most importantly, this body of Canadian and similar international research has repeatedly found that legal problems do not occur in legal silos. As noted earlier, most respondents reported more than one problem and between 15 -18% had three or more problems. Unresolved legal problems have a momentum and tend to cluster with other health and social consequences and the more legal problems present, the greater the incidence of health and social problems (Currie, 2007, p.74). Vulnerable groups (Aboriginal, people living with disabilities, immigrants, low-income, youth) were more prone to have multiple legal problems (pp. 23-25, 75).

The Calgary Judicial District data also demonstrate clustering of legal problems. This is accentuated in the interviews with socially vulnerable participants. The ALSMP findings call attention to the fact that there is a lack of legal services directed to the needs of vulnerable groups (see Sections 5.2.2 – 5.2.9 and 6.5 (including Recommendations 20-24).

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<sup>58</sup> While it seems intuitive that for the most part consumer problems would not have as serious an impact as many others the same is not true of debt. Based on the CJSP data reported in Stratton & Anderson (2008), we would speculate that debt is seen as manageable until it precipitates or combines with other problems, such as family breakdown, loss of job, foreclosure, etc.

Both the national research and the ALSMP findings identify a need to shift traditional perspectives of legal service delivery away from a narrow focus on litigation through the courts and toward a broad-based early socio-legal intervention model that a) prevents problems from occurring and b) resolves problems that do arise at an early stage (Currie, 2007).<sup>59</sup>

### **5.1.3 Public Participants in the Calgary Judicial District**

The 31 public participants interviewed in the Calgary Judicial district cannot be considered a representative sample of the general public. Twenty-eight interviews took place in the city of Calgary with only three from the outlying communities.

Particular effort was made to include representatives of social groups often absent from population surveys (Aboriginal peoples, ethnic minorities, the homeless, people living with disabilities). Consequently participants differ from the general population in several other important ways:

- Minority groups were well represented with 26% identifying as First Nation, Métis or Inuit, of which 13% said they were members of a band and 3% Métis.
- A further 23% identified as belonging to a minority group other than Aboriginal. This included four ethnic minorities (including 1 French Canadian); and one person identifying as gay.<sup>60</sup> No one identified as disabled.
- The majority (71%) were, or had been involved in actual court cases and 89% had involvement with some form of criminal or quasi-criminal charge. These percentages are far above general population averages, but capture groups of the public with a high level of legal need.
- The overall range of legal problems reported by public participants (Table 10 provides details) deviates from national distributions reported by Currie (2007, 2009) and the range of public legal needs reported by ALSMP service provider participants.

Despite the above differences, participants nevertheless reported a range of social demographics spanning population norms:

- Twenty men and 12 women took part (a couple participated together in one interview).
- Public participants ranged between 22 – 65 years of age. The median age was 43.5 years.

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<sup>59</sup> Although the point is made briefly in Currie (2007) this statement draws also on personal communications with Dr. Currie discussing the implications of this research. These discussions considered the more developed social exclusion-inclusion policy model employed in the UK (see Pleasence et al, 2008 and Stratton & Anderson, 2008a). The issue of problem clustering is taken up again in Section 5.4.

<sup>60</sup> The remainder made statements not usually considered as minority groups, such “Scottish-Canadian” and “a man in family court.”

- Reported income ranged from \$12,000 - \$120,000, however 12 participants (39%) refused to answer this question.
- A full range of educational attainment was reported: less than high school, 7%; high school diploma, 23%; some post secondary, 7%, College, trade or other training diploma/certificate, 26%; university degree, 7%; graduate professional degree 10%. The remaining 20% refused to answer.<sup>61</sup>

#### **5.1.4 Legal Needs – Public and Service Provider Reports**

This section of the report summarizes key findings about legal needs in the Calgary Judicial District. Table 10 summarizes the 50 legal problems reported by the 31 public participants.

Despite the preponderance of criminal issues reported by the public participants, problems also involve family, civil and administrative areas of law. Interestingly, although the participants are identified as not representative of the general population the distribution of their problems by area of law does broadly reflect the distribution of services mapped (see Table 2).<sup>62</sup>

In considering public legal need identified by the ALSMP data, it is important to remember that health and social service providers (especially those whose programs have no legal component) are also lay members of the public. The context of their work provides them with a broader than average view of public legal need. When the reports from social services, public participants and legal services concur the data become especially compelling. When perspectives and experiences differ, this is an indication that further investigation is required to fully understand the issues involved.

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<sup>61</sup> Refusal to report education and income is common. Often as much as 50% of the data missing, so this was an excellent response rate. Social scientists know that those with lower levels of education are likely to either not report or to inflate educational levels because they are aware of the social stigma attached. In this case, some participants wanted to make distinctions among college and trade certificates and diplomas, sometimes wanted more than one counted. Our number for this category is therefore adjusted to be as accurate as possible.

<sup>62</sup> Currie (2009, pp. 6-7) discusses the disproportionate investment in criminal services, providing comparative population numbers. Currie's research is not concerned with criminal offences. Excluding these and the debt and consumer problems Currie reports as prevalent but not regarded as serious, the legal problems of ALSMP participants cover a range of those identified by Currie.

**Table 10 - Summary of Public Participants' Legal Problems by Area of Law**

<b>Legal problem by Area of Law</b>	<b>Totals</b>
<b>Criminal (and Quasi-Criminal)</b>	<b>26</b>
<i>Domestic violence</i>	5
<i>Theft</i>	3
<i>Loitering</i>	3
<i>Assault</i>	2
<i>Driving offenses</i>	2
<i>Littering</i>	2
<i>Public drunkenness</i>	2
<i>Trespassing</i>	2
<i>Weapons</i>	1
<i>Break and enter</i>	1
<i>C-Train tickets</i>	1
<i>Jaywalking</i>	1
<i>Pardon</i>	1
<b>Family</b>	<b>12</b>
<i>Custody/access</i>	6
<i>Separation/divorce</i>	5
<i>Children &amp; Youth Services appeal</i>	1
<b>Civil</b>	<b>7</b>
<i>Small claims</i>	2
<i>Auto accident</i>	2
<i>Employment</i>	1
<i>Landlord-tenant</i>	1
<i>Taxation (lawyer's account)</i>	1
<b>Administrative</b>	<b>5</b>
<i>Formal police complaints</i>	2
<i>AISH application</i>	1
<i>Immigration</i>	1
<i>WCB appeal</i>	1

## **5.2 Accessing and Using Legal Services: What We Know**

As discussed in Section 4.3, the justice community has identified lack of public understanding as a major barrier to resolving legal problems. In this section we look at understanding legal issues, processes and services based primarily on lay perspectives and experiences. In keeping with previous research (Currie, 2007, 2009; Genn, 1999, Gander et al, 2005), most ALSMP public participants said that they did not understand legal process and did not know where to start when they needed to find out about it.



*I feel very lost and I wasn't given any information and didn't gain any understanding. I'm baffled by the system and its processes. [Member of the Public – Calgary]*

*My boyfriend understood it all from his last time in court (before this problem) and he explained it to me. The lawyer wouldn't and I was too scared to ask anyone else. [Member of the Public - Calgary]*

*[I have a] new lawyer- at the moment she is dealing with the appeal. I now understand filing deadlines: three weeks before you submit, two weeks before the other side comes back ... the debate starts before they go into court, and that gets looked over and gets argued in court. [Member of the Public - Calgary]*

A few participants felt that they had gained understanding and attributed this either to previous experience in the legal system, or to a lawyer who had taken the time to explain it.

### **5.2.1 How the Public Find Legal Information and Services**

ALSMP public and service provider participants indicate that people usually only look for information about legal issues when they realize they have a legal matter (usually of a pressing nature) to address. This is in keeping with previous research that suggests the public has little awareness of the everyday impact of civil and administrative laws until something goes wrong (Currie, 2007, 2009; Gander et al, 2005; Stratton & Anderson, 2008a). Participants suggest the same is true for people charged with a criminal offence (especially the first time).

**Table 11 – Public Starting Points**

<b>Where Public Participants Began</b>	<b>% (N =31)</b>
Internet	39
Personal contact (family, friends, etc.)	36
Professional	23
Police	3

Also in keeping with previous research (Gander et al, 2005), having recognized a legal need ALSMP participants reported attempts to gain information via multiple sources and types of media.<sup>63</sup> However, the Internet and personal contacts are the most common starting points.

<sup>63</sup> See also Well-known Services, Section 4.4.2, Table 5.

- The role of personal and professional contacts is greater than appears in the above table. A number of the participants said that they began their search on the Internet in conjunction with friends, family and/or professionals.
- Of those beginning with a professional they did not previously know, 13% started with LAA (including Duty Counsel), 1 person went to the court counters first, and another to a private lawyer.
- For 22%, their first legal contact was with police, not by choice. The contact was initiated when police ticketed or arrested them.

These beginning points were not necessarily very helpful. Those who began by asking people they knew often found that the information they received was lacking or incorrect.<sup>64</sup>

*It is too bad that when they get charged, they don't get a kind of a booklet or something that tells them what they need to do ... what they can expect when they come here for their first appearance. Because some of them are just timid, or they have no idea.... Everybody, when something's new, that never happened to me before, you just don't have that information to know what you are supposed to do ... And the other thing I find that people won't actually read, they have to actually be told. They seem to understand better if they are told .... they don't seem to understand as well from reading as to actually have it told to them. That's one of the things that I find that we deal with a lot. ...And they'll come [in] and I'd go through with them and they'd go "well, what could I do" And I'd go, "did you read your options on the back of the ticket?" "Well, no". It's just weird. The information is there but they're not reading it. But if you tell them...And then they're okay, and they're not as nervous .... I wish there was some way around it but I don't know that there is. When they come here, we try to make them as comfortable as we possibly can. [Frontline Legal Service Provider – Rural]*

Even participants who had IT backgrounds found legal service websites confusing and often failed to find the information they sought. Several participants said that their Internet searches often turned up results for provinces other than Alberta. Participants who recalled specific examples most often searched for information about laws and legislation. They reported having to sift through a lot of irrelevant

<sup>64</sup> This is typical information-seeking behaviour. The percentage of ALSMP participants reporting this is actually low compared to other studies, such as Gander et al, (2005) where the overall total for people known personally was around 80%. This is perhaps because so many of the ALSMP public participants were socially disadvantaged and therefore have fewer personal contacts.

information to find any pertaining to their needs. Occasionally, Internet searching did yield useful results. Despite the difficulties, information that was located on the Internet received the highest usefulness rating (Table 12).

Trained researchers engaged in the ALSMP also experienced difficulty in finding relevant information online (also a finding in the SRLMP). Provincial government services were especially noted as difficult to navigate by both public and Team members.

*I began to search online what might happen to me based on the charges that had been filed. I found that I may face jail time and immediately decided to look for a lawyer. I went on Google, searched 'lawyers' + 'criminal' in my community. I called the first firm that had a well-designed webpage. The page contained photos and bios of the lawyers on staff. ... I chose the lawyer with most years of experience. I didn't want a new (recent graduate) lawyer. I had retained a lawyer within two weeks. [Member of the Public - Calgary]*

Once information was located, participants used a variety of media. At first glance, Table 12 suggests a high rate of usefulness for public legal education and information materials of all kinds. For the most part, however, participants only found the materials to be 'fairly' or 'somewhat' useful.

**Table 12 – Types of Public Legal Education and Information Media Used**

Medium (N = 31)	Participants Using Medium % <sup>65</sup>	Usefulness of Medium % (of those who used medium)			
		Very	Fairly	Somewhat	Not at all
In-person	55	29	35	24	12
Telephone	39	8	50	33	8
Internet	39	64	9	18	9
Brochures/pamphlets	29	33	22	22	22
Course/workshops	19	50	17	17	17
Mail/letters	19	17	33	50	-
Email	13	-	50	50	-
Videos/DVDs	10	50	50	-	-

The following additional observations can be made about how the ALSMP public participants found legal information and services:

<sup>65</sup> Participants often used more than one media.

- Public legal education and information (PLEI) was most often accessed in person.
- The videos identified related to family law matters and were rated highly for usefulness.
- Although Table 12 shows only a minority received information via e-mail (and they didn't rate it as very useful), given the choice, most indicated that they would have preferred to receive PLEI this way. People liked to have the "paper trail." This was especially so for communications from lawyers and other information directly related to their legal needs.

Finding initial information about legal services is just the start of navigating a long and complex legal process. Even something as everyday as creating a Will can raise many difficult questions and entail legal language unfamiliar to lay persons. Understandably, participants preferred having the support of knowledgeable legal professionals and valued those who took time to inform them and explain what was required and why.

### **5.2.2 Utilization Patterns for Current Legal Services**

Service providers observed that some groups of people are more or less likely to use their services, with 71% reporting that some groups are more likely than others to access their services and 51% observing that some groups were less likely to do so. A variety of reasons help to explain the emergence of some distinct user trends:

- Many of the services mapped in the Calgary Judicial District have mandates to serve specific needs (criminal, youth, family, children, women and domestic violence being most frequent - for details see Section 4.4.4).
- Many services also have a range of eligibility criteria that must be met (see Section 4.4.3).
- The majority of available legal services are located in Calgary. Surrounding communities generally have few local legal services and some have none at all.
- Engaging the services of a private lawyer is costly. Businesses and affluent individuals are therefore more likely to be clients.
- Individuals who cannot (or do not wish to) engage a lawyer but want to pursue a legal matter, must attempt to self-represent and therefore tend to be heavy users of any available service.
- Some people are socially vulnerable and face an array of extraordinary difficulties in accessing available services.
- Transportation was repeatedly raised as an issue in accessing services. People with a motor vehicle are at an advantage, especially in rural areas. Downtown Calgary services are well connected by public transportation – providing people have the physical and mental health to use it and can afford

the fare. Lack and expense of parking may also have a negative affect on the use of central services in Calgary.

For all the above reasons, it is an inevitable conclusion that some groups of people are better served than others. This general complexity makes it difficult to reach a clear understanding of current service utilization patterns. While systematically collected statistics would greatly assist in knowing who is (or is not) using which services, they would provide little help in understanding underutilization of appropriate and available services. For example there are relatively few legal services (12 in total) focussing specifically on the needs of Aboriginal peoples, but those that do have this focus report relatively frequent use by that group. Other services tend to note under-utilization, even though Aboriginal people are known to have a high rate of related legal need.

Drawing on the in-depth interviews from the ALSMP and the support of other research, we can offer some suggestions about groups that are more or less likely to successfully access available services. Based on the data of mapped services, people with the following kinds of legal need (tempered by geographic location) are more likely to find appropriate services:

- Indictable criminal charges
- Youth criminal charges
- Domestic violence
- Family or civil court proceedings (but not with solving these matters outside of this formal process)
- Matters that can be resolved based only on legal information (and without advice or representation)

Providers most often identified the following groups as frequent users of their services:<sup>66</sup>

- People with low income/Living in poverty
- Immigrants/new Canadians
- Women/Mothers
- Self represented litigants

Additionally, it is known that governments are significant users of the courts, in-house and private legal counsel (Billingsley et al). The involvement of government - especially in child protection cases - is reflected in the ALSMP interview data. Some service providers believed that due to lack of awareness, the public in general was underutilizing their services. Specific groups most frequently identified as least likely to access services were Aboriginal peoples and new Immigrants, including Temporary Foreign Workers. This suggests that groups with specific needs are more likely to turn to some available services than others.

Sections 5.2.3 to 5.2.8 look at additional data concerning the legal needs and utilization of groups identified by ALSMP participants as having frequent, but often

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<sup>66</sup> A specific question was asked about SRLs and 79% of participants reported serving them. The other groups were self-identified by providers in an open-ended question.

unsuccessfully met legal needs. Identified groups are: self-representing litigants, First Nations, Métis and Inuit Peoples, New Canadians, people living with disabilities, seniors, and the homeless.

### **5.2.3 Self-representing Litigants**

Half of the ALSMP public participants had self-represented at some point and 79% of sole-legal service providers reported serving SRLs.

Data from the SRLMP, which focussed only on this group of service users, evolved a typology of reasons people self-represent (full details provided in Appendix H).

These seven basic categories were utilized by the ALSMP to ask service providers their perceptions of why their service users were representing themselves:

1. People who have an overall lack of resources (e.g., low income, education, literacy).
2. People who have low income but some social resources (e.g., education, communication skills).
3. People who have low income and are living with additional social barriers (e.g., disabilities, language).
4. People who could afford a lawyer but are unable to find one.
5. People who were previously represented by a lawyer but are no longer (e.g., ran out of money).
6. People involved in cases where representation is supposed to be unnecessary (e.g., small claims, administrative tribunals).
7. People who could retain a lawyer but prefer to self-represent.

As was the case in the SRLMP and CJSP research, service providers' perceptions about the most frequent reasons for self-representation differed somewhat to those given by public participants.

More than 60% of sole service legal providers did recognize a lack of resources and additional social barriers (categories 1-3) as primary drivers of self-representation. However, almost as many (57%) believed that preferring to self-represent was a primary reason and a few individuals held very negative opinions about SRLs. Members of the judiciary confirm that a small minority of SRLs are 'vexatious' and consume a disproportionate amount of court time (Stratton, 2007).

The problem is the danger of generalizing the exceptional to a perception of the norm for SRLs. ALSMP and previous research refutes the view that most SRLs prefer not to have a lawyer. Of the 15 public participants who had self-represented, 93% said that at some point the decision was primarily driven by not being able to afford a lawyer. Twenty percent had applied to but not received legal aid. Others (33%) had retained either a private or legal aid lawyer but ran out of funds. Just two people (13%) indicated that they did not want a lawyer because they preferred to represent themselves.

*There are lots of reasons why people are self-represented. Frequently it's money. Frequently they have a huge bill with legal aid so they can't get a legal aid lawyer and they can't get private counselling.*  
[Frontline Legal Service Provider – Rural]

*The lower level of education would tend to be self-represented. This ties into income as well.* [Legal Service Provider/Lawyer - Calgary]

*Women are also more likely [to self-represent], because they're often the low income earner and more susceptible.* [Legal Service Provider/Lawyer - Calgary]

*And the jerks who represent themselves - they're there because it works and the judges have got to make it not work. If they want to play at being lawyers, make them follow the rules of the lawyers. [Give a] little tiny seminar, not a big effort, just here's the courthouse library...you want to represent yourself, you learn the rules, and I hope it would give the judges permission not to let these people walk all over them, walk all over their spouses and walk all over the lawyers...it's a huge injustice.*  
[Lawyer, Calgary]<sup>67</sup>

All 31 members of the public were asked what their representation preference would be if they had to go through their legal process over again. Two had not initiated any action to address their needs and did not answer the question. Thirteen percent said they would prefer not to use a lawyer; 10% said their preference would be to have a lawyer for just parts of the process and 71% would prefer to retain a lawyer.

*I took some law courses in high school, so they really helped me know what I could ask for. I did a lot of research on the Queen's Printer website which helped me write up my case.* [Member of the Public - Calgary]

The experience of self-representing is very stressful and frequently has negative outcomes. Occasionally however, if the matter is not too complex and the SRL has the necessary skills and resources, it can be empowering.

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<sup>67</sup> This participant had recently witnessed a man “cross-examine his own wife on the stand for three days” and was understandably upset by the bullying allowed to take place by someone known to be an abuser. Whatever the reasons leading to self-representation, it is clearly not desirable in emotional family law matters and should be of even greater concern if abuse is involved. Bullying should not be allowed in court by SRLs or lawyers.

#### 5.2.4 First Nations, Métis and Inuit Peoples

Aboriginal peoples are disproportionately involved in the Canadian criminal system and in child protection actions. Yet, beyond the few specifically Aboriginal services, service providers in the Calgary Judicial District observed that Aboriginal groups were less likely than others to use their services – a finding also reported in national research (Currie, 2007, 2009). Previous research has identified many reasons for this: the colonial history of discrimination and injustice; continuing social and legal cultural and language barriers; distance from services; and continuing punitive experiences with formal justice systems (Stratton, 2006, Stratton & Anderson 2008b).

Law relating to Aboriginal peoples is complicated. There are many jurisdictional issues to take into account and First Nations, Métis and Inuit each have differing Land Claims Agreements and/or ongoing legal actions. Civil and administrative law applies differently to First Nations members living on Reserves and is covered by Treaty 7 in the Calgary Judicial District, particularly in the areas of property and debt.

