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Alberta Legal Services Mapping Project: An Overview of Findings from the Eleven Judicial Districts

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Alberta Legal Services Mapping Project: **An Overview of Findings from the Eleven Judicial Districts**

July, 2011

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Disclaimer

This report has been prepared by the author in collaboration with the Canadian Forum on Civil Justice and the Alberta Legal Services Mapping Team. It represents 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 author, and may or may not coincide with those of Alberta Justice, the Alberta Law Foundation or other members of the Research Director Committee.

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1. INTRODUCTION

The *Alberta Legal Services Mapping Project* (ALSMP) was a large-scale, collaborative research initiative designed to increase understanding of the legal needs of Albertans, the extent to which these needs are currently being met, and how access to legal services can be improved. It was the most comprehensive ‘mapping’ research¹ so far undertaken in Canada and collected an unprecedented breadth and depth of information about legal programs and services in Alberta, the demands on those services and identified legal needs that are not yet being met. The data also captured local social contexts and identified current strengths as well as gaps to be addressed.

The project was funded by the Alberta Law Foundation and Alberta Justice and included funders, government, legal service providers, educators, law reform organizations, the Bar, the judiciary, courts administration and the public as collaborators and participants. A full report has been published for each of the eleven Alberta Judicial Districts. These reports, along with other publications, the project proposal, Charter, and research instruments are all available at: <http://cfcj-fcjc.org/research/mapping-en.php> .

The purpose of this report is to provide an overview of the project goals, approach and outcomes achieved. It provides the opportunity to summarize and synthesize findings from the eleven Judicial Districts, noting key trends that apply across the province and identifying local differences. This overview of findings is broken down into the following broad sections, each of which include identification of related service gaps and recommendations pertaining to findings:

- **Section 2 - Province Wide Trends** first looks at some basic conditions for service delivery in Alberta, the available evidence about legal need in the province, the distribution and types of currently available legal services, and the associated implications for service delivery and access. Major findings that applied across Alberta are then discussed.
- **Section 3 - Looking at Existing Legal Services** discusses characteristics of key legal services, identifying strengths and challenges.
- **Section 4 – Albertans with Unmet Legal Needs** highlights findings about Albertans, especially socially vulnerable groups, identified as having unmet legal needs.
- **Section 5 – Findings Specific to Judicial Districts** briefly notes locally specific characteristics, issues, and current strengths.

¹ The community-based mapping approach is referenced and briefly described in Section 1.4.1

Section 6 - Conclusions and Summary of Recommendations speaks to future directions and potentials and list all key findings and related recommendations made throughout the report.

Section 7 – Bibliography of Referenced Supporting Sources

1.1. ALSMP Rationale: Legal Services in a Social Context

The ‘justice system’ is a fundamental, far-reaching and complex component of Canada’s system of democracy. It is not one united system but a set of institutionalized processes with overlapping provincial, territorial, and federal jurisdictions. There are civil, family, criminal and administrative divisions and both substantive and procedural laws that must be applied to each situation. In Canada and internationally, preserving equitable access to justice is a persistent concern. Courts and Tribunals attached to this system are increasingly dealing with problems arising from Canada’s failure to solve resistant social problems. Middle income Canadians cannot afford legal advice or representation for more than the most routine matter (Hainsworth, 2010; McLachlin, 2007).

People are typically under stress - and often in crisis - when seeking information about legal problems. Research concludes that most of us don’t know what to do, where to go, or who to speak with (Access to Justice Task Force, 2009; Gander, et al, 2005; Noone, 2009). Statistical evidence from Canadian and International research shows that unresolved legal and social problems tend to cluster and multiply. The most vulnerable and socially excluded often have the highest need for legal assistance in an economic climate that encourages service and legal aid cutbacks (Buckley, 2010; Currie, 2006, 2007a; Genn, 1999; Pleasence et al, 2007b, 2008b). The qualitative data from the ALSMP underscore these findings, illustrating the negative costs of failure to access legal and social justice for individuals, families and society. To achieve access to justice for all Canadians, legal services must be delivered as part of a coordinated and holistic response to local social conditions and needs.²

The ALSMP proposal built on previous Canadian legal service mapping initiatives in British Columbia and Alberta (Reid & Malcolmson, 2007; Stratton, 2007). The *Alberta Self-Represented Litigants Mapping Project* (SRLMP, Stratton, 2007) had demonstrated the practical value of this collaborative approach by providing research relied on in establishing the Law Information Centres (LInCs).

² The Report of Alberta’s Crime Reduction and Safe Communities Task Force (2007) presents similar conclusions as does an Australian report by the Access to Justice Task Force (2009), which presents a detailed strategic framework that addresses most of the issues raised by the ALSMP.

1.2. The ALSMP Goals

The ALSMP was designed to provide, in a coordinated manner, increased understanding of existing legal services and of the needs of the Albertans who use them. Specific project goals were to:³

- 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 sharing knowledge and expertise.

1.3. ALSMP Definitions

The complexity of the justice system (as described in Section 1.1) and the scope of the ALSMP demand clear definitions concerning what is meant by, and included in, various terms. The definitions (presented in alphabetical order) were agreed for the purposes of the project:

- **Collaboration** working together in a cooperative, equitable and dynamic relationship, in which knowledge and resources are shared in order to attain goals and take action that is educational, meaningful, and beneficial to all.
- **Enforcement:** the application of a law or regulation, or the carrying out of an executive or judicial order; and/or ensuring observance of or obedience to laws.
- **Judicial District:** The Judicial Centre and the surrounding geographical area it serves with the boundaries defined in the Alberta Court Calendar for the Court of Queen's Bench.⁴
- **Legal Advice:** Individualized answers about how the law will apply in a particular case, what outcome is likely, or what options to pursue. Legal advice can only be given by a lawyer or a supervised paralegal or law student.
- **Legal Representation:** involves a lawyer, law student or paralegal recognized by the Court, preparing legal documents (pleadings, Affidavit, etc.) or appearing on behalf of a client.

³ The ALSMP Proposal provides detailed discussion of the components designed to achieve these goals (<http://cfjc-fcjc.org/docs/2007/mapping-proposal-en.pdf>)

⁴ See the Alberta Court Calendar 2011, p 17. (Government of Alberta, 2010a) The Provincial Court operates according to circuit points (p.16), which correspond largely, but not entirely to the Queen's Bench Judicial Districts.

- **Legal Services:** a combination that includes programs and services related to criminal, civil, family or administrative laws that provide any of public legal information and education (PLEI), court services, legal aid, legal advice, legal representation, and social/health support related to the legal matter. A **sole-purpose** legal service does not have any social or health elements.
- **Legal Support:** services that offer court support programs or advocacy on behalf of clients needing legal assistance.
- **Networking:** the exchange of information or services among individuals, groups or organizations.
- **Paralegals:** properly trained legal professionals who are not actually lawyers who could help with specific parts of the legal problem/process.
- **PLEI:** information and education, designed for the public, about the law in general, options that are available, the basic court processes. This can be in the form of written materials (pamphlets, brochures, websites); educational programs; or telephone/in-person services.
- **Self-represented litigant (SRL):** anyone who is attempting to resolve any component of a legal problem for which they do not have legal counsel, whether or not the matter actually goes before a court or tribunal.
- **Unbundling (Limited scope retainers):** separating out legal services so that people can just purchase the parts of legal advice or representation that they need.

1.4. The Research Approach

1.4.1. Community-Based Mapping

Community-based mapping research is a form of collaborative needs assessment or environmental scan derived from participatory action research practice. It recognizes, includes and values local knowledge as essential to understanding communities. Various kinds of ‘maps’ are created using any kinds of locally available materials to reflect information about geographical dispersion, resource allocation, services, physical barriers and social networks and relations. Designed for flexibility, it is especially useful where there is a prior lack of documented knowledge and/or limited or changeable resources. It is the detail that is most important as technology now makes the addition of a geographic map a relatively simple task. Findings provide a base on which to build for the future. The active involvement of community members in creating the knowledge

and suggesting solutions helps to enhance ownership of the findings and buy-in to any recommendations for change (Stratton, 2009a).⁵

1.4.2. Primary Research Questions

Three primary research questions and related subcomponents were agreed as a framework within which to develop data collection tools:

- 1. What programs, services and facilities relating to the administration of justice, public access and public understanding, are available in each Alberta judicial district?**
 - (I) Exactly which services are supplied? Are they:
 - Legal information, legal education, legal advice, legal representation or legal support?
 - For which areas of law are these services provided (civil, family, criminal or administrative)?
 - Do they address procedural questions? Substantive law?
 - To which courts and/or administrative tribunals do they apply (Provincial Court; Court of Queen's Bench; Court of Appeal; Federal Courts; Administrative Tribunals)?
 - (II) What organization delivers the services and where are these located in relation to the clients using or needing to access the services?
 - Do services correspond to population distributions?
 - Can clients readily identify and access the services they need (clear and easy to find service information; appropriate hours of operation; access to buildings, transportation, etc.)?
 - (III) To whom are the services available? Who are the actual users?
 - Are there eligibility criteria or other qualifying factors?
 - Do the service suppliers identify existing barriers and gaps in these services?
 - Are there gaps in the types of services available?
 - Are there service gaps affecting specific groups in the population?
 - (IV) What are the organizational relationships between the service providers?
 - Are service providers fully cognizant of the range of their own and other legal services?
 - Do local service providers have an established networking system?
 - Is there a duplication of services?
 - Are there functioning collaborations for service delivery?

⁵ Stratton (2009a) provides detailed discussion of community-based mapping along with overviews of the BC mapping, the SRLMP and the proposed ALSMP. A shorter overview of the mapping approach is available at <http://cfjc-fcjc.org/docs/2008/stratton-mapping-en.pdf>.

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

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

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

- (I) Can the current delivery of public legal education and information be improved?
 - What are the most effective elements of PLEI materials from the point of view of the public who use them?
 - Can improvements be made to the current content and/or delivery of public legal education and information (PLEI) in its various forms?
 - How can a continuing evaluation process be built into the system of PLEI design and delivery?
- (II) Are current legal advice and representation services adequate to meet client needs?
 - Are there aspects of current advice and representation services that can be enhanced?
 - Are new or extended services needed to address service gaps?
 - What are the best ways to improve current services?
- (III) How can information generated by this mapping research best be conveyed to legal service providers?
 - How can the actual service information collected be effectively shared?

- Is it possible to set up a network to keep service information up-to-date with the help of local key coordinators who must be identified and recruited?
- How can service critique be constructively conveyed, in a timely and cost-effective manner, to service providers in need of direction?
- How can the information generated by this mapping research best be maintained and kept current over time?

1.4.3. Data Collection

The scope of data collection proposed for the ALSMP was extensive and occurred in four stages:

1. *Preliminary Identification of Relevant Services.* All available information resources were mined to identify organizations that might have relevant legal and related services. Key descriptive and contact information was recorded. The degree of ease or difficulty involved in this basic process was also documented.
2. *Basic Information Mapping.* The information collected in Stage 1 was further investigated as necessary and then subjected to a *Prioritization Scoring Protocol* to determine the degree of project relevance.⁶ Basic information for relevant services was entered into the prototype database.
3. *In-person Input.* Services with sufficient *Prioritization Protocol* scores were invited to provide further input. In-depth (qualitative) data were collected via key contact meetings, interviews, focus groups and community working groups. Meaningful answers to the research questions required input from a wide range of stakeholders. Questions posed and the medium used had to be appropriate to the stakeholder role and the changing project resources. All questionnaires can be accessed via links provided at <http://cfcj-fcjc.org/research/mapping-en.php>.⁷
4. *Collection of Service Statistics.* Major legal service organizations and legal services involved in interviews were asked to provide any statistics that they could share and to explain how they collect and use statistics.

Data collection began in the Calgary Judicial District, selected for the pilot phase because it is Alberta's largest urban centre and was not previously included in the SRLMP. At that time, the new Court Centre was under construction and its completion was anticipated to impact service organization. Once the Court Centre was opened, Alberta Justice moved forward with plans to open a Law Information Centre (LIc)

⁶ It was recognized that it would not be possible to interview representatives from all of the services mapped (especially in larger centres). The *Prioritization Scoring Protocol* was created as a tool to award points for meeting criteria that increase the relevance of the service in answering the project research questions. A copy of the *Protocol* is included in Appendix E of the Calgary Report at <http://cfcj-fcjc.org/docs/2009/mapping-calgary-en.pdf>.

⁷ A very detailed two-part questionnaire was first developed for use with providers of full legal services and adapted for use with other providers. Ultimately, resources dictated the use of an abbreviated version for in-person interviews and group discussions.

onsite in January 2009 and requested that Calgary be mapped first in order to have preliminary findings available at that time.⁸ Research stages overlapped throughout the project, but ultimately, the order in which District mapping was completed and reported was determined by funder preference, as follows (including mapped communities):

1. **Calgary** (Airdre, Banff, Beiseker, Canmore, Carstairs, Cochrane, Cremona, Crossfield, Didsbury, Lake Louise, Okotos, Olds, Siksika, Strathmore, Sundre, Turner Valley).
2. **Fort McMurray** (Anzac, Conklin, Draper, Fort Chipewyan, Fort Fitzgerald, Fort McKay, Gregoire Lake Estates, Hinterland, Janiver, Mariana Lake, Sapræ Creek, Work Camps).
3. **Lethbridge** (Brocket, Cardston, Claresholm, Fort Mcleod, Milk River, Moses Lake, Nanton, Picture Butte, Pincher Creek, Stand Off, Taber, Vulcan).
4. **Medicine Hat** (Bassano, Bow Island, Brooks, Duchess, Dunmore, Fox Lake Retreat, Jenner, Medicine Hat, Rainer, Ralston, Redcliff, Rosemary, Tilley).
5. **St. Paul** (Beaver Lake, Bonnyville, Buffalo Lake, Caslan, Cold Lake, Denwood, Elizabeth, Elk Point, Fishing Lake, Frog Lake, Kehewin, Kikino, Kitscoty, Lac La Biche, Lloydminster, Myrnam, Plamondon, Saddle Lake, Smoky Lake, Sputinow, Two Hills, Vermillion, Wainwright, Wandering River).
6. **Edmonton** (Athabasca, Barrhead, Bon Accord, Bruderheim, Calling Lake, Drayton Valley, Duffield, Edson, Enoch, Fort Saskatchewan, Fox Creek, Gibbons, Glenevis, Hinton, Jasper, Lamont, Legal, Mayerthorpe, Morinville, Onoway, Redwater, Sherwood Park, Spruce Grove, St. Albert, Stony Plain, Swan Hills, Tofield, Vegreville, Viking, Westlock, Whitecourt).
7. **Red Deer** (Bentley, Blackfalds, Condor, Coronation, Innisfail, Lacombe, Penhold, Rocky Mountain House, Stettler, Sunchild, Sylvan Lake, Tees).
8. **Wetaskiwin** (Beaumont, Breton, Buck Lake, Calmar, Camrose, Devon, Hobbema, Killam, Leduc, Millet, Ponoka, Provost, Rimbey, Wetaskiwin).
9. **Drumheller** (Hanna, Oyen, Three Hills, Trochu).
10. **Grande Prairie** (Beaverlodge, Clairmont, Grande Cache, Hythe, Sexsmith, Spirit River, Valleyview, Wembley).
11. **Peace River** (Assumption, Desmarais, Driftpile, Enilda, Fahler, Fairview, Faust, Fort Vermillion, Fox Lake, Gift Lake, Grimshaw, High Level, High Prairie,

⁸ The first Interim report of the ALSMP is available at: <http://cfcj-fcjc.org/docs/2009/mapping-interim-en.pdf>.

Manning, McLennan, Paddle Prairie, Peavine Métis Settlement, Peerless Lake, Rainbow Lake, Red Earth Creek, Slave Lake, Wabasca).

1.4.4. Data Analysis and Reporting

Data analysis was conducted by applying, as appropriate, database tools, SPSS, Atlas.ti qualitative software, and/or manual calculations and analysis. A collaborative process was undertaken involving the Research Team and Research Directors, to identify key interview themes present in the Calgary pilot data, which were then applied as the primary coding frame. Each district was reviewed for any new themes as well as the absence of and/or variations on the primary themes. All reports were circulated to the Advisory Committee and district participants for review before release. Feedback was discussed with stakeholders and addressed before publication.

1.4.5. The Participants

Community-based mapping involves community members throughout the project.

The scale of the ALSMP necessitated creating multiple ways and levels of possible contribution (summarized in Table 1):

- Project input and guidance was provided by Research Directors representing seven organizations: Alberta Justice, Alberta Law Foundation, Calgary Legal Guidance, Canadian Forum on Civil Justice, Edmonton Community Legal Centre, Legal Aid Alberta, and Solicitor General and Public Safety.
- Stakeholders from 27 legal and social service organizations formed an Advisory Group and provided further input.⁹
- Individual interviews were completed with 286 service providers and 46 members of the public. Sixteen additional focus and/or community working groups were held. Service providers included front-line and management, large and small organizations, members of the Bar, the judiciary, and tribunal representatives.
- Participation from individuals involved with the legal system was limited and cannot be considered as representative of the general population. In Calgary, members of disadvantaged groups were actively sought and the legal needs of the homeless were well captured. In Edmonton, public participants contacted the researchers, rather than being sought out. This was either by service provider referral or through project promotion (website, events like Law Day).

⁹ Members are listed at http://cfcj-fcjc.org/docs/2008/mapping-advisory-en*.pdf .

Table 1 – Summary of Participation in the ALSMP

Judicial District	Service Provider interviews	Community Focus Groups	Public interviews
Calgary	175	3 ¹⁰	31
Fort McMurray	37	1 ¹¹	3
Lethbridge	11	0 ¹²	0
Medicine Hat	8	1	1
St. Paul	9	1	0
Edmonton	16	3	14
Red Deer	2	2 ¹³	0
Wetaskiwin	12 ¹⁴	0	0
Drumheller	7	1	0
Grande Prairie	7	1 ¹⁵	0
Peace River	2 ¹⁶	3	0
Total Participation	286	16	46

- Despite the limitations, Public participants overall reported a wide range of legal problems spanning criminal, family, other civil, and administrative areas of law. They also represented a range of social characteristics, as follows:
 - Participants' ages ranged from 22 to 68 years.
 - Reported income range was \$12,000 to \$150,000 per annum.
 - Educational attainment was from less than high school to multiple graduate/professional degrees.
 - Participants included Aboriginal peoples, visible minority and Caucasian immigrants (of varying residential status), and Alberta born residents.

