

# THE ALBERTA LEGAL SERVICES MAPPING PROJECT

Report for the

PEACE RIVER JUDICIAL DISTRICT

February 2011



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## Acknowledgements

The Alberta Legal Services Mapping Project is a collaborative undertaking made possible by the generous contributions of many Albertans. We are grateful to the Alberta Law Foundation and Alberta Justice for the funding that makes this project possible. The project is guided by Research Directors representing the Alberta Law Foundation, Alberta Justice, Calgary Legal Guidance, the Canadian Forum on Civil Justice, Edmonton Community Legal Centre, Legal Aid Alberta, and the Alberta Ministry of Solicitor General and Public Security. We are also indebted to our Advisory Committee which is made up of a wide group of stakeholders, and to the Community Service Providers and Focus Groups for their valuable input and support. We also thank all members of the Research Team and everyone who has dedicated their time as a research participant in order to make this Report possible.

**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 and service providers. 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 Directors Committee.

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# **THE ALBERTA LEGAL SERVICES MAPPING PROJECT: Report for the PEACE RIVER JUDICIAL DISTRICT**

## **1.0 INTRODUCTION**

The Peace River Judicial District is the final of eleven Alberta Judicial Districts to be mapped as part of the Alberta Legal Services Mapping Project (ALSMP). The ALSMP is a large-scale, multi-year endeavour, designed to gain an understanding of the legal needs of Albertans and of the legal services available in Alberta.

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.

The report for the Calgary Judicial District, the pilot region for the ALSMP research, includes a detailed introduction to the project and details of the research methodology and can be accessed from the Canadian Forum on Civil Justice (the Forum) website at <http://cfcj-fcjc.org/docs/2009/mapping-calgary-en.pdf>. A combined and condensed version of the original Legal Services I and II and the Brief Legal Questionnaires was used in the Peace River Judicial District (Appendix A). This instrument was created after we reviewed our experiences in the pilot District and were able to condense the questionnaire to those questions that best elicit the information we require.

I travelled to the Peace River Judicial District in November 2010. I held three Community Focus Group meetings in Peace River, High Level and Slave Lake. I also conducted interviews with one legal and one related social service provider via telephone who could not attend any of the Community Groups. In total, 16 legal, social and health services representatives participated.

## **1.1 Outline of the Report**

In this Project, we strive to address the following major research questions:

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

district?

2. What do we know about the users of current legal education, information, advice, representation and support services?
3. How can current legal services be enhanced to better meet client needs and how can service gaps be effectively filled?

In this Report, we will first describe the relevant characteristics of this Judicial District, and then discuss the existing legal and related services in Peace River. We will then discuss the predominant legal needs followed by identified gaps in legal and related services, noting the challenges, good practices and creative approaches of service providers. We will conclude by making recommendations designed to support good practices, remove barriers and fill identified gaps in needed services. Suggestions for how they might best be achieved are also provided.

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

The Project is an ambitious undertaking that involves the collection of valuable quantitative and qualitative data. The result is a combination of facts and figures with qualitative themes to provide context and explanations for the trends that emerge. The strengths of this Project are:

- it produces a large amount of useful data regarding what legal and related services exist,
- it engages people who live and work in the District and gains from their insights and experiences,
- it relies on mixed methodology and can thus provide a more complete picture of the topics that are addressed, and
- it takes a holistic approach to examining legal and related needs.

That said, there are always limitations when conducting research:

- we were not able to interview representatives from every legal and related service in the District, and
- we were not able to interview members of the public due to time and financial constraints.

## **1.3 Database**

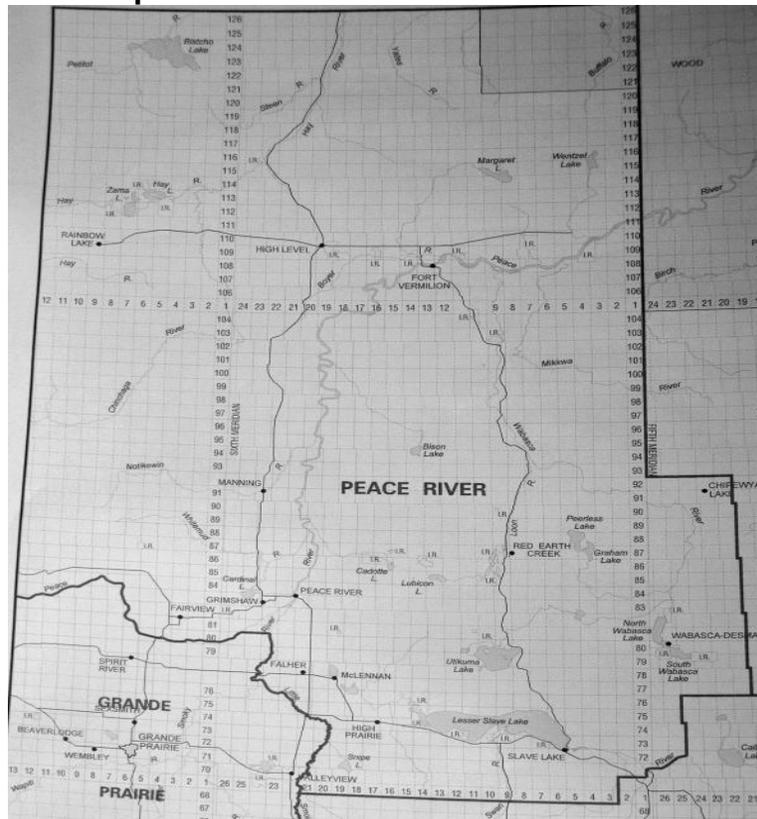
One of the deliverables of this Project is the creation of a database that provides information about all of the mapped legal and related services in Alberta. The database contains basic information about services such as mandates, as well as details about location, eligibility criteria, required documentation and accessibility. The administrative interface for this database can be viewed online by Project partners by going to

[www.albertalegalservices.ca/admin/](http://www.albertalegalservices.ca/admin/) then entering *guest* as the user name and *mappingdata* as the password.

Beyond the scope of this Project, but very closely related, will be the development of a website that will be user-friendly and available to members of the public as well as service providers. There is a significant amount of interest in this next step, and the Team is currently seeking suggestions about where the data should ultimately be housed and how the public interface should be developed.

## 2.0 ABOUT THE PEACE RIVER JUDICIAL DISTRICT

**Figure 1 –  
Map of the Peace River Judicial District**



### 2.1 Population

The population of the Town of Peace River was 6,315 as of 2007 (CentralAlberta.ca, 2007). According to Statistics Canada (2006), there were at that time approximately 285 immigrants and no non-permanent residents in the Town of Peace River. The majority of people who self-identified as visible minorities were:

- South Asian (37%),

- Visible Minority not included elsewhere (23%), and
- Black<sup>1</sup> (17%).

There are approximately 875 people living in this town who self-identified as being of Aboriginal descent.

Slave Lake is the largest community in the Peace River Judicial District (population 6,703). There is a very large Aboriginal population in this town: 2,060 or 31%. As of 2006 (Statistics Canada), there were also 280 immigrants and 45 non-permanent residents living here. The majority of people who self-identified as visible minorities were:

- Filipino (37%),
- Chinese (12%), and
- Arab (11%).

This is a very geographically large District with many communities. Other towns and villages in this District include:

- Fairview (population 3,297);
- Grimshaw (population 2,537);
- High Level (population 3,887);
- High Prairie (population 2,750);
- Manning (population 1,493);
- McLennan (population 824); and
- Rainbow Lake (population 965).

There is a very large Aboriginal population in this District. There are 10 reserves in this Judicial District, although as of the 2006 Census, some were recorded as having no current residents. These are:

- Beaver Ranch (population 15);
- Carcajou Settlement (population 0);
- Child Lake (population 160);
- Clear Hills (population 0);
- Desmarais (population 78);
- Driftpile (population 720);
- Duncan No. 151 (population 102);
- Fort Vermillion (population 71);
- Fox Lake (population 1,753);
- John D'Or Prairie (population 1,025); and
- Wabasca (population 1,978).

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<sup>1</sup> Term used by Statistics Canada.

There are also four Metis Settlements in the Peace River Judicial District:

- East Prairie
- Gift Lake
- Paddle Prairie
- Peavine

The populations of these settlements are included within the municipal district totals listed below:

- Clear Hills County (population 2,714);
- Municipal District of Big Lakes (population 5,805);
- Municipal District of Fairview No. 136 (population 1,432);
- Municipal District of Lesser Slave River (population 2,820);
- Municipal District of Mackenzie #23 (population 10,002);
- Municipal District of Northern Lights #22 (population 3,772);
- Municipal District of Opportunity (population 2,847);
- Municipal District of Peace No. 135 (population 1,487);
- Municipal District of Smoky River No. 130 (population 2,442 split with Grande Prairie Judicial District),
- Northern Sunrise County (population 1,747).

Thus, the total estimated population, based on the 2006 Census data, is 69,741.

### **Key Characteristics**

Participants identified a number of key general characteristics of this Judicial District. For instance, geography is clearly a major issue – even the centres in this District might be considered as remote and the District includes year-round fly-in communities such as Fox Lake.

*Considering the geographic location of Peace River and its population – that it's not just a small 2,000 person prairie town. We do have quite a few government offices but we still rely a lot on Grande Prairie. Given the infrastructure and population we need to look at getting some pressure on there that one day a week isn't enough time for some of the rotating services. [PRFG]*

There is a very high Aboriginal population, especially in the northern extremities of the District. Many do not speak English; there are several Aboriginal languages and numerous dialects. Formal education on remote reserves is minimal. English literacy is consequently very low.

It is generally established that Aboriginal populations are getting younger, while Canadians as a whole are an aging group. Reports suggest that Fox Lake is especially young, with a majority of the population under 35.

Also, several participants reported a high ratio of very young mothers (25 and under) with multiple children.

*At the shelter the average age has been from nineteen to twenty six years old with anywhere from two to six children. The majority of the ones who come in have some drug or alcohol issues – the husband got drunk and beat her up and kicked her out. There’s been a variety of areas that they come out of. It’s mostly Aboriginal, but not necessarily. When I started there they were under the assumption that only Aboriginal women could stay, but that changed. Last year based on the surveys that had been done and the information that had been compiled by the women’s shelter in Edmonton, the majority of women staying in shelter’s across Alberta were Aboriginal. I think the Native women are coming forward and not putting up with that abuse anymore more so than any other nationality. That’s my feeling for what’s happening. Most of them have limited education, not all but there are a lot that rely solely on their spouse for funding. The self-esteem is really low there too. [SLFG]*

Service providers also reported some ethnic diversity. Seven Francophone communities are reported, as well as Mennonite communities in which either High or Low German are spoken. Additionally, an increase was noted in Filipino and African immigrants.

## 2.2 Education

Participants perceived the level of education in this District as low (Table 1). Some pointed to the fact that many people move to the District to work in the oil and gas industry. Additionally, this is the second District (the first being Grande Prairie) in which learning and cognitive disabilities – and lack of related resources/supports – was reported as a significant barrier (Section 4.2.3).

**Table 1 –  
Educational Attainment for Peace River**

Education	Alberta		Peace River		Slave Lake	
	Total %	Aboriginals %	Total %	Aboriginals %	Total %	Aboriginals %
Less Than High School	14	26	26	47	32	55
High School	24	25	22	20	26	19
Trade	12	18	11	12	17	10
University/College	48	27	40	21	26	17

Source: Statistics Canada (2006)

Confirming participants' perceptions, rates of high school dropouts are significantly higher than provincial averages. Furthermore, university and college completion rates are significantly lower in Slave Lake and slightly lower in Peace River than provincial averages. Conversely, the proportion of residents who have completed trade certificates or diplomas is higher in Slave Lake than provincial averages.

The high school dropout rates are vastly higher for Aboriginal peoples, and university or college completion rates are also significantly lower than provincial rates for Aboriginal residents. High school completion rates and trade certificate/diploma attainment are also lower than provincial averages.

## **2.3 Employment & Industry**

Statistics Canada (2006) reported the labour force participation rate in Peace River as 82% and the unemployment rate as 4.8%. This is similar to the 2006 provincial rate of 4.6%. The three main industries are:

- Business services (16%),
- Retail (16%), and
- Agriculture and resource-based (11%).

The occupations that employ the largest proportion of the work force are:

- Sales and service occupations (24%),
- Trades and transportation (19%), and
- Business and finance (13%).