*What I would like to see is more clarification about the federal jurisdiction over Aboriginal people and accessing provincial services. There has been a lot of confusion about this and there has been a stalemate for a while over whose responsibility it is. With the Youth Criminal Justice Act clients under s. 34 (law about ordering court reports for youth who have committed a serious crime), we need to know who does what; who is responsible.*  
[Health Service Provider - Calgary]

*People sometimes ask for resources on Reserves. I don't know what resources exist on reserves. I can only refer people to the band offices.* [Aboriginal Service Provider - Calgary]

*We get a little general training on cultural awareness as part of the [service] training. If you [work in] an area with an Aboriginal population, you do get Aboriginal awareness training, but we don't have any Aboriginal communities around here. The same applies for cultural minority groups who live in different areas. There is training as needed; we're not seeing a need here yet.*  
[Policing Services - Rural]

In addition to ongoing collective legal action concerning Aboriginal and Treaty rights by First Nations, Métis, and Inuit peoples, there remain many questions and issues surrounding areas such as federal/provincial jurisdiction and the applicability of civil and family laws on-reserve. The latter two issues, in particular, apply almost



exclusively to First Nations people<sup>68</sup>. The *Constitution Act, 1867*, Section 91(24) delegates jurisdiction over “Indians and Lands reserved for the Indians” to the federal government resulting in the responsibility of funding services on-reserve to the Government of Canada. However, Section 88 of the *Indian Act* allows for the application of provincial laws, such as those relating to child protection, adoption, and labour-relations to on-reserve activities, provided they are not inconsistent with treaties or federal law. As previously mentioned, there are specific issues concerning the application of certain civil and family laws on-reserve, including the division of marital property and in the case of family violence, the protection of the victim’s civil interests (Royal Commission on Aboriginal Peoples, 1996).

The complexity is challenging to understand and service providers reflected on their need for more knowledge of On Reserve services and jurisdictional issues in general. They frequently reported a lack of training to address the special needs of Aboriginal people. Interview comments also suggest that in some cases there may be a lack of awareness that Aboriginal people are present in and around some communities.

Six of the homeless participants identified as Aboriginal. Poverty, addictions and criminal records combine to make Aboriginals especially at risk for homelessness, which further draws the attention of the police and child protection authorities, but also increases the difficulty in successfully accessing legal services. We did not specifically ask about racial discrimination but prejudice towards Aboriginal people is well-documented and has been observed and sometimes experienced by ALSMP and SRLMP researchers. The above quotes suggest that Aboriginal women may be especially vulnerable to racial stereotyping and negative treatment.<sup>69</sup>

*The Police shouldn't be so prejudiced against people based on skin. They did it to me. They did it to my daughter. They took her out of a bar for being drunk, but everyone was drunk. They took her outside and wouldn't let her go back in even though she told them her stuff was inside. They wouldn't get it for her. Someone stole her coat and purse that night. [Aboriginal Public Participant - Calgary]*

*I am afraid of being sexually assaulted by the police. I am often alone. I don't (and never have) been involved in prostitution. However, a friend was sexually assaulted by a police officer and I was once cornered by two police officers on Stephen Ave and asked how I made my money...if I "sucked or fucked for it." [Aboriginal Public Participant- Calgary]*

<sup>68</sup> First Nations people refers, in this context, to those individuals who are registered as Status Indians under the *Indian Act*. It does not refer to Non-Status Indians.

<sup>69</sup> This was a finding in Stratton, 2006, especially of the negative stereotyping of Aboriginal women as all being prostitutes.

Previous negative experiences with a very ‘white’ social and justice system they have encountered, discourages First Nations, Métis, and Inuit peoples from approaching services for assistance.

### **5.2.5 New Canadians**

“New Canadians” include immigrants, refugees and temporary foreign workers (TFWs). Because of rapid petroleum industry development in Alberta in recent years, a particularly high number of Temporary Foreign Workers and immigrants with specific work and residence stipulations attached to their residency, have relocated to Alberta. These different statuses affect rights and entitlements and contributes to increasing vulnerability for encountering legal problems. At the same time, the greater complexity makes understanding and addressing related legal needs more difficult for both New Canadians and service providers.

*Right now we have somebody that’s here on the Temporary Foreign Worker’s Program and we’re finding that very challenging because so few services are accessible to her. Anything basically that is supported by taxes she can’t access because she has no actual status here other than being a temporary foreign worker. It is a program that sounds good but there is actually very little support. [Frontline Social Service Provider - Rural]*

*The city has got so many immigrants and I don’t think they’re aware of where to get help. Language is a barrier, culture is a barrier. There really, really needs to be a lot of effort put in for our immigrant population. Especially for immigrant women who appear to be even more marginalized and vulnerable within their homes, just because of cultural mores - they don’t control the money, they don’t know what’s going on, and often their own community doesn’t support their leaving. [Legal Service Provider/Lawyer - Calgary]*

People coming from other countries usually do not understand how Canada’s federal and provincial justice systems work and they often face language, cultural, financial and transportation barriers to accessing information about legal and related services. Sometimes, conditions in their country of origin and/or their status in Canada, causes them to fear contacting officials and services. Service Providers emphasized the importance of establishing trust when assisting New Canadians, pointing out that inefficient referrals interfere with this.

Service providers reported that common examples of new Canadians’ legal needs are immigration problems, being evicted or overcharged for living accommodation, employment rights, workplace safety and domestic violence

and that these individuals tend to experience clusters of problems [see Section 5.4].

*[It is] more of a challenge or barrier when you are making referrals to individuals that are new to Canada, or English isn't their first language. When you have to make a referral to a person who makes another referral to another person, who makes another referral - that is overwhelming if you speak English and you are from Canada. If you don't, that can be a barrier to accessing a required service. For example, a temporary foreign worker comes in and I don't have an answer and I refer them to the Board that's been set up by the provincial government to help those individuals. [The Board] usually doesn't provide the services right then and there. They make a referral too. They have more key contacts within the government than I would have. [Frontline Social Service Provider – Rural]*

ALSMP findings are that there is a lack of both information and legal services in languages other than English, in this Judicial District. All 174 legal services participating in interviews provide written and oral services in English. Table 13 lists the number of services provided in other languages.

**Table 13 – Service in Languages Other Than English**

<b>Language</b> (N = 174)	<b>Oral &amp; Written</b> <b>#</b>	<b>Oral Service Only</b> <b>#</b>	<b>Written Material</b> <b>Only</b> <b>#</b>
French	38	22	6
Chinese	17	21	3
Spanish	15	24	1
Athapasca	6	10	-
Punjabi	16	16	1
Cree	7	13	-
Dene	6	11	-
German	10	15	2
Ukrainian	8	12	2
Japanese	6	13	1
Vietnamese	12	12	1
Tagalog	9	13	-
Hindi	13	15	-
Italian	8	13	2
Other Language	19	23	2

The majority of new immigrants and temporary foreign workers in Calgary are Filipino, Indian or Chinese (see Section 3.1). Twenty four percent of services reported offering oral services in Chinese dialects, 19% offer services in Punjabi, 16% in Hindi and 13% in Tagalog.

Aside from French, which is sometimes mandated, the available of languages other than English almost always occurred because a service happened to have staff who spoke those languages.

Services try hard to meet clients' needs on an informal basis. Some seek out staff who speak additional languages; others reach into the communities for volunteers to assist or invite users to bring their own interpreter. One service provider pointed out that it was sometimes inappropriate to have interpreters present (such as in group sessions) and this would essentially prevent participation.<sup>70</sup>

Immigrant Settlement Services will attempt to hire a practitioner who speaks the language service users request. Others, such as the Distress Centre, RCMP and Calgary Police Service, use a tele-interpreter service based in the United States, that has up to 150 languages available at any point. This is helpful as long as staff can determine the language needed.

#### **5.2.6 People Living with Disabilities**

People living with physical, mental or cognitive disabilities and/or with addictions face daily challenges in order to meet everyday basic needs which most of us take for granted. Disabilities also tend to lead to low-income and other circumstances that increase vulnerability to social and legal problems, but understanding and/or accessing legal processes and services can be particularly challenging (Schwartz & Stratton, 2005).

Public participants did not include anyone with a declared or noticeable physical disability. A few service providers do comment that it was difficult for people with physical disabilities to access their services. On the whole, the lack of discussion tends to suggest an unrecognized absence of this group as service users. This would be in keeping with the findings in Schwartz & Stratton (2005).

People with psychiatric disorders are highly vulnerable and need to be able to access every possible support. They find it particularly difficult to apply for rights and entitlements and explain their needs in general. They can become easily upset, are often fearful and sometimes may become aggressive. They frequently have legal needs they don't recognize or can't explain and are equally likely to approach legal services for non-legal assistance.

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<sup>70</sup> This point was made by an addictions service, but could be an issue for important court-mandated programs such as *Parenting After Separation* and anger management counseling which are typically conducted in groups.

*One of the most difficult things to find referrals for is mental health issues. Sometimes there are people out here who are so obviously with mental health problems and so they attract public attention and we'll get a lot of calls. But we can't really arrest them and the hospitals won't keep them so they end up attracting a lot of police attention again and again. There is so little we can do for that person and so few resources available for them.*  
[Policing Services – Rural]

People living with addictions may also have psychiatric disabilities or cognitive impairments. Service providers need, but seldom have, special training to assist these vulnerable people, who very often have multiple legal and social needs. Lack of mental health services - legal and social - was raised many times by participants, and is taken up again in Section 7.

*The process of the criminal justice system, from detention by the police to the end result in the courts, is impossible for a person with FASD to navigate alone. Understanding and following the continuity of the process is something they can't do.* [Frontline Social Service Provider – Rural]

*People with FASD who manage to make it to the Legal Aid office find the reception and the way things work there just doesn't work for them. Someone with FASD can't function in the Legal Aid office without an advocate. It would be great if there was someone on the other end of the line at Legal Aid who had training in mental health issues. The workers I've run into when helping clients were almost rude to the clients.* [[Frontline Social Service Provider – Calgary]

*Consistent FASD training ... would be good. We have a guy here who has training in working with mental illness, but admits he doesn't know about FASD. [Another community] has someone with FASD training on their [police] force and it works well. We have done some group training with the [police], however the problem is that they keep moving from one detachment to another so you get them trained and they leave.* [Frontline Social Service Provider – Rural]

Cognitive disabilities are distinct from mental illness, but resulting behaviour may be similar at times. People living with cognitive disabilities are unable to navigate the complexity of most mainstream legal services (Schwartz & Stratton, 2005).

Participants considered people, particularly youth with Fetal Alcohol Spectrum Disorder (FASD) as especially likely to attract criminal charges because the disability impairs ability to assess risk and decide appropriate behaviour.<sup>71</sup> Furthermore, several social service workers reported a resistance to allowing advocates to sit in with FASD clients.

### **5.2.7 Victims of Domestic Violence**

Thirty services were mapped that have specific components addressing family violence – all within the City of Calgary. While specialized services are generally knowledgeable about victims' experiences, staff at other key services may not be.

*Kind of in a nutshell - my frustration with the legal system, why domestic violence and abuse doesn't stop ... the reason why women don't report it they just choose to live with the abuse - because they know that in the end well maybe is this worth it? Fighting all those legal battles, being in stress all the time, all the time it takes, nothing gets resolved it is just an ongoing thing especially when you have somebody who is an abuser and he still wants to have some kind of power and control and this is exactly how he controls you. [Member of the Public - Calgary]*

*My Ex was a very effective bully. The counsellor wasn't able to stand up to my spouse [who] took over the session.... The fear factor was very powerful for me. My Ex was constantly threatening murder/suicide and a number of the professionals involved really didn't know how to deal properly with situations where abuse is involved. A lot of people really cannot handle hearing about abuse. [Member of the Public - Calgary]*

*I understand that Judges think it is important that children grow up knowing both parents, but sometimes it can be very, very difficult for our clients to prove that access should be supervised, because perpetrators don't offend in public. Abuse is a private issue. And a lot of time it's not physical it is a lot of psychological stuff, which is hugely damaging to children. If it is physical it is done in ways that doesn't show, or it's done through threats and intimidation. So, it's very, very difficult for women to prove that access must be supervised in order to be safe. [Frontline Social Service Provider - Rural]*

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<sup>71</sup> For more information about FASD, see <http://www.phac-aspc.gc.ca/fasd-etcaf/index-eng.php>.

Public and service providers reported that mediators, family counsellors, Family Justice Services (FJS), the Family Law Information Centre (FLIC)<sup>72</sup>, the judiciary and the police sometimes need to be more informed and sensitive about the circumstances of families where domestic violence is a factor.

Fear is significant in abuse situations. When victims attempt to access help they risk being found out by their abuser and may be in even greater danger than before. As the service provider quoted below pointed out, physical abuse may not always show, especially at a time a victim feels strong enough to seek help. Psychological (emotional) abuse can be more devastating than physical violence but it is the most difficult to prove. To be turned away as “having no proof”, or directed to a mediation session, are inappropriate service responses that are terrifying and potentially very dangerous for abuse victims and their children.

Participants also said that the women’s shelters in Calgary were often full, leaving city and rural services with nowhere to send women for shelter and court support. Despite over 20 years of research demonstrating a significant number of men are victimized there is also an absence of domestic violence services for male victims (McLeod, 1984; Moore, 2008). There is a similar lack of services for victims who are in same-sex relationships. Statistics indicate that the rates of domestic violence are comparable in same-sex and heterosexual couples, possibly even higher in the case of lesbian couples (Lehman, 2008).

### **5.2.8 The Homeless**

People who are homeless face barriers to accessing justice and related services. Many of the homeless are ‘invisible’. They sleep at the homes of friends and families, in hostels, shelters, and cheap temporary rooms. Many have children. They work. They often have unmet legal needs.

*I think the police could have better community relations. They give out redundant tickets to the homeless, like drinking in public or smoking or spitting tickets to people who don't have homes. Just because some people don't like to see it doesn't mean it's going to go away. [Member of the Public - Calgary]*

*There is a trend in violence. [Homeless] people are trading prescription narcotics for street drugs ... An officer can see somebody one time and the interaction is fine. Then, the next time, that person has totally changed and is [acting out]. The officers might taser them or do what they have to do to [subdue] them. But, after it is all over, the person doesn't remember anything leading up to being [subdued]. They don't remember their behaviour. They only remember the outcome; whatever [method] was used. [Police Officer– Calgary]*

<sup>72</sup> In 2005 several independent programs were amalgamated as part of Family Justice Services. This includes the FLICs.

Those who live on the street frequently also have mental health and addictions problems and inevitably face increased interactions with the police, which can be difficult and tense for both parties. Calgary Police Service estimates that Calgary's current homeless population may be as high as 10,000, of which 40% live with mental illness, 40% have addiction problems and 20% have palliative care needs.<sup>73</sup> Calgary Police representatives said the Service is devoted to enhancing relationships and the effectiveness of their interactions with people who are homeless. They have a newly created Homeless Portfolio which is liaising with health services to provide more holistic services to the homeless. It will take some time for the effect of this new initiative to become apparent in the relationship between the police and people who are living on the streets.

*Police are stereotyping street people. Conduct random stop and searches (say they have reason to believe people have drugs on them). [Member of the Public - Calgary]*

*Since I've gone to court last time, I try to not bring attention to myself. No discrepancies. The only thing I've done is these tickets. But there is a chance I'll get picked up anyways because I'm homeless and it sometimes seems like the cops pick on the homeless. [Member of the Public - Calgary]*

*I've had other problems with the cops. I've been sitting in a park before quietly and the Police will harass me, say I'm drinking in public when I'm not. The cops pick on homeless people; I've seen them do it. They think they are above the law. [Member of the Public - Calgary]*

*I may be homeless, but I have a year of university education and I was in the military for a long time. I know my rights, they don't have the right to tackle me and keep me for jay-walking. They didn't identify themselves as cops and they were wearing regular clothes. [Member of the Public - Calgary]*

There was a strong perception among homeless participants of general harassment and unfair treatment by the police. Observations made by some service providers working with this population echo these concerns. Participants' accounts reveal a pattern of minor criminal or quasi-criminal charges that directly relate living on the street to repeated demands on legal (especially court) services.

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<sup>73</sup> Follow-up communication with member of Calgary Police (July 27, 2009). Some homeless people would be included in each of the cited percentages. These proportions closely reflect national trends, as outlined in the Institute for the Prevention of Crime's report on *Homelessness, Victimization and Crime: Knowledge and Actionable Recommendations*. [www.prevention-crime.ca](http://www.prevention-crime.ca).



Gaps in legal services for the homeless is taken up in Section 6 and the larger issue of homelessness and social justice in Section 7.

Calgary Student Legal Assistance holds sessions at the Calgary Drop-in Centre and Calgary Legal Guidance has a homeless Advocate (a lawyer) who goes to the shelters and gives free advice. None of the 15 homeless participants (most of whom were contacted at the Drop-In) mentioned either of these services.

### **5.2.9 Seniors**

As people age they may encounter challenges related to loss of physical mobility, hearing, eyesight, and/or cognitive abilities. Such changes can raise legal issues (especially those related to rights and entitlements) and at the same time make it more difficult to deal with complex legal matters. It becomes more difficult to use public or private transportation –if it is even available.

Service providers working with seniors noted particular legal issues: fraud, abuse (child abusing parent, staff in lodgings or spouse), Wills and powers of attorney. Elder abuse is especially insidious because in many cases the senior is reliant on the abuser whether it be their children, their caregiver, or their spouse. Police and other providers often encounter situations where family members have obtained orders for guardianship or trusteeship, when the senior is actually still competent.

*What does it take to become an elder lawyer and what do they do: Wills and estates, power of attorney? If a person is a lawyer for an elder person do they also have expertise in family law and ... do they have knowledge and training [about] elder abuse and [it] can do in civil transactions like real estate and transfers of assets? [Social Service Provider – Calgary]*

*Seniors can be very isolated ... [or] their legal issue is complicated by the fact that it involves a family member .... Immigrant seniors are even more isolated by cultural and language barriers. Some are sponsored here by family who then hold the threat of taking away that sponsorship over the senior in order to perpetuate abuse. [Policing Services – Calgary]*

*A court preparation program targeted at seniors would be very useful. Many seniors do not know how to access court services let alone navigate the court process ... and some will give up because it's too hard or they think they are being too much of a bother. [Policing Services – Calgary]*

In the City of Calgary, participants reported strong networking among providers working with seniors. Analysis of all other interviews, however, revealed an absence of discussion about seniors and their legal needs. This suggests that seniors are not accessing other services and the providers concerned may not be fully aware of this under-utilization or the particular legal problems older Albertans may face.

### 5.3 User Experiences With Particular Services

The 31 public participants had considerable interaction with some legal services, which largely reflected the well-known services outlined in Section 4.4.2. This section summarizes their experiences with lawyers; Legal Aid Alberta; Court Services and the judiciary; Calgary Police Service; legal clinics and other major non-profit services.

#### 5.3.1 Lawyers

Seventeen public participants had retained lawyers at some point during their legal processes. Seven had used multiple lawyers due to having multiple legal needs, running out of money to pay for lawyers, firing lawyers, or lawyers going on leave. In total, they had retained a total of 26 different lawyers; 15 privately and 11 through Legal Aid Alberta (LAA). Six participants said that they had received good service from at least one lawyer, but 13 had been dissatisfied with at least one of the lawyers they have retained.

*You can't put a price tag on good service. I paid \$3,500 flat rate (one court appearance and a couple of meetings with the Crown) and, while it was tough to part with that money, I felt it was a fair rate and that the lawyer earned his pay. He was very professional. He warned me of possible missteps as it was my first experience with the criminal justice system ever .... [He] was very directive and didn't really explain much or answer questions; rather he simply told me what to do and when to do it. [Member of the Public - Calgary]*

*The lawyer in town is a really nice man. He comes out to do workshops for our group on legal topics. If someone has a legal question that's pretty simple, we can sometimes just call him up and ask and he'll answer for free. [Frontline Social Service Provider - Rural]*

Participants valued lawyers demonstrating professional responsibility and good communication. Unfortunately, these qualities seem hard to find. The examples of dissatisfaction provided in the following quotes are all too common within research reports and media coverage on a national basis.<sup>74</sup>

<sup>74</sup> Public dissatisfaction with lawyers was also a CJSP finding. Media attention has primarily been in relation to costs. See also some of the comments from lawyers in Section 5.5.3 concerning legal aid clients.

*The second lawyer was absolutely horrible. She even did not show up for two court dates; the first one, she sent a colleague but I didn't know this was happening ... The second time, she just didn't show at all. This lawyer would never return my calls or emails. Then I would get bills and have no idea what they were for. There was no break down of charges and I felt the lawyer did nothing at all worth billing for. [Member of the Public - Calgary]*

*My former counsel - he wouldn't listen to anyone. He was convinced, just let [my ex] have her way and she'll be nice with time. And I said "no, that's not going to happen." He ended up admitting to me when I fired him on the spot going into court, "Yeah, you were right." That's an issue I still have to deal with because he's taking me to court for taxation next week. He can't even do his accounting correctly; he's lost about \$6,000 worth of payment. [Member of the Public - Calgary]*

*If a lawyer or two doesn't work out for a client, the assumption is that the client must be the problem not the lawyer. But with our clients we know that sometimes this wasn't the case. [Frontline Social Service Provider - Calgary]*

### **5.3.2 Alberta Court Services and the Judiciary**

Of the 31 members of the public interviewed, 22 stated that they were currently going, or had gone to court regarding their legal needs. They spoke about the Court Registry service, Family Justice Service/Family Law Information Centre (FJS/FLIC), Duty Counsel (which they experience as a courthouse service), court connected ADR options and the judiciary.