¹⁰ These were Community Working Group Meetings. In the Calgary District where time and resources allowed, the Working Group had 42 members who met multiple times informing the ALSMP Team and each other about their respective services. They provided input to the research instruments, identified contacts, facilitated provider and public interviews and reviewed the report. Working groups in other areas were not as large, but without their assistance and enthusiasm in the face of challenges, this project could not have been completed.

¹¹ Team members also conducted Key Contact Meetings in conjunction with having a display table at Law Day in the Fort McMurray courthouse, May 2009. However, plans for a subsequent Community Working Group Meeting had to be cancelled when the projected project funding was reduced.

¹² Some key contact meetings were also held, but planned focus groups, including one with members of the public, had to be cancelled due to lack of resources.

¹³ A total of seven people attended the two focus groups held in the city of Red Deer. The 'interviews' were self-completed responses to the focus group questions by people unable to attend. As with the SRLMP this level of participation was lower than in other districts. This is particularly unfortunate given the prior identification in the SRLMP that considerable outreach was needed to communities in the Red Deer region. However, once again, resources were not available.

¹⁴ These were short-form telephone interviews based on the focus group format. The inability to hold an actual focus group or in-depth in-person interviews in Wetaskiwin is regrettable.

¹⁵ As well, four members of the Hinton focus group (Edmonton Judicial District) provided information about Grande Cache because it is serviced primarily by providers from Hinton rather than Grande Prairie.

¹⁶ These were short-form telephone interviews based on the focus group format.

- As well, health and social service providers are also members of the general public who at times have personal legal needs, but who are particularly aware of the extent of general legal need.

1.5. ALSMP Goal Achievement and Challenges

The ALSMP was an ambitious and unique initiative. With no prior justice mapping research of this scale, and a primary purpose being to identify the number of available legal services, the proposal could only estimate the time and resources required to accomplish the project goals. Necessarily challenges arose. Most significant of these were a) the economic downturn in 2008, which altered the funding context and b) the unexpectedly large number of relevant services identified in Calgary, which suggested the task, as proposed, was even larger and more time consuming than anticipated.

Despite these major challenges and inevitable methodology and data limitations, the project succeeded in collecting information that contributed at least some - and for the most part substantial - information valuable to answering all components of the primary research questions (Section 1.4.2). In so doing, and in extensively reporting and circulating those findings, the ALSMP has met the project goals of sharing information intended to provide a better understanding of legal services and legal needs in Alberta, including identifying strengths, weaknesses and service gaps.

The discussion of findings and associated recommendations provided in this report highlight the contribution made by the ALSMP data. Major achievements, followed by an overview of the limitations encountered, are summarized here. The continuing potential contributions of the ALSMP are discussed at the conclusion of the report (Section 6).

1.5.1. Major Achievements

The ALSMP has achieved the following:

- **Innovative methodology.** Collaboratively developed and sufficiently flexible to support Canada's most comprehensive community-based legal services mapping, this methodology now provides a foundation for future large and small scale legal research mapping in Canada and internationally.
- **A proto-type database.** Searchable by location, service, area of law, and a variety of topics this prototype will allow transfer of information into other formats. It contains entries for 1810 services (one service entry records all access locations). Details were entered for 319 sole-purpose legal services, 385 with legal and social program components, and 1,106 social and health services known to have a high proportion of clients likely to also have legal problems. It

can be viewed at <http://albertalegalservices.ca/admin/> - Username / password: guest / mappingdata.

- **Unprecedented legal service information.** The ALSMP has collected, analysed and reported a breadth and depth of data concerning legal services and legal need across Alberta, capturing local social contexts and identifying current service strengths as well as gaps to be addressed.
- **Extensive project dissemination.** Details of the project were widely disseminated beginning at the proposal stage, numerous presentations were made (in Alberta, across Canada, and internationally) concerning the goals, methodology, and findings. Project news and reports were regularly posted to the CFCJ website; an interim pilot report, eleven comprehensive district reports, one national and one international article have been published. All are available at <http://cfcj-fcjc.org/publications/mapping-en.php> .
- **Acknowledged application of findings.** Justice stakeholders, including the government, the legal profession, and non-profit organizations have reported consulting and applying the ALSMP findings, which are also generating national and international interest.

1.5.2. Limitations and Challenges

The ALSMP proposed a 4.5 year project with an estimated budget of \$1.35 million, plus in-kind contributions, to be completed in October 2011. After the first 18 months, reductions to projected funding dictated a contracted completion time with about 50% of the proposed resources. These circumstances imposed limitations and challenges on the project. There were also unavoidable limitations due to data availability and inevitable methodological limitations. These can be summarized as follows:

- The reduced timelines and funding meant that travel to communities had to be confined to a minimum resulting in:
 - Very limited opportunity for team observations about local social context and service delivery.
 - Reduced collaborative involvement of community members, with the Team often relying on supportive local providers to assist in the arrangement of just one or two focus groups for the purpose of data collection.
 - No opportunity to connect with or involve members of the public
- Reduced resources also meant that:
 - Very limited time was available for each district. If interviews could not be arranged quickly, there was no opportunity to pursue them.
 - The number of in-depth interviews had to be carefully considered as only limited resources were available for analysis.

- There was little time for checking and re-checking basic information and it is possible that some relevant services were overlooked. Researchers noted that some regions would have benefitted from more time than was available.¹⁷

The following methodological limitations are also noted:

- Many programs operate with project funding resulting in frequent service changes. Keeping the collected data current requires an ongoing commitment that is not yet secured.
- Even prior to resource reduction, the task of gathering information that could answer all aspects of the research questions required very substantial investment of service provider as well as researcher time. Busy providers could not always afford to give that time.
- Reduced resources meant adaptations in the methodology. While the ability to do this was also a strength of the project, it does mean that data collection varied across the districts.
- Answers to research question two, concerning numbers and characteristics of service users, requires some statistical information. Collecting service statistics was a component of the methodology. Few services had available, or were willing to share, statistics about service use. This was not entirely unexpected as lack of statistical information was identified in the SRLMP (Stratton, 2007, pp. 26-31). Statistics are discussed further in Section 2.2.2.

2. PROVINCE-WIDE TRENDS: KEY FINDINGS

As noted in Section 1.1., to be effective and accessible for Albertans, legal services must be delivered as part of a coordinated and holistic response to local social conditions and needs. The district reports underline the complex interrelationship of issues affecting access to and delivery of legal services and this overview intends to retain and convey those interrelationships. There is, however, considerable and important detail in each of the individual reports. It is recommended that these are consulted when responding to recommendations and/or implementing initiatives in these areas.

¹⁷ Specifically: the St. Paul Region, identified from the outset by the researchers and Advisory Committee as an area particularly lacking prior knowledge and engagement and requiring an investment of time to adequately understand; the region outside of Red Deer, reported in the SRLMP as in need of extended research and collaboration efforts; and as a result of the initial ALSMP research, the communities of Wood Buffalo (Fort McMurray) that lack legal and other services.

2.1. Service Delivery and Access in Alberta: Geographic and Demographic Realities

The province of Alberta spans about 661,000 square kilometres and has a population of at least 3.7 million. It has the youngest provincial median age of 35.8. About two million people live in the cities of Edmonton and Calgary. The majority of the remaining 1.7 million live in communities south of Edmonton. Red Deer is the next largest city with just over 90,000 residents (Alberta First, 2010; Statistics Canada, 2010a). The two largest northern centres are Fort McMurray to the east with just over 72,000 permanent residents and Grande Prairie to the west with a population around 47,000. All other northern communities have populations of less than 10,000.¹⁸ Figure 1 shows the Judicial District boundaries.

Figure1 – Alberta Judicial Districts



Overall, Alberta's high school completion rate is 80%. However, this number is driven by the large proportion of people living in Edmonton and Calgary. Every other region of

¹⁸ District populations are taken from the respective district reports, which relied on Statistics Canada (2006) and local sources, listed in the references of each district report.

Alberta has completion rates below this provincial average and levels of language and computer literacy are a concern (Alberta First, 2008; Canadian Council of Learning, 2008; Literacy Alberta, 2009; Statistics Canada, 2006)¹⁹.

The boom-bust cycles of the oil industry make it difficult to ascertain actual population numbers as migrant and Temporary Foreign Workers (TFWs) come and go. Oil patch and related construction work increases employment for those with little formal education but this is thought to also encourage early school leaving. Many TFWs and migrant Canadians live in company camps while on shift. While some go into Fort McMurray when off work, significant numbers are flown in and out of those camps from Edmonton and Calgary, and at times other cities, making it impossible to know if and where they would access legal services when needed.²⁰

These basic geographical and demographic facts pose significant barriers to ensuring equitable delivery of, and access to, legal and other services for all Albertans. Clearly it would not be possible for every service to have a physical location in all communities. Therefore, innovative access paths must be created.

Key Finding 2.1

Alberta's geography and demography pose significant barriers to ensuring equitable delivery of, and access to, legal and other services for all Albertans.

2.2. High Incidence and Range of Legal Need: The Evidence

Over the last decade a number of large scale population-based surveys looking at the incidence of legal problems have been carried out in different countries including Canada (Currie, 2006, 2007a; Genn, 1999; Pleasence et al, 2008b). This research has consistently demonstrated that legal problems, characterized as serious by those experiencing them, are a common feature of everyday life (Currie, 2007a). These studies also looked at the incidence of problem by legal area.

In Canada, a general population telephone survey of 6,665 adults presented respondents with 76 carefully designed problems that contained legal aspects, defined as follows:

¹⁹ The main sources on educational attainment are cited here. District reports also relied on additional resources for the most up-to-date and comprehensive statistics.

²⁰ The Research Team was aware of the service access problems and population counting issues created by the work camps. However, Stratton was recently made aware of the extent to which workers were transported directly in and out of the camps by air. More than one airline runs charters, often multiple times a day, primarily to and from Edmonton and Calgary. At the height of the last boom, some also flew between other cities (personal communication from airline personnel).

A matter experienced by a respondent which raised legal issues, whether or not it was recognized by the respondent as being “legal” and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system (Currie, 2007a, p 8, citing Genn, 1999, p. 12).

Table 2 – Prevalence of Legal Problems in Canada and Alberta

Type of legal Problem	Respondents with Problem ²¹	
	National % (N =6665)	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

Results indicated that 45% of respondents currently had, or had experienced in the last three years, a non-criminal legal problem they viewed as serious or difficult to resolve. Extrapolated to the population of Canada this means that at any point in time, approximately 11.6 million Canadians can be expected to be experiencing a legal problem (Currie, 2007, p. 3).²² A breakdown of results specific to Alberta was made

²¹ The number of people (6665) rather than the number of problems (8873) is reported here. Some people had multiple problems. In the District reports the 'N' of problems was mistakenly entered, however the percentages for each legal problem are correctly reported as the number of people. 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 (2007a, p. 12). Alberta numbers were provided in a personal communication from Ab Currie, December 7, 2009.

²² Currie has now conducted three rounds of this survey. The first round in 2004 surveyed only low and middle income Canadians, defined as individuals with incomes of \$35,000 per annum or less and families with incomes up to \$50,000. This survey reported a problem incidence of 48%. Results from the latest 2008 survey have not yet been published, but were similar. Therefore findings from the 2006 survey are used in this report. Internationally, there has been some variation in method and in the proportion of respondents reporting problems, but all results find well over 1/3 of the population report at least one problem (Currie, 2007a).

available to the ALSMP. Table 2 shows the number of people nationally and in Alberta reporting one or more problems by legal area and the general pattern for incidence of problems in Alberta is very similar to the national pattern.

The small percentage differences between the national and Alberta results cannot be considered significant because the sample sizes are not comparable. What can be reliably concluded is that Albertans experience a high incidence of civil legal problems across a wide range of legal areas. Based on this sample, 52% of Albertans reported experiencing a legal problem. Extrapolating to a provincial population of 3.7 million, that means that 1.92 million people potentially needed to access some form of legal service – whether or not they actually did so.

Currie did not include legal problems related to criminal charges in the survey. If these are taken into account (as is the case for the ALSMP), problem incidence can be expected to increase slightly. However, extrapolating from Census figures Currie (2007a) points out that criminal matters account for only a fraction of the legal problems Canadians face – even when being a victim of a crime is included. He makes the following points (Currie, 2007a, p. 7):

- In 2005 there were 2.6 million incidents involving the Criminal Code, drug and other federal statutes resulting in about 550,000 adults being charged with offences. This represents about 2.4% of the adult population of Canada.
- The results of the General Social Survey indicate that about one-third, roughly 8 million adult Canadians, reported that they were a victim of some type of crime.
- In comparison about 2.5 million Canadians experienced one or more serious and difficult consumer problems, about 2 million experienced at least one employment problem and about 2.3 million experienced a serious debt problem. Around 410,000 people experienced a relationship breakdown problem that was serious and difficult to resolve.²³

It should be noted that Currie divides family law problems between relationship-related and other matters. When combined, family matters (7%) are the third most frequently reported problem in Alberta. When both disability and other social assistance are combined, benefits rank eighth in Alberta accounting for 2.9% of reported problems.

There was some variation in emphasis by Judicial District, but overall, service providers consistently identified legal need in the areas identified in Currie's research (see Table 2) excepting consumer problems, which were rarely raised. The 46 public participants in

²³ To create comparability, Currie converted the time span of his survey numbers to correspond with that of the General Social Survey.

the ALSMP reported a disproportionate amount of volatile family matters and criminal charges.²⁴ Despite this, problems were mentioned in most of the areas listed in Table 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, consumer and debt problems were viewed as the least serious. Service providers, however, tended to regard debt as a serious problem - a view supported by Stratton & Anderson (2008a).²⁵

It is also possible that clients are not successfully seeking help with consumer problems, and/or that providers overlook the potential impact when these are unresolved. The Consumer Council of Canada (Williams, 2009) found that vulnerable consumers (those who are socially disadvantaged) make a disproportionate number of serious complaints to the Council, which frequently require legal assistance, including with forms related to the complaint process:²⁶

Vulnerable consumers need conveniently located places to seek assistance. ...The large number of persons seeking legal representation or some form of dispute resolution would indicate that more resources need to be put into this area. ...Consumers need help in a variety of ways, ranging from summary legal advice to filling out forms. ...Collaboration and an effective system of referrals from one agency to another can help clients obtain the advice or assistance they need. However, the current help available falls short of the needs of vulnerable consumers (Williams, 2009, p. 7).

Key Finding 2.2

Population-based research indicates that at any time 45 - 52% of Canadians, including Albertans, are likely to be experiencing a significant legal problem but many do not successfully access legal assistance.

2.2.1. Usage Trends Identified in the ALSMP

A general lack of hard numbers concerning the specifics of service usage inhibited the ability of the ALSMP to reliably identify service trends. The district reports included any service statistics that were made available. It has been possible to obtain some additional information on service trends for this report and the available statistics strongly support service providers' perceptions concerning increasing requests for legal

²⁴ This was at least in part due to the particular demographic of public participants (people surviving homelessness) deliberately sought in Calgary. Lack of resources to recruit public throughout the Districts Prevented the Team from broadening public input.

²⁵ Based on the CJSP data reported in Stratton & Anderson (2008), Stratton speculates that debt is seen as manageable until it precipitates or combines with other problems, such as family breakdown, loss of job, foreclosure, etc.

²⁶ This Consumer Council Report includes 28 recommendations, a considerable number of which mirror issues and recommendations raised more broadly in the ALSMP district reports and again in this report, concerning legal assistance in all areas of law.

assistance. As few services have augmented resources since 2008, it follows that there is little current capacity to meet increased demand. It must also be recognized that once a service is operating at capacity, user numbers cannot increase and therefore do not provide an accurate measure of demand for that service. The discussion of capacity is taken up again in Section 2.4.

Alberta Justice Court Services have kindly provided trend reports on Queen's Bench and Provincial Court use²⁷ and updated numbers for the LInCs, all of which indicate overall increases in use.

In the past five years the Court of Queen's Bench has seen an overall upward trend in workload across the province. There has been a substantial increase in volumes of civil claims, family actions, masters chambers and justice chambers matters as well as a rise in adult criminal charges:

- In Calgary, civil claims commenced increased by 30% since 2006 (15,038 in 2006/07 vs. 19,623 in 2009/10), while Masters Chambers matters²⁸ are up 13% (10,833 in 2005/06 vs. 12,277 in 2009/10). *Family Law Act* actions commenced increased 22% over the past 4 years (1,630 in 2006/07 vs. 1,983 in 2009/10).
- In Edmonton, civil claims commenced increased by 34% over the past 4 years (16,103 in 2006/07 vs. 21,607 in 2009/10). Since 2005, Masters Chambers matters rose 25% (10,403 in 2005/06 vs. 13,035 in 2009/10) And Justice Chambers matters²⁹ were up 11% over that period (12,894 in 2005/06 vs. 14,343 in 2009/10). Family actions commenced increased 22% (3,987 in 2006/07 vs. 4,860 in 2009/10).
- In regional Alberta, over the past five years, Court of Queen's Bench saw very dramatic growth in civil matters.³⁰ Justice Chamber matters increased 38% (7,240 in 2005/06 vs. 10,022 in 2009/10); Masters Chambers matters were up 29% (929 in 2005/06 vs. 1,199 in 2009/10); and family matters commenced rose by 33% (1,254 in 2006/07 vs. 1,663 in 2009/10).
- Alberta has also seen a significant increase in adult criminal charges commenced (federal only). The Calgary court has seen an increase of 19% over the past 5 years (1,106 in 2005/06 vs. 1,313 in 2009/10), while together the Court of Queen's Bench regional courts experienced a 44% increase in these charges (1,127 in 2005/06 vs. 1,618 in 2009/10).