Statistics Canada (2006) reported the labour force participation rate in Slave Lake as 81% and the unemployment rate as 3.9%. This is significantly lower than the 2006 provincial rate of 4.6%. The three main industries are:

- Agriculture and resource-based (19%),
- Retail (15%), and
- Business services (12%).

The occupations that employ the largest proportion of the work force are:

- Trades and transportation (35%),
- Sales and service occupations (24%), and
- Business and finance (12%).

## **2.4 Cost of Living**

All participants mention a lot of poverty, and a large rural population in this District. It is not viewed as an expensive area of the province to live in. Housing prices, for instance, are similar to those in Grande Prairie with an average listing price of approximately \$265,000. However, participants indicate that many people are struggling to survive financially.

### 3.0 EXISTING LEGAL AND RELATED SERVICES IN PEACE RIVER

At the time of the *Self-Represented Litigants Mapping Project* (SRLMP: <http://cfjc-fcjc.org/publications/mapping-en.php#srl>), the Peace River Judicial District did not have a Law Information Centre (LInC), a Family Law Information Centre (FLIC) or a Community Legal Clinic. Opinion was divided as to whether a Community Legal Clinic or self-help centre was the priority. Now Peace River has access to both through Grande Prairie and participants seem to value them highly, while at the same time emphasizing their limited capacity (Section 3.3).

The SRLMP also heavily emphasized the importance for LInC and Community Clinics to have phone-in access to assistance and strong outreach programs. Participants this time reported that, while there is a push for people to phone in or apply online for legal services, there are barriers that impact the ability of rural residents to do so (Section 3.5).

As with the SRLMP, the Team began research in the Peace River Judicial District by mapping all legal services that could be found on the Internet and in any directories. Legal services were categorized into one or more of the following categories based on the definitions provided below:

- **Advice** – individualized answers about how the law will apply to a person’s particular case, what outcome is likely, or what option the person should pursue. Legal advice can only be given by a lawyer or a law student under the supervision of a lawyer.
- **Enforcement** – the application or regulation of a law, carrying out of an executive or judicial order or ensuring observance of or obedience to laws.
- **Legal Information** – the provision of one-on-one information concerning procedural and substantive law that directly pertains to the individual’s personal legal needs. Legal information can only be provided by a lawyer or law student.
- **Representation** – a lawyer, law student or paralegal recognized by the Court, preparing legal documents (pleadings, Affidavit, etc.) or appearing on behalf of a client. Legal representation includes duty counsel and unbundled legal services, a possible example of which includes drafting of pleadings.

- **Support** – services that offer court support programs or any other support/help finding or talking to legal and related services on behalf of clients needing legal assistance.
- **Public Legal Information and Education (PLEI)** –the provision of ‘one-to-many’ general information about the law, about the options that are available and about basic court processes. The information can be in the form of written materials (pamphlets, brochures, websites), educational programs, or telephone/in-person services.

Social or health services that provide any kind of formal or informal legal support (eg. advocacy or referrals) or see large numbers of clients with existing or potential legal needs were also mapped.

A selection of legal and related social and health services were identified for interviews.<sup>2</sup> Of these, seven participants in Peace River, representing five services, agreed to participate in interviews and a Focus Group: three were sole-purpose<sup>3</sup> legal and two were a cross-over legal and social/health services.<sup>4</sup>

### 3.1 Identification of Legal and Related Services

The Team mapped 61 organizations that offer a total of 120 legal and related services in the Peace River Judicial District (Table 2). Based on population, this District is very sparsely serviced. Of the services mapped:

- 68 are sole-purpose legal services,
- 29 are cross-over legal and social/health services, and
- 23 are sole-purpose social/health services.

As can be seen in Table 2, there are very few services that are located locally in all areas of law. Feedback from service providers indicates that they and members of the public rely on services located in Grande Prairie, often physically travelling to that city for services. Residents often have to access legal services located in Grande Prairie as well as Edmonton via telephone or Internet. Family law was identified as having the highest need for increased capacity and more physically accessible options. However, criminal law was also identified as lacking in capacity of existing services and options for services. This is the one area of law that has not often been identified as lacking in services in previous Districts.

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<sup>2</sup> The Team has developed a prioritization process, which is described in detail in the methodology discussion of the Calgary Judicial District Report at page 13, footnote 16. <http://cfcj-fcjc.org/docs/2009/mapping-calgary-en.pdf>

<sup>3</sup> “Sole-purpose” is a term used for the purposes of this Project to differentiate legal services that do not have any social or health service components and social or health services that do not have any legal service components.

<sup>4</sup> A commitment of the ALSMP is to confidentiality. As we are now only able to include a very small number of participants, we are no longer listing service representatives that have been interviewed.

**Table 2 –  
Services Available within the Peace River District  
by Area of Law & Service Type<sup>5</sup>**

<b>AVAILABLE LEGAL SERVICES<sup>6</sup></b>	<b>City of Peace River</b>	<b>Other Communities</b>	<b>Outside Judicial District</b>
<b>Administrative Law</b>			
<i>Advice</i>	-	-	2
<i>Enforcement</i>	-	-	10
<i>Representation</i>	-	-	-
<i>Support</i>	2	-	3
<i>PLEI</i>	6	10	30
<b>Civil Law</b>			
<i>Advice</i>	-	-	1
<i>Enforcement</i>	4	4	4
<i>Representation</i>	1	-	-
<i>Support</i>	2	2	3
<i>PLEI</i>	7	14	28
<b>Criminal Law</b>			
<i>Advice</i>	1	3	-
<i>Enforcement</i>	9	12	2
<i>Representation</i>	2	1	-
<i>Support</i>	9	15	-
<i>PLEI</i>	12	26	9
<b>Family Law</b>			
<i>Advice</i>	-	-	1
<i>Enforcement</i>	4	2	-
<i>Representation</i>	1	-	-
<i>Support</i>	8	8	-
<i>PLEI</i>	9	19	12

### 3.2 Geographic Location of Services

The few services located in this District are surprisingly broadly distributed throughout various communities (Table 3). Unlike previously mapped Districts, the number of services located in the urban centre of the District – Peace River – do not eclipse the numbers located in other communities.

<sup>5</sup> Categorizing types of service is not straightforward. For example, the Native **Counselling** Court Worker Program is classified as “support”, although 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>6</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.

**Table 3 –  
Physical Locations of Legal and Related Services**

Location	Legal Services		Social or Health Services
	Sole Purpose	Legal & Social or Health	
Assumption	5	-	-
Desmarais	6	1	-
Driftpile	-	1	-
Enilda	-	1	-
Fahler	5	-	-
Fairview	7	5	-
Faust	1	1	-
Fort Vermillion	6	1	-
Fox Lake	1	1	-
Gift Lake	1	1	-
Grimshaw	2	4	2
High Level	11	6	5
High Prairie	11	6	4
Manning	2	3	1
McLennan	1	2	-
Paddle Prairie	1	-	-
Peace River	17	9	7
Peavine Métis Settlement	-	1	-
Peerless Lake	-	1	-
Rainbow Lake	4	2	-
Red Earth Creek	6	1	-
Slave Lake	10	7	8
Wabasca	1	1	1
<b>TOTAL PHYSICAL LOCATIONS</b>	<b>98</b>	<b>55</b>	<b>28</b>

### 3.3 Capacity of Existing Services

As was found in the SRLMP in 2006, this District is underserved and service providers are over-extended.

*Well I can tell you that our native counselling worker is pushed past her limits. She needs help. She provides all the help she can. She does circuit, court, parole, and so much more. For our area, with the amount of aboriginal people we deal with on a regular daily basis, it isn't enough. There's only so much one person can do. ... She can't specialize because she's the only one there. She has to help with paperwork with changing birth records and really anything else. [HLFG]*

Despite a growing population, especially in Peace River, no additional resources or services appear to have been established since 2006 (other than access to the LInC in Grande Prairie). Participants repeatedly reported inadequate capacity of services. Additionally, government hiring freezes were again reported as an issue.

*Lack of staffing sometimes. It's not that we have open spots it's just we're so busy that it feels there should be extra people. We all experience that, I think. [FGPR]*

*It's a very busy office. There are ten of us and sometimes I think we need twice that many. There are always people needing something at the counter, on the phone or by fax. [FGPR]*

*There is only one Family Courtworker for our area and she's overworked and underpaid. It's just too much. She's really good at her job but it's too much. There's a big increase in spousal ... assault and sexual assault. There is a larger criminal need in our area but family is still really hard. There are a lot of lawyers that just don't want to take their files because they can go on forever and can be difficult to settle or to deal with. [FGPR]*

It should be noted, though that the low population in this District makes it difficult to financially justify erecting certain services, such as a LInC.

### 3.4 Key Services in the Peace River Judicial District

Some of the most widely known about and utilized legal services in the Peace River District are:

- Legal Aid Alberta (LAA)
- Lawyers

- Court House Services
- Alberta Law Libraries (ALL)
- Native Counselling Services of Alberta (NCSA)
- Royal Canadian Mounted Police (RCMP)

Although not located in this Judicial District, service providers also spoke extensively about utilizing the Law Information Centre (LInC) in Grande Prairie. There was praise and gratefulness for this LInC, even though everyone in the Peace River District must either travel to physically access it, or phone in for service.

*There's the Law Information Centre as well. They act in family, civil and criminal. They assist with forms and referrals and finding resources. They can jump the queue with the Alberta [LAA] call lines as well. [FGPR]*

This service is described in detail in the [Grande Prairie Judicial District Report](#).

### **3.4.1 Legal Aid (LAA)**

LAA is funded by the Government of Alberta, Alberta Law Foundation and Government of Canada to provide legal advice and representation to low-income individuals. As of April 2010, very significant changes have been made to the Legal Aid Alberta (LAA) service delivery model that affects all areas of Alberta but in differing ways. These changes are recent and complex, with pilot Legal Service Centres located in Edmonton and Calgary currently offering services not yet available elsewhere in the province. For these reasons, we consider it appropriate to provide a detailed overview of LAA services and as much clarity as possible about eligibility guidelines and access processes.

In November 2009 a Legal Aid Alberta Review (<http://cfjc-fcjc.org/clearinghouse/publication.php?id=22322>) made 19 recommendations to the Minister of Justice, including substantial service delivery changes. This review was not targeted at doing more with less, but the financial downturn intervened.<sup>7</sup>

In order to continue as much service as possible and at the same time respond to the Review recommendations for service change and increased efficiencies, after long debate, the LAA Board decided to reduce eligibility guidelines by 30% for a saving of \$5.5 million. This means (based on previous usage numbers) that approximately 6,000 people will now not qualify for a certificate. Clients will no longer have the right to choose their Counsel. In part, this change is to facilitate a client pathway that first goes to Duty Counsel for evaluation of legal need, with a certificate being issued only if the matter cannot be addressed by other available service options. As well, LAA was concerned that clients sometimes choose Counsel without sufficient experience to

<sup>7</sup> For a more detailed summary of the recent changes to LAA, refer to the ALSMP Report for the Edmonton Judicial District. (<http://cfjc-fcjc.org/docs/2010/mapping-edmonton-en.pdf>)

address their case and it is hoped that the change will allow LAA to assign lawyers best suited to client needs.

LAA is now focused on assessing clients' legal needs and providing services that best suit those needs. Appointing a lawyer for a client is no longer the main goal of LAA. It may be decided, for example, that mediation is the best way for a client to resolve a family law issue. If LAA staff determines that mediation is an appropriate first step, they will guide clients through that process.

At the Legal Services Centres (LSCs), there will now be access to brief legal advice in-person and by telephone.<sup>8</sup> Telephone intake will be available across the province. Expansion of the Duty Counsel program is planned as soon as fiscally possible, and LAA wants to proceed with the Review recommendation to pilot civil assistance, especially for debt.

### **Regional Offices**

LAA has divided the province into eleven regions, each with a Regional Office. Regional staff travel on circuits to many surrounding communities. Due to the recent changes, some circuiting will be reduced. Regional Officers will now be able to do intake over the phone. This will improve the ability to make a LAA application for those Albertans who live in remote areas and are still eligible under the revised financial guidelines. Prospective clients may make first contact either with Regional Offices or with Duty Counsel at courthouses where this service exists. The basic eligibility guidelines are listed in Table 4.