#### **• *The Calgary Courthouse Programs and Staff***

Public participants said that the courthouse staff were among the most helpful they encountered at any service. Eleven of the public participants went to the court registry counters for help with their legal needs. Ten found the service themselves. Two were referred, but of these, only one actually went there. Seven reported that the registry staff were able to help with their legal needs.

Six of the participants accessed FJS/FLIC. Three found this service on their own, while the remainder were referred. Three received help with their legal need and three did not, although one of these still found the service useful. Only one said it was not useful in any way.<sup>75</sup>

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<sup>75</sup> Team members were surprised by this relatively positive report of the FJS/FLIC services as on more than one occasion researchers had recorded observations indicating a high degree of client dissatisfaction in waiting areas.

Reports of service quality at the courthouse were generally positive and the new courthouse has united all divisions of Provincial and Queen's Bench Courts in one central downtown location. This improves considerably on the previous confusion of locations. It is, nevertheless an extremely intimidating and internally confusing building, which lacks clear and sufficient signage. Initial experiences of the Team in asking security staff for directions were not very positive. Little was said about the courthouse in formal interviews, but informally, a number of staff members complained about the lack of signage, noting that when they attempted to remedy the problem with temporary paper signs, these were removed by management.

- ***Duty Counsel***

Duty Counsel is variably funded in Calgary. The Provincial Court Criminal and Family Duty Counsel programs are funded by LAA. The Court of Queen's Bench Family Duty Counsel is provided through the Calgary Legal Guidance Centre. From the public's point of view, Duty Counsel is a court service.

Previous research in Alberta and nationally (Stratton, 2007)<sup>76</sup> has reported very positive findings related to family and civil Duty Counsel Programs. ALSMP service providers also held positive views of these programs, but the three public participants using the service expressed mixed feelings.

*Duty Counsel at the courts are really important and really effective and potentially need more people or on a longer term basis. There is a family law Duty Counsel at Queen's Bench available in Calgary on a fairly limited basis. [Lawyer - Calgary]*

*I think I saw Duty Counsel. I talked to someone at the court, but I just wanted to get it over with. The Duty Counsel was going too fast. They needed to see the next person so I couldn't take time to explain what I wanted or to know what they were going to do in court. Duty Counsel told me to plead guilty. But now I'm thinking I shouldn't have, so that I don't have this on my record. I didn't understand that I was loitering so why am I being punished? [Member of the Public - Calgary]*

*I've found [family court] Duty Counsel is kind of a waste of time many times. Yeah, when I was going in to a simple application, she was going to represent me then she disappeared on me. I was left hanging on that one. [Member of the Public - Calgary]*

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<sup>76</sup> Most of the CJSP reports refer to Duty Counsel at some point. See <http://cfcj-fcjc.org/publications/cjsp-en.php>.

High demands on the service and a consequent lack of time to adequately deal with the legal needs involved appears to underlie both user and lawyer comments quoted above. Another participant (actually going to traffic court, but referred by court registry) had tried to speak with Duty Counsel but was unable to because they were too busy.

- **The Judiciary**

Seven of the public participants spoke about their experiences with members of the judiciary. Criticisms made about the judiciary related mostly to ambiguity and perceived unfairness of judges' orders, or to procedural messes and complexity. Tied to their discussions about the judiciary, participants also expressed considerable frustration about the lack of enforcement of court orders. Enforcement is further addressed in Section 7.

Three participants reported being hurt and/or angered by comments that judges made during their court appearances. For example, in a divorce hearing where the husband had complained about having supported his wife financially when they were together, a participant reported that the judge he told her that she "had better be finished her degree by the next time she appeared in court."

*It was first [Judge's name] and then it was [Judge's name] .... It is now seized by [Judge's name] on parenting matters and [Judge's name] for financial matters (child support-section 7 expenses). It is waiting an appeal hearing in Court of Queen's Bench. There's currently 5 case numbers. My new lawyer, she can't believe the procedural mess. [Member of the Public – Calgary]*

*There were 15 to 18 Orders- never explained to you - I could understand the words but I couldn't understand some of the orders. The courts, especially provincially, they're not thinking too deeply about the orders they are writing. Lack of preciseness, ambiguity. [Member of the Public - Calgary]*

*Along with the court order, there's a word for it, goes a number of rules on how things will be handled. The judge didn't include any of that. There were a thousand issues that come up in the first month. The court order wasn't clear on how things were going to be handled, nor is there any way to enforce it. [Member of the Public - Rural]*

- **Alternative Dispute Resolution (ADR)**<sup>77</sup>

Six public participants reported experiences with a range of dispute resolution options. Three participants had used the Dispute Resolution Office (DRO); two went to Judicial Dispute Resolution. All six had participated in a range of processes they perceived as forms of mediation intended to resolve the conflict. Although all six participants clearly distinguished between private and court-connected services, some participants were very vague about which form of court-connected ADR they had attended.

*We went once to mediation. It wasn't ordered by the courts, we volunteered to do it. I believe the process didn't work ... Ours was a case that couldn't be mediated. As explained to me by the private mediator, a party can request anything at all and the mediator can't say "that's unreasonable" or "that's dumb." He has to go along with whatever the demand is and find a middle ground. [Member of the Public - Calgary]*

From the legal service perspective there are important distinctions between the various available options for ADR. For example, DRO is a Family Justice Service, which is a form of non-binding arbitration. It may be entered into voluntarily or mandated by the court. JDR involves a judge who will give an opinion on the probable outcome of an actual trial. This is only an opinion and not binding on the parties. There are also a variety of mediation options, some mandatory and some voluntary. Some are associated with various courts, others private. There may or may not be a fee and participants may self-represent or bring a lawyer. In addition FJS has several high conflict assessment services, which may be combined with other ADR options.

The language of participants' discussions makes it apparent that all forms of ADR are essentially perceived as 'mediation' - even when presided over by a judge. Participants tended to consider services such as Brief Conflict Intervention, Contact Evaluations and psychological assessments as kinds of mediation attempts. Several participants mentioned Parenting After Separation in the context of discussions about ADR/mediation and a close look at these six interviews suggests that people may not make a distinction between legal ADR options and any other avenue for conflict resolution or reduction.

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<sup>77</sup> We would like to thank representatives of Alberta Justice LInC and FJS/FLIC services for assisting us to sort out and clarify the complex discussions of participants concerning ADR. We also note the usefulness of the print form of the 2009 Court Calendar in providing descriptions of the many services now overseen by Family Justice Services. This input has allowed us to offer a stronger revised version of the ADR discussion.

*I went to all the mediation/counselling appointments within the first year of being separated. None were helpful at all - they were a waste of time. The counsellor was really not effective. I would not recommend court mediation services to anyone. Couples should never go to mediation when abuse is involved but they didn't qualify my situation as being abusive even though I told them, because there was no proof. ... None of the Counsellors were helpful at all. ... [The JDR] was highly ineffective. [the judge] didn't know how to handle my ex and was intimidated and manipulated by him. [Member of the Public - Calgary]<sup>78</sup>*

All six participants (four women and two men) reporting ADR experiences were in high conflict situations involving contentious and complicated legal battles that had been ongoing for three to six years at the time of the interviews. Allegations of abuse were present in all cases as was contested child custody and visitation. Several of the participants originally participated in an ADR process voluntarily, but all six concluded that mediation of any kind was not helpful or appropriate in their circumstances.

Representatives of FJS are very concerned that anyone should end up in mediation along with an abuser. The Family Mediation Program has an extensive intake protocol designed to prevent this happening. Nevertheless, at some point in the process the two parties in these six volatile cases attended at least one form of ADR or conflict intervention together, and some of these occasions involved FJS services.

On the whole, the participants were relatively positive about FJS services other than DRO. The one man and two women who had experienced this process were entirely negative about the process. The following quote summarizes the experience of a participant that attended DRO with three different officers.

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<sup>78</sup> This participant only attended one appointment at Family Mediation and went alone. It seems likely therefore that this was the intake assessment and mediation was not recommended. However, the parties did end up in a JDR process together. She also attended a variety of other court-ordered and private counselling all of which she appears to group together in evaluating the outcomes.

*We went through the DRO three times. All three times were a total, total, waste of time. I have nothing good to say about that process. The first time we went I didn't know what I was going to. My wife suggested we go; it wasn't mandated. I thought the lady was biased. ... The second time we went it was mandated. Both of our lawyers said it was a waste of time. What's more, downtown Calgary is not the most convenient place. Both lawyers are paid to sit there. It lasted five minutes. The lady slammed her book shut and said we're wasting our time. Everyone had predicted that. The third time we went, the guy was about 20 minutes late getting there. He said "time was short - let's just have one success here." The one thing he suggested is that we go and find a parenting expert, so I spent a couple weeks on the phone trying to pick one. I found one, only to be told by the other lawyer that they demanded a Practice Note 7 intervention. The lawyer I had at the time didn't offer that service, so I had to find someone who did. The third DRO mediator didn't really send us in the right direction and didn't have an understanding of what the other party wanted or was requesting. .... I think mediation is probably a great tool if people can be mediated... then what? [Member of the Public - Calgary]*

Lack of experience in family law and/or dealing effectively with abusive parties were complaints made by all the DRO and JDR participants. Two of the participants personally like the ADR process, particularly commenting that the judge/mediator took time to explain the process. However, they said the Judge/mediator was unable to control the other party.

*I went to mediation with a judge [who] was nice but forced me to sit beside my ex. I would never recommend mediation when abuse is involved. My spouse self-represented. He would threaten me right in front of the judge ... He was never reprimanded .... [He] was constantly threatening murder/suicide and a number of the professionals involved really didn't know how to deal properly with situations where abuse is involved. [Member of the Public - Calgary]*

*There was a ... Brief conflict intervention [mediator]. He was actually very good but he was no match for my ex .... [he] spoke to us both beforehand and explained how it works and he guided the whole process. I had to ask a lot of questions he didn't just give information but he was able to clarify it. He was a very good mediator. [Member of the Public - Calgary]*



The researchers found it challenging to sort out and understand the various options and it is not surprising that litigants under stress often do not fully understand the process in which they are involved. From the public perspective, the options amount to a bewildering range of different forms of *mediation* intended to achieve agreement between the parties without. Legal distinctions between purpose and outcome of programs are not meaningful to the service users.

ADR may be very effective for people in less volatile situations; however, the experiences of the ALSMP participants suggests a need to more carefully evaluate the process that assigns parties to Court-connected ADR options. There is also an indication that those overseeing ADR processes would benefit from additional training.

### **5.3.3 Legal Aid Alberta – Certificate program**

LAA is responsible for a number of legal services (Alberta Law Line, Brydges, Central Alberta Law Office, the Family Law Office, Duty Counsel, Immigration Services, and the Youth Criminal Defence Office). The public does not always realize this and tends to associate legal aid with getting a certificate for legal representation, which LAA regards as the last resort for clients. Certificates are issued when a client qualifies for representation by a staff lawyer or a private bar lawyer who is on LAA's roster of lawyers.

Eleven participants had applied for a LAA certificate and nine applications were successful. Additionally, two wanted LAA services but did not formally apply because they believed they would not meet the income cut-off.

These participants proffered a range of criticisms about legal aid, underlining the following areas of concern, which were also identified by a number of service providers:

- Eligibility for Legal Aid
- Scope of Legal Aid coverage
- Application process
- Legal representation - process and quality
- Access in rural areas

All of these concerns have been previously documented (Gander et al, 2005; PRA, 2007; Stratton, 2007). The inadequacy of the financial eligibility and scope of legal aid is a longstanding and nation-wide access to justice issue. It cannot be addressed directly or solely by LAA but must engage policy makers and funders nationally and provincially.

Some issues raised by participants can be addressed at the local level, including improved clarity and application of existing LAA eligibility, coverage and repayment rules already discussed in Section 4.4.3. All of the issues raised below were also reported in the LAA needs assessment conducted by Prairie Research Associates (PRA, 2007).

- **The application process**

*Everyone has a right to appeal [a legal aid decision] which again gets an opinion - merit and chances of success and this can take quite awhile. [Frontline Legal Service Provider - Calgary]*

*If they get denied I tell them to appeal, because 50% of the ones who appeal are accepted. And that's because the [initial] screening is done by a receptionist, who has a checklist, and it's often a little more complicated than that. However, legal aid is stretched to the hilt, they don't have enough money in this province and they have to turn a lot of people away. [Legal Service Provider/Lawyer - Calgary]*

Participants complained that the LAA application process is convoluted and time-consuming. Civil matters in particular are usually turned down at initial application and require an appeal - but not everyone (especially the public) is aware of this. When this happens, critical time is lost in dealing with the legal problem. Furthermore, although it is not supposed to happen, ALSMP, SRLMP and CJSP researchers have repeatedly heard that would-be applicants are often 'assessed' and turned away by reception staff, who do not have sufficient training to make such judgements.

Once a certificate is issued a lawyer must still be found to take on the case.

- **Legal representation - process and quality**

*Legal Aid is good because it provides representation, but it's pretty bare bones. It all depends on the lawyer you get and you aren't going to get much time. I have heard of this happening to other people too: if they were using Legal Aid, then their lawyer wasn't paying attention to them. [Member of the Public - Calgary]*

*Lawyers that are paid [by clients directly] seem much more effective; give more complete coverage [of clients' needs]. I received no proof where my legal aid lawyers spent the money that I have now been billed for. [Member of the Public - Calgary]*

In Section 5.3.1 we note that the satisfaction of clients with private and legal aid lawyers was equally low. There is, however, a persistent perception among clients

and service providers that people with a LAA certificate receive a lower quality of service. One participant reported that the lawyer retained with a certificate actually stated a preference for private clients. Another participant wondered if “it is unreasonable to expect the same quality of service as somebody who can afford to pay more.”

A legal service manager observed that matters covered by legal aid were constantly adjourned by the lawyer. Other LAA clients expressed concerns that they were not properly informed about what the approved LAA money was actually spent on. Some complained of unexpectedly receiving notice that their funding had run out, necessitating they re-apply to LAA before their lawyer would continue work on their cases.

*Legal Aid rates are problematic in the amount of the tariffs as well as the time limits on the tariffs. It ends up being more of a “pro bono” thing, unless you have a lot of legal aid files. Increasing legal aid rates would be crucial. [Lawyer - Calgary]*

*I mean, I would be glad to put my name back on the legal aid list if they paid...I mean eighty four an hour is not bad but if they paid a hundred an hour and then made it easier .... fifteen years ago, I did a lot of that legal aid. It drove me up the wall. Then they prosecute these lawyers because we didn't put proper things down. I mean maybe I don't brief a case for every criminal file I have but why don't you pay me anyway, you know? I spent ten hours briefing the last file and you paid me for three, well where's my other seven hours? [Lawyer - Calgary]*

*There may be a wait list through Legal Aid. My practice has been very busy for some time, and in the past year particularly, it has been difficult to find another lawyer if I can't take on a case. [Lawyer - Calgary]*

Comments from the 11 Calgary Judicial District lawyers who participated in the ALSMP tend to echo, rather than refute the concerns expressed by clients and other service representatives.

Lawyers concurred with concerns about eligibility criteria and the amount of coverage available and tended to consider that the LAA payment was too low, with some saying that in order to make a living they took on more LAA files than they could comfortably manage.

- **Access in Rural Communities**

Legal aid is intended to be equally available to all eligible Albertans. There are few LAA offices or permanently placed staff in the communities outside of Calgary. LAA visits some communities but does not circuit in others. Participants reported that accessing legal aid outside of the city of Calgary is especially difficult:

*A gap in the rural areas is that Legal Aid is not very accessible, making Legal Aid practically unavailable for some. Going into Calgary to apply is not convenient. It would be good if there was somewhere nearby, within the community or surrounding communities, where a Legal Aid agent would stop by once a week or so to take intake applications. [Frontline Social Service Provider - Rural]*

*[LAA is here] only 2 days a month ... If you can't go that day, or if you need something [after those days], you can't always wait to see them. Even after you go see them there is a time delay.... Many times the husband has access to considerably more money and he can be in there with his good lawyer and she's there by herself. Things just get delayed and she has to keep going to court. [Frontline Social Service Provider - Rural]*

### **5.3.4 Police Services**

The ALSMP public participants did not seek out police assistance, although 16 reported involvement with the police (three of these with RCMP outside of Calgary). Nevertheless, when people have legal (or social) problems that they perceive as urgent, the police are frequently the first resource that they seek out.

*There's just nothing we can do for the person because it's not a criminal matter the police can deal with and none of our referrals are appropriate or they already know about them. [Police Services - Calgary]*

Police services may be the only services present in a community, or the only one residents readily know about. Input from Calgary Police Services and the RCMP underline this.<sup>79</sup> Police responsibilities are however, limited and place restrictions on

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<sup>79</sup> Nine members of the Calgary Police Service participated in interviews. Two additional members provided information about services they provide and initiatives that directly relate to themes that emerged from this research. All participating officers were in supervisory positions. RCMP Officers in five rural communities also participated.

what needs officers can respond to and what actions they can take when responding. They are often unable to address the problems that individuals present. Knowing where to send people for help would be of significant support to front-line officers.

Many service providers and some public participants recognized the restrictions police face, commenting that police do well with available resources. Even some participants facing criminal charges spoke highly of the police.

Service providers in Calgary and surrounding communities gave examples of collaboration between their organizations and police services. A social service provider told of working with the RCMP and Service Alberta to successfully end a fraud involving International Drivers Licenses. A Legal service provider described a collaboration to share (with permission) information among services assisting victims of sexual assault and ensure that appropriate referrals are provided.

*Police need more support, wouldn't mind seeing more cops. They can always use more help. [Member of the Public - Calgary]*

*We went through a lot of Police questioning. The Police officer who took on our case decided that there was no way we [did it]. He wrote up a big report about it saying that [was] his opinion. He also came to the [hearing] to say the same thing, which was good. [Member of the Public – Rural]*

*I spent one night in jail. The police were very respectful and helpful. They gave me pamphlets about AADAC and other programs. [Member of the Public - Calgary]*

As documented in connection with the homeless population [Section 5.2.7], there were also significant complaints about police attitudes and behaviours. In addition to the treatment of the homeless, several other participants expressed a lack of trust in the police integrity including the complaint process. Unnecessary use of police force was a recurrent complaint.

*I want to show in court that the Police were unnecessarily forceful with me. I need to get a hold of the pictures that the Police took of me when they were arresting me to show the damage to my eye. A guard at the Remand Centre made a copy of them and gave it to me to use as evidence because the guard said I didn't belong in there and they should never have taken me in.*  
[Member of the Public - Calgary]

*Police brutality... well, if there's an internal investigation ... that's going nowhere .... The officer gets suspended with pay pending investigation .... it'll take 4 years.*  
[Member of the public – Calgary]

*I was mad. Someone at the CUPS helped me write a letter to the police to complain about what they did. A staff sergeant phoned [service] to talk to me about the letter. He asked me about what happened and said that the police, when they were asked about what they did to me, said that it wasn't as bad as I said it was. I told the staff sergeant that it was. That was the end of it - they never called me back to tell me what happened out of the complaint. I don't know whether anything happened, except that now the cops are better at leaving me alone. I asked if I could go to the police station to talk to them and talk to the guy; they said they would deal with it. They made the illusion they would deal with it, but I don't think they did.* [Member of the Public - Calgary]

Service provider and police participants were equally concerned about police ability to respond effectively - and safely - to domestic violence. Limitations on police ability to respond can be extremely frustrating for public, police, and related service providers, especially when victim and responders are in physical danger.

Victims of violence and the service providers working with them flagged the problem of getting police to enforce “no contact” orders. Police, especially in small communities, were acutely aware of both the danger of violence and the socio-economic impact of mandatory charging and the enforcement of some orders.

*I have called the police about the breach of orders. They can't do anything because it is not in the CPIC system. My ex had breached at least 3 times and I had reported 3 times [but] it is not served so we cannot do anything. That is the legal system I have to work with. [Member of the Public – Calgary]*

*Enforcement of no contact orders ... HUGE, HUGE issues. They get an order, the perpetrator breaches, they call the RCMP [who] say it's not that bad, or say, "what do you want us to do about it?" So if they insist and they are really bitchy eventually the RCMP may pick the guy up and say, "naughty, naughty don't do it again". At which point the guy beats the shit out of the victim because she called the police [Frontline Social Service Provider - Rural]*

*The mandatory charging policy for domestic violence can have a big impact on families living in or near poverty. When you call the police because your partner has been violent, they take that partner away and there's an order so you can't see one another. Then you need two houses, and you can't share a car. There may be legal and childcare expenses. It puts a financial strain on families. Then if they are back together and it happens again, I think sometimes they don't call the police the next time .... I don't disagree with our policy - I just think it creates new issues. Poverty is a trigger for domestic violence, we know that and I think we have under-reporting of domestic violence because people are afraid of the financial costs of reporting. [Policing Services – Rural]*

One police officer summed up the problem: “domestic violence is a social ill - to address it using the criminal code only is ridiculous. It needs a holistic approach.”