²⁷ The work of Court Services staff in preparing and providing these numbers is greatly appreciated, as is the feedback from the Court of Queen's Bench.

²⁸ Masters Chambers includes all applications as Registrar under the *Bankruptcy Act*, and related insolvency work such as foreclosures.

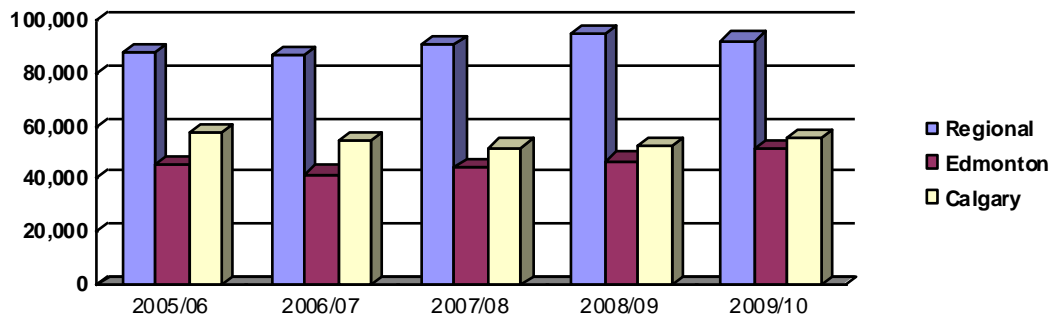
²⁹ Justice Chambers includes hearings for parentage and maintenance, adoptions, restraining order breaches, and *Protection against Family Violence* applications

³⁰ This court sits at regional judicial centres in Drumheller, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat, Peace River, Red Deer, St. Paul, and Wetaskiwin.

Statistics for the Provincial Court also show a marked increase (36%) over the past five years for all matters commenced:

- After a slight decrease in the numbers of civil claims filed in 2006/07 (when Provincial Court civil jurisdiction increased from \$7,500 to \$25,000 and filing fees rose to \$200), the number of claims have increased by 26% from 13,447 in 2006/07 to 16,941 in 2009/10.
- In Edmonton, civil and family growth volume has been steady but manageable whereas family matters commenced in the regional courthouses have increased by 51% since 2006, from 5,242 to 7,937 in 2009/10.
- The Edmonton Registry has seen a 12% increase of adult criminal charges over the last five years (combining those under the *Criminal Code* and other federal legislation, there were 45,824 charges in 2005/06 and 51, 218 in 2009/10).³¹
- In contrast, Calgary has a slight decrease (3%) in adult criminal charges commenced during the same time period, although Calgary continues to see a greater number of charges than Edmonton (57,948 in 2005/06 vs. 55,934 in 2009/10).
- As Figure 2 illustrates, the regional court locations account for the majority of criminal charges - even though the two urban centres account for more than 50% of Alberta's population.

Figure 2 - Provincial Adult Criminal Charges Commenced

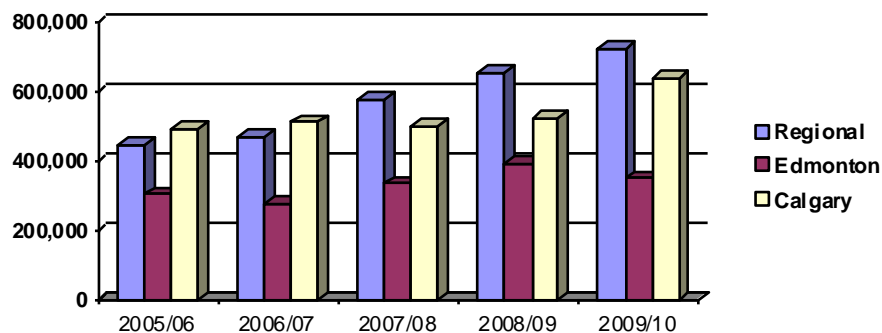


³¹ Other federal legislation includes the *Controlled Drugs and Substances Act*, the *Income Tax Act* and regulatory offences set out in legislation such as the *Fisheries Act* or the *Aeronautics Act*. It is important to understand that the majority of matters counted as "criminal" in the provincial court statistics are not under the *Criminal Code* but relate to other legislation. In the District reports, the criminal charges reported include the *Criminal Code*, other federal legislation and similar kinds of infractions under provincial legislation. There are also offences under the *Traffic Safety Act*, which were reported separately under 'tickets' in the District reports and are shown here in Figure 3.

Figure 3 shows that since 2005 the overall trend has been an increase in the number of tickets issued.

- In Edmonton, fewer tickets overall have been issued in Edmonton with little overall increase, although numbers have fluctuated year by year.
- The most dramatic increase is in the regional numbers where there has been a 62% increase since 2005/06 (448,969 to 726,472).
- The rate of increase in the Calgary urban area is not far behind, 639,278 tickets having been issued in 2009/10 - an increase of 29% since 2005/06.

Figure 3 - Provincial Court Tickets Issued



Many of the tickets issued are for traffic offences, but other violations such as loitering, jay walking, transit offences, and public consumption of alcohol are included. Numerous ALSMP participants perceived an increase in the issuing of tickets and questioned the reasons for it. This matter is taken up in Sections 2.4.2. and 3.4.1.

Further indication of increasing demand on legal services is provided by statistics from the Law Information Centres (LInCs). Table 3 provides the breakdown of LInC visits by year and location:

- In the first year of operation LInC services in Edmonton, Red Deer, and Grande Prairie³² reported over 33,000 visits.³³ In their second year of operation visits increased by 121%.

³² The Edmonton LInC serves the metropolitan Edmonton area; the Red Deer LInC serves Red Deer and region, including Rimbey, Rocky Mountain House, Stettler, Ponoka, and Wetaskiwin; and the Grande Prairie LInC serves Grande Prairie and region, including High Level, Peace River, High Prairie, and Hinton.

³³ For reporting purposes, 'visits' include services provided in person, via telephone, and by other electronic links.

- In the 2009/10 year, with all four LInCs now open, total visits to all locations increased by 53%. Much of this increase is accounted for by Calgary having its first full year of operation. However, the other Centres also reported substantial increases in demand: Edmonton 18%; Red Deer 23%; and Grande Prairie 68%.

Table 3 – LInC Visits by Year and Location

LInC Location	Number of Visits per Year (April to March)				
	2007/08	2008/09	2009/10	2010/11	Total by location
Edmonton	23,596	50,683	59,756	71,178	205,213
Calgary	-	5,300	29,703	91,051	126,054
Red Deer	8,183	14,185	17,522	16,663	56,553
Grande Prairie	1,614	3,538	5,937	5,157	16,246
Total per year	33,393	73,706	112,918	184,049	404,066

- At the end of the 2010 fiscal year, the LInCs reported over 184,000 visits - once more an increase of 63% over the previous year.
- Calgary, in its second full year of operation, again accounts for the majority of the increase. While the trend of all LInCs has been to more than double visits in the second operational year, Calgary almost tripled its 2009/10 visits (a 207% increase).
- Edmonton continued to show a steady increase in demand (19%), but Red Deer and Grande Prairie show slight drops in visits recorded. Multiple reasons might account for this. The qualitative data, however suggest that these two LInCs may be operating at staff capacity, in which case visits recorded may not reflect actual demand for the service.³⁴

Family Justice Services also reported steady increases in service requests of approximately 6,000 per year for several years. Edmonton Student Legal Services provided statistics showing a major spike in demand for criminal law assistance in 2010, resulting in a capacity crisis for the service (discussed in the review of this service in Section 3.7.1).

³⁴ On busy days potential clients may exit before receiving attention, or may not be able to get through by telephone. It is not known if they later receive service. Participants at various services in the CJSP, SRLMP, and ALSMP have commented that when they are busy it is impossible to record how many people walk in or telephone, but leave without having received attention from staff. This was also noted as an issue with the BC SHIC (Malcolmson & Reid, 2006). Some ALSMP participants reported hesitancy in referring to services that were operating at capacity. For all of these reasons, visits recorded are likely to underrepresent the number of people who actively seek the service, as well as others who are not even referred.

Overall, available statistics demonstrate a sustained and substantial increase in demand for court and other legal services over the last few years. These numbers, and the qualitative reports of ALSMP participants, are mutually supportive in this regard.

Key Finding 2.2.1

There is a general lack of hard numbers concerning the specifics of legal service usage. However, available statistics demonstrate a sustained and substantial increase in demand for court and other legal services over the last few years.

2.2.2. Improving the Collection and Sharing of Service Statistics

Where civil justice processes and services are concerned, the lack of reliable statistics has been noted as an international problem (Genn, 1999; Task Force on Systems of Civil Justice, 1996). Reporting numbers about legal services can be highly complex and beset with challenges. It can be difficult for those not thoroughly familiar with the service components, terms and processes to properly understand the numbers (for example see footnote 31). Some difficulty in collecting legal service statistics was therefore anticipated and raised in the ALSMP proposal.

Basic numbers for how many people use a service and how much time this takes are, nevertheless, indispensable to understanding both costs and capacity. It is essential to collect numbers for:

- a) How many people access/use a service.
- b) The time involved in delivering the mandated services.
- c) Basic demographics to understand who is and who is not using the service.

It was hoped to overcome at least some of the problems experienced in the SRLMP, by using a specially designed form to collect any available information about legal service statistics. A goal was to identify common ground for comparable collection categories and make related recommendations at the conclusion of the project. However, it proved challenging to obtain answers to even the most basic of questions, “Do you keep statistics about your service?” The researchers found that many services gave hesitant ‘yes - maybe’ type answers, but were reluctant or unable to provide details. Participants’ reasons for not keeping statistics were that there was no time or it was too difficult to track. No one said there were statistics they were not already keeping, but would like to keep.

During the pilot phase, researchers raised the matter of statistics at initial contact, the interview, and three e-mailed follow-up requests, but gained only a very small amount of information. Subsequently follow-up efforts had to be reduced. It is not clear whether statistics are simply not collected, service providers did not wish to provide what they have to the ALSMP researchers, or if it was the task of retrieval and reporting the

numbers that was problematic. A better understanding of the reasons behind the reluctance to provide statistics is required in order to evolve some consistency in reporting service usage. The following recommendations are offered for improving the collection and sharing of legal service statistics.

While basic statistics are a crucial part of understanding legal service capacity, it is important to recognize that numbers can only provide one part of the information needed. Importantly, the number of people served is not meaningful unless it is placed in the context of the amount of time it takes to provide the services. The available provincial and national numbers are helpful in identifying trends, but it is the nuance and detail from the ALSMP interviews that provide explanatory information about legal needs and services across Alberta.

Key Finding 2.2.2

Although challenging to achieve, improved statistics concerning numbers of service users, time to deliver service and the basic demographics of users, are indispensable to understanding service costs and capacity.

Recommendations

1. The consistent collection of basic legal service statistics be made a priority. The following steps are suggested to achieve this:
 - a) Funders take the lead in liaising with each other to establish priorities in basic statistical information
 - b) Funders take the lead with services by:
 - i. explaining to services which numbers are needed and why;
 - ii. working with services to establish a practical, shared template to collect essential numbers;³⁵
 - iii. assisting services to establish simple methods to enter and retrieve service statistics;
 - iv. insisting that essential numbers are a part of grant reports.
 - v. ensuring that funding levels include capacity to support gathering this information.
2. Major organizations set an example by:
 - a) Making basic statistics about the services they provide publically available.
 - b) Ensuring numbers are presented to maximize clarity and understanding within their organization as well as among stakeholders more generally.
 - c) Explaining why these numbers are important and how they are used.

2.3. Consequences and Costs of Unresolved Legal Problems

The law and legal systems have traditionally operated as if each legal matter is discrete and separate from other issues. The research on the incidence of legal problems reveals the fallacy of this assumption. Legal problems occur in complex social contexts and if unresolved tend to multiply and cluster with issues in other legal and social areas. Proactive responses to legal problems are, however, rare. Only a small number are addressed by the courts (commonly estimated at around 10%) or with formal legal representation. The degree to which problems are left unaddressed or resolved by other

³⁵ The Statistics form developed for the ALSMP could serve as a beginning discussion point in developing such a template. It is available at <http://cfcj-fcj.org/docs/2009/mapping-statistics-en.pdf>.

means remains unclear, but a significant amount of inaction is reported. There is a tendency for problems to escalate and become harder to resolve, most especially when family matters are involved – including for people seeking, but not gaining, timely resolution through the courts. This often leads to additional health, economic and social problems that have significant costs for individuals, their families, businesses, and society as a whole. (Currie, 2007a, 2007b; Jacobs & Jacobs, 2010; Pleasence et al, 2007a, 2007b, 2008a, 2008b; Reid & Malcolmson, 2006; Semple, 2010; Stratton & Anderson, 2008a).

Furthermore, problem clustering does not occur uniformly across the population. People who are economically disadvantaged, or vulnerable to social exclusion for other reasons such as disabilities, homelessness, or ethnicity, tend to have high rates of intersection with civil and criminal legal problems. Legal issues such as domestic violence, family/relationship breakdown, injury from accident, housing, employment, and discrimination, can also directly lead to or exacerbate social exclusion.

These researchers argue that the recognition of everyday legal need requires a responding investment in affordable, community-based legal outreach, pointing to the very considerable social costs of non-resolution that are borne by social and health services, income supports, disability plans, employment insurance, and other social services. (Currie, 2007a, 2007b; Forell et al, 2005; Forell & Gray, 2009; Pleasence et al, 2007b, 2008a, 2009; Stratton & Anderson, 2008a).

Poverty, addictions, abuse, neglect, malnutrition, inappropriate nutrition, literacy concerns, employment issues, under-employment, mental health concerns and everything seems to cycle back to life stressors due to poverty. [MH 39]

Poverty begets crime, begets more poverty. ...Where you get on the wheel doesn't matter. ... It becomes a vicious circle. One leads to the other. Somebody becomes desperate. The circle continues. [MH 39]

In every Judicial District, ALSMP participants made these same points, which are illustrated many times in the individual reports – legal need occurs in a social context that requires a multisector, multifaceted response. Findings repeatedly also called attention to the inability of current legal services, due to a combination of mandate and capacity restrictions, to meet the range and extent of identified legal need, most especially among vulnerable groups.

Key Finding 2.3

Findings in every Judicial District support national research showing that legal problems occur in complex social contexts and require a multisector, multifaceted response. Unresolved problems tend to multiply and cluster, escalating costs to legal and other social systems.

2.4. Current Legal Service Distribution and Capacity in Alberta

The ALSMP found some excellent legal services in Alberta delivered by outstanding and dedicated providers. But, for the most part they are working at or beyond capacity. No clear cut duplication of services was identified, although there is room for greater coordination and collaboration in program development and delivery. This is especially the case for Calgary and Edmonton and among the major suppliers of province-wide services. Some specific examples are noted in Section 3.

Since the SRLMP research in 2006, there have actually been some important and commendable increases in the capacity to serve SRLs - most notably, the four Law Information Centres (LInCs) in Edmonton, Calgary, Red Deer and Grande Prairie. Grande Prairie also now has a community legal clinic and the Edmonton Community Legal Clinic has been able to expand capacity. Around the province, various other initiatives have managed to build on previous capacity. In every case these services now identify a need to further expand their services.

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...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.

[PR 18]

It was clear from service providers' job descriptions, and researcher observations about workloads, that the majority of front-line staff are over-extended. Participating service providers seldom complained about their own capacity, but often pointed to the impossible workloads of others. Even though they are aware of unmet need, some services fear to raise their current profile because they would be unable to respond to increased demand.

Since the recession in 2008, funding cuts coupled with a government hiring freeze have created extreme conditions for some providers, who at times are attempting to carry the

crisis-focussed frontline workload of three people. This is often so in the major centres, but is particularly acute for those serving large rural areas. In a few cases, providers said they hesitated to refer to services such as Legal Aid Alberta (LAA), Family Justice Services and Duty Counsel, because of the inability of these services to meet local demand. Most participants identified areas where they would ideally like to build on and expand currently successful services.

Table 4, along with the related discussion concerning service distribution, has important implications for capacity. Illustrations of lack of capacity to meet the range and extent of legal need also occur in the Section 3 descriptions of major existing services and the Section 4 discussion of unmet legal needs.

Key Finding 2.4

The ALSMP found some excellent legal services in Alberta delivered by outstanding and dedicated providers. But, for the most part they are working at or beyond capacity.

2.4.1. Geographic Distribution of Legal Services

There are major geographic barriers to providing legal services to all Albertans. As Tables 4, 5 and 6 demonstrate, there are few legal services outside of major centres, particularly those offering legal advice and representation. This clearly creates heavy demands on existing services, most of which do not currently have the capacity to adequately serve their catchment areas. Access to legal services is not equitable for all Albertans.

Table 4 shows the number of services that are physically located in the Judicial Centres and surrounding communities. Physical service locations provide essential local access points, not just to that service, but as a starting place to obtain relevant information and referrals.³⁶ As most people are unsure where to seek information and help with legal problems, they will turn to whatever service is available in an attempt to gain assistance. When transportation to regional centres is unavailable and access to phone and Internet is limited or absent, local access points – legal, social and health - are vital (discussed in Section 2.5).

³⁶ These totals therefore differ from the total number of different services mapped and assigned a database entry. In the database one entry will provide all access points to that service. A particular service may be offered from more than one location within a Judicial District (e.g., court registries, Victims Services). Or, they may serve that area but not have any physical locations in the district (e.g., a province-wide web-based service such as the Legal Resource Centre, LInCs).