**Table 4 –  
LAA Basic Income Eligibility Guidelines**

Household Size	Monthly Net Income Level	Annual Net Income Level
1 person	\$919	\$11,000
2 persons	\$1,140	\$13,680
3 persons	\$1,620	\$19,440
4 persons	\$1,750	\$21,000
5 persons	\$1,883	\$22,596
6+ persons	\$2,014	\$24,168

These guidelines may be increased somewhat within the ranges below if the applicant makes a contribution to the cost (Table 6).<sup>9</sup> If net income falls within the following

<sup>8</sup> Brief services may include document review and preparation; third party contacts for clarification or issue settlement; settlement advocacy; and coaching for clients who can self-represent.

<sup>9</sup> Although cost contributions are requested, LAA reports only recovering eleven cents on the dollar. Clients may make a subsequent submission concerning inability to pay if their financial circumstances change, and accounts are written off if the client makes a case not to pay. LAA representatives also report that it has been suggested that increasing the amount recovered would improve their financial situation; however, they resist this course of action because people accessing legal aid are the poorest of the poor.

ranges, legal aid coverage may be granted on the condition that payments are made (eg. down payment, monthly payments). Clients may be asked to start making small payments right away, or provide some kind of security agreement even before a lawyer is assigned to their case.

**Table 5 –  
LAA Income Guidelines if Clients Pay a Portion**

Household Size	Monthly Contribution Range	Annual Contribution Range
1 person	\$919 - \$1,225	\$11,028 - \$14,700
2 persons	\$1,140 - \$1,516	\$13,680 - \$18,200
3 persons	\$1,620 - \$2,158	\$19,440 - \$25,900
4 persons	\$1,750 - \$2,333	\$21,000 - \$28,000
5 persons	\$1,883 - \$2,508	\$22,596 - \$30,100
6+ persons	\$2,014 - \$2,683	\$24,168 - \$32,200

### **Legal Services Centres**

Effective April 6, 2010, the Edmonton office of Legal Aid Alberta (LAA) changed how it provides services by launching the first Legal Services Centre (LSC). That was followed by Calgary in June 2010. These LSCs are operating as pilots and it is not known yet whether additional LSCs will be opened or where they will be located.

In accordance with the priorities set out in the 2009 LAA Review, LSCs will provide services in the following areas of law:

- criminal, including both adult and youth,
- family, including child welfare,
- immigration and refugee, and
- civil, including housing, income support, employment and debt.

Clients will be able to access legal information, referral services, brief services, legal advice and appropriate streaming to one of LAA's other legal services.

The eligibility guidelines provided above apply to the issue of a certificate for legal representation. There are, however, different eligibility guidelines for other programs available through the LSCs (Table 6).

**Table 6 –  
Income Guidelines to Receive Referrals Only**

Family Size	Monthly Net Income
1 person	\$2,700
2 persons	\$3,200
3 persons	\$3,850
4 persons	\$4,175
5 persons	\$4,500
6+ persons	\$4,800

If income falls within the guidelines in Table 7, clients will be eligible for legal advice by LAA staff lawyers, brief services (such as assistance with court forms), information that will help them resolve their issue and better navigate the justice system, and referrals to other agencies that may be able to assist. These clients will not be eligible for full representation by a lawyer in court, but LAA staff lawyers will be able to provide advice to assist clients in knowing what steps to take.

**Table 7 –  
Income Guidelines to Receive Legal Advice, Brief Services & Referrals**

Family Size	Monthly Net Income
1 person	\$1,750 - \$2,700
2 persons	\$2,165 - \$3,200
3 persons	\$3,085 - \$3,850
4 persons	\$3,340 - \$4,175
5 persons	\$3,585 - \$4,500
6+ persons	\$3,835 - \$4,800

**Legal Services Centre (formerly Alberta Law Line)**

The toll-free Law Line number (1-866-845-3425) is still operational and calls from outside Edmonton will be accepted. However, former Alberta Law Line staff are now part of the LSC in Edmonton, providing in-person and telephone services. Calls from LInCs are received on a priority basis. There is also a priority call pilot program with nine women’s shelters across the province.<sup>10</sup> LAA management acknowledge that response time to individual callers may be delayed, resulting in lengthy wait times. We note that:

- there continues to be no eligibility criteria for gaining information and referrals via a direct call to the Law Line,

<sup>10</sup> This pilot project runs until December 2010, at which point it is anticipated that both organizations will be making recommendations with respect to future directions.

- the old [higher] eligibility levels apply for brief advice [as per those listed above],
- LAA is attempting to monitor discrete calls and waiting times.

### **Local Perspectives about LAA**

There was a lack of clarity – as has been found in previous rural Districts – about when LAA representatives are circuiting to the various court points. Additionally, the recent LAA changes continue to be unclear for service providers and some frontline LAA staff.

*Even access to legal aid is tough. They used to be here every week and now you don't know when they're going to be here. Two, and maybe three times a month. And there's nowhere to schedule them. Even their number to get a hold of them – the number isn't toll free anymore. A lot of people don't have long distance or can't afford it. They won't come to Athabasca unless you phone them and they have to have 3 or 4 to have the trip be worthwhile. [SLFG]*

Legal service providers also reported that, although people are being encouraged to apply online or over the telephone, there is not a toll free number to call LAA in order to apply for services via telephone. A check on LAA's website confirms that people wishing to apply are directed to contact the office nearest them and only local numbers are provided for each office. As already mentioned in this Section, the toll free number that was originally used for the Alberta Law Line is still in use for the Legal Services Centres.

The cuts to LAA financial eligibility were again the subject of concern and comment. It should be noted, however, that complaints in this District were not so much about LAA itself, but about the availability and quality of lawyers to take LAA certificates. These concerns were expressed by legal service providers who have familiarity with legal issues.

#### **3.4.2 Lawyers**

Participants from towns in this District report few practicing lawyers who are taking on clients, particularly LAA certificate clients. The actual numbers from the Law Society confirm that there are low numbers of locally-based lawyers (Table 8).

**Table 8 –  
Lawyers who are Practicing in the Peace River District**

Location	Bar Members		
	Registered <sup>11</sup>	Government	Private
Assumption	-	-	-
Desmarais	-	-	-
Driftpile	-	-	-
Enilda	-	-	-
Fahler		-	
Fairview	1	-	1
Faust	-	-	-
Fort Vermillion	-	-	-
Fox Lake	-	-	-
Gift Lake	-	-	-
Grimshaw	-	-	-
High Level	-	-	-
High Prairie	3	-	3
Manning	-	-	-
McLennan	-	-	-
Paddle Prairie	-	-	-
Peace River	26	9	16
Peavine Métis Settlement	-	-	-
Peerless Lake	-	-	-
Rainbow Lake	-	-	-
Red Earth Creek	-	-	-
Slave Lake	7	-	7
Wabasca	-	-	-
<b>TOTAL</b>	<b>37</b>	<b>9</b>	<b>27</b>

Again in this District, the most urgent need is for lawyers who practice family law. Participants also said that there is a need for lawyers to be locally available to provide brief legal advice on a face-to-face basis.

***Experiences with Lawyers***

A recent poll conducted by Ipsos-Reid for the Law Society of Alberta (<http://www.lawsocietyalberta.com/#survey>) reported that most Albertans were satisfied with the services of lawyers in meeting everyday legal needs, such as matters concerning real estate and wills and estates. However, public participants that have been included in the ALSMP (Edmonton and Calgary Judicial Districts) and previously in the SRLMP and *Civil Justice System and the Public* (<http://cfcj-fcjc.org/publications/cjsp-en.php>) were generally not satisfied. These participants tended to be involved in contentious civil and family court cases or criminal matters, though. These represent a small minority, and the most complex of legal needs, which

<sup>11</sup> In some cases, the total number of registered Bar members may be higher than the sum of those in government and private practice. This is because those practicing in corporate settings have not been included in this Table.

can have serious financial and other personal consequences. Clearly, such cases are more likely to generate dissatisfaction.

It should be noted that the Law Society's survey was conducted more recently than any of the other research I have referred to. Additionally, it cannot be assumed that the opinions expressed in other Judicial Districts apply to this District.

Service providers reported that no one wants to take on family law cases, and often, lawyers fly in from Edmonton to serve clients. When a LAA certificate is granted, clients often cannot find a lawyer to take on the case.

Lack of lawyers in general is as big an issue as affordability in this District. Service providers listed related barriers to accessing legal representation including:

- Lawyers do not want to take family law cases.
- Lawyers do not want to take LAA certificates, especially for complicated cases.
- Lawyers do not want to go the more remote communities that desperately need their services (eg. Red Earth Creek).
- Lawyers who do take family law cases and LAA certificates have too many cases to get really involved in any one.
- Due to the low numbers of available lawyers, conflict of interest issues arise when those available to assist can only help one party, leaving the other without legal help.
- The Crown has to circuit from Peace River to all the other courts in the District.

### **3.4.3 Court House Services**

The main courthouse in this District is located in the Town of Peace River and includes Provincial Court as well as the Court of Queen's Bench. There are also base courts in High Prairie and High Level, as well as the following circuit courts:

- Red Earth Creek
- Slave Lake
- Wabasca-Desmarais
- Fairview
- Falher
- Fort Vermilion
- Assumption

The Registry is clearly very central and provides essential services in Peace River and High Level.

*[It is] a joint courthouse so [it] deals with provincial court and Queen's Bench, civil, family, child welfare and so on. .... [There are] quite a few people ... who are quite a distance away so that can be quite challenging. .... [Staff] deal with different agencies, [they] liaison with different agencies for exhibits or sometimes [they]'ll have access to children who need space while their parents are here for court. [Staff] deal with records, statistics, and so on. Rural courtworkers' duties are really quite blended. [PRFG]*

The other key courthouse services that participants referred to were Duty Counsel and Family Justice Services/Family Law Information Centre, as well as Alberta Law Libraries (to be discussed separately in the next Section).

### **1) Duty Counsel**

There is Duty Counsel available for Criminal Provincial Court in Peace River. Participants spoke of a need for Family Duty Counsel. There is no financial eligibility testing for assistance through this program. Duty Counsel provides free legal advice and assistance to people making their initial criminal or family court appearance unrepresented by counsel.

Currently Edmonton, Calgary, Red Deer and Lethbridge have staff Duty Counsel available to deliver the new service model in which Duty Counsel will have expanded hours with availability to also meet and assist clients once court has concluded sitting for the day. The goal is to achieve better outcomes for clients. This change has not yet happened in the Peace River District.

Wherever this service is available, LAA encourages clients to first contact Duty Counsel, as they are best able to make an immediate assessment of the matter and facilitate prompt connections to relevant service components, including a Certificate for representation when appropriate.

In the larger centres, Duty Counsel services are provided in:

- Adult and Youth divisions of Provincial Court
- Family (Provincial Court)
- Domestic Violence Court
- Drug Treatment Court
- Mills/O'Connor applications
- Duty Counsel service is also available for persons requiring assistance for Mental Health Review Panel hearings and Institutional Disciplinary Hearings.

In addition, LAA Duty Counsel provides legal services as required when Emergency Protection Orders have been granted, to assist clients in reviewing and opposing the Orders, and dealing with breaches of these Orders.

## 2) Family Justice Services (FJS)/Family Law Information Centre (FLIC)

FJS/FLIC was launched in 2005 and is a group of programs and services that are offered by Alberta Justice and the Alberta Courts. They focus on providing free or low-cost services to members of the public with family law needs. There are currently three programs that are available to residents of this District through FJS.

The **Parenting After Separation** course is a free six-hour workshop that was developed in Alberta by the Court of Queen's Bench and Alberta Justice and is now used nationally and internationally. The purpose of the workshop is to assist parents in understanding the process and effects of separation and to encourage parents to make positive choices about how they will continue to parent their children after separation. This program is voluntary for parents who are in Provincial Court but mandatory for parents who are in the Court of Queen's Bench.

**Family Court Counsellors** provide information about options and services for resolving family matters that are alternative to going to court. They also offer assistance completing court documents and arranging court dates. In order to qualify, at least one dependent child must be involved and at least one party must reside in Alberta.

The lone Family Court Counsellor is highly used and very highly praised (probably the most highly praised service/professional). She also helps provide support via telephone. Her workload is excessive beyond comprehension.

*I think the Family Court Counselor provides an incredible service and is only funded to come to Peace River once a month. The day that she comes is court. She helps over the month by phone. She also takes appointments and so she isn't in court all day. To have someone there more often would be fantastic. We have a lot of places we can access by phone but lots of times you need someone to sit by you and show you the forms, for instance. Sometimes the level of assistance they need can't be provided by a clerk, which is where she comes in.*

The **Focus on Communication in Separation Program** is a six-hour, skills-based communication course teaching parents how to communicate effectively while living apart. This program aims to enhance the communication skills of parents, reduce parental conflict and improve long-term outcomes for children. Upon completing the course, parents will be able to reduce conflict through good communication and problem-solving skills, decrease tensions arising from conflicts and decrease stress for children and parents (2009 Alberta Court Calendar). This voluntary program is for separated or divorced parents of young children.