### **5.3.5 Community Clinics and other Non-Profit Services**

Nine public participants had accessed Calgary Legal Guidance (CLG). Six were referred and three had found it on their own. Five found that CLG could help with their legal need and 4 said it did not. Only two spoke highly of the usefulness of the service, while five gave mixed reviews. Only two said it was of no use, even though their legal need was not addressed.

No participants found Student Legal Assistance (SLA) on their own. Three reported referrals, but only two actually went to SLA and they both said that the service did not help them with their legal need.<sup>80</sup>

<sup>80</sup> The University of Calgary campus is far from downtown and outside of the C-Train free zone. This likely affected the ability of these participants to follow-up on the referrals.

The only other non-profit service mentioned was John Howard, with one participant saying the service wasn't helpful with his need. Public participants did not elaborate much on their experiences with any of these services. CLG was one of the more frequently reported referrals given by service providers, who also had very little to say about the clinics and major non-profit services. Participants were not asked about specific services by name, so the reasons for this are unclear. However, we can observe that much was said when there was real dissatisfaction with a service.

## 5.4 Consequences of Not Using Legal Services

*I feel now [that] it is important to keep a list of issues that come up after the legal process begins because when you begin with a potentially simple legal need and don't get effective legal service, it spirals into multiple problems and impacts all areas of your life. [Member of the Public – Calgary]*

The lack of systematically collected statistics on legal service usage, and the difficulty of engaging large samples of service users means that there remains much to learn about when, why and how people recognize and seek to address a legal problem. The frequency with which the general public has a legal need and the negative costs of not addressing it are, however, well established. If legal needs are not resolved promptly, overall social problems tend to increase, leading to additional legal issues which form a 'cluster' (Currie, 2007, 2009; Genn, 1999; Pleasence, Balmer & Buck, 2008; Stratton & Anderson, 2008a). ALSMP data also reveal this tendency.

Unfortunately, the participant's story quoted below is not exceptional. One unresolved legal problem can quickly snowball with devastating results. Several of the participants became homeless after unresolved legal matters got to be out of control. Also typical of clustering problems is the interaction between criminal, civil and administrative areas of law that become coupled with health and economic issues, all of which serve to spiral additional individual consequences and costs to legal and other social systems.



*My court date with a magistrate, that the Duty Counsel had set, came up last week - my court date that was put off for a year. But I got ... mixed up. I arrived too late. I talked to someone from the Calgary Police Service at the courthouse and he said there would be a warrant issued for my arrest and that I would have to turn myself in. There was nothing that I could do to avoid the warrant. The other problem is that ... my whole immigration process ... is in limbo based on the outcome of this .... and now I can't work anywhere because I ... didn't have permission to work in Canada. Even now that I do finally have permission, no one wants to hire someone who might not be able to stay in Canada, who hasn't worked for the last year, and may have a criminal record soon. My husband broke his arm a few months ago and was laid off from his construction job as a result. He has an Employment Insurance claim in right now, but it's taking a while to get sorted out. We are at the mercy of the system. We have no income and with things the way they are in the economy, he can't get hired onto a new job. We have no money and so we just lost our home. We are now living in a homeless shelter. Things just get worse and worse for us. [Member of the Public - Calgary]*

ALSMP data, coupled with other research, allowed identification of the kinds of clusters some groups were more likely to experience:

- Acrimonious family disputes are the most frequent cluster, especially when criminal charges for domestic violence are part of the mix. Divorce, child custody or protection, child and/or spousal support are almost inevitable. Foreclosure, eviction, bankruptcy, substance abuse, employment and health issues frequently are either part of the initial problems or develop when legal matters remain unresolved ( Stratton & Anderson, 2008a).
- New Canadians, especially Temporary Foreign Workers, are likely to experience immigration problems that cluster with accommodation, employment rights and workplace safety. Domestic violence is also quite common.
- Youth in the juvenile system are likely to have experienced sexual exploitation or abuse and have substance abuse problems. It is well documented that these youth are also highly likely to have been the subject of earlier child protection cases (Select Standing Committee on Children and Youth, 2009).

Legal service delivery that effectively meets the needs of Albertans must understand the likelihood of problem clustering. The optimum goal is to avoid the development of

clusters by addressing and resolving problems quickly; however reaching that goal will need to include a holistic approach to service delivery.

## 6. IMPROVING LEGAL SERVICE DELIVERY IN THE CALGARY JUDICIAL DISTRICT

The findings documented in Sections 5 and 6 of this report provide the foundation for identifying 'gaps' in current services. The third primary research question asks:

*How can current legal services be enhanced to better meet client needs and how can service gaps be effectively filled?*

After consultation with stakeholders it was agreed that for the purposes of providing recommendations to define 'gaps' as *any unmet legal service need*. There are then, three basic strategies to address gaps that build on the foundation of existing service strengths:

1. **Cohesion and Coordination:** Identify ways in which existing service delivery can be made more effective by improving internal service cohesion and/or coordination with other legal, social and health services in the judicial district.
2. **Enhancement and/or Expansion:** Identify current legal services in the judicial district that are effectively meeting the needs of Albertans and enhance current service delivery by expanding the capacity and/or scope of those services to address unmet needs.
3. **New Services:** Identify any remaining gaps where no current services exist and develop services accordingly, building on what already works well in Alberta and, where necessary, learning from legal service models elsewhere.

These three strategies are considered in relation to recommendations offered for each gap discussed within this section. It is, however, important throughout to keep in mind a pivotal conclusion of the ALSMP findings: *current service delivery is extremely complex*.

As reported in Section 4.2, the Team did not identify any actual duplication of service. Where more than one organization provides a similar service, it is warranted by demand.<sup>81</sup>

The many findings reported in Sections 4 and 5 have the potential to generate full recommendations about each issue covered. That level of detail cannot be included in this report.<sup>82</sup> What we have done is to identify the key recommendations, relevant

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<sup>81</sup> Without actual user statistics this assertion rests on other forms of evidence: the observations of researchers; the opinions of the service providers; and the prevalence of legal problems (potential need) indicated by statistics from the national research outlined in Section 5.1.2

<sup>82</sup> The Alberta Legal Services Mapping Project team welcomes further specific inquiries related to any findings or recommendations within this report that might assist with specific action responding to the evidence or recommendations offered.

to the Calgary Judicial District, that respond to both the primary research questions and the themes that emerge from the sum of all available evidence. Recommendations offered in Sections 6 and 7 of this report have been developed from a combination of evidence and analysis:

- The evidence related to current services presented in Section 4 above.
- The perceptions and experiences of service providers and users as documented in Sections 5.
- The observations of the Research Team as these are relevant to discerning among differing opinions present in the interview data.
- The legal service experience of project Research Directors, Advisory Committee and Working Group members.
- Other research and models of successful service delivery.

The recommendations provided fall into three broad areas:

1. **Gaps generally applicable to all legal services:** Recommendations 1-24 in Sections 6.2 - 6.5.
2. **Gaps that are organizationally specific:** Recommendations 25 – 39 in Sections 6.6 - 6.9.
3. **Gaps that result from structural issues:** Recommendations 40 - 45 in Section 7.

Explanatory discussion, summarizing the findings and related conclusions accompanies each set of recommendations. Appendix J provides a summary of the 45 recommendations along with helpful models and suggestions for taking a lead in the justice community.

## **6.1 Improving information about legal processes and services**

ALSMP findings, concurring with previous research, strongly underline that lack of knowledge and understanding about legal process and services is not a problem confined to the public. There are two interrelated components involved in improving current knowledge about legal matters and processes and the related services available. One is to increase information and understanding of current legal services and what they can and cannot do; the other is the role that PLEI does and/or can contribute to legal understanding.

### **6.1.1 Knowledge about existing services**

Improved information about existing legal services that is clear, specific, informative and readily accessible to all service providers and the general public is essential.

The need for improved legal knowledge is an internationally shared problem (Gander, 2003; PLEAS Task Force, 2007). Cohesion, coordination and sharing of existing resources must be a primary goal. Most ALSMP participants from all groups self-identify a need for better information about available legal and related support services. Service providers are keen to provide good service and enthusiastic about opportunities for knowledge sharing. The findings also show however, that acquiring information about services is a major challenge – even for highly educated and trained researchers with time to devote to the task. When these are the conditions of finding even basic information about legal issues and services, blaming the public for their lack of understanding is not an appropriate response.

We suggest that addressing the problem involves taking an expansive view of the mission of PLEI. According to Gander (2003, p.4), there is no consensus on what PLE is or how to do it. She suggests, however, that the ultimate goal should be “to assist the public to understand that the justice system is a public institution - that they are not just the beneficiaries of the system but the stewards of it.” She continues that PLEI should both “make the system more comprehensible to the public [and] help the system be more responsive to public needs and more welcoming of public involvement.” Gander further argues that PLEI is “a multi-functional tool that can be used alone or in combination with other services to meet a variety of objectives.”<sup>83</sup> Taking this view, PLEI should be regarded as an essential resource to inform, educate and support legal and other service providers as well as the general public.

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<sup>83</sup> Lois Gander is based in Alberta and is a nationally respected PLEI expert. The UK PLEAS Task Force makes similar arguments and also notes that “to be effective the PLE strategy needs the widespread participation of its diverse range of providers.”

## Recommendations

1. Enhance the websites of current services to ensure that the site and related services within it:
  - a) can be readily identified in broad searches for related legal information (e.g.. via Google);
  - b) are easy to navigate;
  - c) have up-to-date, clear, accurate, service information that sufficiently explains what the service does, who is eligible to receive it, and how they can do so.
  - d) to facilitate the above, create templates and guidelines for the content of legal service web pages.
2. Commit resources to maintaining, expanding and enhancing the prototype database containing information collected by the ALSMP and ensuring that it is readily accessible to all Albertans. An informative model is provided by BC Clicklaw.<sup>84</sup>
3. Simplify, clarify and coordinate eligibility criteria within and across legal services.
4. Support and facilitate opportunities, internal and external, for service providers to keep informed about their own and related legal and support services.
  - a) Provide internal service information in ways that keep it current, accessible and usable.
  - b) Encourage and facilitate effective networking among a broad range of legal and related services in the Calgary Judicial District and elsewhere in Alberta, as is useful.
  - c) Consult with management and frontline staff to determine the most effective ways to achieve information-sharing and ensure appropriate referrals.
5. Service provider networks (legal, health, social) encourage all participants to bring information about their services to these events, and provide opportunities for discussion about these services.
6. Identify the most effective advertising media by drawing on studies that evaluate successful for-profit commodity advertising and public sector campaigns (such as those related to health).

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<sup>84</sup> Clicklaw is the product of an extensive and long-term collaboration of BC PLEI providers. Details are available at <http://www.clicklaw.bc.ca/> and in Reid et al (2009). ALSMP and Clicklaw team members have met and consulted on the two projects. BC has some very strong, well-established PLEI producers and has begun a process of better coordinating these resources by creating a searchable PLEI database. Responses have indicated a need to also provide details about available legal services. The ALSMP has begun at the other end of this overall enterprise, focusing on legal services.

## 6.1.2 PLEI - Ensuring an Effective Foundation

*Sometimes it's just about having some information about their legal rights .... It has an effect on their care - it relieves a lot of pressure if they know this way or that way what their rights are. It would take a load off, they could know what to do or what not to do. They don't know where to find that information or they're fearful .... of not being able to afford legal services. [Health Service Manager- Rural]*

More coordinated delivery is needed of existing public legal information and education (PLEI) resources. There is room to significantly improve awareness and sharing of these resources among legal, health and social service providers, who are access gateways for the public.

Good PLEI is valuable. According to ALSMP participants it can:

- ✓ Reduce public fear and confusion concerning legal rights and responsibilities.
- ✓ Provide understanding of specific laws along with related legal procedures.
- ✓ Provide guidance on how to address specific legal problems.
- ✓ By reducing anxiety about legal matters, also make a positive difference in responses to and outcomes of other health and social issues and related available assistance.
- ✓ Reduce costs associated with legal matters by providing basic legal information and helping people to ask lawyers and other legal service personnel the appropriate questions.

*When you pay [a lawyer] 400 bucks an hour, you don't want to spend a lot of time getting them to explain it to you. When it comes to that it's intimidating. You want to get in and out as quickly as possible. You're under a little bit of pressure there. If somebody could send me home and say "this is where you go to read about it," I'd rather do that. I could learn on my time rather than on the lawyer's. [Member of the Public - Rural]*

It must, however, be understood that there are challenges to creating good PLEI:

- In Alberta, most formal PLEI is created at a provincial level. Therefore, the Calgary Judicial District alone cannot address root problems.
- Although most often referred to together, there is a difference between public legal *information* (usually considered to be sources such as pamphlets,

booklets, websites about the law/legal systems/legal procedures) and public legal education (referring to courses, workshops, seminars where there is an active learning process about the law/legal systems/legal procedures).<sup>85</sup>

Neither of these definitions acknowledges the role of in-person interactions with legal service providers – the source learning the public most value.

- Information is constantly changing and requires constant updating.
- There is widespread public apathy about legal matters until a critical personal need is encountered. The everyday influence of laws on our daily lives is not generally recognized. Richard Susskind suggests that we need to think of access to justice as not just about improved understanding of legal matters, but to draw analogies from the world of health care, and recognize that access to justice is about dispute avoidance (prevention) and also legal health promotion. (Susskind, 2008 at 230-232)<sup>86</sup>
- The public are diverse and have many different legal needs requiring PLEI that is tailored to varying degrees of literacy in language, numeracy, technology and legal culture. PLEI needs to be provided at different levels and in stages of complexity.
- To be effective, PLEI must fall into “in the paths of people.” But findings show that those paths are anything but direct.

The ALSMP data did identify some PLEI gaps that should be addressed within the Calgary Judicial District:

- There are considerably fewer services providing PLEI of any kind available in communities outside of Calgary (see Section 4, Table 2). What we cannot say conclusively from the ALSMP research, is the degree to which these services are aware of and have all available PLEI materials.
- The majority of formal information resources available are print materials available in hard copy or on the Internet. There are also some videos (Appendix I). There is no reason, therefore, that these materials should not be equally available across the Judicial District. However, the need for improved communication concerning available PLEI was a notable finding of the CJSP (Lowe, et al, 2004). In particular, responsibility needs to be assigned for sharing, collecting, and replenishing PLEI materials. In so far as ALSMP data allows, we suggest that this situation applies across the Calgary Judicial District.
- The most frequently reported ways of providing information were in person and telephone in all four main areas of law. Therefore, extending these services to all communities involves increased awareness and where necessary, enhanced delivery capacity.
- Only some organizations providing PLEI indicated a distinction between information and education resources. Based on the available

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<sup>85</sup> There are no agreed or commonly used definitions. We offer these examples for better understanding.

<sup>86</sup> Reprinted with permission in *News & Views* Issue 12 at page 3. Available online at: <http://cfcj-fcjc.org/docs/2009/newsviews12-en.pdf#page=3>

reporting, there are very few PLE resources and almost of all of these are concerned with criminal law (14 in Calgary and 12 among the other 18 communities). Some of this PLE is available only in the form of written material.

- In Calgary five civil PLE resources have been identified; four administrative; and three for family law. In communities outside of Calgary, apart from criminal, only two PLE resources are reported, both for civil matters.
- Again in keeping with the CJSP findings, ALSMP participants pointed to a particular need for PLEI that explains legal process and tells people how to actually get things done. The tip sheet from the Queen's Bench desk was specifically mentioned as useful at explaining how to do things in an impartial way.
- A lack of PLEI resources in languages other than English has been identified.
- There is also clearly a lack of PLEI resources which will have to be addressed. For models which could easily be adapted for Alberta, see the Justice Education Society (<http://www.justiceeducation.ca/>) and the BC Supreme Court Self-Help Information Centre (<http://www.supremecourtselfhelp.bc.ca/>).

The final ALSMP report will be able to offer a province-wide look at PLEI issues. The Team is collecting PLEI that they come across during the research (much as the public might find it as they visit services.) This will allow a snapshot of what seems to be most available from services but does not tell us anything about the overall amount of currently created PLEI or its effectiveness. A full assessment of PLEI in Alberta would, however, be a separate project, also of a challenging nature.

Findings in the Calgary region suggest that there is probably a need for new PLEI – especially alternatives to print materials. Currently available information is not, however, sufficient to determine precisely what these should be.

Findings also point to a lack of overall coordination of PLEI production, content and distribution, but we cannot draw such a conclusion empirically based on data from only one jurisdiction. This finding is, however, in keeping with previous observations concerning PLEI in Alberta (Gander, 2003). We would therefore anticipate a recommendation in the final project for the prioritizing of an initiative that established, at the provincial level, a collaborative committee tasked with the coordinating the creation and delivery of PLEI in Alberta.

At this time, we offer the following preliminary recommendations which are confined to action that can be taken within the Calgary Judicial District.



## Recommendations

7. Parent organizations and local Calgary management take equal proactive responsibility to communicate about PLEI they produce, working together to ensure:
  - a) local services know about and are supplied with all available materials relevant to their service and relevant areas of law, and to other services of the parent organization;
  - b) responsibility is assigned, throughout the relevant hierarchy, for informing, supplying, displaying and replenishing PLEI materials;
  - c) that services with outreach components take the initiative in providing available PLEI to local services that are pivotal information points for Calgary Judicial District communities (see Recommendation 16).
8. Local organizations of all types are proactive in asking legal services to which they refer or receive referrals, to provide to them available PLEI materials so that these can be made available to clients.
9. In collaboration with provincial, and where appropriate national PLEI producers, efforts should be made to identify or create resources in languages that correspond to the ethnic diversity in the Calgary area.

## 6.2 More Affordable Legal Advice and Representation Options

That there are relatively few options for affordable legal advice and representation is clearly demonstrated by the findings presented in Section 4. Middle income Albertans are most underserved as they can neither access low-income options such as legal aid nor afford to retain a private lawyer beyond a very minimal period of time. Even for Albertans meeting low-income criteria, with the exception of serious criminal charges, the scope and/or depth of advice and representation available is extremely limited.

Finding a lawyer outside of the city of Calgary will be difficult even for those who have a LAA certificate, or can afford a private lawyer. While 3,000 lawyers practice in the city, just 82 are located across the 18 communities – 45 of those concentrated in Airdre, Canmore and Cochrane. Several towns have just one lawyer.

Providing affordable options is complicated within traditional definitions of ‘advice’ and ‘representation’, and rules to protect against client conflict. This problem is now well recognized across Canada and the Alberta legal community recognizes the seriousness of this problem. Some important initiatives are in place or underway, to assist in meeting the need.

Relevant to Calgary are:

- ✓ The Law Society of Alberta is reviewing Rules of Practice relating to paralegals, unbundling and conflicts.
- ✓ The opening of a Law Information Centre (LInC) in the Calgary Court Centre.
- ✓ The formation of *Pro Bono Law Alberta*.
- ✓ Continuation and expansion of Duty Counsel programs offering brief advice and representation.
- ✓ Evaluation and continued development of the Alberta Law Line.
- ✓ Existing advice services of Calgary Legal Guidance.
- ✓ The advice and representation services provided by Calgary Student Legal Assistance.

It is important to build on these existing strengths, but even with enhancement and expansion, new and innovative options are needed. Two widely debated options are:

- ‘Unbundling’ (providing clients with partial legal services increasingly referred to by lawyers as ‘limited scope retainers’)
- Increased use of paralegals in association with a variety of legal services.

Due to stakeholder interest, ALSMP legal community participants were asked their views on these possibilities and we summarize the Calgary area finding here.

### **6.2.1 Unbundling - the possibilities**

*There are many issues that come up but, as a whole, it is a good idea because the cost of legal services is so high and legal aid meets only a small group. If appropriate rules and safe guards were put in place, it could work. Middle class people are really caught. If you make \$50,000.00, to pay \$10,000.00 for legal fees is ridiculous. Perhaps unbundling services for that particular population would be an answer. Family law is the one area that is the most difficult. Other than criminal law, most law can be reduced to money but family law has emotional baggage. [Lawyer - Calgary]*

Unbundling is not a clear-cut issue. Legal community opinions concerning it are divided and the opinions of ALSMP participants about the possibilities of unbundled services reflected this:

- Participating lawyers were generally cautious about unbundling. It was suggested that most lawyers don’t really understand all the issues involved and find the notion “scary.” Others thought it could be helpful for some clients and also for lawyers – saving time for some (especially if paralegals were used) and helping to build practices for young lawyers.