Table 4 - Service Access Points in Alberta Communities

Judicial Districts	Number of Communities Mapped per District	Sole Purpose Legal		Legal & Social/Health		Social/Health ³⁷	
		City	Rural	City	Rural	City	Rural
<u>Southern</u>							
Calgary	24	134	62	36	10	425	127
Red Deer	12	43	38	43	35	40	58
Lethbridge	13	37	76	10	20	112	5
Medicine Hat	13	28	18	42	15	37	17
Drumheller	5	21	16	8	9	14	13
Wetaskiwin	14	18	50	7	49	11	51
<i>Southern Subtotal</i>	<i>81</i>	<i>281</i>	<i>260</i>	<i>146</i>	<i>138</i>	<i>639</i>	<i>271</i>
<u>Northern</u>							
Edmonton	32	97	32	139	50	213	139
Grande Prairie	9	32	18	25	16	32	5
Fort McMurray	12 ³⁸	24	5	9	3	91	12
Peace River	23	17	81	9	46	7	21
St. Paul	25	17	60	7	36	17	72
<i>Northern Subtotal</i>	<i>101</i>	<i>187</i>	<i>196</i>	<i>189</i>	<i>151</i>	<i>360</i>	<i>249</i>
Alberta Totals	182	468	456	335	289	999	520

The following important observations can be drawn from Table 4 and related data:

- Over half of the population of Alberta reside within the cities of Edmonton and Calgary, which contain 26% of the 1,548 legal service access points mapped. While this seems a reasonable number based simply on number of residents, the geographical access picture is more complicated.
- The remaining 1,142 legal service access points are dispersed among 180 communities. As might be expected, Judicial Centres tend to have the greatest proportion of access points to legal services. Services located in rural communities are not evenly distributed but also tend to cluster in a few of the larger communities.³⁹ A significant number of small communities have no local legal services.

³⁷ The project only mapped not-for-profit social and health services likely to have a high proportion of clients with legal needs.

³⁸ This number does not include the Work Camps, each of which might be considered as a community of people needing access to legal services.

³⁹ The Judicial District reports provide tables showing the numbers for all the mapped communities both for service access points and the number of lawyers, summarized here in Table 5.

- Of the 655 access points outside of Edmonton and Calgary, 57% serve 80 communities south of Edmonton, while 43% are located north of Edmonton serving 100 communities spread across greater distances than in southern Alberta.
- Less than 8% of the total legal service access points are in the St. Paul Judicial District , which has 25 communities and numerous scattered homesteads. Fort McMurray has under 3%.
- In the far north of the province (Fort McMurray and Peace River Judicial Districts) it proved difficult to locate even social and health services. Hospitals and health stations were not included in the mapping, but a quick check was undertaken to see if isolated northern communities had even these physical access points. Most (but not all) do have at least a health station and it would be beneficial to add these to the database in these areas, and in turn ensure that they are provided with legal service and PLEI information.
- Interview data suggest that although southern Alberta has more legal service access points, service providers in southern centres tend to be less aware of them and less conscious of the barriers many rural residents face in accessing services outside of their communities. In the north, providers as well as clients live with the challenges of geographic distance. In the south, cities and regional centres are close enough to be accessible to anyone with a vehicle. However, many rural residents do not have regular (if any) access to a vehicle especially within business hours.
- There are some notable differences in service patterns between Edmonton and Calgary, with the latter having more sole purpose legal services, whereas Edmonton has a very large number of services with both legal and social/health components. This is an interesting finding that requires further investigation to fully understand. There are a number of factors that may contribute to this difference:
 - Edmonton is the provincial headquarters for a variety of services that have both kinds of programs (for e.g. John Howard Society, Native Counselling Services Alberta, Legal Aid Alberta). It is possible that more of these programs are available in Edmonton and/or that participants in Edmonton were more aware that in some locations their organizations had cross-over programs.⁴⁰
 - A conclusion about services in Calgary was that they appeared especially fragmented, with very few providers having a good knowledge of the range of available services. This factor would likely inhibit the development of multi-

⁴⁰ This might also mean that some programs may have been categorized differently in some areas. This could be identified and corrected by reviewing entries to the Database.

- component services, which generally requires some kind of cross-sector liaison or formal collaboration.
- Edmonton has a number of characteristics that may encourage the development of multi-factor approaches: as the capital city it has the presence of head offices and the proximity of representatives from different government Ministries, along with the JPAC and Safe Communities initiatives; that the CFCJ was located in Edmonton and for ten years regularly interacted with the Edmonton justice community; the regular well attended multi-sector 211 networker meetings that profile services and needs; the location of most major justice and related services in the downtown area.

For-profit businesses, and therefore individual private practice lawyers, were not included in the mapping database. However, the Law Society of Alberta provided the ALSMP with the numbers of practicing lawyers in Alberta communities, summarized in Table 5. The following observations can be made from Table 5:

Table 5 - Distribution of Alberta Lawyers in Private Practice⁴¹

Judicial District	Community Numbers	Lawyers in Private Practice (2009)		
		Region Total Lawyers	Regional Centre	Other Communities
Calgary	24	3083	3001	82
Edmonton	32	2077	1917	160
Red Deer	12	142	108	34
Lethbridge	13	137	121	16
Medicine Hat	13	66	59	7
Wetaskiwin	14	52	13	39
Grande Prairie	9	46	44	2
St. Paul	25	31	8	23
Peace River	23	27	16	11
Fort McMurray	12 ⁴²	29	29	0
Drumheller	5	14	9	5
Totals	182	5704	5325	379

⁴¹ The individual Judicial District reports also include the numbers of government lawyers and total lawyers registered, which may exceed the number currently practicing. These numbers may have changed slightly since 2009 but the distribution patterns remain. According to data published by the Alberta Law Society in March 2011, the number practicing outside of Edmonton and Calgary appears to have decreased slightly to 13% (http://www.lawsociety.ab.ca/files/newsletters/Advisory_Volume_9_Issue_1_Mar2011.pdf).

⁴² This number does not include the Work Camps, each of which might validly be considered as a community of people needing access to legal services.

- Alberta has 5,704 private practice lawyers. Three thousand of these (52.6%) are in the city of Calgary. Another 33.6% are in the city of Edmonton.
- Of the remaining 13.8%, 8.6% are located in communities south of Edmonton. Lawyers in southern communities are mainly in the regional centres but are distributed across the southern province.
- Just 5.1% of practicing lawyers serve the area north of Edmonton. Communities in the Edmonton Judicial District account for 160 (2.8%) of these, most of whom are practicing close to the city.⁴³
- This leaves just 133 (2.3%) of Alberta's lawyers to serve the vast northern area. More than half of those, (73) practice in the adjacent Grande Prairie and Peace River Districts. Fort McMurray, the most populous and fastest growing northern city, has just 0.5% of the private practice lawyers and there are none elsewhere in that Judicial District.

This division of lawyers in private practice is not in keeping with provincial population distribution. Even for Albertans who can afford to retain legal counsel, availability is a barrier in many parts of the province. This is especially the case for family law matters, where even providers in the major cities pointed to a lack of lawyers practicing in that area. Section 3.1 further discusses issues of lawyer accessibility.

Key Finding 2.4.1

Access to legal services, including private lawyers, is not equitable for all Albertans.

- a) There are few legal services outside of major centres, particularly those offering legal advice and representation.***
- b) In underserved areas, most existing services do not currently have the capacity to adequately serve their catchment areas.***
- c) Residents of northern Alberta have fewer legal services distributed across greater distances that often pose formidable access barriers.***

2.4.2. The Organization of Legal Services: Some Issues

Providing accessible legal services to all Albertans will always be a challenge. Any division into districts is ultimately arbitrary and wherever boundaries fall, some communities are likely to be closer to the regional centre in a different district. Awareness of the problems this can create is reflected in some of the changes made to

⁴³ The communities outside of the cities of Calgary and Edmonton have been included in the respective south and north community totals. In the case of Edmonton, some district communities are geographically parallel to the west and east rather than strictly north of the capital city.

the Rules of Court (in effect November 1, 2010).⁴⁴ This acknowledged, the ALSMP still identified a number of organizational anomalies in service delivery. Possibly there are reasons behind them that the researchers did not uncover, however, it does seem that they would benefit from review. They are as follows:

- **Circuiting Services.** Several incongruities relate to programs either provided directly or funded by Alberta Justice and Legal Aid Alberta (LAA) as follows:
 - The Provincial Court circuit responsibilities, Judicial Centres and boundaries of the Court of Queen’s Bench, and circuits of LAA are divergent at times. A collaborative review to maximize compatibility would be beneficial for both providers and users of the services.
 - Drumheller with minimal local court and LAA services (see Section 5.9) has courts and Duty Counsel circuiting to Siksika and Strathmore, which are both within the better resourced Calgary Judicial District.
 - Wetaskiwin court circuits are very confusing, even to legal service providers (details provided in Section 5.8).
 - Native Court Workers from already underserved St. Paul also circuit to Fort McMurray.
 - Several Hinton services (an Edmonton Judicial District outpost) go to Grande Cache, which is in the Grande Prairie region).

- **Multiple tickets.** Another organizational area that might usefully be reviewed relates to the issuing of multiple tickets to an individual. Examples of this are found in the Calgary report in relation to people living with homelessness where multiple tickets are issued for transit infractions, loitering, jay walking, and public intoxication, to people without the means to pay them. Service providers in other communities also raised the issue of multiple tickets (taken up in Section 3.4.1).⁴⁵ Unpaid tickets are ultimately prosecuted, but multiple outstanding tickets are not accumulated into one hearing for an individual. Considerable system time and expense is currently invested in the issuing and prosecution of ticket offences. Given the overall increase in tickets issued, it might be useful to further investigate the kinds of infractions driving this. Such information can help to understand the cost-benefit relationship of current practices, as well as identify root issues to be addressed.

Key Finding 2.4.2

There are some anomalies in current service delivery that may benefit from review:

- a) Coordination and effectiveness of court and LAA circuiting practices***
- b) Process related to the issuing of tickets and the prosecuting of unpaid fines.***

⁴⁴ For example Rule 3.3(1) now allows litigants to file applications in the closest Judicial Centre, or a Centre mutually agreed as most convenient.

⁴⁵ Most of the Court Service statistics provided in the District reports include a line showing the numbers of tickets processed.

2.4.3. Services by Type and Area of Law

As well as asking where services were located, the research questions (Section 1.4.2) inquired about the areas of law covered by the services and what type of service was offered. Table 6 (page 41) provides a summary of the areas of law and totals of types of services offered at the access points in the regional centres and surrounding communities. This means that circuiting services and web-based PLEI are not included in these counts. Many organizations, however, provide multiple types of service in several areas of law. Judicial District reports provide additional regional detail and discussion. The following observations can be drawn from Table 6:

- Overall, there are more available resources for criminal law than for any other area and for the most part this holds for all types of service.
- Administrative Law has the least number of overall resources. The lack of Administrative Law enforcement services outside of Edmonton and Calgary is notable. The town of St. Paul has the only two identified services north of Edmonton. In the area of occupational health and safety this has recently gained media attention and government action, with a focus on the north.⁴⁶
- Services offering legal advice or representation are generally sparse and often non-existent in rural areas. Communities around Wetaskiwin are an exception to this.
- Even for PLEI, access points outside of Judicial Centres are very few when considered against the number of communities involved (see Tables 4 and 6).
- Given the smaller number of services, it was to be expected that northern Alberta would also have fewer resources when broken down by type and area of law. However, access points for PLEI in southern Alberta are actually underrepresented because of outreach efforts from the Lethbridge College Public Education Program that links to 25 communities via the public libraries, but is counted as one source.⁴⁷

As noted in Section 2.2, participants reported legal needs across all substantive areas of law, in keeping with findings by Currie (2007a). Emphasis varied by Judicial District depending primarily on availability of services and to a lesser extent on provider knowledge of those services. The following areas of legal need were, however, repeatedly raised:

⁴⁶ By 2014 an additional 30 officers are to be hired and a third region will be added to place emphasis on the north (<http://www.cbc.ca/news/canada/edmonton/story/2011/03/04/edmonton-workplace-safety-officers.html>) .

⁴⁷ This program also offers some video-linked PLE courses. As well, the John Howard Society is very active in school PLE programs in Lethbridge and Medicine Hat . The RCMP in those districts are also noted as offering pro-active PLEI. Details are provided in the Lethbridge District report pp. 46-48 and Medicine Hat report pp. 34 & 47.

- Accident and Injury
- Adult Guardianship
- Benefits (all forms, but especially AISH)
- Domestic Violence (elder abuse, services for men, services for women in rural areas)
- Employment (labour laws, employment standards, workplace safety)
- Family matters (especially maintenance enforcement issues, no-contact orders)
- Financial matters (debt, bankruptcy, foreclosure, small business)
- Power of Attorney
- Residential Tenancy (tenants and small landlords)
- Sexual Assault
- Senior specific services
- Summary criminal offences
- Temporary Foreign Workers (immigration and rights in Canada)
- Tickets (multiple and unpaid)
- Youth justice (prevention, diversion and transition to adult status)
- Wills and Estates

Key Finding 2.4.3

Participants reported legal need across all areas of law and in many substantive areas, but service availability varied:

- a) In all areas of law, the majority of legal services available offer only information and referrals and even PLEI access points are limited outside of Judicial Centres.***
- b) Services providing legal advice or representation are generally sparse and often non-existent in rural areas.***
- c) Overall, criminal law has more available sources than any other area, while administrative law has the least number of sources.***

Table 6 – Number of Service Types by Area of Law and Judicial District⁴⁸

	Cc	Cr	Ec	Er	Rc	Rr	Gc	Gr	Mc	Mr	Lc	Lr	Wc ⁴⁹	Wr	StPc	StPr	PRc	PRr	Dc	Dr	Fc	Fr
Criminal Law																						
<i>PLEI</i>	72	26	66	20	57	33	32	12	30	16	29	12	12	35	10	33	12	9	11	13	10	3
<i>Support</i>	44	26	38	11	54	18	29	8	35	13	16	10	8	15	8	17	9	-	10	10	6	1
<i>Advice</i>	11	16	18	3	13	5	7	1	1	2	8	4	3	2	1	-	1	-	3	4	3	1
<i>Representation</i>	7	5	10	1	8	2	5	1	2	-	1	1	4	3	1	-	2	-	3	2	3	1
<i>Enforcement</i>	41	20	29	14	13	12	14	5	19	11	21	14	8	9	9	8	9	2	13	8	8	-
Family Law																						
<i>PLEI</i>	52	4	53	14	41	24	21	8	17	8	18	2	9	28	9	27	9	12	7	6	7	2
<i>Support</i>	16	3	24	5	35	10	21	3	28	6	10	1	7	12	8	16	8	-	5	2	5	2
<i>Advice</i>	13	2	7	-	5	-	2	-	1	-	2	-	-	-	-	-	-	1	-	-	1	-
<i>Representation</i>	5	5	4	1	3	-	2	-	1	-	1	-	1	1	1	-	1	-	-	-	1	-
<i>Enforcement</i>	7	9	6	3	3	2	4	2	4	2	3	2	-	2	5	3	4	-	5	2	5	1
Civil Law (Non Family)																						
<i>PLEI</i>	48	4	51	7	23	16	13	6	12	6	15	1	7	35	4	16	7	14	6	7	9	1
<i>Support</i>	11	3	16	2	10	4	6	1	12	3	7	1	4	15	2	2	2	2	3	3	3	1
<i>Advice</i>	13	1	14	1	4	-	2	-	-	-	2	-	-	3	-	-	-	-	-	1	-	-
<i>Representation</i>	3	1	7	-	2	-	1	-	1	-	1	-	1	9	1	-	1	-	-	-	1	-
<i>Enforcement</i>	10	6	13	4	5	4	8	2	4	2	6	3	5	2	2	2	4	4	5	2	2	1
Administrative																						
<i>PLEI</i>	44	4	34	5	48	11	7	-	11	4	7	-	3	15	5	14	6	10	3	5	7	-
<i>Support</i>	11	-	5	2	5	1	2	-	13	3	2	-	2	3	2	2	2	-	1	2	2	-
<i>Advice</i>	8	-	2	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-
<i>Representation</i>	3	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Enforcement</i>	9	3	9	-	1	-	1	-	1	-	1	-	-	-	2	-	-	-	-	-	-	-

⁴⁸ Each Judicial District has two columns, one for the Judicial Centre (indicated with a small c) and the other for the surrounding communities (indicated with a small r). The Districts are indicated by their initials.

⁴⁹ The numbers for Wetaskiwin have not inadvertently been reversed. This Judicial District stands out as having existing resources more evenly distributed across the district.

Recommendations

3. Providers of legal services, especially major organizations (such as Alberta Justice, Solicitor General, LAA) review the current distribution of legal services with a view to:
 - a) Addressing obvious access inequities between northern and southern Alberta and between rural and central communities across the province (subsequent recommendations in this report expand on this issue).
 - b) Identifying current administrative and/or circuiting incongruities that might be more practically and effectively organized.

4. The Law Society of Alberta and Alberta law schools actively promote rural practice among currently practicing lawyers and students by:⁵⁰
 - a) Being familiar with and pointing out the need for rural practice.
 - b) Providing training and supports specific to rural practice needs, such as generalist articling opportunities, specialized CLE events, a system of mentoring in a range of legal areas available to rural practitioners.
 - c) Collaboratively advocating for an incentive system for rural practice by making the case to the Governments of Alberta and Canada, private law firms, the Alberta Law Foundation, the Canadian Bar Association, and any other possible sources of funding for such initiatives.

5. Alberta Justice conduct a review of current practices in issuing and prosecuting tickets, with the goal of increasing benefits and reducing costs (see also Recommendation 35).

⁵⁰ Cain & Forell (2010) discuss issues of rural lawyer recruitment and retention in Australia. The University of Manitoba Faculty of Law in partnership with the Law Society of Manitoba, have a free tuition and living costs program in exchange for five years of rural service on graduation. The CBA BC Branch recently received funding from the BC Law Foundation to implement the Rural Education and Access to Lawyers (REAL), <http://www.cba.org/BC/Initiatives/main/real.aspx>.