Other FJS services available in Edmonton include:

- Brief Conflict Intervention (where mediation is unsuccessful);

- Child Protection Mediation;
- Child Support Recalculation (this is different from the Child Support Resolution Program);
- FLIC;
- Focus on Communication in Separation Course,
- Open Parenting Assessments;
- Parental Conflict Intervention (where mediation is unsuccessful); and
- Parenting/Contact evaluations.

**3) The FLIC provides information about:**

- Child Support Guidelines, including the tables for each province;
- how to calculate child support;
- how to apply for or change a Queen's Bench Order in various family law matters; and
- how to oppose a family law application in the Court of Queen's Bench of Alberta.

The FLIC website is: <http://www.albertacourts.ab.ca/familylaw/>. Litigants can also access booklets and forms through FLIC.

Participants spoke of the importance of having more of these services available locally - particularly mediation services - and emphasized that legal processes are quite stressful for people experiencing family law-related matters and that they really need ample available support. Additionally, a portion of court cases could be avoided with effective mediation options. There is one mediator who periodically travels to the smaller centres in Peace River, most commonly, Slave Lake. People from this Judicial District have to travel to Grande Prairie for mediation. The courts' current focus on alternative measures emphasizes this service, so while the need is increasing, capacity is not.

#### **3.4.4 Alberta Law Libraries**

Alberta Law Libraries are also located in the courthouse in Peace River and provide important resources to members of the public, as well as members of the Bar and Judiciary. This service will be described further in Section 6.1.3, in the discussion about PLEI providers.

#### **3.4.5 Native Counselling Services of Alberta (NCSA)**

NCSA was launched in 1970, with a mandate to promote fair and equitable treatment of Aboriginal peoples. NCSA is primarily funded by Provincial, Federal and local governments and the Alberta Law Foundation, and strives to plan and deliver culturally sensitive programming and public education about legal needs, as well as rights and responsibilities as they apply to Aboriginal peoples.

NCSA has offices throughout Alberta with the head office located in the City of Edmonton. NCSA offers more than 20 programs and services that are aimed at

providing support to people who are going to court with criminal or family matters, as well as people who are facing parole or probation orders. NCSA also prioritizes the prevention of legal needs by offering educational services about the Canadian legal system. Additionally, healing and strengthening family and community relationships are the focus of multiple programs.

NCSA is probably most well known for the **Courtworker Programs** offered across Alberta. There are Criminal, Youth and Family Courtworker Programs. They offer clients in- and out-of-court support and advocacy. They will go into Provincial Court with people and speak on their behalf. Courtworkers cannot provide advice or representation but will help prepare cases, assist with LAA applications and facilitate inter-service transitions or referrals, as well as translation/interpreter services.

NCSA also offers public legal education and information (PLEI) through a program called the **Bearpaw Legal Education and Resource Centre**, which is a merger of the Aboriginal Resource Centre and the Alberta Aboriginal Legal Education Centre.

Based on feedback received, the NCSA offices in this District appear to be incredibly understaffed but are consistently praised. They were identified as one of the primary places that service providers refer people to.

*I agree that the Family Courtworker is overtaxed and services too large an area. We refer a lot of clients to her, but Native Counselling has made it clear that they aren't just there to serve the Aboriginal population and so we've been splitting our referrals both ways. We get a lot of family court/child custody issues that come out of an initial domestic issue.*  
[PRFG]

Participants noted that the current desperate need for help with family law matters has resulted in NCSA courtworkers receiving many more family referrals, while their primary demand has traditionally been related to criminal matters. It was suggested that since NCSA is addressing this need, courtworkers should be provided with additional training in family law to have the skills to respond. This was not a criticism of the current work that is being done; rather it was recognition of volume of work that is being thrust at NCSA in a field that they have not always provided service for in this District.

We were fortunate to obtain excellent participation from multiple NCSA and other Aboriginal representatives throughout this District. Additional information provided here about general services is based on NCSA's website and general information provided by NCSA staff in the Edmonton Judicial District. For further detail, refer to Section 3.4.7 of the Edmonton Report.

### **3.4.6 Royal Canadian Mounted Police (RCMP)**

The RCMP Detachments in the Peace River Judicial District are organized into 11 sections and units. These units work together to promote public safety and awareness,

enforce Federal, Provincial and Municipal laws and provide an overall sense of security to residents.

- [General Duty](#)
- [General Investigation Section](#)
- [Traffic Services](#)
- [Community Policing / Victim Services](#)
- [Police Dog Services](#)
- [Forensic Identification Section](#)
- [Domestic Violence Unit](#)
- [Community Response Unit](#)
- [Organized Crime Unit](#)
- [Enhanced Policing](#)
- [Municipal Employees](#)

The RCMP offer six main services to communities in this District.

The **Auxiliary Police Program** is a volunteer program intended to enhance community-based policing and provide an opportunity for citizens to participate in law enforcement on an organized basis. Auxiliary constables provide a complementary service to the RCMP.

Duties that an auxiliary constable may perform under direct supervision of a regular member of the RCMP are widely varied and include, but are not limited to:

- community policing programs (ie. Neighborhood Watch, Bicycle Safety, Child Identification),
- guarding crime scenes to protect evidence,
- searching for missing persons,
- routine crowd, traffic or parade control,
- operational ride-alongs,
- routine general duty patrols and traffic patrols,
- office duties (i.e. computer queries, Detachment front desk duties, answering phones), and
- routine duties as assigned by the Detachment Commander (from website).

**Crime Stoppers** is a well-known community program that combines the police, the media and the public in a co-operative crime-solving effort. It combats two major obstacles to the reporting of crime within a community – apathy and fear – by offering cash awards and anonymity (from website).

The **Aboriginal Policing Services** is responsible for the development of culturally sensitive policing services which are acceptable to Aboriginal peoples, and promotes the recruitment of Aboriginal people into the RCMP. The RCMP delivers police services to Aboriginal peoples through the First Nations Community Policing Service (FNCPS). The RCMP-FNCPS model incorporates the following principles:

- Service levels equivalent to those of non-First Nations communities;
- Compatibility and sensitivity to First Nations culture and beliefs;
- Flexibility to accommodate local variations in policing needs; and
- A framework which allows for the transition to an independent First Nations-administered police service or a Community (from website).

The philosophy of the **Community Advisory Committee (CAC)** is one of commitment and service to people through communication, working with people, and sharing information and resources to solve problems which the community sees as important.

Community Advisory Committees consist of various community service departments including Family and Community Services, Recreation and Culture, the Library, the RCMP and Fire Services. The structure of the committee enables a collective effort from all aspects of the community in contributing to the prevention and resolution of problems that affect the community's safety and quality of life. The committee is advisory in nature and is not solely responsible for resolving community problems, but will assist in the development of plans with the aim of targeting resources and organizing the involvement of other community agencies and groups (from website).

**Project KARE** is an RCMP 'K' Division led initiative that commenced in October 2003 and provides services throughout Alberta. It is a joint forces operation with the Edmonton Police Service (EPS), with secondments from time to time of several other Alberta law enforcement agencies. It is tasked with aligning several current investigations involving deaths of high-risk victims in the Edmonton area and to pursue other investigations emerging from the completion of The High Risk Missing Persons Project. There are currently 33 RCMP members and two EPS officers assigned to Project KARE. At full strength, the Project KARE team will consist of 35 regular and civilian RCMP members, four EPS members and eight support staff. The project numbers expand from time to time with special initiatives, such as the modernization of historic high risk missing persons files (from website).

Finally, **Community Policing Services** are available in all communities in this District. Traditional policing such as crime investigation, law enforcement and maintenance of order are still part of policing under this philosophy, as well as attempting to address unique needs and problems with the people and communities they serve (from website).

Service providers mentioned that the RCMP in this District are involved in promoting youth intervention and restorative justice. RCMP members were very accommodating and multiple representatives participated in this Project. The above report fits with the impression of involvement provided by the RCMP representatives in their interviews.

### 3.5 Barriers to Accessing Existing Legal Services

Service providers emphatically identified specific barriers in the Peace River Judicial District. In fact, they reported far more challenges regarding barriers than gaps in services.

The main barriers that were identified included:

- Lack of Knowledge (Service Providers and the Public).
- Language and Literacy Barriers.
- Service Locations.
- Lack of Transportation.
- Lack of Technology.

#### 3.5.1 Lack of Knowledge about How to Address Legal Needs

Lack of knowledge about legal rights, responsibilities and processes has emerged as a barrier to the public in every District that we have mapped thus far, and emerged again in Peace River. This lack of knowledge is indicative of the high need for legal information and education. Lack of knowledge was mostly spoken about in relation to the general public, but service providers did also mention some misconceptions about service mandates among their peers. That said, service providers – comparatively speaking – are reasonably aware of what services exist in this District and what their mandates are. The Rules of Court change was identified as an area of some confusion at present.

*Sometimes it's difficult to get information out there. For example, we just got new Rules of Court in Alberta so basically everything has changed, form-wise. It's all new. The courthouses are not comfortable with it, the lawyers aren't, so then to now provide service to people who already don't know what you're talking about. There has been training provided but when you're learning something so big and new it's hard to grasp it until you're using it every day. We're at a point where the service providers are learning along with the service users. It's a strange place to be in but that's a barrier. People may not feel they're receiving the same level of service. It was November 1<sup>st</sup> so it just happened. Hopefully people are patient ... but it is a big barrier. [FGPR]*

As for the general public, lack of knowledge and education generally is a major issue in this Judicial District.

*A lot of people don't even understand what you're telling them. They'll come in and you'll explain the family stuff to them and they'll go, "yea yea yeah," like they understand. And then they'll come back later and it's completely wrong. ... I had one guy that came in and we helped him, we told him to read over the paperwork and make sure everything was right. He reads the first page and then he says he's done. I asked him if he read the other pages and he said no, so then he does. We swear it and make all the photocopies and so on and then the woman with him says something and then he goes, "Oh my name is wrong" .... That's what I mean, they don't even understand they have to read it over and make sure the details are right. They'll come out of court and say they're supposed to sign something and we'll ask what they got and they just won't know .... I don't even understand the legal stuff sometimes. [HLFG]*

*I do a lot of referring ... my goal is to refer them on to people who can help them. I look at what's available in the community and help people access the programs. What I find is that a lot of people don't know how to get there and don't know what to ask when they get there. I can refer them on, but if I don't have the knowledge to say you need to ask for this, or this is where you need to go, then they're kind of left floundering so I'm looking at how I can provide better service to my clients. They might be trying to get out of arrears, dealing with landlord issues, or any other things that will lead to their file closing if they don't get the appropriate help. We need certain things and if they don't get them we can't provide support. [PRFG]*

### **3.5.2 Language and literacy**

Language barriers were reported as a challenge in this Judicial District. However, unique to this District, the participants focused on Canadian born residents' language barriers as opposed to new Canadians'.

*We deal with a lot of language barriers in our area. We have a large Aboriginal community that surrounds us. A lot of those communities are isolated. There are some barriers. We have a large French community but we're lucky to have bilingual judges, clerks and so on. We do house quite a large German population of Mennonite people. The language barrier can be an obstacle in terms of even knowing what services are available. [PRFG]*

Participants reported high francophone and German populations in and around the town of Peace River. The 2006 Census shows that the proportion of respondents who spoke French was slightly below the provincial average (14% versus 18%).

In the case of Aboriginal dialects, Cree is most commonly spoken by residents of the reserves in the District. Participants did note that there are translators available, but the public do not always know that and will be hesitant to seek out services.

### **3.5.3 Service locations**

A few issues came up regarding physically accessing legal and related services. The primary obstacle is the fact that some key services that service providers and members of the public look to for information, such as the LInC and Legal Guidance Centre, are located in Grande Prairie.

In High Level specifically, it seems that some key services previously located in or near the central Provincial building have been relocated to the edge of town. While this might have been about space, participants indicated that it was not a client-centred decision.