- Only sole purpose legal service providers were asked their opinion of unbundling legal services. Unbundling was explained to them as being “legal professionals who would help with only specific parts of legal processes (such as limited retainers to speak for clients in court, negotiate settlements).” Even so, 23% did not answer because they felt they had no real understanding of the role partial services might play.
- The apprehensions of lawyers and service providers focussed on the adequacy of partial legal advice to fully understand and represent an issue. It was felt that most people would need a lawyer to first help ‘unbundle’ the issue at the outset in order to even assess what partial services would be needed.
- Service providers who had some experience with partial service options tended to be more positive about the idea.
- Those who were supportive of unbundling offered specific suggestions of the role it might play:
  - ✓ Basic advice about a legal issue before any action is taken or documents are filed.
  - ✓ Helping to fill out and file forms, especially in connection with existing services such as the FJS/FLIC and LInC.
  - ✓ Preparation for evidence and affidavits.
  - ✓ Doing calculations for child or spousal support.
  - ✓ Explaining court procedures specific to a case.
  - ✓ Interpreting law.
  - ✓ Negotiating settlements.
- Participants thought that it would be necessary to coordinate unbundled options, suggesting this might be done through the LInC, which would assess and triage the legal problem and then refer people on to appropriate advice and representation options. Having a lawyer on staff at the LInC to do this was a solution thought to alleviate the concerns some expressed.
- Comments from the minority of participants who were adamantly opposed to the idea of unbundling suggest that their concern was more with the motive underlying a move to that type of service. In particular, there was a fear that partial services would be used to *replace* existing options for full representation. For example, cutting current legal aid representation rather than expanding current scope and eligibility.
- Some other concerns suggested misunderstanding about what kind of services would be involved. Advocates of unbundling present it as a strategy that is part of a holistic service approach, but a few participants perceived it as fragmenting legal services into specialization areas. Others are confused by the line between accurate legal information and actual advice and representation (for example, information about in which court a legal matter should be filed).

There is no question that the provision of unbundled (partial) advice and representation services must be very carefully considered and planned. Ideally

everyone needing these services should be able to access all the advice and representation necessary to resolve their legal matter. As this is currently an unrealistic goal, effective alternatives must be found.

### **6.2.2 Paralegals – an increased role**

*The use of paralegals in practice is a good thing. A lot of the documentation required is relatively straightforward and can be dealt with by paralegals, who charge a lower rate. So it's a bonus to everybody ... clients are paying less money. [Lawyer - Calgary]*

Greater use of paralegals to provide basic legal advice, and possibly some representation is also a widely discussed and controversial possibility for making legal services more affordable. There is, however, still no standard definition of a “paralegal” despite efforts in British Columbia and Ontario (among others) to arrive at one. Meanwhile, many individuals act as paralegals and with no concrete definition in place, it is difficult to regulate them. There is an Alberta Association of Professional Paralegals (see <http://www.alberta-paralegal.com/>). Some people providing paralegal services have extensive training and relevant knowledge and act under the supervision of lawyers. Others do not. This situation is of particular concern as the public often do not differentiate between lawyers and other legal professionals and do not understand the complicated distinctions between legal information and advice.

Given this background it is not surprising that ALSMP findings echo the above debate. Three clear themes came forward:

- There is considerable confusion and misunderstanding around who paralegals are and what they do (or don't do).
- Paralegals (as in anyone who is not a lawyer but provides more than legal information) should be regulated, registered and supervised.
- Under the above conditions, paralegals can, and should be utilized to do a lot of legal document preparation and possibly offer some additional assistance.

ALSMP findings also reveal that views expressed by lawyers about paralegals were generally not as positive as that quoted at the beginning of this discussion. Remarks suggest a misunderstanding of the skills many paralegals have and an exaggeration of the problems involved in utilizing paralegal services.<sup>87</sup>

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<sup>87</sup> For example, supervised paralegals and legal assistants should be covered by liability insurance as are court workers (who are highly valued paralegals). Pharmacists' prescribing ability was much overdrawn and to the best of our knowledge has not, in practice, been even a small problem. Although people are supposed to be able to self-represent at tribunals, administrative law is perhaps the most complex of area and people very often do need representation. Further, other research suggests that in remote areas unattractive to private practice lawyers, introducing paralegal services seems to be less challenging (Stratton & Anderson, 2008b; Stratton, 2009b)

*They're secretaries with a lot of experience. For example, we have a secretary or legal assistant who used to be a courthouse clerk, so she's got a really good background in documents and court procedure. My secretary can draft Wills and draft other documents, and that's what a legal assistant does... they're more than secretaries. [Lawyer - Calgary]*

*They don't have liability insurance. If a paralegal is negligent, that client isn't going to be able to recover anything from the paralegal. It is analogous to the provincial government granting the power to pharmacists to prescribe medications. It's a huge problem. However, at tribunals, if somebody wanted to act as an agent or someone wanted to come and help an applicant - for example an aunt - there is nothing stopping them from doing that now. Nobody needs a lawyer in that case. If someone is representing as providing legal advice...that would be a concern. [Lawyer - Calgary]*

*I see it as someone trying to become a professional without being properly trained. If you're going to practice law either as a paralegal or a full lawyer, well, let's get you trained and licensed. We'll let you operate in this size of a circle but not the bigger circle, and if you operate in the bigger circle, well sorry we're giving you a small circle. We're giving you a small sandbox, why don't you stay in that. We lawyers get the big sandbox. [Lawyer - Calgary]*

Clearly, affordable advice and representation services must also be responsible and of good quality. The Law Society of Alberta is currently undertaking a review of alternative delivery of legal services including a detailed look at paralegal practices in Canada (Michalyshyn, 2009).

## Recommendations

10. The Law Society of Alberta find ways to change practice rules to allow the ethical and effective provision of limited scope retainers in appropriate contexts, and in combination with Alberta Justice and the Alberta Association of Professional Paralegals, to determine responsible roles and regulations for paralegal services.
11. Alberta Justice develop policies and staffing to incorporate assessment and triage for partial advice and representation into current LInCs and FJS/FLICs that also develops the role of supervised paralegals within these services.
12. *Pro Bono Law Alberta* work with its members, the Law Society and all stakeholders currently providing partial advice or representation services, to effectively and responsibly enhance and expand this service option.
13. The knowledge of members of the Alberta Association of Professional Paralegals is sought and included in the development of limited scope and paralegal services.
14. Current services that are evaluated as providing effective and affordable advice and representation alternatives, are expanded. Most particularly, outreach is established for vulnerable groups and to the Judicial District communities.
15. Enhance advertising of services that are available through the community clinics, the LInCs, FJS/FLICs, and Alberta Law Line to other legal and social service providers, as well as the public.
16. Incentives are provided to encourage private lawyers to establish practices, or provide visiting services (including accepting LAA certificates), in communities where there is clearly a lack of practicing lawyers.

### 6.3 Increasing Legal Services Outside of Calgary

The lack of legal and related services mapped for the Judicial District outside of the city of Calgary clearly show a need to increase service access in these communities (Section 4.2). This is especially acute for civil, administrative and some areas of family law.

*The thing that is most needed is better access to services which already exist, but which are only available in Calgary. It would be very useful if services came out here once in a while to meet with clients in Airdrie. [Social Service Provider - Rural]*

*It would be nice to have a lawyer that came to town for a day once in a while and was just here, or an afternoon, in case anybody had questions. [Frontline Social Service Provider - Rural]*

Obviously not every legal service can be permanently located in each community, but each community should have a viable means of accessing every service without having to travel to Calgary. Many residents face serious (sometimes insurmountable) barriers to transportation, time and cost barriers in going to Calgary or other communities.

For the most part, rural service providers' requests are modest. They ask only for visiting services to allow at least some basic access for community residents. Outreach by circuiting services, telephone, Internet (especially with interactive elements) and innovative transportation solutions are all possibilities that need to be considered. Ensuring that all local health, social and legal services are fully informed about such options as are available, is essential. All previous recommendations have implications for improving legal service to the communities, especially 1-6 and 15. Additionally we put forward the following:

## Recommendations

17. All existing legal services, especially major stakeholders with provincial mandates, utilize the information provided in the ALSMP database to assist in a review of the services they provide to communities outside of the city of Calgary with a view to:
  - a) ensuring services located in communities, visiting periodically, or electronically available are well-known to residents;
  - b) making the enhancement of outreach services an absolute priority, by expanding capacity and or mandate as indicated by unmet legal need; and
  - c) reducing how often community residents must travel to Calgary or other communities for service, finding innovative solutions to transportation barriers (see Section 7.3)
  
18. Specifically that expansion of existing services should include:
  - a) collaboratively developed SafeCom, LInC, FJS/FLIC, LAA and CLG outreach services that travel to communities across the Judicial District;
  - b) sufficient capacity within the Alberta Law Line to manage the volume of calls received both for brief and extended advice services.
  
19. Collaborative relations are established with health and social service providers at provincial and local levels for the purpose of:
  - a) ensuring exchanges of relevant service information;
  - b) pooling resources to develop and provide, locally situated and outreach services that address interrelated needs holistically.



## 6.4 Enhancing Legal Services to Meet Special Needs

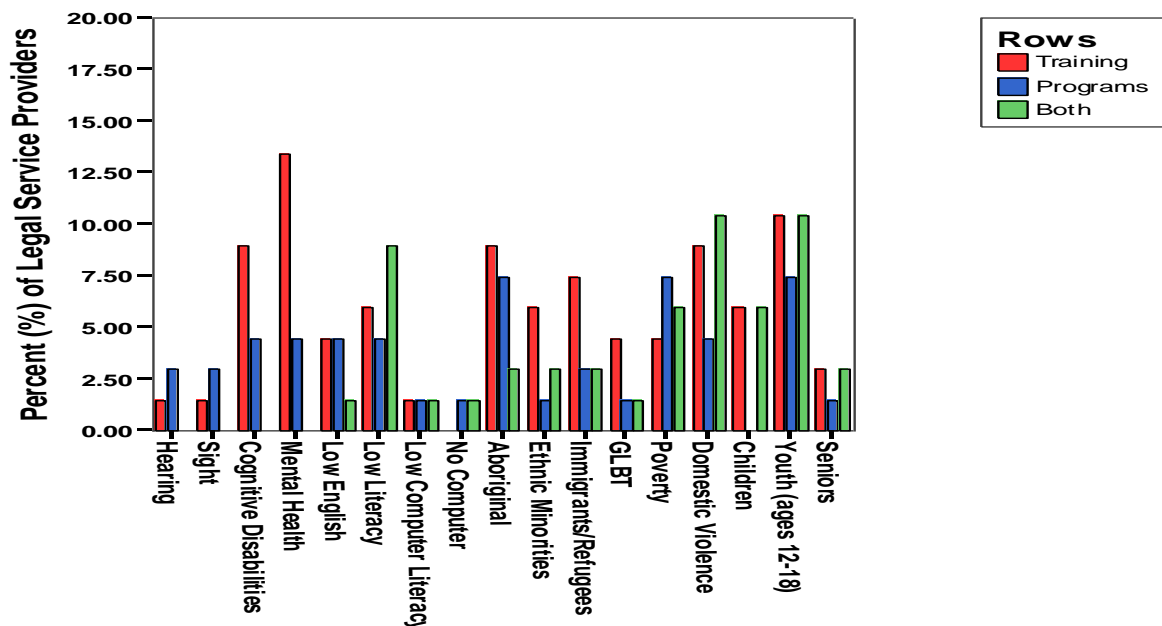
Sections 4.4.4 and 5.2 report on the legal services available to meet special needs and the experiences of people needing those services. Findings reveal a number of gaps in services. Even in Calgary, few services identified specializations. Special needs in other communities (excepting criminal services) are seriously underserved or completely absent. Furthermore, public and social service participants reported a lack of training to assist with special needs and too many incidences of social insensitivity among service providers. Most staff in front-line services are there because they want to help others. It is stressful and frustrating for them not to have the knowledge they need to achieve this.

People from minority or vulnerable populations may experience legal problems that are directly related to their social situation and require experience with specific areas of law. It is also established that people with special needs are particularly vulnerable to the clustering of interactive legal and social problems.

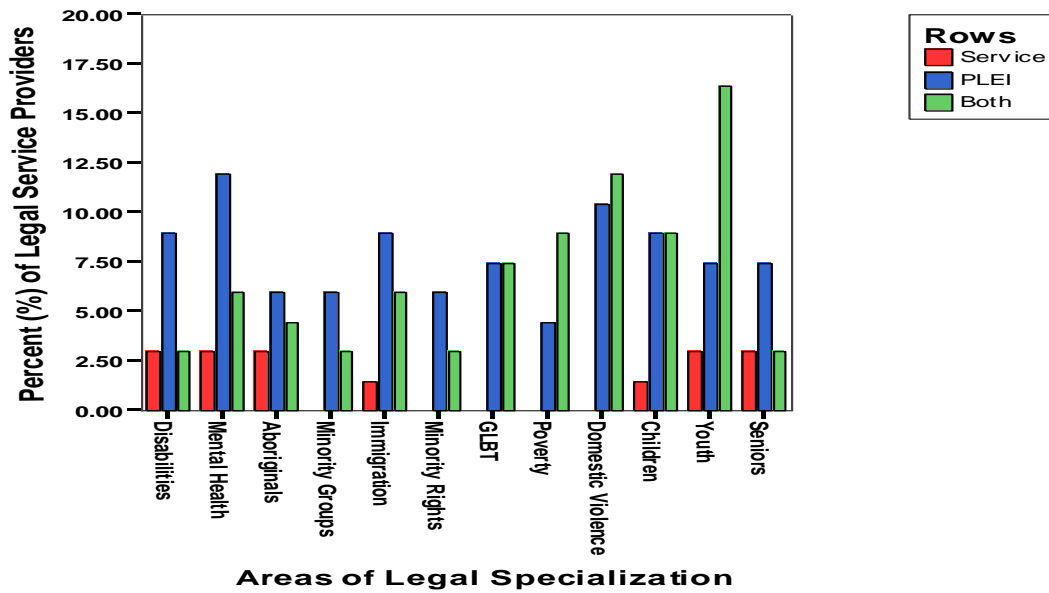
Figure 7 graphically illustrates that very few legal services have specialized training or programs. Figure 8 shows equally low specializations within legal practice. As already stated, availability of legal services outside of Calgary is very minimal.

Because increased service is needed in all of the areas shown, prioritization is difficult. The experiences documented in this report do however, suggest that services must be increased for seniors, Aboriginal Peoples, people living with physical, cognitive and mental disabilities, and immigrants.

**Figure 7 - Specialized Training & Programs**



**Figure 8 - Specialization Within Legal Practice**



In addition to Recommendation 9 (increasing of PLEI in languages other than English) and Recommendations 17-19 (pertaining generally to increased services in the communities) we suggest the following:

- Recommendations**
20. It be made a priority to provide information and training to legal service providers, lawyers and the judiciary that will enhance and increase:
    - a) cultural sensitivity;
    - b) awareness of the social circumstances and physical and mental needs of vulnerable people;
    - c) awareness of the interrelation of legal and social issues.
  21. Services evaluate the physical accessibility of their services for people with mobility, hearing or sight disabilities.
  22. The development of service/program components to address special needs is encouraged and funded.
  23. Legal services proactively seek ways to reach out to vulnerable groups at high risk for experiencing problems.
  24. Effort is made to meaningfully involve representatives from vulnerable groups in service design and delivery.

## 6.5 Government Services – Coordinating and Enhancing

Inevitably, the magnitude and bureaucracy of government poses challenges for the coordination of services. Alberta is however, leading the way with initiatives such as *Safe Communities* (<http://www.justice.gov.ab.ca/safe/scif.aspx>) and *Families First* ([http://www.familiesfirstedmonton.ualberta.ca/ffe\\_info.html](http://www.familiesfirstedmonton.ualberta.ca/ffe_info.html)).

All previous recommendations are relevant to legal services directly provided by government and should also be considerations in decisions concerning government funding of programs provided by public services or independent organizations. Improved information-sharing and collaborative ventures within and among services, departments and ministries, although challenging, is critical to government service coordination that is effective both in terms of cost and meeting the public's legal and social needs.

The Team notes ongoing efforts to improve Alberta Justice and Solicitor General Websites and report that these home pages are better organized. With these improvements, it is initially easy to find where you need to go, but digging down into programs and links to access actual information too often remains frustrating and confusing. Program information may be provided with no locations or contacts, and search paths are difficult or impossible to re-trace. Much work remains to be done to create justice program information that is easily accessible on the Internet.

It must be noted that the Calgary LInC opened only as ALSMP field research in Calgary concluded and so it is not possible to know what impact this service will have on overall access to legal services. LInCs are, however, intended to play a coordinating role.<sup>88</sup>

### 6.5.1 Justice for Children and Youth – We Need to do Better

An important additional gap was identified in services delivered by the government. The issues raised concern the multi-dimensional delivery of legal and social services affecting children and youth, and are a provincial responsibility.

Dissatisfaction with child protection and child custody processes, decisions and long-term outcomes is a recurring theme in Canadian research and policy reviews. That children placed in care are disproportionately likely to later appear in youth, and subsequently adult court is well recognized by family court judges. This is now also thoroughly documented by the BC Select Standing Committee on Children and Youth (2009). It was, therefore, to be expected that ALSMP findings would include these concerns.

Public and professional participants contend that in practice, the 'best interest of the child' principle is not applied effectively either by the Ministry of Children and Youth Services or by the judiciary.

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<sup>88</sup> A draft of a "LInC Client Survey Report" (from research conducted between March and September 2009) shows extremely high public satisfaction with this service and includes 28% of responses from Calgary. We note, however, that this was an on-line survey which would only be accessible to clients with written and computer literacy skills.

Comments were especially critical of the Ministry of Children and Youth Services. Professionals complained that the Ministry does not communicate with other service providers in a timely manner, resulting in delays in the legal processes with very negative consequences for the children involved.

*We sometimes have to request information from Children and Youth Services ... They have a month to get that information back to us, but we just aren't getting it in time. We are supposed to get back to the court within a month with our reports, but we can still be waiting on that information .... With the Youth Criminal Justice Act, you can't keep someone in the Youth Justice Centre for more than 30 days without going to court. [Health Service Provider - Calgary]*

*I have issues with Children and Youth Services. They never did a proper check. ... They never did a proper investigation and they threw their hands up and said they had no significant concern with either parent and went into making comments about the conflict in court between the lawyers. [Member of the Public - Calgary]*

*It's intentionally made to be confrontational; the whole system. Remove that part of it. But that may not be the answer you're looking for. Change the system so it's not adversarial, so that the focus is on the children and not who wins and who loses. [Member of the Public – Rural]*

Participants expressed concerns that judges presiding over complicated custody and guardianship cases often only have a few minutes to assess thick files representing many previous appearances and orders. One service provider summed up the problem: "I have issues with the whole way custody and access stuff is set up. Judges making life and death decisions with very little information."

*We see the transition period between youth and adulthood in terms of sentencing and treatment as an area where there is a big gap. Youth, by law and the way services are organized, abruptly become adults and are expected to integrate into adult programs. But they are often still functioning at a much lower level in terms of social skills etc... so they get lost in the adult system and services. [Health Service Provider - Calgary]*

Further disquiet was expressed about the transition to adult services for youth who have been involved in care or youth justice programs. Although the highest number of reported legal program specializations are for youth (Figure 5), service providers still felt service was inadequate, especially in terms of prevention and intervention. This gap is critical when these vulnerable youths turn 18 and are essentially cut off from youth support and expected to negotiate adult social services alone. These young people tend to get “lost in the shuffle.”<sup>89</sup>

### **Recommendations**

25. Inter-service teams be formed to work with children and their families involved in proceedings associated with child protection, legal custody and/or domestic violence.
26. Child protection and custody cases be seized by one judge who is a specialist in Family law, for all matters and hearings.
27. A lawyer and a social worker be appointed to represent the child directly in any case where guardianship or custody is highly disputed, most especially where multiple adult parties are involved.
28. Current youth programs (legal and social) do not “cut off” at 18 but develop specific components to assist clients with a transition to adult services and self-support.

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<sup>89</sup> In fact, any community worker or educator will point out that youth tend to get ‘lost in the shuffle’ earlier. They tend to drop out of school before the age of 16 and youth themselves report feeling like “push outs” (Tanner, et al, 1995, p.43). If they also leave home or care at this age, they are likely to have turned 18 before over-burdened social workers catch up with them.

## **6.6 Public Services - Delivery that Meets the Public Need**

Public services mandated by government also face the challenges of bureaucratic structures and restrictions. As with government services, Recommendations 1- 23 are generally applicable and the need for improved information-sharing and collaboration is critical to addressing identified gaps in service. Participants proffered considerable critique of LAA and police services (primarily In Calgary), some of which is addressed by previous recommendations. Both services are aware of many of the concerns reported and are already working to improve in these areas. Issues directly related to these two services are now summarized.

### **6.6.1 Legal Aid Alberta (LAA)**

The problems with LAA services raised by ALSMP participants were not news to LAA. Most had already been identified in the CJSP, SRLMP and PRA research reports. Legal Aid eligibility and scope changes require provincial and federal government cooperation. LAA is working to make other improvements, notably considerable and positive change has been made to the website, which now includes a “client Guide” and is organized by issues and questions that help the public understand the services.<sup>90</sup>

PRA (2008) noted that the legal aid application process could be improved by moving towards offering online, telephone and even Closed Circuit TV (CCTV) applications. CCTV has only a very limited availability and LAA is currently exploring alternative options such as using Skype to provide video and audio communication between staff and people who require LAA services.