2.5. Common Barriers to Legal Service Access

The ALSMP data identified a set of barriers to legal service access that are common across the province. The degree to which these barriers can or cannot be negotiated differs depending on location (rural areas being at a general disadvantage) and individual socio-economic resources. The situation for socio-economic status is not straightforward. Those with low incomes are eligible for more services - if they know about them and can manage the access and application processes.

In a small town, you get asked about everything. People need many services – social and legal – and ask for direction/referrals. ...We get left alone a lot and then when [services] get taken, they get taken from [rural areas] - not the cities. ...You can't expect people who have no money, or no car, or mental health issues to travel to Calgary and seek out services. That's just not going to happen. ...All outlying towns see gaps. ...If you don't have a car or Internet, or a phone, you have no way of accessing services. ...How are these people ever supposed to get services? For the legal services I deal with there is only Legal Aid that I can really think of. [D 15]

Middle income Canadians are eligible for very few services other than retaining private counsel. On the other hand they generally have higher literacy and research skills and are able to make the best use of web-based information and assistance from law and public libraries. Potentially, the best served groups are: a) wealthy individuals and corporations able to afford a private lawyer as needed; and b) low-income individuals with higher education.⁵¹ The unmet needs of specific groups of Albertans are discussed in detail in Section 4. This section highlights major commonly experienced barriers.

2.5.1. Barriers of Geography and Demography

These significant barriers are previously discussed and are conditions in which legal service delivery must occur. Northern Judicial Districts are particularly affected by the barriers of distance and scattered populations. Innovative solutions and careful prioritization are essential to ensuring Albertans have equitable access to legal services and resolutions (Sections 2.1, 2.4.1, 5.3, 5.6, 5.10, 5.11; Recommendations 3, 4, 25, 28-31, 37, 41b and 60).

⁵¹ Arshad (2007) describes the experience of an educated, low-income SRL (<http://cfjc-fcjc.org/docs/2007/newsviews10-en.pdf#page=12>).

2.5.2. Lack of Resources to Increase Current Capacity

As discussed in Sections 2.2 - 2.4, current service capacity is often inadequate to meet demands. Potential legal need extends well beyond the present mandates and capacities of these services, while the current climate is of cuts in funding and staffing. Issues and recommendations related to lack of capacity are reflected throughout the report.

2.5.3. Lack of Access to Affordable Legal Advice and Representation

Reports concerning the high cost of legal advice and representation have been so numerous that it has become accepted that middle-income Canadians cannot afford to retain a lawyer for more than very straightforward matters. The majority of services mapped only provide PLEI and cannot even assist people to complete legal documents as this is considered legal advice. Most identified advice or representation services are either very brief (such as Duty Counsel) or have low-income or other eligibility criteria. In 2010, cuts to LAA income eligibility amounts meant that even some people on disability benefits 'earned' too much. Furthermore, legal aid is not free and most people who qualify will be expected to pay a portion of costs. In rural Alberta, service providers take for granted that clients have to try to self-represent because they cannot afford a lawyer and often cannot obtain services for which they are technically eligible.

Affordability is entwined with all other barriers and unmet needs raised in this report. Providing a range of dispute resolution options (DROs) aimed at early problem solution is potentially important to minimizing legal costs and preventing the escalation of problems. This is reflected in the aims of the new Legal Service Centres, LInC and FJS programs, and provincial court civil mediation. However, consistent DRO pathways are not yet well established. The ALSMP specifically sought opinions about options such as paralegal services and/or limited scope retainers ('unbundling' of advice or representation from a lawyer). Opinions, initiatives and recommendations in these areas are discussed in association with the services of private lawyers in Section 3.1.

2.5.4. Service Eligibility Criteria

Available services reported an array of eligibility criteria. The most common of these are age, residency, income level, and criminal involvement. Others apply to the nature or focus of the service such as gender, citizen/immigration status, or a particular kind of legal involvement.⁵² The eligibility criteria are often complex – the LAA current guidelines for example. Added to this, providers reported numerous exceptions and complicated appeal processes. In some cases it is difficult for the service staff to clearly convey and consistently apply these criteria making it almost impossible for other

⁵² The Calgary, Fort McMurray and Medicine Hat reports include eligibility criteria tables in the "Understanding Legal Needs" section.

services to provide accurate referrals. While some flexibility is desirable, so is consistency and clarity.

Recommendation

6. All legal services with eligibility criteria review these with the aim of:
 - a) Reducing barriers to service wherever feasible.
 - b) Developing policies for eligibility that are clear and consistent, including about the circumstances and process under which exceptions may occur.
 - c) Ensuring that information concerning eligibility criteria is readily available to service providers and the general public.

2.5.5. Lack of Service Provider and Public Knowledge

A major and pervasive ALSMP finding is that both service providers and members of the public have generally low levels of knowledge about available legal services and related social supports. This was not unexpected as it has been a consistent finding of legal service/legal needs research across Canada and internationally (Access to Justice Study Committee, 2006; Billingsley et al, 2006; Forell & Gray, 2009; Genn, 1999; Malcolmson & Reid, 2004; Task Force on Systems of Civil Justice, 1996).

For the most part, legal service providers are knowledgeable about the services that they personally deliver, but lack full and accurate information about other available legal services and how to connect clients to them. Similarly they are often unaware of the details concerning social and health services that offer related supports.

Social and health service providers are essential access points for help - in small communities they may be the only access point - and they need to have ready access to legal service information and PLEI. However, where the law and legal systems are concerned they are essentially members of the general public who need increased understanding of legal rights, responsibilities, and processes.

Expanding provider and public knowledge about available legal and related social services is crucial. Limited or inaccurate knowledge results in referral patterns that are incomplete, circular, and frustrating for both service providers and users. As was the case with the SRLMP, ALSMP data show that most providers rely on a limited set of referrals to a few well-known organizations, whether or not these are the most appropriate to the situation.

Here's a gap. I think we, as helping professionals, need to be better educated about clients' legal rights, from assaults, to B & Es, to child apprehension orders. As an addictions agency, we need more training about the justice system. We are gatekeepers and stakeholders in this whole mess and there are few resources out here so we need to be better for our clients. [DH 45]

I think a lot of times clients get jarred from one place to another. ...It can be very intimidating. They'll likely think they have no idea how to get through it. [E:48]

If I was a person who needed legal service I would have trouble knowing where to start. ...Most people who talk to us...just have no idea. ...If there was better information. ...especially on the family side. [E:48]

[We need] ways of staying constantly updated, what programs are new...who do I call? [C:39]

Enhanced networking can help (see Section 2.7), but only if the information and knowledge being exchanged is accurate. The ALSMP found that sometimes misinformation was shared, especially where networks were small and isolated from wider provincial interaction. Providers readily identified their need for better knowledge.

There are two major routes to addressing lack of knowledge:

- a) Establishing a comprehensive, detailed, up-to-date, categorized, easily accessible and navigable, database of legal and support services. Many participants identified the usefulness of such a tool. The prototype database created by the ALSMP was intended to provide a foundation for a permanent venture of this kind that includes a commitment to on-going maintenance and updating.
- b) Well coordinated delivery of PLEI that maximizes the usefulness of existing resources while working collaboratively to fill identified gaps.

Findings concerning PLEI in Alberta are summarized in Section 3.8 and Recommendation 40 offers some specific PLEI-related suggestions. A broad recommendation only is offered at this point.

Recommendations

7. A commitment is made to permanently establish and maintain a comprehensive, Internet accessible database of legal and related support services across Alberta that:
 - a) Builds on the foundation of services identified and documented in the ALSMP prototype database.⁵³
 - b) Provides a range of search categories that include lay terms for finding the appropriate service information.
 - c) Over time also connects to and assists in coordinating and sharing PLEI resources.
8. A collaboration of PLEI providers is formed to find ways to best coordinate and share existing PLEI resources with legal, health and social service providers across Alberta (also keeping in mind PLEI specific Recommendations 9, 41, 43, 44, 50b and 60a-c)

2.5.6. General Levels of English Language, Legal, and Computer Literacy

Low levels of English Language comprehension, computer and Internet search skills, and legal understanding were raised as access barriers by participants in every judicial district. While literacy in general is not a problem that legal services can solve, it is a condition under which they must provide assistance. A combination of reasons contribute to literacy barriers:

- Outside of major centres the educational attainment of Albertans is below the national average. In some areas more than 30% of the general population have not completed high school. People with low formal education often need assistance to use text-based information and complete forms. They are unlikely to be able to take notes on information provided verbally (Alberta Advanced Education and Technology, 2009).
- Computer literacy and formal education go hand-in-hand. Additionally, access to computers and the Internet is still restricted in remote communities. Using the Internet successfully for information seeking requires high levels of literacy, estimated as above high school completion (Alberta Advanced Education and Technology, 2009).

⁵³ See also conclusions related to using the ALSMP prototype database in Section 6.1.1.

- Ethnic minorities may be highly literate in their first language, but not in English. While this is particularly likely for New Canadians it is also an issue for linguistic minority groups (notably Francophones and First Nations) and to immigrant women. Little PLEI is available in languages other than English and it would be impossible to provide this in every language spoken in Alberta.⁵⁴ Interpretation services (including by telephone) are a more feasible option but few legal services have the financial resources to pay for interpretation.
- The law and legal processes are complex and legal language is difficult even for highly educated lay-persons to comprehend (Gander et al, 2005).

Recommendations

9. PLEI and legal service providers connect with Community Adult Learning Associations (CALCs) across Alberta for the purposes of:⁵⁵
 - a) Gaining a stronger understanding of literacy barriers and facilitators.
 - b) Finding collaborative opportunities for programs promoting language, computer and legal literacy.
10. Federal, Provincial and Municipal governments, and the Alberta Law Foundation work together to provide a pool of funding specifically designated to pay for legal service interpretation.
11. PLEI specific Recommendations 8, 9 and 41 are applied to identifying and sharing resources in languages other than English.

2.5.7. Lack of Transportation

Lack of transportation was repeatedly identified as a major barrier to accessing legal services. Where transportation does exist, affordability can be a barrier. While it may seem to many of us that the cost of a transit ticket is a minor expense, the cost for a return trip is around \$6 – or dinner for someone with a low income. Rural transit - if it exists at all - is expensive.

⁵⁴ It is noted the Central Alberta Community Legal Clinic has PLEI available in ten languages.

⁵⁵ A list of CALCS is available at <http://www.communitylearning.info/>.

Transit is not a legal service responsibility but it is a very significant problem for legal service access and delivery. Lack of transportation results in missed appointments and court appearances, and failure to comply with Orders of all kinds.

There are some local initiatives to meet transit needs and it is suggested that local legal services pro-actively identify possibilities in their districts and form alliances that work towards meeting the transportation needs of clients.⁵⁶

2.5.8. Unmet Health and Social Needs

Health and social needs are inseparable from legal needs. As outlined in Section 2.3, unmet needs cluster and multiply and are very costly to the justice system. Service providers identified mental illness, Fetal Alcohol Spectrum Disorder (FASD) and addictions as pervasive problems that precipitate legal problems and create barriers both to accessing legal services and reaching successful resolutions.

Recommendations are made in Section 4, which provides extensive examples of the interrelations between unmet legal and social needs, especially for vulnerable groups of Albertans.

Key Findings 2.5

The ALSMP identified a set of barriers to legal Service access that are common across the province posing challenges that require innovative and coordinated responses:

2.5.1. Barriers of geography and demography

2.5.2. Lack of resources to increase current capacity

2.5.3. Lack of access to affordable legal advice and representation

2.5.4. Service eligibility criteria

2.5.5. Lack of service provider and public knowledge

2.5.6. General levels of English language, legal, and computer literacy

2.5.7. Lack of transportation

2.5.8. Unmet health and social needs

2.6. The Value of Networking and Collaboration

Almost all providers valued networking opportunities and at the same time identified a need for more such opportunities with a relevant focus. Good networking was associated with knowledge exchanges that led to understanding of mutual issues and the ability to make useful and accurate referrals.

⁵⁶ For example the Central Alberta Economic Partnership (<http://centralalberta.ab.ca/about-us/goals-and-initiatives/current-projects/regional-transportation-strategy>) is working to establish a transportation strategy and offers a guide and toolbox. The ALSMP District Reports capture a few initiatives (usually described in the “Good Practices to Build On” section).

Participants found the ALSMP community working group meetings and data collection focus groups to be very useful opportunities to exchange information about each other's services. The ALSMP purpose to share service information and learn about related issues was a good fit with what providers hoped to gain from the investment of time in networking.

Networking is good but can always improve. There are a lot of services that still work in silos. Partnerships are very important. Even NGOs are not always aware of other services that are similar. We did a formal needs assessment in 2003 and this was identified as a key issue - service providers didn't know about others with similar mandates. [FM: 45]

In a smaller community for all of us to be successful we recognize that we cannot provide all the services, so we really rely heavily on each other to build those partnerships in order to build strong programs, so we are not repeating services and making sure that all cracks are filled. [Rural, C:39]

Inter-agency committees are predominately comprised of non-government organizations, so certainly there is a deficit. ...It would be better if government agencies could commit to attend certain meetings for the purpose of sharing their service and sharing more accurate information about their process so that, when people do make referrals, the referrals are more timely or better informed. [MH: 51]

For networking opportunities to maximize potential benefits, some roadblocks must be avoided. Effective networking events should:

- **Have a clear, decisive agenda.** Over-extended service providers cannot afford to take time to network if the value to them is unclear.
- **Avoid network silos.** The ALSMP found that most participants were connected to a networks they considered effective, but that in reality, multiple small networks existed and did not interact. This was not simply a division between legal and health/social services as might have been anticipated, but a more complex phenomenon that likely involved (possibly unconscious) social and/or organizational assumptions and prejudices.
- **Include comprehensive representation.** In contrast to network silos, participation should include a full range of multi-sector stakeholders. Consistent, committed representation is important. ALSMP findings suggest that government

and larger NGOs are most often absent from community-based networks, while the networks they promote tend to overlook important community perspectives.⁵⁷

Although definitions of 'networking' and 'collaboration' were provided (see Section 1.3), few participants readily distinguished between networking as a simple exchange of information or assistance and the more project-oriented working together toward a specific outcome that characterizes collaborative endeavour. Many examples of collaborative initiatives were, nevertheless, reported and it is not clear that it matters if these are considered a form of networking. It is, however, probably important to keep this in mind when proposing collaborative ventures and to be sure that participants fully understand the time and work commitment involved in attaining the collaborative goal.

Key Finding 2.6

Service providers usually value networking, identifying a need for more opportunities with focussed agendas that promote knowledge exchanges that increase understanding of shared issues.

Recommendations

12. Government organizations and large NGOs make a strong commitment to support and participate in relative networks by:
 - a) Ensuring community-based stakeholders are included in organizationally-led networks.
 - b) Providing consistent representation and information to relevant community-based networks.
13. Funders recognize the importance of network participation by providing financial support within grants, to make staff participation possible.
14. All network leaders work to ensure:
Focussed agendas with topics that are relevant to members.
 - a) Identification of other local networks.
 - b) Interaction with other networks around common issues and concerns.

⁵⁷ Stratton (2009b, pp. 37-52) addresses the issue of stakeholder representation. Although focused on collaborative alliances, much of this resource can also apply to maintaining successful networks.

3. LOOKING AT EXISTING LEGAL SERVICES

As noted in the discussion of key findings (Section 2.4), despite increases in services to SRLs since the SRLMP research in 2006, most existing services are working at capacity and identifying areas of unmet legal need. Reviewing findings from the SRLMP and the previous CJSP research in Alberta it is possible to identify attempts by major services to build on strengths, fill gaps, and address identified weaknesses. At the same time, problem areas are persistent. The barriers identified in Section 2.5 are not easy to surmount and the degree of unmet need suggested by both the national research and the ALSMP reports presents a major challenge. This section briefly summarizes the strengths and weaknesses of major services, covering both areas of service (such as lawyers, judiciary, PLEI) and large organizations (such as Alberta Justice, LAA). Sub headings in Section 3 are:

- 3.1. Private Lawyers
- 3.2. The Judiciary
- 3.3. Alberta Justice
- 3.4. Solicitor General
- 3.5. Safe Communities Initiative
- 3.6. Legal Aid Ontario
- 3.7. Community-Based Clinics and Programs
- 3.8. PLEI Providers

3.1. Private Lawyers

One position advanced by some ALSMP participants is that all Albertans needing legal assistance should have access to a lawyer. While this is an ideal, the reality is that the cost of retaining a private lawyer for more than routine matters is a prohibitive barrier for most Albertans, and eligibility for more than brief services via legal aid has been reduced in Alberta and most of Canada.

However, when considering the services provided by members of the Bar and the feedback received about lawyers, it is important to recognize the contribution members also make to non-profit and *pro bono* services as follows:

- LAA looks to the private Bar to take on all legal aid certificates, both criminal and civil. In most Judicial Districts, LAA draws on members of private firms to provide Duty Counsel Services on a roster basis.
- Community legal clinics have very limited staff and rely on volunteer lawyers to provide *pro bono* contributions.

- Pro bono Law Alberta, is actively seeking to boost participation in its Volunteer Lawyer Service in order to increase access to advice and representation for Albertans in need.

Revisiting Table 5 (Section 2.4.1) with the above contributions in mind, further underlines the demands experienced by rural lawyers across the province. Given the range of roles and variation in areas of law and complexity of cases, it is understandable that opinions about and experiences of lawyers will vary significantly.

3.1.1. Experiences with Lawyer Services

A recent poll conducted by Ipsos-Reid (2010) 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, Wills and Estates and other straightforward matters. Attaining legal assistance with these kinds of needs generally results in avoiding, or at least reducing, future problems. That people are usually satisfied with lawyers in this context is an important indicator of the benefit of ensuring all Albertans can access assistance with everyday legal needs.

The ALSMP, and earlier findings from the CJSP, also indicate that brief legal advice and representation, such as Duty Counsel (see Section 3.6.2) and Community Clinic Services (Section 3.7.), are viewed positively by most clients and enthusiastically by legal and social service providers. The one concern being that such services are often not sufficient to fully meet clients' needs.