*They have mental health here. I've never gone over there though. They're in the hospital. AADAC was in the provincial building and has moved to the hospital. There's sort of an uproar about that. It's the old hospital in the southwest corner of town. For people who don't have a vehicle to walk way over there – I don't know how many people will miss their appointments now. It used to be so convenient. It's also a problem because it's often a part of someone's condition that they get help. Probation sends a lot of people there. This isn't convenient at all for anyone. There's no public transportation here either. There's no bus system here. Walking in minus thirty. [HLFG]*

Finally, this is geographically the largest Judicial District in Alberta and there are many communities located throughout it that are not large enough to warrant having permanently located services. They are also often a significant driving distance from the larger centres where the service are physically located, and sometimes have fly-in only. Residents often do not have vehicles, finances for travel or access to electronic means of communication.

### **3.5.4 Transportation**

As the geography would indicate, transportation is a major barrier in this District. Within the larger communities there are taxis, but these are the only options and are not affordable for many people. However, service providers seem to be innovative in organizing something whenever remotely possible.

*How do you get them there? I call the intake, and we'll send them on the bus. That's usually the worst part unless I can track someone down going that way. The express is pretty good and it's a smaller service. Salvation Army is another resource I use quite a bit. The pastor is quite skilled at dealing with people who have mental illness. [PRFG]*

*Greyhound goes to a lot of communities, but that's part of the problem because it takes a long time due to the stops. There are some bus rides that are 9 hours, which would be a 2 and a half hour drive. [PRFG]*

*In our area, transportation is a HUGE issue. They miss court dates. They cannot get in on Mondays to go for LAA and that's the only day they are here. They are often paying \$100 for a ride. So, [there are] a lot of non-appearances and breaches. [02, Legal Service Provider]*

### **3.5.5 Technology**

As with the Grande Prairie Judicial District, the lack of access to electronic communications in rural communities was identified as a significant barrier.

*A lot of people don't have access to computers. Or have a phone, but don't have minutes. Communication is definitely a challenge. [PRFG]*

*I go to my meetings in Edmonton and they talk a lot about websites but up here that's not a reality for a lot of our clients. To have a website is great but it needs to be followed up with paper and office work. Toll free numbers are great because they might not have minutes or the finances. [PRFG]*

Service providers once again spoke to the heightened focus on providing telephone and web-based information and applications. They reported that these options, such as online applications, work very well for some people. These are usually young, urban dwellers. However, they are not the people who are living in remote rural communities and on reserves.

It can also be expensive to access internet and telephone service in remote communities. Furthermore, there is not always reliable service in these areas. Despite our reliance on technology, many people still look for face-to-face interactions, particularly when they are in crisis or are trying to figure out what is a very complex legal system. Aboriginal peoples, in particular, tend to be much more comfortable with in-person communications.

## **4.0 UNDERSTANDING LEGAL NEEDS IN PEACE RIVER**

The following Section contains a discussion about the types and incidence of legal needs that people have and the services that are available to address those needs.

## 4.1 Statistics

Statistics were provided by Provincial Court Services for Peace River. By referring to these, and to national and provincial statistics about the prevalence of legal problems, coupled with the observations of the service providers and researchers, we are able to provide some insight into the primary legal needs in this District.

### 4.1.1 National Prevalence

National statistics on the prevalence of legal problems among Canadians paint a picture of vast everyday need (Currie, 2006, 2007, 2009). These surveys have repeatedly found that approximately 47% (11.6 million) of Canadians have a legal problem with potentially negative consequences for their everyday lives. Analysis of the data specific to Alberta places incidence at 52%.

This is evidence of a need to effectively address prevalent 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 in Alberta and nationally being around three.

As can be seen in Table 9, the general patterns for incidence of problems in Alberta are very similar to the national pattern.<sup>12</sup> It should be noted that family law problems are divided between relationship-related and other matters. When combined, family matters at 7% are the fourth most frequently reported problem in Alberta. When both disability benefits and other social assistance are combined, benefits rank eighth in Alberta, accounting for 2.9% of reported problems.

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<sup>12</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.

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

Type of legal Problem	Frequency of Problem <sup>13</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

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, the more prevalent consumer and debt problems were viewed as the least serious.<sup>14</sup> 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 or formalizing a contract.

The national research concerning the prevalence of justiciable<sup>15</sup> legal problems (Currie, 2007) provides a foundation of both national and Alberta-specific data within which to consider the ALSMP findings for all Alberta Judicial Districts. These findings indicate a much greater need for legal services than has traditionally been understood.

<sup>13</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>14</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 suggest that debt is seen as manageable until it precipitates or combines with other problems, such as family breakdown, loss of job, foreclosure, etc.

<sup>15</sup> Justiciable is defined as “capable of being decided by a court.”

#### 4.1.2 Service Statistics

The Team requested statistics from all services where representatives were interviewed. To date, Court Services have provided statistics (Table 10). Thus, as had been anticipated might be the case when this project was proposed, it is not possible to draw conclusions about public need and service capacity in this manner. Instead, service providers' interview responses are used to derive qualitative themes about the public's legal and related needs in Peace River. These data are supplemented by the national data and researcher observations.

**Table 10 –  
Peace River Provincial Court Volumes**

Area of Law	2004/05 Volume	2005/06 Volume	2006/07 Volume	2007/08 Volume	2008/09 Volume	Average Annual Volume (2004-2009)
<b>Civil</b>						
Claims Filed <sup>16</sup>	163	129	81	147	112	126
<b>Family</b>						
Actions Commenced	90	68	101	205	174	128
Child Welfare Actions Commenced	148	167	74	45	149	117
<b>Criminal</b>						
Tickets (Adult Part I & II)	5,010	4,016	4,350	4,659	5,372	4,681
Charges Commenced – Adult	5,027	5,039	5,153	5,184	5,430	5,167
Charges Concluded – Adult	4,933	4,526	5,278	4,988	5,274	5,000
Charges Commenced – Youth	809	762	686	809	958	805
Charges Concluded – Youth	797	782	745	673	1,065	812
<b>Other</b>						
Average Courtroom Time (hours)	923	918	902	811	912	893

These statistics were adapted from Provincial Court Services' Regional Statistical Reports.

The numbers of family cases being commenced in Peace River jumped dramatically between 2006/07 and 2007/08 and have only slightly decreased since then. Family problems come with economic booms and busts as well, the latter of which Albertans have been experiencing since late 2008. As seen in other Districts, criminal charges have also steadily increased since 2006/07. As with every other District, service providers noted increases in domestic violence rates in the past year or two. Service providers in other Districts have observed that the issuing of Peace Bonds on Emergency Protection Orders are becoming more common with the increase in family breakdown and violence, both of which were identified as concerns in this District as well. Addictions, which are a concern for service providers in Peace River, have also been pointed to as very frequently being an instigating factor in legal problems.

<sup>16</sup> These numbers do not reflect the number of Landlord/Tenant Applications filed each year.

**Table 11 –  
High Level Provincial Court Volumes**

<b>Area of Law</b>	<b>2004/05 Volume</b>	<b>2005/06 Volume</b>	<b>2006/07 Volume</b>	<b>2007/08 Volume</b>	<b>2008/09 Volume</b>	<b>Average Annual Volume (2004-2009)</b>
<b>Civil</b>						
Claims Filed	55	50	74	52	38	54
<b>Family</b>						
Actions Commenced	N/A	N/A	N/A	N/A	N/A	N/A
Child Welfare Actions Commenced	N/A	N/A	N/A	N/A	N/A	N/A
<b>Criminal</b>						
Tickets (Adult Part I & II)	1,919	2,693	2,539	2,166	2,425	2,348
Charges Commenced – Adult	3,566	4,336	5,122	4,543	4,466	4,407
Charges Concluded – Adult	3,333	4,240	5,048	4,789	4,449	4,372
Charges Commenced – Youth	387	292	472	562	581	459
Charges Concluded – Youth	382	303	451	662	574	474
<b>Other</b>						
Average Courtroom Time (hours)	526	665	693	699	785	674

Criminal cases in High Level peaked in 2006/07 then dropped back to rates that were not significantly different from preceding years (Table 11). However, the incidence of youth being charged with crimes jumped at the same time and has continued to rise. This is also true of Peace River. These statistics are consistent with service providers' expressed concerns about increasing youth crime rates. They point to poverty and stressors experienced by parents that limit their supervisory capacity as potential contributing factors.

**Table 12 –  
High Prairie Provincial Court Volumes**

<b>Area of Law</b>	<b>2004/05 Volume</b>	<b>2005/06 Volume</b>	<b>2006/07 Volume</b>	<b>2007/08 Volume</b>	<b>2008/09 Volume</b>	<b>Average Annual Volume (2004-2009)</b>
<b>Civil</b>						
Claims Filed	58	48	23	46	33	42
<b>Family</b>						
Actions Commenced	203	132	368	449	440	318
Child Welfare Actions Commenced	470	559	797	613	659	620
<b>Criminal</b>						
Tickets (Adult Part I & II)	5,917	6,458	7,713	6,373	9,402	7,173
Charges Commenced – Adult	7,986	8,908	10,009	9,392	10,427	9,344
Charges Concluded – Adult	7,619	8,771	9,758	9,114	10,190	9,090
Charges Commenced – Youth	1,912	1,902	2,261	2,240	2,102	2,083
Charges Concluded – Youth	1,815	1,971	2,062	2,194	2,121	2,033
<b>Other</b>						
Average Courtroom Time (hours)	720	894	811	997	1,011	887

Court activity in High Prairie indicates similar patterns to the other communities in this District (Table 12). Once again, family law matters have increased, as have child welfare actions. Adult criminal cases have also increased, as have youth cases. However, the increase in youth cases has been less pronounced here than in Peace River or High Level.

## **4.2 Specific Populations and Specialized Legal Needs**

Participants identified a number of common legal needs in this District. These include:

- Administrative – benefits (especially AISH)
- Break and Enters
- Car Theft
- Debt
- Employment Standards (specifically TFWs and migrant workers)
- Immigration (especially TFWs)
- Landlord & Tenant
- Sexual Assault
- Summary (petty) crimes (eg. shoplifting, public intoxication, property damage)
- Wills and Estates

*We talk about [child] neglect being the number one issue ... Domestic violence comes number two but that's associated with drugs and alcohol. Those are very closely associated of course, you can't really separate them cleanly. Folks moving around a lot. We get people moving from one community to another and then perhaps coming back. Aboriginal folks moving into town – there's an increase in women moving away from abusive relationships and into our transition houses (the one in Peace River in particular) and needing support. There's a cycle though, so they might return to the abuser and so on. The fact that they have to go away to access treatment services is a big issue for those linked very closely to their family and cultural unit. [PRFG]*

*We have a real problem with alcohol related charges, specifically with people in their 30s and 40s. A lot of those are the people who hang around town all day long. They bother people and end up in the drunk tank and charges end up coming out of that. Those are the same all the time, gaming and liquor charges, drunk in public, etc. Then there's shoplifting and those are regulars too .... We have some families where they are constantly coming back and asking for restraining orders .... There's a lot of break and enters and thefts. Young kids are being charged with that, kids in their teens. And there's usually a group of them, not just one kid. It's not exclusively them but there's enough. There was a whole rash of people getting their vehicles stolen. [HLFG]*

However, Family Law needs were undoubtedly the focus of the conversations. Additional legal supports and capacity to address the following needs are required:

- Child Custody
- Child Maintenance
- Child Protection (especially neglect)
- Divorce
- Elder Abuse (especially financial)
- Family Violence
- Guardianship

*I would agree. There is only one Family Courtworker for our area and she's overworked and underpaid. It's just too much. She's really good at her job but it's too much. There's a big increase in spousal and assault and sexual assault. There is a larger criminal need in our area but family is still really hard. There are a lot of lawyers that just don't want to take their files because they can go on forever and can be difficult to settle or to deal with. [PRFG]*

*We see a lot of families in crisis. Young families and it seems like it's getting younger and younger. Sometimes it's amazing the people that will come in and they have 4 kids and you're thinking are you even 25. The number of Emergency Protection Orders and Restraining Orders we get every week is incredible. For our area in the last ten years it has completely exploded. We used to see 1-2 a month and now it's often 1-2 a day. It's just amazing the amount of family crisis that we have. Family Court (Provincial and Queen's Bench) is incredibly busy, we don't have a family court counselor here. We use a family counselor that covers our area from High Prairie and she deals with so many of our people. She doesn't deal with QB so there are just so many needing help and referrals or someone to tell them what to do. It's been through the roof in the past few years. [PRFG]*

Table 13 provides numbers of services that offer any specialization in addressing needs related to specific problems of groups of people.