LAA has also recently undertaken extensive public and service provider consultations across Alberta as part of an on-going needs assessment. We offer the following recommendations for continued enhancement of LAA services.

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<sup>90</sup> The site (<http://www.legalaid.ab.ca/clients/Pages/WorkingWithYourLawyer.aspx>) is, however, technologically complicated, requiring fancy add-ons to run properly. This may be a barrier to people using older computers, or located in remote areas with unreliable (or no) high-speed access.

## Recommendations

29. LAA is supported with funding to allow enhancement and expansion of certificate coverage to allow:
  - a) raising the income eligibility;
  - b) broadening the scope of representation, especially for family, civil and administrative matters.
  
30. Services offered by the Alberta Law Line be enhanced and expanded to:
  - a) ensure this service is known and understood by service providers and public in the Calgary and all other Alberta Judicial Districts;
  - b) provide service capacity that can meet demand in a timely way;
  - c) develop dedicated lines that prioritize calls from legal services such as LInC, FJS/FLIC, community legal clinics and social services, so as to provide legal gateways in the absence of local legal services.
  
31. Reception staff in busy LAA offices include at least one member properly trained to perform a triage service for potential clients that would:
  - a) accurately assess the eligibility of applicants;
  - b) ensure applicants are aware of alternative possibilities to address legal problems;
  - c) ensure applicants understand the terms of LAA certificate coverage;
  - d) assign appointments with an intake worker (giving priority if a client needs to return another day);
  - e) have the ability to assign appointment times to out-of-town clients.
  
32. LAA continue to pursue technological options for enhancing the LAA application process, but also seek to increase physical outreach to communities in the Calgary Judicial District.

## 6.6.2 Police Services

Calgary Police Services (CPS) representatives reported a newly created Homeless Portfolio and expressed commitment to enhancing relationships with people who are homeless. Police are liaising with health services and the Calgary Homeless Foundation to create an *Opportunities Centre* that will serve as a “one stop shop” for front-line workers from law enforcement, social and health services. Another goal is to create a Diversion Court and related *Safe Jail*, that will be a high security facility focusing on the treatment of mental illnesses and addictions, as well as life skills training.

Another initiative expected to be in place by 2010, will team beat officers with mental health professionals to enhance the effectiveness of interactions with individuals who have mental health and addictions concerns and streamline referrals to related services.

Currently, officers patrol the Drop-In Centre 3 to 4 times a day. However, as recently as August 2009, a CTV News report echoed the kind of concerns raised by the ALSMP participants concerning police interaction with the homeless in Calgary.<sup>91</sup> Police must deal with many very difficult and dangerous situations. CPS acknowledges that problems do sometimes arise that can strain the relationships officers have with members of the public. Although training initiatives are already in place, CPS is supportive of ongoing training that assists officers to manage interactions positively.

ALSMP findings in Calgary and surrounding communities also raised concerns about police responses to domestic violence. The Alberta Ministry of Solicitor General and Public Safety has initiated a province-wide standardized reporting system for officers to use. There is a Domestic Violence Court with a special prosecutor attached to this portfolio. CPS already has a broader definition of “domestic” than many other communities. There is a *Domestic Violence Resource Team* that visits families who are “chronic callers” but where no charges have been laid. *Homefront* works closely with the police and the Justice Ministry to provide outreach, research and court workers.<sup>92</sup> Officers receive ongoing training about domestic violence twice annually via the Ministry of Solicitor General and Public Safety. Nevertheless, ALSMP participants believe that enhanced education and training are required, most especially for RCMP officers. Specifically mentioned was the need for better understanding of FASD and related to this, of the *Adult Guardianship Act*.

The new initiatives reported by the CPS suggest police services are already moving to address issues raised in this report. Initiatives are recent, however, and evaluation will be important.

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<sup>91</sup> [http://calgary.ctv.ca/servlet/an/local/CTVNews/20090814/CGY\\_Homeless\\_Police\\_090814/20090814/?hub=CalgaryHome](http://calgary.ctv.ca/servlet/an/local/CTVNews/20090814/CGY_Homeless_Police_090814/20090814/?hub=CalgaryHome) .

<sup>92</sup> See *Homefront* at <http://www.homefrontcalgary.com/index.html>



## **Recommendations**

33. CPS initiatives to improve relations with the homeless continue to be supported with an emphasis on inter-service collaboration and training.
34. Enhanced training is developed to assist police to understand and deal safely, effectively, and constructively with special needs populations. This training must recognize the circumstances in which police are expected to interact with these groups.
35. Special attention is given to providing domestic violence training and related support services for the RCMP in small communities. Rural conditions including the lack of safe shelter, economic dependence, difficulty in complying with protection orders, and personal acquaintance must all be taken into consideration.

### **6.7 Community Non-profit – Building on Successes**

Non-profit, community-based legal services are a very essential part of the legal services mosaic. They are often supported by project funding and have difficulty in obtaining core stability. As a consequence, these services may come and go, sometimes being no more than a pilot project of an organization with a non-legal mandate. Many such services are included in the ALSMP database, only a few of which could be interviewed. In general there is a need to better link these services into community legal networks.

Major community non-profit services were interviewed, such as Calgary Legal Guidance (CLG), Student Legal Assistance (SLA), the John Howard (JHS) and Elizabeth Fry (EFS) Societies, and Native Counselling Services of Alberta (NCSA). A surprise finding has been that other service providers and public participants had little to say about these services. Providers were not directly asked their opinions of specific services (but certainly raised concerns about specific services when they had them). Few public participants seemed to have used these services. In the latter case this may indicate that the marginalized groups either don't know about these services, or cannot get assistance through them.

CLG is one of the organizations that has shared statistics with the ALSMP. In 2008 their clinical programs saw 3,813 (this number does not include the domestic violence program) and the Homeless Outreach Program saw 1206 people. There can be little doubt that there is significant demand for these services. Interestingly, additional analysis of the ALSMP data shows that social and health services are more likely than other legal services to refer to CLG.

JHS has also shared statistics with ALSMP, but these are of a more complex nature requiring further analysis in order to understand the numbers of users. There is, however, little doubt that these services are also well used. JHS and EFS receive referrals from very specific sources such as prisons, which were not interviewed in this pilot. Also some interviewed services would only count as 1 in the referral count, even though they are providing many clients for these services.

The lack of comments, especially positive comments about NCSA was in stark contrast to SRLMP and CJSP findings. Follow-up with an NCSA representative revealed that the position of Calgary Regional Manager had been vacant for some time. It was filled effective September 8, 2009 and the new Manager is expected to be effective in promoting a higher NCSA profile in this district.

### **Recommendations**

36. Efforts are made to raise awareness about non-profit legal services, especially among other legal service providers.
37. Both NCSA and other legal services who have (or potentially should have) Aboriginal clients, are proactive in making contact, exchanging information and exploring opportunities for collaboration.
38. Non-profit organizations are encouraged and funded to conduct assessments/evaluations of their services that explicitly investigate referral patterns including which groups of public do and do not access these services.

## **6.8 Private Legal Services – Building Client Satisfaction**

The need for affordable legal advice and representation, along with some possible solutions is addressed in Section 6.3. A remaining issue raised by ALSMP participants is the high rate of client dissatisfaction with private Bar services. This is not confined to this project but is reported widely in other research and in the media. Complaints come from LAA clients, private individuals and corporations. Just one recommendation is offered:

### **Recommendations**

39. The Law Society of Alberta, the Alberta Branch of the Canadian Bar Association and individual lawyers and law firms take seriously the consistent public complaints about the quality and expense of private Bar services, and find ways to remedy these problems.

## 7. SOCIAL STRUCTURE DEFICITS AND LEGAL NEEDS

ALSMP findings identified several serious structural barriers to accessing legal services that reach far beyond the Calgary Judicial District and are not within the power of local stakeholders to remedy. In fact they are all internationally identified issues that Bradford (2003) describes as “wicked problems” with deep and tangled roots and negative social effects.

The first three of these are interrelated and acknowledged problems inherent to the Canadian (and other) justice systems: cost, delay and enforcement. The second three are entangled social issues that individually and together intersect with legal systems and services: mental health, homelessness and addictions. The final matter is transportation, driven by global economic and environmental concerns but expected to find local solutions. At the local level, inadequate transportation presents a major barrier to accessing legal and related services.

Difficult though it may be to resolve these problems locally and impossible for the justice sector to do alone, these matters cannot be disregarded as factors relevant to providing effective, accessible legal services. We summarize these issues and make suggestions for local collaborative actions to confront them.

### 7.1 Cost, Delay and Enforcement: Barriers to Legal Solutions

Cost and delay, along with a lack of understanding are identified as the top three barriers to accessing civil justice in Canada (CBA Task Force on the Systems of Civil Justice, 1996). Subsequent research from across Canada has identified the failure to enforce court decisions as a contributor to both cost and delay to the system and to litigants. Criminal processes are subject to the same problems.<sup>93</sup>

The need for affordable legal advice and representation is addressed in this report, but there are other costs that must also be recognized:

- Document and process filing fees;
- Costs of obtaining or verifying necessary documents or proceedings;
- Costs of repeatedly attending court, tribunals or other hearings when proceedings are delayed or inconclusive.

Delays add to costs, lead to frustration with the system, and directly result in abandoned and unresolved civil and criminal matters. Once a decision is reached, either via the court or an alternative means, it must be enforced. Being unable to enforce a decision is a further contributor to cost, delay and negative social consequences.<sup>94</sup>

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<sup>93</sup> Documentation of these issues is becoming extensive. The CFCJ website provides access to reports, an inventory of reforms and news about these issues at <http://cfcj-fcjc.org/news/>.

<sup>94</sup> Canadian justice community awareness of enforcement issues has grown in recent years. The Law Reform Commission of Nova Scotia is currently undertaking a review of enforcement. Additionally, the Canadian Institute for the Administration of Justice (CIAJ) Annual Conference in September of 2009 focused on enforcement.

*It takes a long time, which is hard when we are under timelines. We go there and have our first appearance and someone wants a lawyer so we adjourn for two weeks while they get that lawyer and that lawyer gets disclosure. There's a lot of going back and back to court again on a case. Meanwhile the clock is ticking and the kids are just sitting in care and we haven't put any services in place for those kids because we're waiting to see what their legal status will be. [Frontline Social Service Provider – Rural]*

*As to court orders - they get created but they don't seem to get enforced. Why do we spend tens of thousands of dollars for a court order that can't be enforced? [Member of the Public – Rural]*

Although previous research identifies *lack* of enforcement as problematic to effectively meeting legal needs, we had not anticipated that the mapping would identify a significant number of services that focus on enforcement (see Section 4, Table 2). Based on the data collected, the Team has now defined 'enforcement' as involving the application of a law or regulation, or the carrying out of an executive or judicial order; and/or ensuring observance of or obedience to laws. This definition is applicable to enforcement in criminal, civil and administrative areas of law.

The findings from the Calgary district now raise questions that require additional analysis of the data from Calgary and subsequent judicial districts. We need to further understand a) the nature of the enforcement services provided, and b) why the need for effective enforcement is apparently not met by existing services. We expect to gain an increasingly clear picture of enforcement services as the project progresses.

Directly or indirectly, these legal system problems contribute to health and social problems. Delay in resolving family problems destroys lives and can lead to physical and mental illness and/or homelessness (Stratton & Anderson, 2008a).

## **Recommendations**

40. Local and provincial stakeholders continue to work together to identify ways to reduce legal costs and delays and to improve the enforcement of legal orders with attention to:
  - a) initiatives that divert family matters from acrimonious and lengthy court proceedings to alternative means of permanent, enforceable resolutions;
  - b) careful evaluation of the impact of reforms intended to reduce costs and/or delays in legal process;
  - c) national and international collaborations that can forward the above goals.

## 7.2 Mental Health, Homelessness and Addictions

Findings reported in Section 5 of this report well illustrate the interactions among legal problems, legal and social services and mental health, homelessness and addictions problems. While justice departments and the justice services cannot be expected to resolve these social ills alone, it is necessary to recognize that legal processes have a two-way involvement with these issues that often contributes to a 'vicious circle' effect.

To begin, it is essential to recognize that most people with psychiatric disabilities and other mental health challenges lead responsible productive lives. They do so because they have been able to access the personal, social and legal supports they need in order to do so. Without such support, this group is highly vulnerable to social and legal injustices, as they are seldom able to cope unaided with bureaucratic procedures. A failure to gain the social benefits and health support required will quickly lead to periods of hospitalization, self-medication, homelessness and police interaction. Most legal services and staff are ill-equipped to adequately help people with mental health problems, which invariably require an integrated holistic approach.

Similarly, the Team quickly observed that ALSMP participants who were homeless had become so by of a variety of paths. Several had, in fact, lost their homes (and jobs) due to legal challenges.

*If you are looking at recidivism, the only thing I can say is that 80% of our patients have addictions. They are very likely to re-offend if those addictions issues are not addressed. [Health Service Provider - Calgary]*

*People with paranoia often think that people are out to get them. Then they think they have a [legal] problem. This service gets about 3 or 4 calls a month where the person has a mental health problem. [Legal Service Manager - Calgary]*

Service providers described safe housing as a basic essential if people are to address other social and legal problems. Homelessness increases instability and vulnerability to violence, illness, substance abuse, criminal activity and social discrimination at every turn.<sup>95</sup> For homeless people struggling for daily survival, the barriers to legal assistance seem insurmountable and the failure to access legal services and social entitlements are ultimately life threatening.

In addition to recommendations 19, 21-23 and 33 it is suggested that:

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<sup>95</sup> For more on these issues see Collin (2006); Weber et al (2009).

## Recommendations

41. The multi-sector, multi-ministry collaboration providing a holistic program agenda via the *Safe Communities* initiative, continue to be fully supported and developed throughout Alberta.
42. Opportunities are pursued by legal services and supported by funders within the Calgary Judicial District, to establish multi-sector collaborations that jointly address the social and legal problems of people who are homeless and/or have mental health and addictions challenges.

### 7.3 Transportation

Transportation barriers to accessing legal and social services were reported by 82% of the Calgary Judicial District service providers and must be regarded as a significant barrier to accessing available legal services. The following transportation issues were reported:

- Lack of adequate transportation interacts with legal services, processes and outcomes in the following ways:
  - People are prevented from addressing legal matters in a timely way
  - Legal service appointments and court dates are missed, causing additional costs to the system, delays in resolutions, and possibly criminal charges.
  - People living in abusive situations cannot escape their situation or seek legal help. This is particularly the case in rural areas where the abuser controls the only means of transportation.
- Cost of available transportation can be prohibitive. People with very low-incomes sometimes cannot afford even a city transit fare (the cost for a family of four would be between \$7-10 and poses a choice between accessing services or eating that day). Transportation from rural areas – if available – is considerably more expensive.
- Safety concerns were raised by 33% of participants. Drug use and trafficking along the C-Train line was reported by participants and witnessed by Team members, especially during evening hours. Providers working with youth said that there are safety concerns at any time of day for some clients who have to travel through downtown to access services (e.g., running into rival gang affiliates or other enemies on public transit). People with cognitive impairment or physical difficulties have difficulties negotiating transit safely.
- Such transit as exists between rural areas and Calgary operates on very limited schedules that may not coincide with court times or service availability.

*That whole area comes here for court. And ... there's no transportation for [some communities] so they're having a hard time getting here. So it's basically the people that don't have vehicles ... they have to find a ride. [Frontline Legal Service Provider – Rural]*

*People from Banff don't have too much trouble getting here. If they're from Canmore it's more difficult. There's one bus that goes Monday to Friday that leaves in the morning and comes back in the evening. If we need to send someone to social services (that are located in Canmore) they have to go in the morning and then sit there all day in order to come back late afternoon. This is especially an issue for women or people who are mentally ill, who are told by social services to hitchhike. I don't think the bus to Canmore is wheelchair accessible. [Social Service Manager - Rural]*

- Providing transportation assistance to clients is also challenging. It is expensive, often time consuming, and there can be safety issues in transporting or travelling to meet clients.

Some Calgary Judicial District service providers have developed solutions to reduce transportation barriers for clients. Our recommendations are based on these initiatives.

### **Recommendations**

43. Calgary legal service providers attempt to provide in-service assistance for clients with transportation needs, such as:
  - a) providing transit tickets or taxi fares;
  - b) providing volunteer drivers; and
  - c) establishing, in collaboration with other local services, a jointly funded and operated shuttle.
44. Maximize ability and willingness to offer services over the telephone, online, or by sending documents through the mail.
45. Innovative solutions to rural transportation are pursued, such as:
  - a) using school buses in between or in conjunction with school runs between communities;
  - b) providing bicycles on either a loan or permanent basis; and
  - c) creating inter-agency collaborations to share costs of hiring shuttles and to lobby for local subsidies and municipal transportation initiatives.

## 8. CONCLUSIONS

The ALSMP is the most comprehensive mapping that has been attempted to date in Canada. The outcome will support existing legal services in Alberta. It will promote collaborative and community-based approaches that will help ensure that service providers are aware of the resources that are available. In fact, this Project has had a positive impact on networking since it began:

- Justice community collaborators have indicated that they valued learning more about each other during Advisory and Working Group meetings.
- The Community Working Group for the Calgary Judicial District has chosen to continue regular meetings after the completion of ALSMP research in this district.
- The proto-type database has been received with enthusiasm.

The Calgary Judicial pilot has collected a wealth of information as evidenced in this report. There remains room for further analysis focussed on specific issues and recommendations as stakeholders take these up. The pilot jurisdiction required a very significant investment of time and effort to develop instruments and protocols for data collection and analysis. Much has been learned that will allow refinement and streamlining in the remaining judicial districts.

Findings from the Calgary Judicial District repeatedly illustrate that effective legal service entails the recognition that we cannot focus on legal needs without also considering other aspects of people's lives. To truly take a proactive approach that will ultimately reduce both hardships for the public and long-term costs to the legal system, we must acknowledge that many legal problems stem from social and health needs that go unaddressed. Conversely, unresolved legal needs create health and social problems. Understanding the inseparableness of social and legal issues is paramount to achieving real justice and the effective legal services needed to achieve it.

Service providers have historically operated in silos. This approach must change if legal and related services are to be made effective. Public and frontline service providers are telling us what needs to be improved. The challenge now is to take up their recommendations.