There's a common perception that their lawyer isn't doing anything for them, but then you look at the court file and it's huge. A lot of people don't understand what the lawyer is doing for them, and lawyers can't explain it. [ED F02]

By arriving on time in the courtroom, by not double-booking themselves so that they have to be in two courtrooms on the same day, by not taking on too many files such that we can't book trial dates for 6-8 months down the road. Those are the obvious [ways to improve], and it's a small number of the Bar that would fall into that category. I think members of the Bar do what they can ... I can't think of any other suggestions, other than lawyers becoming more and better trained in alternate dispute resolutions and using it more often. [Judiciary 03]

We have had a few problems with members of the Bar not sticking to their own code of ethics. I've had to adjourn on a few occasions, and direct them to get their behaviour sorted out by the time I'm back. [Administrative Tribunal A03]

Input about lawyers from ALSMP participants (and previously in the SRLMP and CJSP⁵⁸) concerning more contentious matters was far less positive. While this was especially so for protracted court cases (most often involving family matters) issues were also raised by legal and social service providers, such as the judge quoted above and representatives of Administrative Tribunals, who can be considered as reasonably objective observers.⁵⁹ Service providers were more likely to offer appreciation of the competence of lawyers and the challenges they face but their critical observations were nevertheless reflective of the public participants' complaints. Criticisms were also consistent with those put forward in the CJSP, where the public participants included corporate and government representatives and witnesses, whose comments concerning lawyers were especially compelling and not tied to case outcomes (Billingsley, et al; Lowe, 2005).

The following consistent critiques present in the ALSMP data should not, therefore, be dismissed:

- **Lack of clear communication.** It is possibly that many of the complaints made by clients have their root in the failure of the lawyer to clearly explain what is going on, why there are delays and how costs accrue. As well as the CJSP findings, the CBA nationally has repeatedly emphasised the need for good communication practices.
- **Lack of preparedness/case overload.** Parties on both sides and legal service providers complained of lawyers asking for repeated adjournments because of lack of preparation – a practice that increases delays and costs all round. Alternatively, going ahead without fully understanding the case issues could be even more harmful. Service providers often recognized case overload as a cause, especially for lawyers willing to take on LAA certificates, but nevertheless identified it as a serious issue.
- **Failure to tell clients** about available dispute resolution options (DROs). Several public participants with lawyers complained that they later found out about options other than a trial, but that their lawyers did not suggest these. Many service providers voiced the opinion that DROs were not utilized as often as they might be.

⁵⁸ Descriptions of and reports from the SRLMP and CJSP are all available at <http://cfcj-fcjc.org/publications/cjsp-en.php>.

⁵⁹ It was emphasized in the district reports that the ALSMP public participants were disproportionately involved in criminal cases and volatile family matters. It is intuitive that the more contentious the legal matter, the more displeased at least one side will be with outcomes, and blame the lawyers. It must also be anticipated that frustration occurs because people don't fully understand the legal process. However, there is no solid objective research to support this assumption. CJSP data actually suggests that given the opportunity, people reflect reasonably fairly on what goes on affording thanks and praise for perceived help even when outcomes go against them (Stratton, 2005). The input from ALSMP participants is in keeping with this.

- **Lack of familiarity with area of law.** This was an infrequent criticism, but it was raised in relation to rural lawyers, LAA certificates, and especially concerning representation at Administrative Tribunals, where one representative suggested people appearing were usually better off self-representing.

3.1.2. Options for Affordability: Limited Scope Retainers and Paralegal Services

The public and private ‘costs’ of accessing justice has been a periodic research focus and a major international issue for over 30 years. In the last decade, affordability of legal counsel has become a critical issue, but there is little clear evidence as to where and how costs accrue in the legal process (CFCJ, 2010, Taylor & Svechnikova 2009). It is not currently possible to know whether or not the cost of legal services of any kind can effectively be reduced.

I would say yes, but the Bar would say no! [Paralegals] would be helpful in Family Court. Criminal has Crown, Duty Counsel. In Family, you have the judge [and] the client. [St.P:62]

People screw up and it is going to cost them more money to have lawyers fix what they do on their own. ...Overall I don't think [unbundling] is beneficial. As a lawyer, I want control of my files. I have no problems if you want to do it, but my name won't be anywhere on that aspect of it. I won't let you go serve documents, hire a processor. I think that is a recipe for disaster and for lawyer's names to get further tarnished, more than we are now. Our reputation is bad enough. [St.P.62]

There are many issues that come up but, as a whole it is a good idea. ...If appropriate rules and safe guards were put in place, it could work. Middle class people are really caught. If you make \$50,000, to pay \$10,000 for legal fees is ridiculous. Perhaps unbundling services for that particular population would be an answer. Family law is the one area that is the most difficult... [because it] has emotional baggage. [C:90]

We would welcome paralegals with open arms. The more assistance that is available for people is a good thing. We can certainly see that an advocate can be just as effective as an attorney because it is an informal process. There are no rules of evidence, so it's not essential that someone be a trained lawyer to present in front of these tribunals [E:105]

The ALSMP found very limited options for affordable legal advice and representation (see Section 2.4.3, Table 6). Most of those available are reviewed in this section of the report. The ALSMP also set out to ask legal service providers their opinions of options such as paralegal services and ‘unbundling of legal services’ - now most often referred to as limited scope retainers (see definitions used Section 1.3). As the project progressed reduced resources meant less in-depth interviews, so most of the input on these topics was collected early in the project. However, while the ALSMP was in progress, so were separate inquiries in Alberta and other provinces into the issues and possibilities of using paralegal and limited scope retainer options to improve affordability (Lucas & Munro, 2010; Michalyshyn, 2009; Sierra Systems, 2009). Neither the use of paralegals or limited scope retainers are straightforward options and opinion on using either as a path to more affordable advice and representation is varied.

The range of views is reflected in responses from ALSMP participants, who essentially raised the same sets of issues and questions as the Law Society reports:⁶⁰

- **Partial services is not the direction to pursue** – full legal representation should be available to all Canadians (increased legal aid coverage, legal insurance, more *pro bono*, increased efficiency and lower charges, or a combination of these).⁶¹
- **Citizens must be adequately protected.** Who qualifies as a paralegal and what are they able to do exactly? It is widely agreed that paralegals should be well trained, supervised by a lawyer and properly certified or regulated in some way. However, the Law Society reports point out the need for better definitions of what ‘supervision’ means and what are ‘legal services, exactly - what is the range of tasks that can undertaken?
- **Paralegals are already widely used** and highly valued (Students at Law, Court workers, LInCs and LSCs; Registry staff routinely assist lawyers with forms, why not also the public?). What is needed is to provide additional training and capacity to these paralegals.
- **What services are suitable for limited scope retainers?** Can SRLs make sufficiently informed decisions about what they can handle versus what legal services they need to retain? Some straightforward matters like forms, or basic Wills or basic applications are OK for people to do themselves. Can guidance be provided as to which matters are too complex or too emotional and should be done by counsel?

⁶⁰ It is noted, however, that providers from underserved areas, especially from community-based organizations, were far more likely to embrace the idea of both paralegals (who they already rely on extensively) and limited scope retainers, than were participants in better serviced areas and who themselves were lawyers. An exception was Administrative Tribunal Representatives who were highly supportive of advocates with knowledge of the tribunal area.

⁶¹ Buckley (2010) provides an overview of the history of legal aid and legal opinions on legal aid as a constitutional right.

- **Being able to afford some help is better than none at all.** People are self-representing because they can't afford even the retaining fee of a lawyer. Most know very well they need help - let them purchase as much as they can manage.

There is no hard evidence as yet to assist in answering the many questions about alternative routes to affordable legal services. Major services are, however, already moving in the direction of paralegal and partial advice and representation. This is essentially the model followed by the LAA Legal Service Centres, the LInCs and the community legal clinics.⁶²

Recommendations

15. Continuing Legal Education (CLE) opportunities continue to be provided that promote good communication strategies and effective workload management among practicing lawyers.
16. Further research be conducted to identify and build on the good practices that lead to public satisfaction with everyday legal assistance.
17. Existing strengths of *pro bono* contributions be built upon and expanded.
18. Lawyer knowledge be increased about available dispute resolution options and the importance of offering these alternatives to clients.
19. The duties of paralegals currently providing services supervised by a lawyer be built upon and expanded.
20. Appropriate training and additional resources be provided to court workers that result in acknowledged paralegal status.
21. Ongoing evaluation of current 'unbundled' or limited scope retainer approaches be put in place to assess their effectiveness for clients versus the effectiveness of self-representing with no legal assistance.
22. Agreed definitions, endorsed by the Law Society of Alberta, be reached concerning the supervision and scope of paralegal services and limited scope retainer options.

⁶² It was also the model used at BC Legal Services Society between 1979 and 2002.

3.2. The Judiciary

Comments about the judiciary are quite limited within the ALSMP data. As has been the case in previous research, participants often held positive opinions about judges and tended to readily separate systemic and procedural issues from judges' decisions. There were some occasional comments that there was still room to improve cultural understanding and sensitivity, especially concerning issues related to Fetal Alcohol Spectrum Disorders.

A more persistent complaint was that judges had inadequate understanding of local contexts and service availability or capacity, particularly when circuiting from larger centres like Edmonton and Calgary. Service providers pointed out that issuing orders for particular program participations and treatments that were not available or not realistically accessible (due to distance or waiting times), was just setting people up for failure. Comments pertained to a wide range of orders such as probation conditions, parenting orders, anger management, psychiatric/psychological/cognitive assessment and counselling, and addictions treatment.

This is a difficult situation for the judiciary because, in principle, Albertans want to see the courts pursuing the kinds of measures listed above. But in many areas both legal and related social services lack the capacity to provide the court-ordered support.

The Court of Queen's Bench of Alberta has been a member of the Advisory Committee of the ALSMP throughout, and has provided feedback on the draft of this Report provided for review. The Court seeks to emphasize that the ALSMP database will be an invaluable resource to the public, service providers and the judiciary, and in the context of Recommendation 23, will help judges sitting in regional judicial districts to have a better understanding of local contexts and service availability. The Court strongly encourages the commitment in Recommendation 7 to permanently establish and maintain a comprehensive, web accessible database of legal and related services based on the ALSMP database, at the earliest opportunity.

Recommendation

23. Members of the judiciary (with special attention to new appointments and circuiting judges) be provided with additional information about:
- a) The cognitive, social, and justice impacts of FASD.
 - b) Local social contexts and service capacities that impinge on sentencing options and/or the ability to comply with orders.

3.3. Alberta Justice Court Services

Alberta Justice Court Services provide an array of front-line legal services and information access points, several of which received consistent praise for helpfulness.

The print version of the 2011 Alberta Court Calendar (available for free download from http://www.qp.alberta.ca/documents/court/2011_Court_Calendar.pdf) includes descriptions of five program areas:⁶³

- Court sittings and Registry locations
- Law Information Centres (LInCs)
- Family Justice Services
- Civil (non-family) Mediation programs
- Alberta Aboriginal Court Worker Program
- Alberta Law Libraries

At this time, the Ministry of Justice and the Attorney General is undergoing some major reorganization that may affect the delivery of some court services as described in this report.⁶⁴

3.3.1. Court Registry Services

Court Registry staff provide service relied on by both lawyers and the public. Often the first stop for members of the public faced with a legal problem, Registry staff were consistently praised by participants who typically described them as “competent, efficient and responsive” and “among the most helpful encountered at any service.” No complaint about court registry service was recorded.

Analysis of interviews indicated that registry staff, especially in smaller courthouses, had comprehensive all-round knowledge of court processes, but were also the first to observe where there was room for procedural improvement. The high standard of service provided is remarkable given that courthouses often face long line-ups for service, constant demands from people under stress, and all too often face dire situations without sufficient back-up. The quotes below well illustrate the need to support these vital staff.

⁶³ The printed booklets may be purchased. More comprehensive details about these programs and some additional court services is available at <http://www.albertacourts.ab.ca/CourtServices/tabid/71/Default.aspx>. It is noted that improvements have been made to the organization and content of the Alberta Justice website since the SRLMP report making it possible to find information when you know what you are looking for. It remains dense and complex, however, for people who do not know where to begin (see Section 2.6.5).

⁶⁴ Letter from Deputy Minister Ray Bodnerak to All Justice Stakeholders, January 28, 2010.

There was a guy at the front counter who was going to kill himself and we had no resources . . .sheriffs can't take people to hospital and it was kind of scary and all I could tell him was to go to the hospital and we called RCMP and nobody would come. He was crying for help and wasn't getting it. [St.P: 27]

I remember this fellow came in and his tent had been hit by lightning, and he had a charge here. The Judge gave him a fine and I ended up taking him to the hospital and getting his hands cleansed and re-bandaged. I got on the phone and managed to get him emergency social services. They paid for his meal and put him on a bus back home. And gave him a voucher to get food on the way home. [St. P:34]

3.3.2. Law Information Centres (LInCs)

Following the SRLMP report, LInCs were launched in Edmonton, Red Deer and Grande Prairie in 2007, and in Calgary in 2009. The LInCs are located within courthouses and the aim is to provide a gateway that helps Albertans understand the Alberta court system and how to begin addressing their legal needs.

Whoever comes in comes in. It could be any stage of legal, from Traffic Court to Court of Appeal. [LInC staff] try to help them find resources or forms. Anything legal really, [they] try to get them in the right direction. That could be getting a lawyer or finding them legal advice. Lots of people don't know where to start, they're intimidated and scared. [Staff] get them more comfortable in there. Court of QB and Court of Appeal are especially intimidating. [LInC] deals with youth too. [RD:26]

Experienced LInC staff provide information about civil and criminal matters⁶⁵; explain court forms and how they can be used; provide information on and explain options for obtaining legal advice as well as alternatives to court; and make referrals to other legal and related resources. All LInCs now handle applications for mental health warrants, previously dealt with by FJS.⁶⁶

⁶⁵ For information on family matters, LInCs refer to FJS/FLIC, except in Grande Prairie where FLIC services are combined into the LInC.

⁶⁶ In Calgary both the LInC and the Family and Youth Office will assist with mental health warrants.

Staff cannot give legal advice, help users choose how to solve legal problems, help make legal applications, or tell people what to say in court forms. The LInCs have a dedicated priority telephone line to Legal Service Centres for clients determined eligible for these LAA services.

The LInCs have been a resounding success receiving praise from clients and every group of justice stakeholders. Table 3 (Section 2.2.1.) shows that Albertans have made over 400,000 visits to LInCs since they opened. This service provides an exemplary example of good practice in service delivery, including the ability to self-identify areas where still greater effectiveness might be achieved, as follows:

- **Inconsistency of services offered.** Due to variable local contexts and resources, there is inconsistency in the services offered by each LInC.
 - Services are distributed across the province, but to date, no one individual is responsible for overseeing the coordination of LInC service and delivery.
 - Assistance related to family matters can be particularly confusing. In Grande Prairie where there was no pre-existing Family Law Information Centre (FLIC), LInC and FLIC services were established together. Elsewhere, pre-existing FLICs, provide some, but not all assistance with family matters.⁶⁷
- **Intimidating locations.** Although statistics show people from a wide range of social demographics use LInC services (PRA, Inc., 2008), staff in Edmonton identified underutilization by Aboriginal peoples and the homeless. It was suggested that the courthouse locations (especially those with airport-type entrance security) may be intimidating and serve as a deterrent.
- **A need for greater circuiting capacity.** As would be expected from the general legal service distribution (Section 2), there is considerable demand for the LInCs to have services visit district towns. This need was identified in the SRLMP and the LInC program continues to work toward this goal.
- **A need to provide brief legal advice.** Also identified in the SRLMP, the general lack of available affordable legal advice and the limitations on assisting with forms without this, suggests it would be beneficial for LInC centres to include services from either a staff or volunteer lawyer.

⁶⁷ In Red Deer where LInC and FLIC are in close proximity, they are reported as working together. In Edmonton and Calgary the centres are in different courthouse locations. The research team has received repeated feedback that this is confusing for users. As well, it was indicated that collaboration could be improved between these services.

Recommendations

24. The LInC program continues to build on current good practices, working towards expanding services to meet identified needs at current locations, especially increased circuiting capacity and the addition of brief legal advice.
25. Additional LInCs, with regional circuiting and phone-in capacity be established in all Judicial Centres, with priority given to the Fort McMurray and St. Paul Judicial Districts.
26. Consideration be given to the possibility of establishing LInC services outside of the courthouse setting and to providing some service hours beyond the regular court hours.
27. Consistent overall coordination be established in order to better coordinate and collaborate in the delivery of services (especially pertaining to family matters).

3.3.3. Family Justice Services (FJS)

FJS provide numerous important programs, intended to be available province-wide, but with variable access locations. These are:⁶⁸

- Family Law Information Centres (FLICs, providing PLEI, referrals, forms, some application assistance, child support guideline calculations, and additional assistance in Edmonton and Calgary related to Queen's Bench matters).
- Parenting after Separation Education classes.
- Family Court Counselling Intake.
- Family Mediation/Dispute Resolution programs.
- High Conflict Assessment.

At the time of the SRLMP feedback concerning FJS services was mixed (Arshad, 2007; Stratton, 2007) and this was also the case in the ALSMP.⁶⁹ However, lack of capacity and access were the major focus of complaints in the ALSMP, with Family Court Workers receiving considerable praise for the work they do despite coping with staff shortages and long waiting lists.

⁶⁸ Summarized from *the Alberta Court Calendar and Court Services Programs* (2011).

⁶⁹ In Calgary public participants raised concerns about FJS mediation programs. Staff were concerned and highly responsive to service issues raised. Reduced resources meant that we were not able to include user experiences of FJS in other locations, however, researcher observation is that knowledge of FJS services has improved since 2006.

The capacity issues are not new, having been noted in the SRLMP. FJS reports continuing provincial increases in service requests of 6,000 more per year for several years. The LAA eligibility and program changes in 2010 call for increased referrals to FJS and demands on the mediation programs that current capacity cannot possibly meet, even in Edmonton and Calgary. Staff burnout is a concern that needs addressing.