**Table 13 –  
Specialization of Legal and Related Services**

<b>Specialization</b>	<b>Legal Services</b>		<b>Social/Health Services</b>
	<b>Sole Purpose</b>	<b>Legal &amp; Social/Health</b>	
Aboriginal	4	2	6
Accidents/Injuries	-	-	-
Addictions	-	1	2
Alternatives to Court	3	3	-
Children	5	2	7
Consumer Issues	1	1	-
Crisis Intervention	-	2	4
Debt Management	-	2	-
Disabilities	2	1	1
Employment	1	-	-
Families	6	5	11
Family Violence/Abuse	3	5	1
FASD	-	1	-
Gay, Lesbian, Bisexual & Transgendered	-	-	-
Housing & Tenancy	5	2	3
Human Rights & Citizenship	11	2	-
Immigrants	1	1	-
Low Income/Poverty	1	1	1
Men	-	-	6
Mental Health	1	1	6
Pensions & Benefits	3	1	1
Seniors	4	-	5
Taxes & Finances	1	-	-
Victims & Offenders	17	9	-
Wills & Estate Planning	17	-	-
Women	1	3	7
Youth	1	4	8

**4.2.1 New Canadians**

Service providers specifically identified increases in African and Filipino immigrants. As with other Districts, low English literacy and vocabulary were identified as barriers to accessing services for new Canadians. However, immigration was not identified as a key factor in this District. That said, routine abuse of rights and violation of employment standards against TFWs and migrant workers were reported yet again.

*Someone on the guest worker program is being abused by their employer. They are working 15 hours a day and making \$800/month - if she gets paid - and it has been 3 months since she got paid .... With the immigration issues, we have language problems and people feeling intimidated by lack of status in this country. They are open to exploitation .... Services are expensive and guest workers are very poor people. You can imagine if they are making \$800 and their boss is taking \$400 of that for some fabulous, rat infested dive as accommodation fees, they don't have much left. Fear is very big – huge for guest workers and for women who are leaving abusive situations. [01, Social Service Provider]*

Difficulties related to appearing on charges or following orders for migrant Canadian workers were also identified as an obstacle.

#### **4.2.2 Aboriginal Peoples**

As was indicated in Section 2.1, there is a very high Aboriginal and Métis population in this District. In High Prairie, for example, it was reported that the urban Aboriginal may in fact be higher than the non-Aboriginal population. This gives Aboriginal peoples a stronger position in the communities than in other Districts. It also resulted in higher Aboriginal participation rates in this research than previous Districts. Thus, we heard firsthand about some of the challenges currently being experienced.

*P1: The Aboriginal women in our community they struggle ... in terms of legal needs – often they don't have the education to understand what's going on. So we do have our Métis services that we refer a lot to, but whether they actually go or not is another question.*

*P2: This is frightening to most folks. We sit around at this table and know and understand it, but to most folks it's incredibly frightening. Especially if you have limited reading or writing skills, how do you manage it all? It's a very scary thing. I don't think we can have enough support in that area. [PRFG]*

*There is a bit of a disconnect between the Aboriginals and the White population, or whatever you want to call that group. And we see it go both ways. They think crimes against the other group don't matter. We see Whites beating up on Aboriginal youth and homeless people and Aboriginal youth breaking into Whites' homes. Both groups think that, as long as they don't commit these offenses against their own groups, it doesn't really count. [02, Legal Service Provider]*

Participants were particularly concerned about the disadvantages in accessing services and supports experienced by people who are living on remote reserves. They repeatedly spoke of Fox Lake, for example, as a community in need of special attention

given the remote location, demographics and associated issues. Note that not addressing the residents' needs is costly to the system.

*We have to fly witnesses in and out of Fox Lake all the time. It's a thousand dollars one way, weather permitting. It's really expensive, and then you add lunch vouchers and maybe a hotel if there's a blizzard. It gets expensive after a while, especially since there are a lot of charges coming out of Fox Lake. There was one day we had to book three planes for ten witnesses. You can't have accused people trying to get on the same plane as the witness. The police will go beyond their duties and make sure the people get on the plane – drive them to the strip. [HLFG]*

Red Earth Creek was also mentioned a fair bit as a neglected outpost, but the discussion was less specific.

#### **4.2.3 People Living with Disabilities and Addictions**

Participants reported that mental illnesses and addictions are factors that instigate and exacerbate legal problems in this District. This was the second District in which learning and cognitive disabilities were specifically mentioned, in addition to mental illnesses, as being common and contributing to academic failure, social problems and ultimately legal problems. Service providers stated that there is a need for prevention and enhanced supports.

*There are people who are cycling through all the parts of the court system because they can't get the help they need. [PRFG]*

*As far as legal support, individuals with FASD are high on the ones that are in and out of jail and who are struggling without having the supports. There's a strong male population with addictions problems which of course leads to legal problems – not having the support to deal with either one of them. My population is from 18 to 65 and I wouldn't generalize a specific area. It seems to be mixed. [PRFG]*

*Some of the individuals under the Mental Health Act I come across – they fill out the forms but they don't have the capacity to know what they're signing. I see that often, it'll bounce around and no one has the legal right to sign for someone. So applications won't follow through with me or CPP. [PRFG]*

*I think there is a big gap there for mental health issues. We go to the jail twice a week and see some people that really need help. [PRFG]*

Problems similar to those reported in the St. Paul District were reported, where police wait hours to get someone psychiatrically evaluated, only to have them released. The need for increased awareness among legal service providers about mental illnesses was highlighted. However, participants spoke of the challenges in trying to connect individuals who are facing mental illness or addictions with the supports they need. The challenges are mostly related to identifying the need for supports, determining how to appropriately broach the topic with the individuals, and how to support them in connecting with appropriate social and health services. All participants emphasized the challenges posed by substance use and addictions in this District.

#### **4.2.4 Domestic Violence**

Domestic violence was noted as being a very common problem in the Peace River District. Service providers reported that this is frequently a matter of multi-directional aggression, where multiple members of families are victims and/or aggressors.

*And we also see a lot of people in their twenties with family issues here. And the family issues here go beyond mom and dad. The family dynamics here are different. Usually with a Native family auntie uncle and grandma and grandpa are all immediate and are super involved. In divorces you can have a family versus another family and might need Restraining Orders. [HLFG]*

There are challenges related to intervening and preventing domestic violence in small communities. For instance, the barriers that prevent no-contact orders from being effective in small communities have been documented in previous research conducted by the Forum (see [Justice for Nunavummiut](#)). The following is a typical story in the Inuit communities and was identified as common in smaller communities in the Peace River District as well.

*I find that no-contact orders in domestic violence issues aren't understood by Aboriginal people. Men or women might be stuck out on the street because they can't go home and then they have to wait up to three months for trial dates. It takes too long to deal with. A lot of them don't have money to get a lawyer and won't be covered by legal aid. They're really in a tough position. A couple of years ago I was dealing with a guy who was going through that. He wanted to see his kids but couldn't go home. He wanted to get it dealt with but it took too long and he committed suicide because he couldn't see any way out. He wasn't a violent person. I've seen so many of them that were just really discouraged and lost. Some of them are just in the office crying their eyes out. [SLFG]*

#### **4.2.5 Seniors**

Participants spoke a lot about the needs of seniors as well. In previous Districts, seniors' legal needs were referred to it was most often in relation to civil and administrative legal needs, such as benefits or wills and estates. In this District, those needs were again identified. However, criminal problems related primarily to financial abuse were the focus of conversations here.

*Seniors are a big issue. Finding resources can be difficult. It's a very complex problem. That's understandable but it can also be very frustrating because there can be mental health issues with either the caregiver or the victim of the elder abuse and that becomes a very complicated thing. Mostly financial, since physical is a little easier to deal with. [PRFG]*

*For a while we had a lot of seniors with problems with their residential school issues. There's no help for them here, because the ones that pass away, the families are trying to straighten up their estate, and a lot of them couldn't go through Indian affairs .... They really need somewhere to go where someone can take a look at the issue and then say "you need to go here". There's nobody in this region representing Indian Affairs. Most of the estates are being settled through Queen's Bench right now. [HLFG]*

*Some of them are brought here. They're seniors, they get their cheque, they're brought into town and they're left here. There's about three of them that are brought in on a regular basis. The family takes their money or helps them spend it and then they're stuck here. [HLFG]*

#### **4.2.6 Children and Youth**

Participants did identify youth petty crimes and break and enters as being a common problem with youth. However, the primary concern in relation to legal problems and minors was reported as child neglect. There are many young parents in this District - young adults or teens. The high proportion of youth, addictions, poverty and domestic violence are all contributing factors.

These contextual issues result in increased encounters with the justice system. Problems are further exacerbated at this point due to complexities related to manoeuvring the system and challenges, such as long waits for court dates.

*I want to add to the court issues and how it impacts CFSA clients we have to wait a long time for trial; months and months. If you decide to put an application for PGO we've already gone the timeframe under our Act to make the application, so it's extending these kids time in temporary care as opposed to permanent. If we don't have the permanent status we can't start looking for permanent homes. When you think of the life of the child and being traumatized it adds to it all. [PRFG]*

Fetal Alcohol Spectrum Disorder (FASD) is also a serious concern in the education and justice systems. Service providers reported that there is an absence of services and programs to address the needs of youth with FASD.

*P1: I was the community liaison officer. I worked schools and dealt with FASD. Seeing some of the teenagers in the high schools and how little support there is for them there. I see kids that are new to the high schools and the teachers say you're allowed to come to one class a day and they aren't allowed to have a locker there. There's just no support for them.*

*P2: That's sad.*

*P1: It is. How are they supposed to deal with it all? The schools just don't have the time and resources for them. And those are the people that commit petty crimes and jail isn't the right path for them. It leaves them in a bad spot. I'd like to see support for those kids. It's sad to see how the schools just don't want them in the schools really.*

*P2: If they had Downs Syndrome they wouldn't be treated that way. I think FASD is the hardest population to help. [PRFG]*

#### **4.2.7 Self-Represented Litigants (SRLs)**

Participant feedback indicates that pretty much everyone in this District is equally likely to self-represent. As indicated in Section 3.4.2, legal representation is difficult to acquire whether or not one can afford private representation. Those who must rely on free or low-cost legal advice and representation face especially difficult odds of receiving this help.

Participants repeatedly referred to the lack of lawyers who provide service in that geographic area and in key areas of law, particularly family matters. They also spoke about the barriers to qualifying and receiving LAA certificate services to the point that some service providers are reportedly hesitant to even refer people to LAA. These factors undoubtedly impact the numbers of people who are going to court without legal representation, whether or not they actually wish to do so.

### 4.3 Clustering of Legal and Related Problems

In this Judicial District, service providers really highlighted how social and health problems can compound and lead to legal problems, as well as how legal problems multiply if not addressed quickly and efficiently. In fact, the reader may note that pretty much every quotation in this Report points to clustering of legal and social/health needs.

*I think the other part of it is the timeliness of it. Being able to deal with it while it's an issue. At the time of crisis the resource isn't available to them. Once it goes beyond that initial stage it can fall through the cracks until it resurfaces again ... I have three right now that are approved for AISH but they can't be opened because no one will take responsibility to manage for their file. [PRFG]*

#### **Crime and Poverty**

Interestingly, in this District, while the presence of poverty among some groups was recognized as a barrier to addressing legal needs, there was more emphasis on the observation that addictions led to poverty, legal problems and crimes. It seemed to be related to the boom-bust nature of local economy where working-class families sometimes have a lot of money and a lot of temptations (eg. drugs, alcohol) and sometimes experience financial hardship and the stressors that accompany decreases in finances.

### 5.0 GAPS AND PRIORITIES IN MEETING LEGAL NEEDS

Participants in the Peace River Judicial District did not identify as many gaps in services as we had expected. This seems to largely be due to their apparent willingness to travel to the Grande Prairie District to access services. However, they did still note a number of missing services, which can be grouped into two categories:

- Services for people who are going to court.
- Services for people who have health concerns and/or have been victimized.

#### **5.1 Lack of Local Service Options for People who are going to Court**

In addition to inadequate staffing faced by many existing legal services, the services that are missing from Peace River mirror those reported missing in the Grande Prairie District. These include:

- Lack of options for legal advice and representation.
  - More local lawyers, especially those who practice family law.

- Lack of alternative options to going to court.

### **5.1.1 Lack of Affordable Legal Advice and Representation**

Recent reductions in LAA service capacity and restrictions to eligibility were once again identified as primary factors in limiting the availability of low cost legal advice and representation for individuals. Participants spoke highly of the Grande Prairie Legal Guidance but said that it does not have the capacity to help all the people that LAA cannot, especially given that people from two Judicial Districts are accessing its services. They also said that the LInC and NCSA are helpful means of gaining general information and support for people who are going to court; however, only NCSA is physically located in this District.