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## APPENDIX A

### Alberta Legal Services Mapping Project Research Directors

<b>Organization</b>	<b>Current Representative</b>	<b>Position</b>
Alberta Justice	Jeanette Fedorak	Senior Policy Counsel
Alberta Law Foundation	David Aucoin	Executive Director
Calgary Legal Guidance	Mary Lynn Dorsey	Executive Director
Canadian Forum on Civil Justice	Diana Lowe, QC	Executive Director (Co-chair)
Canadian Forum on Civil Justice	Mary Stratton	Research Director (Co-chair)
Edmonton Community Legal Centre	Debbie Klein	Executive Director
Legal Aid Alberta	Katherine Weaver	Vice President, Program Services
Solicitor General and Public Safety	Isobel Lawson	Manager

## **APPENDIX B**

### **Albert Legal Service Mapping Project Advisory Committee Members**

- Alberta Arbitration & Mediation Society
- Alberta Association of Professional Paralegals
- Alberta Civil Liberties Research Centre
- Alberta Justice
- Alberta Law Reform Institute
- Alberta Law Society Libraries
- Alberta LInCs
- Alberta Police Based Victim Service Association
- Alberta Solicitor General and Public Security
- Association des Juristes d'expression française de L'Alberta
- Calgary Police Services
- Canadian Bar Association - Alberta Branch
- Confederacy of Treaty 6 First Nations
- Court of Appeal of Alberta
- Court of Queen's Bench - Alberta
- Edmonton Police Services
- John Howard Society of Alberta
- Justice Canada
- Law Society of Alberta
- Legal Aid - Alberta
- Legal Resource Centre
- Mediation & Restorative Justice Centre
- Métis Settlements Appeal Tribunal
- Metro Continuing Education
- Native Counselling Services
- Provincial Court of Alberta
- RCMP K Division

## APPENDIX C

### Alberta Legal Services Mapping Project Calgary Community Working Group

<b>Organization</b>	<b>Representative</b>	<b>Position</b>
Alberta Alcohol and Drug Abuse Commission	Russ Moore	Counselling Supervisor
Alberta Civil Liberties Research Centre	Linda McKay-Panos	Executive Director
Alberta Employment and Immigration - Child Support Services	Ron White	Supervisor / Specialist
Alberta Justice Court Services	Barb Hookenson	Assistant Deputy Minister
Alberta Justice-Provincial Court Criminal	Barb McCullough	Manager
Alberta Justice-Family Justice Services	Diane Shearer	Senior Manager
Alberta Justice-Court of Queen's Bench	Eileen Taylor	Divorce Supervisor
Alberta Justice-Provincial Court Criminal	Jo-Ann Larson	Administrator
Alberta Justice-Court of Queen's Bench	Lise MacKenzie	Manager
Alberta Justice-Court of Queen's Bench	Lynn Daley	Supervisor, Civil Document Filing
Alberta Justice-Provincial Court Traffic and Civil	Martin Siller	Manager
Alberta Justice-Provincial Court Family & Youth	Nadia Gates	Administrator
Alberta Justice-Calgary Court Operations	Vicki Brandt	Executive Director
Alberta Law Libraries	Sonia Poulin	Director
Alberta Law Society Libraries	Susan Platt	Librarian
Bow Partnership	Ian Kershaw	
Bow Partnership	Pam Crosby	
Bow Valley Victim Services Association	Pam Lockyer	Assistant Program Director
Calgary Catholic Immigration Society	Sherrisa Celis	Coordinator, Immigrant Seniors Services
Calgary Communities Against Sexual Abuse	Annemarie Tocher	Program Manager



<b>Organization</b>	<b>Representative</b>	<b>Position</b>
Calgary Communities Against Sexual Abuse	Jenny Ofrim	Police and Court Education and Support Program
Calgary Immigrant Women's Association	Shokoofeh Moussavi	Manager Settlement & Integration Department
Calgary Legal Guidance	Mary Lynn Dorsey	Executive Director
Calgary Programs Court	Claudia Lemieux	
Calgary Public Library	Jerry Fawcett	Reference Librarian - Government Documents & Law
Calgary Urban Aboriginal Initiative	Christy Morgan	Senior Community Liaison
Canadian Grandparents' Rights Association	Florence Knight	Executive Officer
Collaborative Services Centre	Debra Tomlinson	Project Manager
Family Justice Services (FLIC)	Colleen Nicholls	Senior Program Coordinator – Family Law Info
Family Justice Services Calgary	Jenn Wells	Senior Manager – Family Justice Services
Family Justice Services Calgary	Laurie Benwell	Manager – Family Justice Services
Law Information Centre Calgary Courts Centre	Barbara Roach	Supervisor
Legal Aid Alberta	Alice Menczel	Calgary Regional Manager
Legal Aid Alberta	Merle Young	Assistant Regional Manager
Legal Aid Alberta Law Line	Martin Ostensen	Managing Lawyer
Legal Information Centres (LInC)	Evelyn Schwabe	LInC Manager
Poverty Reduction Coalition United Way of Calgary & Area	Katrina Milaney	Community Planner
Provincial Court, Calgary	Basem Hage	Senior Manager
Public Legal Education and Professional Profile Committee (CBA)	Rhoda Dobler	
Student Legal Assistance	Maureen Mallett	Executive Director
The City of Calgary – Community & Neighbourhood Services	Roland Kieken	Resource Specialist – Information Centre Community Strategies
YWCA of Calgary	Jean Dunbar	Associate Director – Intervention Services

## APPENDIX D

### Basic Information Sheet

<b>Alberta Legal Services Mapping Project Legal Services – Basic Information</b>	
<b>Parent Organization Information</b>	
1. Official Name of Organization	
2. Is the organization known by any Acronyms or alternate names?	
3. Name (and Title) Senior Staff Person	
4. Mailing Address for Head Office	
5. Street Address (if different)	
6. General email address for the public	
7. Main telephone number(s)	
8. Fax Number	
9. Year organization began operating	
10. Mandate/Description of Organization - Cut & pasted from website ____ - Written ____	
11. Funding source(s)	

<b>Legal Service(s) Offered by Parent Organization</b>				
Name of Service	Senior Staff Person (Name and Title)	Contact Person and Title (if different)	Basic Contact Information (E-mail, Phone of contact person)	Interview (Y or N and SS or L)

**Service Being Mapped: Complete this sheet for each service being mapped.**

1. Name of Service	
2. Name and Title of Senior Staff person	
3. Year service began operating	
4. Contact Person	
5. Contact information	
6. Mailing address (if different from Parent)	
7. Street address	
8. Business hours	
9. Website	
10. General email address for the public	
11. Telephone number(s)	
12. Toll Free telephone number	
13. Fax Number	
14. Is any of the Contact Information you have provided Confidential?	
15. Mandate/Description of Service - Cut & pasted from website ____ - Written ____	
16. Funding Source(s) (if different from Parent)	

**Researcher Observations:**

- *General observations.*
- *Comments about finding out about this organization & understanding the structure.*
- *Comments about ease of figuring out about this organization, its services and accessing services.*



## APPENDIX E

# Prioritization Scoring Protocol for the Alberta Legal Services Mapping Project

### Purpose of the priorities

The intent of these priorities is to ensure consistency in determining which and how legal and other related services are mapped.

**These priorities apply to the Legal Services Questionnaires 1 and 2, and to the Social Services Questionnaire.**

### Instructions for using this sheet

- ❖ Each section poses a set of questions about the services we are considering mapping. If the answer to a question is 'yes' we can tick the checkbox.
- ❖ Some of these questions are essential. This means that the answer must be 'yes' to at least one of these questions for the service to be considered for that level of mapping.

#### Scoring

- ❖ The scoring is cumulative through all the steps of the research.
- ❖ The more checks an organization has, the higher it places on the list to be interviewed.

### Step 1: Preliminary Mapping

We will map to some extent every legal and other related service we can find that is located in Alberta, and key Federal services.

### Step 2: Basic Information Sheet

**Purpose:** To set up the database and to help identify what legal services exist in Alberta.

*Essential Criteria – the following 2 criteria must be met*

- Does this service provide legal or other related services to individuals?
- Is this service physically located in Alberta and in the jurisdiction we are currently mapping?

#### And/or

- Does this service (if not physically situated in Alberta) offer significant services or services specific to those living in Alberta?

*Optional – the more of these that are marked the higher on the priority list the service goes and this does work towards the overall score of an organization for conducting interviews.*

- Does this service enhance access to justice?
- Do the majority of clients who access this service have issues that may be of a legal nature?
- Would it be useful to know about this service if someone needed help with a legal issue?
- Other: Please explain

**Total for Step 2** \_\_\_\_\_

### Step 3– Statistics Collection

**Purpose:** To learn which and how statistics are currently being kept and the reasons they are being kept, as well as to learn the capacity levels of services.

**Instructions:** This step will be conducted with the services that participate in the interviews. This information will be requested in the initial contact for setting up interviews.

### Step 4 – Interview and Questionnaire Completion

**Purpose:** To learn more about the overall legal and related services picture in Alberta and to target the priorities identified for this research.

**Essential - must have one of the following criteria**

Does this service offer specific services to any of the following categories of populations?

- Aboriginal
- Immigrants
- Temporary Foreign Workers
- Refugees
- Children
- Youth
- Seniors
- Middle Income Earners
- Domestic Violence
- Persons with disability (ies)
- Low or No Income Earners
- Self-Represented Litigants
- People with mental health concerns
- People with addictions
- Others

Are the services offered to any of the above populations offered in the following ways?

a) by having staff trained specifically to work with the specific population,

**and/or**

b) offer legal or other related services for certain prioritized populations.

Does this service offer legal information, advice and representation to a variety of people?

Does this service offer unbundled services?

Are paralegals utilized?

**Other priorities:**

Does this service alleviate the funding/financing cost of accessing justice in a significant manner?

Does this service take a unique approach to making the justice system more user

friendly?

- Are services offered that relate to the specific issues presented by the population or geography of their specific area of service?
- Does this service offer assistance to people with unique legal issues (ones that we haven't really come across in the research)?
- Does this service pursue ways to uncomplicate the legal process for people utilizing the legal system? E.g., plain language services.
- Does this service take a proactive approach in preventing actual legal problems from arising? E.g., education.
- Does this service provide education about the legal system?
  
- Does this service meet the legal needs of their clients in an innovative manner?
- Is this a unique service that was created in a specific geographic area to meet the specific service needs of those living in that geographic location?
  
- Does this service participate in community partnerships/networking groups?
- Does this service offer legal or other related programs outside of the formal justice systems? E.g., Aboriginal justice
- Does this service work with a population that lacks adequate services?
- Is this service significantly successful in providing assistance?
- Are there reasons we would want to make observations about this service site/operation?

**Step 4 Score** \_\_\_\_\_

**Overall Score (the number of check boxes ticked)** \_\_\_\_\_

How should this organization be mapped?

- Basic Information Sheet
- Statistics and Capacity, PLEI and Service Components Lists
- Legal Services Questionnaire(s) Why?
- Social Services Questionnaire Why?

Comments:

## APPENDIX F Consent to Contact Forms



### ***The Alberta Legal Service Mapping Project***

- Do you have a legal problem?
- Are you using any legal service(s)?
- Would you like to talk about your experiences?
- We would like to talk to you!

If you are currently using or have recently used a civil, criminal, family or administrative legal service, we invite you to be part of this ground-breaking provincial research.

**1-780-492- 2513 (collect)**

Information about the Forum is available at [www.cfcj-fcjc.org](http://www.cfcj-fcjc.org). You can also contact the Research Coordinator, Glynnis Lieb at (780)492-9827 or [glieb@law.ualberta.ca](mailto:glieb@law.ualberta.ca) or the Assistant Research Coordinator, Stephanie Abel at (780)492-9428 or [sabel@law.ualberta.ca](mailto:sabel@law.ualberta.ca).

If you are interested in knowing more about what is involved in taking part in this research you can contact us at any of the above numbers, or you can complete and sign this form and leave it with the individual who gave the form to you. They will then send us the form and we will contact you and give you all the details.

**Talking with us does not mean that you have to take part – only that you would like to know more about this research.**

NAME: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

OTHER CONTACT INFORMATION: \_\_\_\_\_

I am willing to be contacted by the Canadian Forum on Civil Justice to find out more about research to improve legal services in Alberta.

SIGNATURE: \_\_\_\_\_

## **APPENDIX G**

### **ALSMP: List of Services from which Representatives were Interviewed**

#### **CALGARY:**

Alberta Association of Drug & Alcohol Commission (AADAC)

- Adult Services
- Counselling & Prevention Services
- Justice Worker Program

Alberta Civil Liberties Research Centre

- Information/Referral

Alberta Law Society

- Library

Awo Taan Healing Lodge Society

- Outreach

Bowmont Seniors Assistance Outreach

- Outreach Workers

Boys and Girls Club of Calgary

- Eleanor's House

Calgary Catholic Immigrant Society

- Head Office

Calgary Communities Against Sexual Abuse

- Police & Court Education Support (PACES)

Calgary Health Region

- Calgary Diversion Service
- Community Geographic Team
- Forensic Assessment & Outpatient Service
- Forensic Inpatient Psychiatry

Family Services: Calgary Immigrant Women's Association

- Cross-Cultural Parenting Program
- Family Conflict Program
- Individual Counselling for Senior Immigrant Women
- Integration Program
- Settlement Program

Calgary John Howard Society

- Adult Services Team
- Crime Impact Program



- Institutional Visitation Program
- Journey To Employability
- Learning Employment Enhancement Program (LEEP)
- Radio House
- Victim/Offender Reconciliation Program
- Youth Advocacy & Support
- Youth Housing Connection
- Youth Opportunity Route Project

#### Calgary Legal Guidance

- Family Violence Court Preparation
- Family Violence Emergency Protection Orders (EPO)
- Homelessness Advocate
- Pro Bono Clinic
- Restraining Order Program
- Social Benefits Advisory Program
- Volunteer Program Coordinator

#### Calgary Police Services

- Child Abuse Unit
- High Risk Offenders Program (HROP)
- Persons with Disabilities Unit
- Serious Habitual Offenders Program (SHOP)
- School Resource Officers Program
- Seniors' Liaison Unit
- Sex Crimes Unit
- Sexuality & Gender Diversity
- Victim Assistance Unit

#### Calgary Public Library

- Law Section

#### Calgary Urban Aboriginal Initiative

- Justice Domain

#### Calgary Urban Project Society (CUPS)

- One World Child Development Centre
- Outreach

#### Calgary Women's Emergency Shelter

- Community Crisis Counselling
- Community Resource Centre
- Crisis Services
- Outreach Program
- Residential Services

#### Calgary Workers' Resource Centre

- Head Office

#### Calgary Youth Justice Society

- Program Manager
- Volunteer Committee

#### Centre for Newcomers

- Settlement Program

#### Children's Legal Education & Resource Centre

- Information Website & Presentations

#### City of Calgary - Community & Neighbourhood Services

- New Roads
- Youth Probation

#### Closer to Home Community Services

- Family Matters
- Kiwehtata Program
- Pekewe Native Reunification Services
- West Central Native Reunification Services

#### Community Mediation Calgary Society

- Head Office

#### Court Services

- Court of Appeal
- Family Court Counsellors
- Family Justice Services General Office
- Family Justice Services Mediation
- Family Law Information Centre (2 participants)
- Judicial Clerk
- Provincial Civil Court Clerk
- Provincial Civil Mediation
- Provincial Criminal (2 participants )
- Provincial Domestic Violence
- Provincial Drug
- Provincial Traffic (2 participants )
- Queen's Bench Civil (2 participants )
- Queen's Bench Criminal
- Queen's Bench Dispute Resolution Office (2 participants )
- Queen's Bench Divorce
- Surrogate Court

#### Distress Centre of Calgary

- Counselling
- 211

#### Elizabeth Fry Society

- Adult Court Support
- Community Awareness Program for Immigrants
- Community Outreach
- Legal-Ease

- Youth Court Support

#### Enviros Wilderness School Association

- Excel Discovery Program

#### Family of Men Support Society

- Head Office

#### Hull Child and Family Services

- New Roads
- Residential Treatment

#### Kerby Centre

- Legal Clinic
- Rotary House

#### Legal Aid Alberta

- Duty Counsel – Criminal Law
- Duty Counsel – Family Law
- Family Law Office
- Family Law Office Ex Parte Duty Counsel
- Immigration Services
- Regional Office Reception
- Regional Office Intake (2 participants )
- Youth Criminal Defence Office (2 participants )

#### McMan Youth, Family & Community Services

- Protection of Children Involved in Prostitution
- Wrap Around Program

#### Métis Calgary Family Services

- Native Network Family Resource Centre

#### Mustard Seed Ministry

- Essential Services

#### Native Counselling Services of Alberta – Calgary

- Criminal Court Worker
- Family Court Worker
- Youth Court Worker

#### Residential Tenancy Dispute Resolution

- Head Office

#### Seventh Step Society

- Community Residential Facility

#### Sik Sika Nation

- Family Services

Student Legal Assistance Society

- Head Office

University of Calgary Law Library

- Law Library

Women's Centre

- Legal Advice Clinic
- Peer Support

Wood's Homes

- Associate Director
- East Side Family Centre

Young Women's Christian Association (YWCA)

- Mary Dover House
- Sheriff King House

## **RURAL CALGARY**

### **Airdrie:**

Alberta Solicitor General and Public Security

- Probation
- Youth Justice Committee

RCMP

- Community Corrections

Airdrie Community Links

- Counselling
- Family Violence Counselling
- Intake & Assessment
- Psychologist

Airdrie Victims Assistance Society

- Head Office

### **Banff/Canmore:**

Alberta Alcohol & Drug Abuse Commission

- Adult Services

Alberta Law Libraries – Canmore

- Library

Banff RCMP

- Community Corrections

Bow Valley Victim Services Association

- Mental Health Clinic
- Victims' Services

Calgary and Area Child & Family Services Authority

- Prevention of Family Violence

Canmore Family and Community Support Services

- Individual Counselling
- Information & Referral

Trident Foundation (Mediation, Counselling and Support)

- Mediation Services

YWCA of Banff Community Resource Centre

- Executive Director
- Housing Coordinator
- Violence Prevention

**Black Diamond:**

Eagle House Group Home

- Head Office

**Bowden:**

Bowden Family Wellness

- Family School Wellness Program

Family & Community Support Services (FCSS)

- Bowden Neighbourhood Place
- Information & Referral

**Carstairs:**

Family & Community Support Services (FCSS)

- Community Resource Centre

**Cochrane:**

Alberta Solicitor General & Public Security

- Youth Justice Committee

Family & Community Support Services (FCSS)

- Western Rocky View Family & Community Resource Centre

Cochrane RCMP

- Community Corrections (2 participants)

Protective Services

- Community Peace Officers

**Cremona:**

Family & Community Support Services (FCSS)

- General Services

**Didsbury:**

Family & Community Support Services (FCSS)

- General Services
- Neighbourhood Place
- Parent Link
- Senior Support Services

**High River:**

Alberta Health Services

- Mental Health Clinic/General Metal Health Services
- Psycho-geriatric Services

Alberta Solicitor General and Public Security

- Victim's Services (RCMP)

Calgary Catholic Immigration Society

- Foothills Community Immigrant Services

Children's Services

- Head Office

Family & Community Support Services (FCSS)

- General Services

Foothills Fetal Alcohol Society

- Support, Information & Advocacy

Real Consulting

- Head Office

**Morley:**

Eagle's Nest Stony Shelter

- Head Office

Stony Tribal Administration

- Chief Financial Officer

**Okotoks:**

Alberta Solicitor General & Public Security

- Youth Justice Committee

Family and Community Support Services (FCSS)

- General Services

Healthy Family Resource Centre

- Head Office

Provincial Court

- Court Services

Town of Okotoks/RCMP

- Municipal Enforcement

Rowan House Emergency Shelter

- Outreach
- Residential Program

**Olds:**

Alberta Health Services

- Mental Health Clinic

Alberta Solicitor General and Public Security

- Probation

Peer Support for Abused Women

- Head Office

Neighbourhood Place

- Head Office
- Guardianship

**Sik Sika:**

Sik Sika Legal Aid Alberta

- Head Office

**Strathmore:**

Community Crisis Society

- Wheatland Shelter

RCMP

- Community Policing

Town of Strathmore

- Municipal Enforcement

Strathmore Regional Victim Services Society

- Head Office

**Sundre:**

Greenwood Neighbourhood Place  
- Head Office

**Tsuu T'ina:**

Children's Services  
- Head Office

**Turner Valley:**

RCMP  
- Community Policing



## APPENDIX H

### Characteristics of Self-Represented Litigants<sup>96</sup>

1. SRLs with an overall lack of social resources.

This group of people have low income, low education and low levels of literacy. They tend to have poor communication skills and do not understand their social and legal rights or the court process. They may be eligible for Legal Aid or other assistance but they do not know how to access available services without assistance. Members of the judiciary suggest this group are most likely to appear unrepresented in Provincial Court in summary criminal and child welfare cases.

2. Low income SRLs with some social resources.

This group of SRLs cannot afford a lawyer but have sufficient education and communication skills to seek out and access any available service. If eligible for Legal Aid or assistance from legal clinics they will usually take advantage of these resources once they connect with them. However, a significant portion of this group do not qualify for Legal Aid or other low income services but have insufficient income to retain a private lawyer.

3. SRLs living with additional social barriers that interfere with accessing justice.

Most SRLs in this group will also be low-income, although there may be overlap with any of the other six basic groups. In addition to other circumstances and reasons for self-representing, this group experiences additional social barriers to accessing justice, such as physical or mental disabilities, other health barriers, language and cultural barriers, and living in remote locations. These barriers cannot be totally removed by other social resources – not even sufficient income.

4. SRLs unable to find an available lawyer.

SRLs who wish to hire a lawyer but are unable to find one usually live in small towns or remote areas. The town may have no resident lawyers, those available do not have expertise in the required legal area or may already have too many cases, there can be a conflict of interest, or the case may in some way be locally controversial.

5. SRLs who were previously represented.

These SRLs began their involvement with legal counsel but are no longer represented. The usual reason is that the legal problem has been lengthy and remains without a permanent resolution. This can occur in complex civil cases of all kinds but family law problems are the most common area. These SRLs

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<sup>96</sup> These categories were previously reported in the *SRLMP*.

may be involved in cases that progress all the way to the Court of Appeal. Some of these litigants have learned much about the process and presentation of their cases and can self-represent quite successfully.

6. SRLs in cases where representation is supposed to be unnecessary.

Small Claims actions and most cases in Traffic Court are not expected to require legal representation, but people often still require information and assistance to understand and access the legal process effectively.

7. SRLs who could access representation but prefer to self-represent.

SRLs in this group have the resources for legal representation but choose to self-represent because they believe they can do as good or better job than a lawyer. They are usually well educated and distrust the legal profession. They may have received legal advice, which they choose not to accept. Often these SRLs are involved in cases they view as a personal cause. Some may have legitimate cases and be effective at self-representation, but the group includes those often referred to as “vexatious litigants”. Members of the judiciary report this group of SRLs to be particularly time consuming and difficult to deal with, but estimate that they account for 5% or less of all SRLs who appear before them.

8. Not enough information to categorize

This option has most often been selected by participants who believe that the services users with whom they work are equally likely to fall into any of the previous seven categories. Some participants who chose this option also stated that they did so because they did not believe they could make an informed decision about who SRLs really are.

## APPENDIX I

### Numbers of Legal Services That Offer PLEI Charted by Medium, Topic and Area of Law

- 37 of the service providers completed the charts about what topics they provided public legal education and information about.
- These charts capture how many service providers provide PLEI relating to a selection of common legal needs or subtopics under each of the four areas of law.
- It also captures the media through which they provide PLEI for each of the common legal needs.
  - Print material
  - Videos/DVDs
  - In-person
  - Telephone
  - Seminars/Courses
  - Presentations
  - Online education
- In-person and telephone were reported most frequently in all four areas of law, followed by print material (brochures/handouts), and then Internet (service websites).
- Over all, videos/DVDs were the least likely medium that services used (which is a medium that is very useful, according to our public participants).
- Family law was the area for which the most service providers reported providing PLEI.