FJS are among the very few services available free of charge, based on legal need. But, all Albertans with family law problems do not currently have either equitable or timely access to these valuable services.

Recommendations

28. It be made a priority to ensure that all Albertans with relevant family law needs have equitable and timely access to all Family Justice Service programs. The following steps are suggested:
- a) All currently vacant and previously proposed Family Court Worker positions are filled.
 - b) New Family Court Worker positions are created to meet identified but currently unmet demand, including increased circuiting capacity.
 - c) Ways are found to increase viable access to mediation services for Albertans outside of major Judicial Centres. This may include circuiting mediation or providing transportation to, and day care at, central service locations.
 - d) FLIC services are enhanced to:
 - i. improve collaboration and coordination with LInC services;
 - ii. provide a uniform range of services in all FLICs across Alberta;
 - iii. provide permanent FLIC services at all Alberta courthouses by whatever means is possible (such as circuit, additional training for registry staff,⁷⁰ telephone, interactive web).

⁷⁰ Training Registry staff in small provincial courts to deliver FLIC services was the option pursued in Ontario and identified by the CJSP as a good practice (Billingsley et al, 2006).

3.3.4. Civil Claims (non-family) Mediation Programs

There are civil claims mediation programs for both the Provincial Court and Court of Queen's Bench:

- **Provincial Court** civil mediation is a no-charge program aimed at helping parties negotiate a settlement instead of going to trial. Access is by self-request and/or court referral. Locations are listed as Calgary, Edmonton, Grande Prairie, Lethbridge, Medicine Hat, Red Deer and Wetaskiwin.⁷¹
- **Court of Queen's Bench** is a user-pay service providing a roster of mediators who possess a sufficient standard of relative education and experience. Mediators subscribe to a code of ethics and the roster includes a complaint process. Mediators are available province-wide but are administered through Grande Prairie, Edmonton, Red Deer, Calgary and Lethbridge.⁷²

It is noted that there are no civil mediation access points in north-eastern Alberta and that Grande Prairie is the only location in the north-west.

The ALSMP did not capture user experiences with civil mediation, but the absence of mediation options was repeatedly noted by service providers who felt it would provide a viable alternative to a trial. Addressing this gap and evaluating current programs is especially pressing in light of the new Rules of Court (in effect from November 1, 2010) that require some form of dispute resolution be undertaken before a Court of Queen's Bench trial can be scheduled.

Recommendations

29. Access points to Provincial Court Civil Mediation be created in the Judicial Districts of Fort McMurray, St. Paul, and Peace River.
30. The accessibility of Drumheller Judicial District residents to the Provincial Court Civil Mediation program in Lethbridge and Medicine Hat be evaluated with a view to enhancement.
31. Provincial mediation possibilities (by video conferencing, phone, or circuiting) be assessed, especially in the northern Judicial Districts.
32. The adequacy and effectiveness of the Court of Queen's Bench roster approach to civil mediation be evaluated.

⁷¹ Details at: <http://www.albertacourts.ab.ca/provincialcourt/civilsmallclaimscourt/mediation/frequentquestions/tabid/156/default.aspx>.

⁷² Details at: <http://www.albertacourts.ab.ca/courtofqueensbench/civilmediation/tabid/74/default.aspx>.

3.3.5. Alberta Aboriginal Court Worker Program

The Aboriginal Court Worker program has been in existence in Alberta for over 35 years. It aims to provide culturally appropriate province-wide services that facilitate and enhance access to justice by assisting Aboriginal people to obtain fair and culturally sensitive treatment in the justice system, especially during the court process. It includes both criminal and family components that are available at any point during the pre-court or court appearance process.

Funded by Alberta Justice, the program is delivered by Court Workers from five First Nation organizations providing on-reserve services, and by Native Counselling Services at other locations.⁷³ Services provided by NCSA were highly praised (as was the case in the SLRMP) and are further discussed, with associated recommendations, in Section 3.7.2. The ALSMP was unable to obtain sufficient on-reserve participation to offer insight into the Court Worker Program delivered by the First Nations agencies.

3.3.6 Alberta Law Libraries

The Alberta Law Libraries mission is to provide legal research and information services to the legal community and the general public. The Alberta Law Society website (<http://www.lawlibrary.ab.ca/>) provides location information, hours of service and searchable access to law library collections. The network is made up of 50 libraries, of which 24 are accessible to the legal community and the public.⁷⁴

- Eleven libraries located in Alberta Courthouses are jointly funded by Alberta Justice, the Law Society of Alberta, and the Alberta Law Foundation, and overseen by a joint committee.⁷⁵
- Thirteen libraries are funded and operated by Alberta Justice and also located in provincial courthouses.⁷⁶

The ALSMP (and the CJSP previously) recorded numerous positive comments about the assistance provided by the Law Libraries to SRLs and legal and social service providers. No formal recommendations are offered relating to these services. However, some libraries open only for a very limited time per week and extended hours would be welcomed in those communities.

⁷³ Locations are listed in the Alberta Court Calendar pp. 59-62.

http://www.qp.alberta.ca/documents/court/2011_Court_Calendar.pdf

⁷⁴ Some libraries are specifically for the judiciary and others are located in government departments.

⁷⁵ Locations are: Edmonton, Calgary, Lethbridge, Red Deer, Drumheller, Fort McMurray, Grande Prairie, Medicine Hat, Peace River, St. Paul and Wetaskiwin.

⁷⁶ Locations are: Banff, Camrose, Canmore, Edson, Fort Saskatchewan, High Level, High Prairie, Hinton, Leduc, St. Albert, Sherwood Park, Stony Plain and Vermilion.

3.4. Solicitor General and Public Security

The Ministry of the Solicitor General and Public Security provides the following services:⁷⁷

- **Correctional Services** (remand centres, prisons, young offender centres, bail, community service and probation orders).
- **Public Security** (serious and violent crime strategy, community-based crime prevention, policing administration, oversight and standards, and a variety of other enforcement roles).
- **Victims Services** (multiple program delivery model to help victims through all stages of dealing with crime or tragedy).

A considerable number of the mapped legal services categorized under ‘enforcement’ (see Section 2.4.3., Table 6) fall under the jurisdiction of the Solicitor General. Insufficient remand centre capacity was often raised, especially in Fort McMurray, where transportation back and forth from Edmonton was considered detrimental to the legal process. Although this may seem to fall outside the mandate of the ALSMP, providers pointed out that this interferes with the delivery of legal services to which prisoners are entitled (such as LAA and communications with private lawyers). It also causes delays in the court process.

Similarly, service providers often noted that local probation officers have impossible workloads and this lack of capacity interferes with the effectiveness of various court orders.

The need for increased preventative and alternative restorative services for at risk youth and young offenders was repeatedly raised in multiple jurisdictions and is discussed in Section 4.2.

As was the case with the SRLMP, the profile of Victim’s Services varied among communities, but was generally positive. Representatives provided input in most districts, which is reflected in Section 4.6 discussions of victims of domestic violence and sexual assault.

Policing service issues, from police, service provider, and public perspectives, generated significant discussion in most District reports and is summarized below.

⁷⁷ Information is available at: https://www.solgps.alberta.ca/programs_and_services/Pages/default.aspx.

3.4.1. Policing Services

In addition to city police and sheriff services, the Solicitor General is responsible under the Provincial Police Service Agreement for the administration and oversight of the RCMP in Alberta. City and RCMP representatives participated in the ALSMP in most districts. These participants were engaged and helpful, invariably involved in community collaborations and aware of areas where policing might be improved. In four districts police were specifically commended for community involvement:

- Brooks RCMP as very involved and proactive in the community, including with immigrant workers.
- Hinton RCMP as responsive and helpful.
- Lethbridge Regional Police Services and RCMP in that Judicial District for their community involvement and diversity work with Aboriginal peoples and immigrant groups.
- Peace River RCMP for involvement with youth intervention and restorative justice.

We went through a lot of Police questioning. The Police officer who took on our case decided that there was no way we [did it]. He wrote up a big report about it saying that [was] his opinion. He also came to the [hearing] to say the same thing, which was good.
[Public, C:77]

Police are stereotyping street people. Conducting random stop and searches saying they have reason to believe people have drugs on them. [Public, C:64]

I think the police could have better community relations. They give out redundant tickets to the homeless, like drinking in public or smoking or spitting tickets to people who don't have homes. Just because some people don't like to see it doesn't mean it's going to go away. [Public, C:63]

I spent one night in jail. The police were very respectful and helpful. They gave me pamphlets about AADAC and other programs. [Public, C:77]

Overall there was mixed feedback concerning police services, suggesting significant variation in community relations by area. It might be expected that people personally involved in negative interactions with the police would be more critical, but in Calgary even some participants facing criminal charges spoke highly of police. At the same time, participation from people who were homeless highlighted some of the interactions with police that are part of their daily life. While service providers were generally aware and sympathetic to the difficult and often dangerous situations police face, they tended to raise similar issues of concern.⁷⁸

Outside of Calgary, input concerning police services came almost entirely from service providers, including police representatives, who contributed different view-points but identified a consistent set of concerns:⁷⁹

- **Domestic violence and sexual assault responses.** In almost every district, service providers raised concerns about RCMP responses to domestic violence and sexual assault complaints. Police not wanting to deal with Emergency Protection Orders was repeatedly raised. The frequent occurrence of violence connected with addictions and other social problems, dealing with two-way violence, the economic impact of laying charges, and inexperience are challenges that responding officers face.
- **Inexperienced rural officers.** Both city and RCMP representatives acknowledge that many experienced officers are retiring. Others take promotions that remove them from front-line service. Young officers are sent to rural locations with little policing experience and less knowledge of social contexts and how to deal with the serious social issues they will face. The need for increased training was identified by police representatives and other participants.⁸⁰
- **Insufficient training related to mental illness and FASD.** Training specific to understanding and better responding to people living with FASD was identified by numerous service providers as generally needed. Police are the last resort, when other providers cannot resolve a volatile situation. They need all the skills and resources possible to be effective.

⁷⁸ At the time of the Calgary research a Homeless Portfolio had been created in Calgary with a commitment to enhancing relationships. However, subsequent media reports and some follow up with homeless participants in 2010 suggest that problems of harassment remain. It is possible, however, that negative interactions derive from interactions with sheriffs rather than police officers. This comment is based on data from the St. Paul report (p. 26) and that pointless ticketing was the only enforcement issue raised in Edmonton.

⁷⁹ The Edmonton report unfortunately could not include a section on police services. Invited police representatives were unable to attend focus groups and the Researchers could not arrange interviews within the limited time available. Edmonton Police Services were represented on the Advisory Committee. A review of the data indicates that neither provider nor public participants raised policing issues in Edmonton.

⁸⁰ According to a media reports, such training is to be provided to police working in Edmonton's downtown core (see for example the Edmonton Sun, June 16, 2011, <http://www.edmonton.sun.com/2011/06/16/police-getting-training-to-deal-with-public-drunkenness>).

We are busy but we have big city problems and we see everything here. But, for the most part, I think it is a well receiving community and I think they understand how busy we are because the other services are busy, too. We are all in the same boat.... We are very junior right now. It is an exciting time but also very challenging. When I started we had lots of 20 year members but we don't have that any more. Our young members are good but don't have a lot of life experience yet. [Rural RCMP participant]

Domestic violence is a social ill - to address it using the Criminal Code only is ridiculous. It needs a holistic approach [Police representative C:79]

The Sheriffs need more education. They'll give ten tickets under the Liquor and Gaming Act. Well come on! Obviously there's a problem. If the person knew their rights they would wait and bring all those tickets to court at once...and a lot of them would get thrown out. [St. P. Data Report]

So it's a non-voluntary admission [and]...they're taken to the city psychiatrist on call who may or may not admit them. And that's also been an issue for the police. They go through all that and by the time they get the person there...the individual kind of pulled himself or herself together for an hour or so while they're interviewed by the psychiatrist who may recommend admission but doesn't feel he has the grounds to force it. So, the person says, "thanks, but no thanks, I'm out of here." And in short order...not only are they back, but they're pretty ignorant towards whoever made the complaint against them in the first place. So lots of issues around that. [RCMP Representative]

- **Lack of resources to deal with social problems.** Lack of resources to deal with social problems is at the root of most of the concerns raised about police responsiveness. Small numbers of police cover large distances in rural areas. They are often not provided with information resources related to non-criminal areas of law and available legal and social services. Many times there is no social service support to turn to. Attempting, unsuccessfully, to gain assistance for people with mental illness was a time-consuming frustration raised by police participants. Training can help officers handle situations more appropriately, but officers must also have viable alternatives to either charging or not charging someone.
- **Legally pointless issuing of tickets.** Providers repeatedly drew attention to the issuing of multiple tickets to individuals for such things as loitering, spitting, public alcohol consumption, and transit infractions. Recipients are most often either

homeless or suffering from mental illness or addictions problems. They have no money to pay the tickets and pursuing unpaid tickets is costly. Participants felt sheriffs required more awareness of the overall legal process and more training as to when issuing tickets was (or was not) effective (see also Figure 3, Section 2.4.2. and Recommendation 5).

Recommendations

33. Additional formal training about the following social issues is developed and delivered to all currently serving Alberta RCMP:
 - a) Understanding and dealing with domestic violence of all kinds including multi-directional, abuse against men, involvement of FASD and/or addictions.
 - b) Understanding the symptoms, social and behavioural impacts, diagnosis and support options for people living with FASD.
 - c) Sensitive and effective response to sexual assault.
34. RCMP officers newly placed in rural settings are routinely provided with social context information, including information about available legal and social services.
35. Sheriffs are provided with additional training to increase understanding:
 - a) Of the situations of people surviving homelessness and mental illness.
 - b) About the legal process and costs related to unpaid tickets.

3.5. The Safe Communities Initiative

Safe Communities is an innovative, inter-ministry, multi-sector initiative that brings together provincial and municipal governments, law enforcement agencies, community groups, the business sector and social agencies. The alliance is committed to developing meaningful, long-term solutions to reduce crime and preserve the safety of Alberta communities. Like the ALSMP reports, Alberta's Crime Reduction and Safe Communities Task Force (2007) identified the interrelation of legal and social justice issues and the necessity for a coordinated response.

A number of ALSMP participants specifically identified positive local programs as deriving from Safe Communities. A review of the list of Safe Communities approved

projects shows that several additional locally commended initiatives are also sponsored by Safe Communities.⁸¹ Feedback to the ALSMP suggests this Directorate is successful in promoting multi-stakeholder collaborations and projects that combine legal and social elements. It is a model that resonates with ALSMP findings and the project directions are in keeping with project data and numerous of the recommendations in this report.

3.6. Legal Aid Alberta (LAA)⁸²

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. In April 2009, a Legal Aid Alberta Review made 19 recommendations to the Minister of Justice, including substantial service delivery changes.⁸³ This review was targeted at increasing service effectiveness and efficiency - not at doing more with less - but the financial downturn intervened. 'Proportional to Revenue' funding from the Alberta Law Foundation dropped from \$14 million to just \$500,000 in 2010,⁸⁴ while funding from Alberta Justice remained static rather than increasing as anticipated.

In April 2010, in order to continue providing as much service as possible and also respond to the Review recommendations for service transformation and increased efficiencies, very significant and complex changes were made to the LAA delivery model. These alterations affected all areas of Alberta, but in differing ways, which are detailed in Edmonton and subsequent Judicial District reports.

The Alberta government 2011-2012 budget announcement (February 24, 2011) includes a 10% increase in funding for legal aid in Alberta to \$58.8 million and an additional \$5 million for the 2010-11 fiscal year. This increase in funding will serve to partially offset the deficiency in revenue over expenses currently budgeted for the coming year, enable LAA to increase its Financial Eligibility Guidelines by 10%, and implement two additional pilot projects. LAA services, therefore, continue to be in flux. Developments and service details are posted on the LAA website at <http://www.legalaid.ab.ca/Pages/default.aspx> .

⁸¹ Details of programs under this initiatives are available at http://justice.alberta.ca/programs_services/safe/Pages/default.aspx .

⁸² This section draws on information from a previous version of the LAA website and input from LAA executives, current LAA website information, and additional explanation provided in a personal communication with the LAA Executive Director March 31, 2011. It is noted that improvements were made to the LAA website following the SRLMP report. It is understandable that with services in flux the site needs regular updating and this is occurring, although at the time of writing there is less information about services and eligibility than was previously available and some corrections to details are still needed.

⁸³ Legal Aid Alberta Review Steering Committee (2009) at <http://cfcj-fcjc.org/clearinghouse/publication.php?id=22322>.

⁸⁴ The Alberta Law Foundation notes that the high Alberta Law Foundation revenue in recent years was an anomaly, and that revenue (and consequently funding to LAA) has historically been at lower levels.

3.6.1. Summary of Previous and Forthcoming Service Changes

- LAA services are 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. For example:
 - If LAA staff determines that mediation is an appropriate first step in a family law issue they will guide clients through that process.
 - A client pathway that first goes to Duty Counsel for evaluation of legal need is promoted, with a certificate being issued only if the matter cannot be addressed by other available service options. LAA will assign lawyers evaluated as best suited to the case.
- In 2010 financial eligibility guidelines for a legal aid certificate were reduced by 30% (\$919 per month; \$11, 000 per annum). Based on previous usage numbers, this meant approximately 6,000 Albertans no longer qualified.⁸⁵ As of July 2011, financial eligibility will be raised by 10%.⁸⁶
- In 2010 pilot Legal Services Centres (LSCs) opened in Edmonton and Calgary offering a range of services, which at that time were not available elsewhere in the province. As of April 5, 2011 all 11 regional offices are operating as LSCs, offering the range of services described below:
 - Eligibility for LSC services is up to \$2,700 per month for a single person.
 - Eligible clients may receive legal advice by LAA staff lawyers, brief services,⁸⁷ 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.
 - Services are provided 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.
 - All Albertans may contact LSCs for information and referrals.