Participants reported that the NCSA Courtworkers are very good supports for their clients. Their workloads are very high though, and their services do not replace receiving case-specific legal advice or representation.

There appears to be no legal help at all for people who are appearing in the Court of Queen’s Bench. This gap is mentioned repeatedly. NCSA and Family Justice Services cannot assist with these matters. NCSA cannot speak if a case goes to trial and there is no one else to assist.

*The main thing for me is we can take them as far as the trial but if there’s a deadlock in which they’re not in agreement for parenting for instance, child support or guardianship, ... then they have to find legal representation to continue it. Or they have to do it on their own. That’s a huge challenge because the resources aren’t there. They might be getting denied by legal aid or can’t find a lawyer because there aren’t many in the area. So they’ll try to run the trial on their own and then if there’s insufficient evidence it gets dismissed and all those 4-5 court dates were all for nothing. The need is when it comes to the trial part - it would be nice if there were a few workers who could come in to work on the trial for family. It would be nice and easy – talk to this person and then they could come in for the trial. A lot of the people don’t have the confidence to get up there and speak so if a trial comes up they’re lost. They don’t know what to ask or how to proceed or speak in front of the judge. It just stops there. [SLFG]*

### **Lack of Practicing Lawyers**

From what participants are reporting and the modest number of practicing lawyers who are registered in this area (see Table 3), it seems that even people who could afford to pay for private legal representation have few options.

As with Grande Prairie, some lawyers who are based out of Edmonton do provide services in this District. There are not a large number who do so, though, it appears.

Also, the distance can limit the amount of access clients have to their lawyers. Even with this pool of lawyers, participants reported that there is difficulty in getting anyone to take LAA certificates.

### **5.1.2 Lack of Alternatives to Court**

As with feedback patterns in Grande Prairie and other previously reported Districts, participants also stated that the waits for court dates are too long. This is especially critical in child guardianship and custody matters. Reasons given were two days each month in which cases are heard and too few members of the judiciary managing a very large geographic area with multiple courts.

An additional reason given was the lack of options for mediation services for people who would be willing to consider this approach. There are mediation services for families that have Children's Services involvement, but not for the general population. Participants stated that this option should be more readily available and should be promoted as a constructive alternative to going to court.

An additional barrier that was mentioned was the lack of physical court room space. Participants noted that, even if adequate lawyers and judiciary were available in Peace River, there are not enough court rooms to increase the amount of cases that can be heard at any one time.

## **5.2 Lack of Legal Supports for People who are Ill or are Victims**

Participants across this District were very cognizant of the challenges faced by people who face increased social and emotional vulnerabilities due to having been victims of violence or experiencing mental illnesses. Victims of crimes received particular attention.

*... I find the victims are left to fend for themselves. Not by Victim Services; they are great. But once they have to deal with the legal side of things. Say they get an order for financial restitution; there is no help for them to collect it. The other agencies really pick up on the emotional supports and so forth but the legal side is missing supports. You have to register with QB. Then chase the person down to find out where they work and provide that information to the courts. It is all left to the victim to find out where that person works. And that is scary. [02, Legal Service Provider]*

Participants also reported that they are in need of increased legal supports for people who have been victims of sexual assaults and domestic violence. They stressed that there is a need for these supports to be provided for both genders. Furthermore, there

needs to be more supports for the offenders (too often individuals fall into both categories).

There are, of course, missing social and health supports, such as treatment centres and homeless and crisis shelters. However, they stressed the need for more supports within the justice system. People in these circumstances need to be guided through their legal processes. They also need better enforcement of legal decisions.

## **6.0 IMPROVING LEGAL SERVICE DELIVERY**

Participants were asked to identify services that they felt were excelling as well as aspects about their work experiences that they were happy with and proud of. These were offered as suggestions for good practices to build on and creative approaches to meeting the public's legal needs.

### **6.1 Good Practices to Build On and Creative Approaches**

Participants spoke about and demonstrated that they generally network well with one another. They also praised a number of legal and related services and initiatives in this District.

#### **6.1.1 Networking**

The relationship that services providers in Peace River have with each other is reportedly positive and constructive. Participants really did seem to have a good general idea about with other services were available in this District and about the challenges services other than their own were facing.

*I think that in our area there's a really good spirit of cooperation. Legal Aid and the Crown and so on are very good at supporting one another. There will always be some problem areas but in general our community works quite well together. [PRFG]*

Service providers also seemed to be willing to work together to find creative ways to meet clients' needs within the limitations that they face. They commented that they regularly witness other service providers going beyond their job descriptions to help people. From the descriptions of their duties given during interviews, it would appear that the same is true of these participants. Feedback also suggests a general awareness of available services and a willingness to refer to them.

### **6.1.2 Services that Were Identified as Examples of Good Service**

Participants had positive experiences with a number of services, located both within this District and outside of it. Though not located in this Judicial District, the Grande Prairie LInC and Grande Prairie Legal Guidance were mentioned frequently as providing good and much-needed services.

Another legal service that was mentioned – and not only by legal service providers but social as well – was the [Legal Resource Centre](#) (LRC), which is based out of Edmonton. The LRC’s primary focus is to develop materials and strategies for teaching people about the law and how to effectively engage with the justice system. It appears that the LRC has done an effective job in this District of making legal and related service providers aware that it exists. These service providers value being able to refer clients to a resource that provides legal information with a focus on informing and empowering individuals.

As for locally accessible services, the court house staff, Crown and members of the judiciary were identified by multiple participants as being helpful, empathetic and creative in their approach to offering constructive solutions for people who are going to court and are more vulnerable due to their life situations (eg. homelessness, addictions). The RCMP were spoken about positively in this District as well. They are seen as attempting to take a proactive role in addressing and preventing crime.

Youth Justice Committees were also regarded positively, as they have been in other Districts where they have been established and participants know about them. Participants across the District expressed the need to focus on youth and supported any proactive attempts to intervene and support at risk youth.

*We have our Youth Justice Committees in some of the settlements. Some of our RCMP are taking initiative and encouraging the Crown to look at alternative measures for some of our clients. There is also supposed to be more of a focus on restorative justice here, too. I haven't really seen it role out yet. We have some wonderful judges who understand our clientele, especially the street people. They know that they don't have money to pay fines. They also know, for instance, that a week in out of the cold in winter can be a good thing. So, if these clients are charged in summer they will often put it off until a fall court date and sentence them to jail time in the winter. We tend to have great Crown here as well. They can find creative ways to deal with our clients that are more constructive. [02, Legal Service Provider]*

Continuing with the focus on children and youth, participants reported that Alberta Children and Youth Services (ACYS) has a new program which focuses on working with schools to increase graduation of children in care. According to a draft [Provincial Protocol Framework](#) (February, 2010), 50% of children in care are assigned *special education* status. The graduation rates of children in care are extremely low; one

participant estimated under 30%. ACYS has partnered with Alberta Education to identify strategies for improving educational outcomes for children and youth in care. This Framework is to be tailored by School Divisions and Family Services Authority (CFSA) or Delegated First Nations Agency (DFNA) areas to meet local needs.

### 6.1.3 PLEI Provision

There was little discussion of PLEI, but a few comments were made. Participants spoke mostly about PLEI in relation to the addition of the Grande Prairie LInC. There are also branches of the Alberta Law Libraries located at the court houses. Table 14 lists PLEI providers that serve this District and the main types of PLEI that are provided under each of the four main areas of law.

**Table 14 –  
Services That Offer PLEI by Area of Law**

<b>Areas of Law</b>	<b>PLEI Providers</b>	<b>Topics</b>
Administrative	Alberta Appeals Secretariat Alberta Children and Youth Services Alberta Civil Liberties Research Centre (ACLRC) Alberta Law Libraires Association des juristes d'expression française de l'Alberta Court Services Environment Fairview Public Library Family & Community Support Services Finance & Enterprise Grimshaw Public Library High Level Municipal Library High Prairie Municipal Library Justice and Attorney General Legal Aid Alberta Legal Resource Centre of Alberta Ltd. Manning Municipal Library Municipal Affairs Native Counselling Services of Alberta Northern Lakes College Peace River Municipal Library Seniors and Community Supports Service Alberta Slave Lake Adult Education Committee Slave Lake Regional Library	Civil liberties and human rights Financial benefits (appeals) Forms Immigration and settlement Legislation Licenses, registration and permits Pensions
Civil	Alberta Arbitration & Mediation Society Alberta Civil Liberties Research Centre (ACLRC) Alberta Employment and Immigration Alberta Law Libraries Association des juristes d'expression	Civil claims Civil liberties and human rights Consumer law Copyright Debt Employment law

	française de l'Alberta Calgary Legal Guidance Court Services Fairview Public Library Grande Prairie Legal Guidance* Grimshaw Public Library High Level Municipal Library High Prairie Municipal Library Justice and Attorney General Legal Aid Alberta Legal Resource Centre of Alberta Ltd. Manning Municipal Library Northern Lakes College Peace River Municipal Library Provincial Court Seniors and Community Supports Service Alberta Slave Lake Adult Education Committee Slave Lake Regional Library Town of Slave Lake Womanspace	Forms Guardianship, power of attorney, trusteeship, personal directives Homeless rights Human rights Landlord and tenant Legislation Mediation and arbitration Protection for persons in care Real estate law Rights and citizenship Self-representation Seniors Wills and estates law
Criminal	Alberta Children and Youth Services Alberta Law Libraries Association des juristes d'expression française de l'Alberta Calgary Legal Guidance Community Corrections Court Services Crossroads Resource Centre Fairview Public Library Grande Prairie Legal Guidance Grimshaw Public Library High Level Public Library High Prairie Public Library Justice and Attorney General Legal Aid Alberta Legal Resource Centre of Alberta Ltd. Manning Municipal Library Native Counselling Services of Alberta Northern Lakes College Peace River Municipal Library Peace River Regional Women's Shelter Society Provincial Court Royal Canadian Mounted Police (RCMP) Seniors and Community Supports Service Alberta Slave Lake Adult Education Committee Slave Lake Regional Library Town of Slave Lake	Abuse laws Abuse of seniors Assault Breaches Controlled substances Court procedures and processes, terminology Crisis intervention Drug use and addictions Emergency housing Family violence Identity theft Immigrants and settlement Impaired driving Judicial interim release Mental health Monitored exchange Parole Pre-sentence release conditions Prostitution Protection for persons in care Restorative justice Rights and responsibilities Sentencing Sexual assault and abuse Sexual exploitation of children and youth Substance abuse Traffic violations

	Victims Service Units	Victims and offenders Victim support Youth appeals, reviews and youth records
Family	Alberta Arbitration & Mediation Society Alberta Children and Youth Services Alberta Law Libraries Association des juristes d'expression française de l'Alberta Calgary Legal Guidance Court Services Crossroads Resource Center Family Justice Services Fairview Public Library Grande Prairie Legal Guidance Grimshaw Public Library High Level Municipal Library High Prairie Municipal Library Justice and Attorney General Legal Aid Alberta Legal Resource Centre of Alberta Ltd. Manning Public Library Native Counselling Services of Alberta Northern Lakes College Peace River Municipal Library Peace River Regional Women's Shelter Society Provincial Court Service Alberta Slave Lake Adult Education Committee Slave Lake Regional Library	Access/contact Arbitration and mediation Child maintenance Child protection/welfare Common law Court orders Court process and procedures Custody and access Divorce Domestic/family violence Guardianship Legislation Maintenance (child support and spousal support) Opposing family law applications Parenting rights and responsibilities, parent education Self-representation Separation Variation of court orders

Some of these services are physically located outside of the District and their resources can be accessed online or via telephone. Examples include:

- Association des juristes d'expression française de l'Alberta – Edmonton
- Alberta Civil Liberties Research Centre (ACLRC) – Calgary
- Alberta Conflict Transformation Society (ACTS) – Edmonton
- Calgary Legal Guidance - Calgary
- Grande Prairie Legal Guidance – Grande Prairie
- Law Information Centre (LInC) – Grande Prairie
- Legal Resource Centre of Alberta Ltd. – Edmonton

It should be noted that, although some legal service providers have their main offices located in one District, they often have branch offices located in multiple communities and Districts. For example, Alberta Employment and Immigration, Alberta Children and Youth and LAA have branch offices in all of the Judicial Districts. The Government of Alberta also offers a wide variety of PLEI through its departmental websites. However,

these sites can be complex to navigate. For a listing of PLEI that the Team has found on government websites, refer to Section 6.1.2 of the Edmonton Judicial District Report (<http://cfcj-fcj.org/docs/2010/mapping-edmonton-en.pdf>).