Administrative Law										
	Landlord & Tenant	Workers' Compensation	Social Welfare	Employment Insurance	Canada Pension Plan	Immigration	Human Rights (incl. Prisoners)	Employment Standards	Environment	Other
• Brochures/ Handouts	3	2	2	3	1	6	3	3	1	3
• Videos	0	0	0	0	0	1	1	0	0	0
• Internet	4	3	3	3	2	3	4	4	2	1
• In-person	7	6	7	7	5	8	8	8	4	4
• Telephone	5	6	6	6	5	7	7	7	4	4
• Seminars	0	1	0	1	1	1	1	1	0	1
• Presentations	2	1	0	1	0	3	3	3	0	2

Civil Law												
	Housing/ Landlord & Tenant	Consumer Debt/ Bankruptcy/ Foreclosures	Injury Claims	Insurance Disputes	Emplo yment	Adult Guardian- ship	Estate Litigati on	Wills	Defam tion	Judicial Review	Human Rights	Other
• Brochures/ handouts	9	4	4	2	5	4	2	1	2	3	5	4
• Videos	1	1	1	1	1	0	0	0	0	1	1	1
• Internet	7	6	5	5	7	4	4	3	4	6	4	1
• In-person	12	10	9	7	11	8	8	6	8	8	6	3
• Telephone	10	8	8	6	8	7	6	6	7	7	6	1
• Seminars	1	0	1	0	1	0	0	1	0	0	1	0
• Presentations	1	1	0	0	0	0	0	0	0	1	1	0

Criminal Law																				
	Indictable		Summary Convictions		Highway Traffic		Property Crimes		Assault		Sexual Assault		Fraud		Requests for Pardons		Victims of Crime		Other	
	P*	S	P	S	P	S	P	S	P	S	P	S	P	S	P	S	P	S	P	S
• Brochures/ handouts	6	6	5	5	4	5	5	5	3	3	3	3	3	2	3	3	5	4	2	3
• Videos	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
• Internet	3	5	2	4	3	6	3	5	2	4	3	5	3	5	3	4	4	5	1	1
• In-person	12	9	11	9	10	11	10	9	8	7	8	6	7	6	8	7	7	7	4	3
• Telephone	8	6	9	6	8	9	8	5	7	4	7	5	7	5	6	6	7	7	3	2
• Seminars	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0
• Presentations	1	0	2	1	2	1	1	0	1	0	1	0	1	0	1	0	1	0	0	1

\* P = Procedural and S = Substantive

Family Law										
	Divorce Separation	Child Custody/ Access	Child Maintenance	Spousal Maintenance	Matrimonial Property	Restraining Orders/ EPO /Peace Bonds	Child Welfare/ Protection	Child Guardian-ship	Same Sex	Other
• Brochures/ handouts	10	10	12	9	9	9	6	9	5	4
• Videos	0	0	0	0	0	0	0	0	0	1
• Internet	9	11	10	9	7	10	9	10	6	4
• In-person	13	15	15	12	10	14	12	14	8	4
• Telephone	11	13	13	10	9	10	8	8	8	5
• Seminars	2	4	3	1	1	1	2	2	1	2
• Presentations	5	5	3	3	3	1	2	3	3	2

## APPENDIX J

### SUMMARY OF RECOMMENDATIONS

RECOMMENDATIONS	Taking a Lead in the Justice Community	Helpful Models
<p><b>A. <u>Generally Applicable to all Legal Services</u></b></p> <p><b><i>Improving knowledge about services</i></b></p>		
<p>1. Enhance the websites of current services to ensure that the site and related services within it:</p> <p>a) can be readily identified in broad searches for related legal information (e.g.. via Google);</p> <p>b) are easy to navigate;</p> <p>c) have up-to-date, clear, accurate, service information that sufficiently explains what the service does, who is eligible to receive it, and how they can do so.</p> <p>d) to facilitate the above, create templates and guidelines for the content of legal service web pages.</p>	<p>✓ All Legal Services</p>	<p>✓ Clicklaw</p> <p>✓ Canadian Forum on Civil Justice (CFCJ)</p> <p>✓ ALSMP Prototype database</p>
<p>2. Commit resources to maintaining, expanding and enhancing the prototype database containing information collected by the ALSMP and ensuring that it is readily accessible to all Albertans. An informative model is provided by BC Clicklaw.<sup>97</sup></p>	<p>✓ Alberta Justice (LInCs, FJS)</p> <p>✓ <i>Safe Communities</i> (SafeCom)</p> <p>✓ Pro Bono Law Alberta (PBLA)</p> <p>✓ Alberta Law Foundation (ALF)</p>	<p>✓ Clicklaw</p>
<p>3. Simplify, clarify and coordinate eligibility criteria within and across legal services.</p>	<p>✓ All Legal Services</p>	
<p>4. Support and facilitate opportunities, internal and external, for service providers to keep informed about their own and related legal and support services.</p> <p>a) Provide internal service information in ways that keep it current accessible and usable.</p>	<p>✓ All Legal Services</p>	<p>✓ ALSMP – Calgary Working Group</p> <p>✓ JPAC</p>

<sup>97</sup> Clicklaw is the product of an extensive and long-term collaboration of BC PLEI providers. Details are available at <http://www.clicklaw.bc.ca/> and in Reid et al (2009). ALSMP and Clicklaw team members have met and consulted on the two projects. BC has some very strong, well-established PLEI producers and has begun a process of better coordinating these resources by creating a searchable PLEI database. Responses have indicated a need to also provide details about available legal services. The ALSMP has begun at the other end of this overall enterprise, focusing on legal services.



<p>b) Encourage and facilitate effective networking among a broad range of legal and related services in the Calgary Judicial District and elsewhere in Alberta, as is useful.</p> <p>c) Consult with management and frontline staff to determine the most effective ways to achieve information-sharing and ensure appropriate referrals.</p> <p>5. Service provider networks (legal, health, social) encourage all participants to bring information about their services to these events, and provide opportunities for discussion about these services.</p> <p>6. Identify the most effective advertising media by drawing on studies that evaluate successful for-profit commodity advertising and public sector campaigns (such as those related to health).</p>	<p>✓ Alberta Justice (LInC/FJS/FLIC Outreach)</p> <p>✓ Calgary Legal Guidance (CLG)</p> <p>✓ Alberta Justice (Policy)</p> <p>✓ ALF</p>	<p>✓ Edmonton Support Network (211) Community Meetings</p> <p>✓ For-profit Advertising</p>
<p><b><i>PLEI - Ensuring an effective foundation</i></b></p>		
<p>7. Parent organizations and local Calgary management take equal proactive responsibility to communicate about PLEI they produce, working together to ensure:</p> <p>a) local services know about and are supplied with all available materials relevant to their service and relevant areas of law, and to other services of the parent organization;</p> <p>b) responsibility is assigned throughout the relevant hierarchy, for informing, supplying, displaying and replenishing PLEI materials;</p> <p>c) that services with outreach components take the initiative in providing available PLEI to local services that are pivotal information points for Calgary Judicial District communities (see Recommendation 16).</p> <p>8. Local organizations of all types are proactive in asking legal services to which they refer or receive referrals, to provide to them available PLEI materials so that these can be made available to clients.</p>	<p>✓ Alberta Justice (all services)</p> <p>✓ Ministry of Solicitor General and Public Security (SolGen)</p> <p>✓ Legal Aid Alberta (LAA)</p> <p>✓ Legal Resource Centre (LRC)</p> <p>✓ PLENA</p> <p>✓ Calgary Police Services (CPS)</p> <p>✓ RCMP</p> <p>✓ John Howard Society (JHS)</p> <p>✓ Elizabeth Fry Society (EFS)</p> <p>✓ CLG</p> <p>✓ Native Counselling Services of Alberta (NCSA)</p> <p>✓ All local legal, health and social services</p>	<p>✓ BC Collaborative PLEI Committee (now Clicklaw)</p>

<p>9. In collaboration with provincial, and where appropriate national PLEI producers, efforts should be made to identify or create resources in languages that correspond to the ethnic diversity in the Calgary area.</p>	<p>As #7 ✓ ALF</p>	<p>✓ MultiLingoLegal.ca ✓ Educaloi ✓ CLEO</p>
<p><b>Affordable legal advice and representation</b></p>		
<p>10. The Law Society of Alberta find ways to change practice rules to allow the ethical and effective provision of limited scope retainers in appropriate contexts, and in combination with Alberta Justice and the Alberta Association of Professional Paralegals, to determine responsible roles and regulations for paralegal services.</p>	<p>✓ Law Society of Alberta (LSA)</p>	
<p>11. Alberta Justice develop policies and staffing to incorporate assessment and triage for partial advice and representation into current LInCs and to develop the role of supervised paralegals within these services.</p>	<p>✓ Alberta Justice</p>	
<p>12. <i>Pro Bono Law Alberta</i> work with its members, the Law Society and all stakeholders currently providing partial advice or representation services, to effectively and responsibly enhance and expand this service option.</p>	<p>✓ PBLA</p>	
<p>13. The knowledge of members of the Alberta Association of Professional Paralegals is sought and included in the development of limited scope and paralegal services.</p>	<p>✓ LSA ✓ Alberta Justice ✓ PBLA</p>	
<p>14. Current services that are evaluated as providing effective and affordable advice and representation alternatives, are expanded. Most particularly, outreach is established for vulnerable groups and to the Judicial District communities.</p>	<p>✓ Alberta Justice ✓ SolGen ✓ LAA ✓ ALF</p>	<p>✓ Alberta Community Legal Clinics ✓ Alberta Law Line</p>
<p>15. Enhance advertising of services that are available through the community clinics, the LInC, and Alberta Law Line to other legal and social service providers, as well as the public.</p>	<p>✓ All Legal Service Providers</p>	<p>See #6</p>
<p>16. Incentives are provided to encourage private lawyers to establish practices, or provide visiting services (including accepting LAA certificates), in</p>	<p>✓ LSA ✓ CBA – Alberta</p>	<p>✓ REAL BC</p>

<p>communities where there is clearly a lack of practicing lawyers.</p>		
<p><b><i>Increasing legal services outside of Calgary</i></b></p>		
<p>17. All existing legal services, especially major stakeholders with provincial mandates, utilize the information provided in the ALSMP database to assist in a review of the services they provide to communities outside of the city of Calgary with a view to:</p> <ul style="list-style-type: none"> <li>a) ensuring services located in communities, visiting periodically, or electronically available are well-known to residents;</li> <li>b) making the enhancement of outreach services an absolute priority, by expanding capacity and or mandate as indicated by unmet legal need;</li> <li>c) reducing how often community residents must travel to Calgary or other communities for service, finding innovative solutions to transportation barriers (see Section 7.3)</li> </ul>	<p>✓ All Legal Service Providers</p>	<p>✓ Nunavut Community Justice Outreach Workers (CJOWS)</p>
<p>18. Specifically that expansion of existing services should include:</p> <ul style="list-style-type: none"> <li>a) collaboratively developed SafeCom, LInC, FJS/FLIC, LAA and CLG outreach services that travel to communities across the Judicial District;</li> <li>b) sufficient capacity within the Alberta Law Line to manage the volume of calls received both for brief and extended advice services.</li> </ul>	<p>✓ Alberta Justice (LInCs, FJS/FLICs)          ✓ SafeCom          ✓ LAA          ✓ ALF</p>	
<p>19. Collaborative relations are established with health and social service providers at provincial and local levels for the purpose of:</p> <ul style="list-style-type: none"> <li>a) ensuring exchanges of relevant service information;</li> <li>b) pooling resources to develop and provide, locally situated and outreach services that address interrelated needs holistically.</li> </ul>	<p>✓ All Legal Services</p>	<p>✓ SafeCom          ✓ Families First</p>
<p><b><i>Enhancing Legal Services to Meet Special Needs</i></b></p>		
<p>20. It be made a priority to provide information and training to legal service providers, lawyers and the judiciary that</p>	<p>✓ LSA          ✓ CBA-Alberta          ✓ Legal Education</p>	<p>✓ NJI Cultural Sensitivity Programs</p>

<p>will enhance and increase:</p> <p>a) cultural sensitivity;</p> <p>b) awareness of the social circumstances and physical and mental needs of vulnerable people;</p> <p>c) awareness of the interrelation of legal and social issues.</p> <p>21. Services evaluate the physical accessibility of their services for people with mobility, hearing or sight disabilities.</p> <p>22. The development of service/program components to address special needs is encouraged and funded.</p> <p>23. Legal services proactively seek ways to reach out to vulnerable groups at high risk for experiencing problems.</p> <p>24. Effort is made to meaningfully involve representatives from vulnerable groups in service design and delivery.</p>	<p>Society of Alberta (LESA)</p> <ul style="list-style-type: none"> <li>✓ Alberta Justice</li> <li>✓ SolGen</li> <li>✓ CPS/RCMP</li> <li>✓ LAA</li> <li>✓ National Judicial Institute (NJI)</li> <li>✓ Alberta Provincial Court Judges Association</li> <li>✓ CJC</li> </ul> <p>✓ All Service Providers</p> <ul style="list-style-type: none"> <li>✓ Alberta Justice</li> <li>✓ SolGen</li> <li>✓ CPS/RCMP</li> <li>✓ ALF</li> </ul> <p>✓ All Legal Services</p> <p>✓ All Service Providers</p>	<ul style="list-style-type: none"> <li>✓ CLG Homeless Outreach</li> <li>✓ Edmonton SLS/ Bissell Centre Outreach</li> <li>✓ Nunavut CJOWS</li> </ul>
<p><b>B. <u>Organizationally Specific</u></b></p> <p><b><i>Justice for Children and Youth</i></b></p> <p>25. Inter-service teams be formed to work with children and their families involved in child protection and legal custody proceedings.</p> <p>26. Child protection and custody cases be seized by one judge who is a specialist in Family law, for all matters and hearings.</p> <p>27. A lawyer and a social worker be appointed to represent the child directly in any case where guardianship or custody is highly disputed, most especially where multiple adult parties are involved.</p>	<ul style="list-style-type: none"> <li>✓ Alberta Ministry of Children &amp; Youth Services (MCYS)</li> <li>✓ Alberta Justice (Court Services, FJS/FLIC)</li> <li>✓ LAA/Family Law Office</li> <li>✓ Judiciary</li> <li>✓ Alberta Justice -Court Services</li> <li>✓ All relevant services</li> </ul>	<ul style="list-style-type: none"> <li>✓ BC Provincial Court (Family Division)</li> </ul>

<p>28. Current youth programs (legal and social) do not “cut off” at 18 but develop specific components to assist clients with a transition to adult services and self-support.</p>	<ul style="list-style-type: none"> <li>✓ Alberta Justice</li> <li>✓ SolGen</li> <li>✓ MCYS</li> </ul>	
<b>Legal Aid Alberta (LAA)</b>		
<p>29. LAA is supported with funding to allow enhancement and expansion of certificate coverage to allow:</p> <ul style="list-style-type: none"> <li>a) raising the income eligibility;</li> <li>b) broadening the scope of representation, especially for family, civil and administrative matters.</li> </ul>	<ul style="list-style-type: none"> <li>✓ LAA</li> <li>✓ Government of Alberta (Alberta Justice)</li> <li>✓ ALF</li> </ul>	
<p>30. Services offered by the Alberta Law Line be enhanced and expanded to:</p> <ul style="list-style-type: none"> <li>a) ensure this service is known and understood by service providers and public in the Calgary and all other Alberta Judicial Districts;</li> <li>b) provide service capacity that can meet demand in a timely way;</li> <li>c) develop dedicated lines that prioritize calls from legal services such as LInC, community legal clinics and social services providing legal gateways in the absence of local legal services.</li> </ul>	<p>As #28</p>	
<p>31. Reception staff in busy LAA offices include at least one member properly trained to perform a triage service for potential clients that would:</p> <ul style="list-style-type: none"> <li>a) accurately assess the eligibility of applicants;</li> <li>b) ensure applicants are aware of alternative possibilities to address legal problems;</li> <li>c) ensure applicants understand the terms of LAA certificate coverage;</li> <li>d) assign appointments with an intake worker (giving priority if a client needs to return another day);</li> <li>e) have the ability to assign appointment times to out-of-town clients.</li> </ul>	<ul style="list-style-type: none"> <li>✓ LAA</li> </ul>	

<p>32. LAA continue to pursue technological options for enhancing the LAA application process, but also seek to increase physical outreach to communities in the Calgary Judicial District.</p>	<p>✓ LAA</p>	
<p><b>Police Services</b></p>		
<p>33. CPS initiatives to improve relations with the homeless continue to be supported with an emphasis on inter-service collaboration and training.</p>	<p>✓ CPS ✓ Calgary Drop-In Centre</p>	
<p>34. Enhanced training is developed to assist police to understand and deal safely, effectively, and constructively with special needs populations. This training must recognize the circumstances in which police are expected to interact with these groups.</p>	<p>✓ SolGen ✓ CPS/RCMP</p>	
<p>35. Special attention is given to providing domestic violence training and related support services for the RCMP in small communities. Rural conditions including the lack of safe shelter, economic dependence, difficulty in complying with protection orders, and personal acquaintance must all be taken into consideration.</p>	<p>✓ SolGen ✓ RCMP</p>	
<p><b>Community non-profit – Building on successes</b></p>		
<p>36. Efforts are made to raise awareness about non-profit legal services, especially among other legal service providers.</p>	<p>✓ All Legal Services</p>	
<p>37. Both NCSA and other legal services who have (or potentially should have) Aboriginal clients, are proactive in making contact, exchanging information and exploring opportunities for collaboration.</p>	<p>✓ NCSA ✓ All other Aboriginal Legal Services</p>	
<p>38. Non-profit organizations are encouraged and funded to conduct assessments/evaluations of their services that explicitly investigate referral patterns including which groups of public do and do not access these services.</p>	<p>✓ Alberta Justice ✓ SolGen ✓ ALF</p>	

<p><b>Private legal services – building client satisfaction</b></p> <p>39. The Law Society of Alberta, the Alberta Branch of the Canadian Bar Association and individual lawyers and law firms take seriously the consistent public complaints about the quality and expense of private Bar services, and find ways to remedy these problems.</p>	<ul style="list-style-type: none"> <li>✓ LSA</li> <li>✓ CBA – Alberta</li> <li>✓ LESA</li> <li>✓ Law Schools (U of C, U of A)</li> </ul>	
<p><b>C. <u>Structural Issues</u></b></p> <p><b>Costs delays and enforcement: barriers to legal solutions.</b></p> <p>40. Local and provincial stakeholders continue to work together to identify ways to reduce legal costs and delays and to improve the enforcement of legal orders with attention to:</p> <ul style="list-style-type: none"> <li>a) initiatives that divert family matters from acrimonious and lengthy court proceedings to alternative means of permanent, enforceable resolutions;</li> <li>b) careful evaluation of the impact of reforms intended to reduce costs and/or delays in legal process;</li> <li>c) national and international collaborations that can forward the above goals.</li> </ul>	<ul style="list-style-type: none"> <li>✓ All Justice Community Stakeholders</li> </ul>	
<p><b>Mental health, homelessness, and addictions</b></p> <p>41. The multi-sector, multi-ministry collaboration providing a holistic program agenda via the <i>Safe Communities</i> initiative, continue to be fully supported and developed throughout Alberta.</p> <p>42. Opportunities are pursued by legal services and supported by funders within the Calgary Judicial District, to establish multi-sector collaborations that jointly address the social and legal problems of people who are homeless and/or have mental health and addictions challenges.</p>	<ul style="list-style-type: none"> <li>✓ Government of Alberta</li> <li>✓ SafeCom</li>   <li>✓ All Stakeholders</li> </ul>	
<p><b>Transportation</b></p> <p>43. Calgary legal service providers attempt to provide in-service assistance for clients with transportation needs, such as:</p>	<ul style="list-style-type: none"> <li>✓ All Justice Community Stakeholders</li> </ul>	

<p>a) providing transit tickets or taxi fares;  b) providing volunteer drivers; and  c) establishing, in collaboration with other local services, a jointly funded and operated shuttle.</p> <p>44. Maximize ability and willingness to offer services over the telephone, online, or by sending documents through the mail.</p> <p>45. Innovative solutions to rural transportation are pursued, such as:  a) using school buses in between or in conjunction with school runs between communities;  b) providing bicycles on either a loan or permanent basis; and  c) creating inter-agency collaborations to share costs of hiring shuttles and to lobby for local subsidies and municipal transportation initiatives.</p>	<p>✓ All Justice Community Stakeholders</p> <p>✓ All Justice Community Stakeholders</p>	<p>✓ Banff/Canmore School District</p> <p>✓ High River</p>
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