Some of the major dedicated PLEI providers that have offices located in the Peace River Judicial District include:

- Alberta Law Libraries (ALL)
- Native Counselling Services of Alberta (NCSA)

NCSA has previously been described in Section 3.4, but a description of ALL follows.

### **The Alberta Law Libraries**

The Alberta Law Library is the lone dedicated PLEI provider that is physically located in Peace River. Alberta Law Libraries were formed in 2009 through the amalgamation of Alberta Court Libraries with Alberta Law Society Libraries. Alberta Law Libraries provide services to the judiciary, members of the Bar, Crown prosecutors, Justice Department employees, self-represented litigants and the public.

Alberta Law Libraries are located in court houses and provincial buildings throughout the province and are accessible to members of the public in the following communities:

Banff	Fort Saskatchewan	Red Deer
Calgary	Peace River	St. Albert
Camrose	High Level	St. Paul
Canmore	High Prairie	Sherwood Park
Peace River	Hinton	Stony Plain
Edmonton	Leduc	Vermilion
Edson	Lethbridge	Wetaskiwin
Grande Prairie	Medicine Hat	
Fort McMurray	Peace River	

The libraries exist to help Albertans navigate the legal information landscape. A team of legal information professionals work collaboratively to meet the needs of clients in every region of Alberta. Alberta Law Libraries provide expert legal research services to the judiciary, Crown and Justice employees. Members of the public and self-represented litigants are guided to reliable sources of legal information without being given legal advice. Access to legal research assistance and the libraries' collections is provided to all Albertans free of charge.

The libraries are actively engaged in educating clients on the effective identification and use of reliable legal information sources, both print and electronic, as well as information on the Canadian justice system. In-person seminars, tours and library orientations are offered regularly, and a number of research guides and online tutorials

are being made available. Alberta Law Libraries also work with other organizations to provide legal information workshops and presentations to members of the public.

Alberta Law Libraries provide Albertans with access to an array of electronic legal research tools and a vast print collection. When the information needed cannot be supplied by the libraries, they will obtain it on behalf of the client or will refer them to the appropriate agency.

Members of the public cannot currently sign out materials, so they must complete their reviews of information at the library or copy all the material they may need. However, library staff are currently exploring the possibility of having a selection of resources that are targeted for the public and can actually be loaned out.

More information on Alberta Law Libraries' collections and services can be found on their website at [www.lawlibrary.ab.ca](http://www.lawlibrary.ab.ca).<sup>17</sup>

### ***Increasing Access to PLEI***

Participants did note areas of improvement in PLEI creation and dissemination, however. A local LInC office (even staffed part-time) in one or more of the larger communities in this District would be beneficial. As participants mentioned, many residents of this District face barriers to accessing legal information and services online or via telephone. More opportunity for in-person interactions would be beneficial.

Participants also identified the need to make print materials more accessible. They did not identify missing PLEI but stated that it has to be more readily accessible and disseminated more assertively, especially among the smaller rural communities. More print material could perhaps be made available in existing offices, such as LAA and even social services offices. However, there needs to be trained individuals available to help identify legal needs and direct members of the public to the proper information.

Participant did identify literacy and language barriers in the rural Aboriginal communities. Physically accessible LInC(s) could help address literacy issues. However, PLEI already exists in popular Aboriginal languages; it just needs to be made more widely available.

## **7.0 RECOMMENDATIONS**

The Recommendations which follow have been developed from a combination of evidence and analysis. Findings have been based on the mapping of services; the perceptions and experiences of interviewees; the observations of the Research Team; and the input of the service providers who attended a meeting to review the ALSMP findings. The seven Recommendations are organized by the primary funder to whom they are relevant, and are designed to enhance legal service provision in the Peace River Judicial District (Table 15).

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<sup>17</sup> The Alberta Law Libraries website is currently being updated, and current information about the services offered was provided for this Report by representatives.

**Table 15 –  
Recommendations for Improving Legal Service Delivery  
in Peace River**

<b>Recommendations</b>	<b>Reference Sections of the Report</b>	<b>How to Achieve the Recommendations</b>	<b>Justice Community Partners</b>
<b>Alberta Law Foundation</b>			
1. Enhance access to basic legal information.	3.5.1 3.5.2 3.5.3	Provide funding for “Community Justice Outreach Workers.”	ALF, NCSA, LInC
2. Provide rural residents with improved telephone access to key legal services.	3.5.3 3.5.4 4.2.2	Provide legal services such as LAA, LInC, and Grande Prairie Legal Guidance with funding to offer “call back” services for participants who get placed on hold.	ALF, LAA
3. Enhance NCSA Courtworkers’ capacity.	5.1	Provide funding for a Family Courtworker.	ALF, Alberta Justice
<b>Alberta Justice</b>			
4. Increase access to Internet in remote communities.	3.5.6 4.2.2	Provide publicly accessible Supernet connections and CCTV.	Alberta Justice, ALL
5. Provide adequate supports for people with family law needs.	3.4.2 4.2.4 5.1.1 5.1.2	Provide a second Family Court Counsellor, at least on a circuit basis.	Alberta Justice
6. Enhance supports for children and youth.	4.2.5 5.1.2	Facilitate collaborative child protection case handling in Family Court.	Alberta Justice, CFSA
<b>Legal Aid Alberta</b>			
7. Provide increased support for people going to court without representation.	4.2.6 5.1.1	Provide Family Duty Counsel for Queen’s Bench.	LAA

### 7.0.1 Recommendations for ALF to Consider

1. Based on service providers' concerns, it would appear that there needs to be a more direct way to provide basic legal information to people in rural communities who cannot access legal services physically or via telephone/Internet.

The Grande Prairie LInC is heavily relied on, by service providers and members of the public in the Peace River District. There is a large segment of this District's population, however, who cannot travel to Grande Prairie and are not capable of (or comfortable with) calling in or accessing information online. Many people living in smaller, remote communities in this District are unaware of existing services, and do not have Internet or telephone access, or the means to travel to any of the larger communities to access services in-person. One potential solution that would be relatively cost effective would be to hire one or two people with basic training about legal processes and resources who would circuit to these communities and act as Community Justice Advocates. Language will also be a barrier in some communities, so the advocate(s) would have to have some knowledge of local dialects or access to translators.

*If we are dreaming I would like to see someone that went to the communities and who was legally based and who could sit down and talk to people that are having issues. They could direct them in the path they need to go. People phone us a lot saying "so and so" told me to come over here. It would be nice to have it be more community oriented where you could have someone go out and make appointments for family, civil, and so on.*  
[HLFG]

2. Service providers reported that residents of rural communities face a number of barriers to accessing services via telephone or Internet. The main barrier that needs to be addressed is the cost to individuals.

There are technological and literacy barriers that make it difficult for rural residents to pursue remote access to the services they need. The cost of phone access is a major barrier for individuals, which could be addressed without major expense on the part of funders. Of the individuals who can access telephones, many are using cell phones for which they pay for minutes or borrowing other people's telephones to call into services. They often cannot afford the cost of calling long distance or remaining on hold, even for toll-free numbers. Participants suggested funding a "call back" service for people who end up in the call waiting queue. LAA, GPLG, NCSA and Court Services were identified as potentially appropriate for this option.

3. Participants stated that the lack of legal advice and representation is a problem that is exacerbated by the limited access to legal support for people going to court.

They reported that NCSA's capacity has been reduced to that point that they have had to limit their services by prioritizing Aboriginal participants. Currently, NCSA

Courtworkers are doing their best to provide support to anyone who requires it, but this sometimes requires going outside of their areas of specialization. Funders could consider providing funding to increase NCSA capacity to provide court support, especially for family law matters. NCSA representatives confirmed that funding is the major barrier to offering this service in this District.

### **7.0.2 Recommendations for Alberta Justice to Consider**

4. There needs to be enhanced remote access to online services, as well as to legal representation and even court services for people who do not have the means to travel.

Service providers suggested that having select locations in remote communities where there are high legal needs (eg. Fox Lake) – perhaps local government buildings, libraries or band offices – should have publicly accessible Supernet connections and/or CCTV would enhance public access to services and greatly reduce court non-appearance rates.

5. Service providers also identified the lack of Family Court Counsellors in Peace River (there is one who serves Peace River Judicial District) and recommended that this service be enhanced.

People who are going to court here currently have few options for supports if they have not been able to secure help from LAA. This is especially common and challenging for people with family law matters. They can access help to find out how to begin a legal process or find forms if they enquire with LInC, or go to the Alberta Law Libraries. But they have no supports once they get to court, if they do not have a lawyer. A second Counsellor would be an invaluable addition to legal services in this District.

6. Participants expressed concern about the rates of youth crime and the lack of supports for them and their families.

Service providers gave credit to judiciary, Crown and RCMP for doing their best to be proactive with children and youth. However, they suggested that these minors and their families could benefit from a model that has been utilized in British Columbia in which all relevant social, health and legal service providers meet with the child or youth and their families (if appropriate) prior to going to court to explore potential solutions. In British Columbia, this model is followed for family law matters, but it could also be done for minors who are facing criminal charges.

*I think we should do what BC did a long time ago in CFSA in particular. In family court before you went into the courtroom they have a conference with the judge present and it's very informal. I often went into a room where the judge was in jeans and a t-shirt. Everyone sits around in a circle and they give their point of view - Including the parents. Everyone is there, the CFSA, the lawyer. The judge gives an informal decision, if you like. If I heard this in court, this is likely what I would do kind of thing. We have more things sorted out around that little group than we did in a conflictual situation in a court room. It was the best move that BC ever made. [PRFG]*

*P1: I would say at the grassroots level something more involved for our youth. When I see the youth charges coming I can see they're not socially accepted and there's nowhere to go so they resort to that kind of thing.*

*P2: More restorative justice too. Not just to charge them with community hours. Something to really gear them with life skills that they've never learned.*

*P3: A smaller scale male centre for transitional stuff would be nice to avoid males around 18 sleeping on the street or to help them get away from abusive relationships. [PRFG]*

### **7.0.3 Recommendations for LAA to Consider**

7. Service providers expressed frustration on behalf their clients regarding trying to obtain brief legal advice and representation. They felt that far too many people are appearing in court unrepresented and unprepared.

Although service providers recognized that the optimal solution to increase access to legal advice would be to increase LAA's capacity to provide certificate services, a less costly improvisation is to increase Duty Counsel services, even on a circuit basis. There is currently no Duty Counsel support for people going to the Court of Queen's Bench. There is a particularly high need for Family Court support. There is no Duty Counsel for people going to Provincial Family Court either. Providing this service on a circuit basis would help address this gap.

Additionally, service providers reported that residents do not have adequate access to LAA intake services. The current circuit schedule is not adequate and increased time in the existing circuit locations, particularly Peace River and Slave Lake, would help ensure access for people who are eligible for services.

## 8.0 CONCLUSIONS

Legal and related service providers in this District were very busy and often over-extended. However, despite their workloads and the fact that many have no colleague to cover for them, their receptiveness and participation rate were astonishing.

Participants also had remarkably positive attitudes towards their work and the people they serve. They spoke of a general practice of going beyond mandates to ensure that clients get the services they need. Service providers were also quite knowledgeable about each other and willing to work together.

There were a number of interesting things about this District. One is that service providers frequently have to travel between communities to provide services or to access other key services, even going outside the Judicial District to Peace River regularly. The other is the degree of inclusion and acceptance that service providers demonstrated for the populations they work with. Additionally, their willingness to look for creative solutions to addressing legal (and social or health) needs was touching.

The primary legal concerns that were expressed were:

- the limited capacity of existing services,
- lack of access to existing services (geography, transportation, Internet, telephones),
- the lack of lawyers,
- domestic violence rates, and
- youth crime (i.e. the circumstances that exacerbate youth crime and lack of supports).

The social and health concerns that are directly related to legal problems are:

- lack of access to virtual means of communication,
- lack of shelter and supports for men,
- poverty, and
- addictions.

In conclusion, the positive attitudes and genuine caring and dedication that service providers in this District demonstrated and the amount of work they are willing to endure to help ensure that members of the public receive supports was fantastic to experience. There are definitely gaps in services and multiple barriers in this District but, like Fort McMurray, the attitudes and dedication of those who are working with legal and related services here make them prime candidates for piloting new programs or initiatives to improve access to justice.

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