⁸⁵ Guidelines may be increased somewhat if the applicant makes a contribution to the cost. 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 financial circumstances change, and accounts are written off if the client makes a case not to pay. LAA representatives also reported that it has been suggested that increasing the amount recovered would improve their financial situation. LAA however resist this course of action because people accessing legal aid are the poorest of the poor. However, this is not well understood and issues about legal aid debt were repeatedly raised in the ALSMP research as one service provider stated; "*when we go through the debt loads [of clients]. A lot of people with virtually no income have sizable legal aid debt and have no way of dealing with that debt so it keeps them down.*" [MH: 17]. It is noted that the LAA website emphasizes the client's responsibility to pay, including the withholding of court awards to cover debt to LAA.

⁸⁶ In everyday terms this means that in July, at approximately \$1020 per month, most individuals on disability pension (AISH) will qualify for legal aid, whereas at the time of writing they do not.

⁸⁷ 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.

- Staff can do intake over the phone, potentially improving 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 that service exists.
- Regional staff have received specialized training to assist them in their new role.
- The actual issuing of certificates and allocation of lawyers is now centralized in Alberta, thus freeing regional staff time to provide other types of service.
- Previously, staff from the Regional Offices travelled on circuit to many surrounding communities. Due to the recent changes, some circuiting has been reduced. For example, participants in Hinton reported that circuits in Grande Cache ended in September 2010. The degree to which circuiting has been reduced is not yet clear.
- Two new pilot projects responding to priorities previously identified in the 2009 Review, will be established in 2011 by drawing on efficiencies of previous reorganization and promoting collaborations with other justice stakeholders. These are:
 - An LAA office in Wetaskiwin will pilot an expanded staff criminal Duty Counsel Program and proposed Duty Counsel assistance for family matters. Court Services have identified Wetaskiwin as seeing a particularly high number of volatile criminal and family matters.
 - In association with the LSC in Calgary, a civil legal aid project aimed especially at low-income city areas identified as having related and unmet legal needs.
- The LAA program changes will be formally evaluated at the end of 2011, beginning with the pilot LSCs in Calgary and Edmonton.

3.6.2. Summary of LAA Programs⁸⁸

- **Legal Aid Certificates.** Issued to financially eligible clients assessed as having a legal problem requiring legal representation in a criminal, family or other civil area of law covered by legal aid. Intake and assessment occurs through the various programs described below.
- **Legal Services Centres (LSCs).** LSCs (now located in the 11 regional offices)⁸⁹ provide access to a full range of LAA services. These may be accessed

⁸⁸ The ALSMP Report for Edmonton (pp. 23-28) includes more details of each service (<http://cfjc-fcjc.org/docs/2010/mapping-edmonton-en.pdf>).

in person or by phone. The toll-free Law Line number (1-866-845-3425) is still operational, but as there are priority systems in place individual callers may be delayed, resulting in lengthy wait times.

- **Duty Counsel Program.** Criminal and Family Court Duty Counsel can be accessed at courthouses to provide free legal advice and assistance to people making their initial criminal or family court appearance unrepresented by counsel. There is no financial eligibility testing for assistance through this program. 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. Where the expanded model is available, Duty Counsel will have out of court hours with the aim of providing early case resolution in less serious matters.
- **The Family Law Office (FLO).** FLO offices are located in Calgary, Edmonton and Lethbridge to assist qualified clients who have a family law legal problem. Formal protocols are under development to facilitate collaboration with Family Justice Services in assisting clients, especially when a parenting matter is involved or a mediation pathway is taken.
- **Immigration Services Program.** This program is now part of the services provided at the LSCs in Edmonton and Calgary. The types of Immigration and Refugee matters covered for eligible clients are: refugee claims; detention reviews; admissibility hearings; removal appeals and appeals by the Minister; and judicial review for refugee claims. In limited circumstances, assistance with work permits will be provided as part of other services.
- **LAA at Siksika Nation.** This is a joint program of the Siksika Justice Department and Legal Aid Alberta that provides Siksika Nation members (primarily) with a wide range of high quality legal services. If the client's problem requires more than summary legal advice or representation, the legal resource agent can take an application for legal aid.
- **Youth Criminal Defence Office (YCDO).** Provides legal services for youth (under 18 years of age) who are facing charges in the Youth Courts of Calgary and Edmonton. Staff lawyers are appointed for youth who have qualified for assistance through Legal Aid Alberta or who have had a lawyer.

⁸⁹ The 11 regional LAA offices correspond to the Judicial Centres except that Drumheller does not have an office. The 11th LSC is located in Whitecourt. Also, according to the website, the Central Alberta Law Office (CALO) is still open in Red Deer as well as the LSC located there. It is unclear how CALO services fit into the overall reorganization.

3.6.3. The Impact of LAA Service Changes in 2010

The April 2010 reduction to LAA financial eligibility, was greeted with consternation in all sectors of the justice and social support communities.⁹⁰ A need to increase LAA eligibility and the areas of law covered had long been identified in Alberta and elsewhere (Buckley, 2010; Community Services Consulting, 2006).⁹¹ Since 2006, an increase in unrepresented accused was increasingly noted and the LAA changes were certain to exacerbate the problem.

I mean, [LAA] only have what they have in their pot of money. You understand they're tied but really the working poor can't afford a lawyer and aren't eligible for Legal Aid. What happens to them? [GP: 21]

What if there's an issue where people aren't indicted..where do they go? Either to the community legal clinic or to the Duty Counsel guy (as long as they're pleading guilty for the latter)There's definitely way more demand than we can service [RD: 15]

LAA's strict criteria - there are people on AISH who don't qualify. Now, that's a problem. [GP: 21]

Legal Aid has now got a policy where when it comes to child support and spousal support, they are punting them all to Family Justice Services - to those poor counsellors. They want them to go there first since that's a free service. They're booking them two months down the road. These people need child support right away but they're not going to court for four months or so. Why can't Legal Aid do the intake and see if they qualify? [RD:16]

About the only thing that's going to work with legal aid is that they can get more legal advice over the phone if they qualify. [ED:FG]

Legal Services Centre has changed the categories that they'll give information on [from those of the Law Line]. Our organization doesn't do personal injury or other similar types of torts. ...So we literally have no one to refer to. [ED:FG]

⁹⁰ See for example the Law Society of Alberta Statement of Concern

http://www.lawsociety.ab.ca/about_us/initiatives/initiatives_legal_aid.aspx.

⁹¹ Information from Justice Canada (http://www.justice.gc.ca/eng/pi/rs/rep-rap/2003/rr03_la5-rr03_ai5/p01.html)

including a 1995 report, and from Canada on-line for current legal aid eligibility across Canada (http://canadaonline.about.com/od/legalaid/Legal_Aid_in_Canada.htm), show that financial eligibility has seldom risen in the last 20 years and in some cases has actually declined, despite very substantial increases in the cost of living. For example in Alberta in 1994 eligibility for a single person was \$12,620 per annum (gross) and in April 2010, \$11,820 (net). As this level of income has minimum if any tax deductions, this represents a decrease from 20 years ago.

Potential benefit from LAA service reorganization responding to the Review recommendations was overshadowed by the clear inadequacy of present resources such as Duty Counsel. As some of the above quotes reflect, confusion and misinformation about available LAA services were widespread - even among LAA staff members. The changes were generally perceived as further reducing access to affordable legal services and increasing strain on other existing service providers. Judicial Districts mapped after the changes consistently reported increased pressure on already over-extended Duty Counsel, FJS Family Counsellors, and Native Court Workers.

3.6.4. Considerations for LAA Future Directions

Given the dire situation under which LAA was operating during most of the ALSMP research it is understandable that the organization did not receive much praise from participants. An exception was Duty Counsel, who were valued and frequently commended. LAA regional staff consistently somehow found the time to participate in the ALSMP interviews and focus groups and often also provided invaluable preparatory information and assistance to the researchers. LAA management have readily acknowledged the impact service reductions and the change process have had on legal services. They are committed to working to reinstate financial eligibility to at least previous levels and to evaluating the effectiveness of service reorganization.

Because changes are still in process and formal evaluation is planned, no formal recommendations about LAA are made in this report. Based on ALSMP findings, the following issues and questions are offered:

- Recovering financial eligibility to 2009 levels must be a first step, but these levels were not adequate to meet need. The long term goal must be to increase the guidelines further (see footnote 85).
- Northern Alberta – especially the far north – is seriously underserved (Section 2.4.1). It is therefore suggested that as resources become available, LAA makes increasing service in these Districts a priority.
- The new LAA service model invests heavily in program staff having the capacity to deliver extended services. That Duty Counsel are struggling to meet even current demand was reported in every district. This is a problem that must be addressed.
- In theory, the provision of LAA intake, information and advice by phone should increase service accessibility to rural and remote locations. ALSMP data suggest that many of the people eligible for LAA do not have ready access to internet or telephone time, however, nor the prior knowledge and literacy skills to utilize these forms of access. Circuiting services that provide one-on-one interactions

are highly valued and reduction of such opportunities is seen as detrimental to access.

- The ALSMP, SRLMP and CJSP in Alberta all found that LAA services are poorly understood by legal service providers (sometimes including LAA staff) as well as other services and potential clients. LAA website information has not always been clear or current and researchers have repeatedly needed to clarify facts with LAA management. With service changes established a priority must be to improve on the past in terms of clearly and consistently communicating information about services.
- Whether or not it is accurate, there is a prevalent perception that lawyers accepting LAA certificates do not provide the same quality of representation as a privately retained lawyer. In the rural locations, this was primarily attributed to the few lawyers willing to do LAA work taking on too many cases. Other criticisms were that lawyers from the cities were not sufficiently familiar with clients and issues ahead of court dates. It will be important for LAA to monitor whether the centralized approach to assigning certificates and lawyers serves to improve this situation.

3.7. Community Based Clinics and Programs

Many of the services included in the ALSMP database are provided by non-government, community non-profit organizations. This section briefly overviews some major non-profit providers of legal services such as the various community legal clinics, Native Counselling Services, the John Howard Society and Elizabeth Fry.

3.7.1. Community Legal Clinics (CLCs)

CLCs provide PLEI, and *pro bono* legal assistance and advice in various areas of law to low income clients not eligible for LAA services. Low income guidelines are usually higher than those of LAA. The ALSMP findings indicate that the services of all the CLCs are valued and well used (see Section 2.2.1). Clinic representatives all identified legal needs in areas not currently covered by their mandates or available resources (which vary considerably).

One critique was raised from inside the CLC network suggesting that collaboration among the clinics and other local services could be improved by increased sharing of PLEI resources, general program information and possibly service delivery alliances.

The following CLCs are included in the ALSMP database:

- **Calgary Legal Guidance** (CLG at <http://www.clg.ab.ca/>). CLG serves only the city of Calgary providing legal information, advice, and advocacy to disadvantaged Calgarians who would not otherwise have access to legal services. Programs include legal clinics, homelessness outreach with ID assistance, a domestic violence program, and the Dial-a-Law service. In 2010 CLG helped around 7,000 people. More Calgary public participants reported being referred to the CLG than to any other single legal service, and it was one of the more frequent referrals reported by service providers. CLG provided program usage numbers, which indicate their programs are well used. When ALSMP data were analysed, the lack of volunteered discussion by the provider participants about the CLG was a puzzle to the researchers, to which no satisfactory explanation was attained.
- **Central Alberta Community Legal Clinic** (CACLC at <http://www.communitylegalclinic.net/>). Located in Red Deer, the CACLC was mapped in the SRLMP and has been consistently involved in community networking and program collaboration. Volunteer lawyers provide a wide range of free legal advice to low-income Albertans in the region, covering aspects of criminal, family, civil and administrative law. ID clinics are also held. The CACLC is working to increase outreach to rural communities, including the use of video conferencing. PLEI in ten languages is available. Representatives report a need for more volunteer criminal lawyers to meet demand.
- **Edmonton Community Legal Centre** (ECLC at <http://www.eclc.ca/>).⁹² Since the SRLMP, the ECLC has moved to a downtown store front location that provides more space for volunteer lawyers and a higher community profile with easy access. It is well known to other Edmonton legal services.⁹³ ECLC has chosen to focus on the provision of services in the areas of civil and administrative law because other local services offer family and criminal assistance. Assistance includes information (with regular sessions in public libraries), legal clinics (including satellite outreach), and representation. There is a Foreign Worker Program, Income Support Advocacy and a Court Waiver Program. In 2009 the ECLC provided some form of assistance to almost 10,000 Albertans of whom 1400 met with a volunteer lawyer. ECLC staff nevertheless identified unmet legal needs in numerous areas such as family law, employment/workplace injuries and some areas of immigration law.
- **Grande Prairie Legal Guidance** (GPLG at <http://www.gplg.ca/>). GPLG opened in 2009 located in the Community Village, a co-location of cooperative social services designed to provide a respectful one-stop accessible environment. Information, referrals, legal assistance and advice - but not representation - are provided in a range of civil, administrative, family and criminal summary conviction areas of law.

⁹² The ECLC was known as the Edmonton Centre for Equal Justice at the time of the SRLMP.

⁹³ Because of the limited in-depth interviews completed in Edmonton it is not possible to know if the ECLC is also well-known to social and health service providers.

Application for assistance can be made electronically, by telephone or in person. Legal and social service providers across the Grande Prairie and Peace River Judicial Districts were positive about the GPLG and grateful for it, but they reported that it was already operating at capacity, while these districts have significant unmet legal needs in all areas of law.

- **Lethbridge Legal Guidance** (LLG at <http://www.lethbridgelegalguidance.ca/>). LLG opened in 2007, providing information, referrals, legal assistance, advice and some representation in a range of civil, administrative, family and criminal areas of law. There is webcam internet outreach to Blairmore Women's Centre. Volunteer lawyer capacity is limited and the few local participants who mentioned LLG thought that it was difficult to get service because of the heavy staff workloads.
- **Student Legal Assistance** (SLA Calgary at <http://www.sla.ucalgary.ca/>). With approximately 100 supervised law student volunteers, SLA is able to provide year-round free legal assistance and representation to University of Calgary students and members of the public who are unable to afford legal services in Calgary and surrounding areas. Information and advice is provided for provincial court matters in criminal, traffic and family. There is outreach to the Calgary Drop in Centre. As with CLG, Calgary service providers did not offer comments on the SLA service. Three public participants reported referrals to SLA, only two went there but were not able to receive assistance. Based in the University of Calgary campus, SLA is not as close to downtown or as readily accessible by transit as its Edmonton counterpart and this may be a factor.⁹⁴
- **Student Legal Services** (SLS Edmonton at <http://www.slsedmonton.com/>). SLS has approximately 250 supervised law student volunteers and offices located close to bus and light rail transit on the University of Alberta campus and in downtown Edmonton. There is also homeless outreach. Year-round, service, but with variable hours and availability, is offered in criminal civil/administrative and family areas. Information, advice and representation at the provincial court level are provided and these services are well known in Edmonton.

Following the LAA eligibility reduction, SLS issued a press statement (partially reproduced in the quote box below) concerning both capacity and the issues they were seeing, providing SLS statistics that showed a sharp spike in criminal files and a corresponding drop in non-criminal files that SLS stated were due to lack of capacity.⁹⁵ Subsequently, due to lack of capacity SLS were forced to reduce their own eligibility guidelines. Even with this measure in place, between August and October 2010 they had to completely suspend intake in the Criminal Law program in

⁹⁴ It is also possible that outreach programs from both SLA and CLG are associated with the hosting shelter and drop in services rather than the delivering agency.

⁹⁵ Edmonton Report p. 16. The SLS website (<http://www.slsedmonton.com/slsnews/>) is comprehensive and commendable. As well as program information, it includes statistics on activities and service and other legal news items.

order to handle files already opened. There are a finite number of law students and volunteer hours available to support SLS. They are overburdened because other services lack the resources to meet current legal need.⁹⁶

We've seen a 300% increase in assault charges that are now frequently being referred to us by Legal Aid, among other more serious offences. Many of these offences are occurring in the context of domestic violence – which introduces a host of complications that make student representation difficult. Some require Queen's Bench appearances to amend bail and others bring with them the possibility of jail if found guilty at trial. This forces the student to advise that they will have to reapply for Legal Aid...[when they] have already been turned down by Legal Aid. ...Although we are excited at the prospect of taking on more challenging files, our ability to assist these individuals comes at the expense of others. We no longer have enough caseworkers or administrative resources to manage the increased file load. As a result we've had to reduce the scope of our services in other ways.
[SLS press release, June 23 2010]

3.7.2. Native Counselling Services of Alberta (NCSA)

NCSA (<http://www.ncsa.ca/online/>) was launched in 1970 by the Government of Alberta, with a mandate to promote fair and equitable treatment of Aboriginal peoples and offers more than 20 programs and services aimed at providing support to people who are going to court with criminal or family matters and/or facing parole or probation orders. As noted in Section 3.3.5, the delivery of the off-reserve Aboriginal Criminal Youth and Family Court Worker Programs are among these. Court Worker programs offer in- and out-of-court support and advocacy. Court Workers 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. They may also speak in court on behalf of clients.

NCSA Court Workers were consistently praised by ALSMP, SRLMP and CJSP participants. Their heavy workloads are equally noted. Staff travel on extensive circuits and are constantly in courts across the area they serve. This can make workers hard to reach and they have little capacity to further promote NCSA services. Participants suggested that with increased capacity and appropriate paralegal training, Court Workers could provide even greater assistance – much needed in rural areas. Sadly, it

⁹⁶ With reference to the SLS statement above, it should be kept in mind that both SLA and SLS are intended to be *pro bono* training opportunities for Students at Law – not an experience that leads to disillusionment and early burn-out among community minded law students.

is also reported by participants and observed by researchers that some members of the justice community look down on Native Court Workers and do not afford them the respect their difficult work deserves.

There are very few instances where you'll find a lawyer's office in rural communities. ...NCSA is one of the agencies that works well. People go there for support. Even if they can't make it in they might phone to get help with a plea or to ask for more time. [HNFG]

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]

3.7.3. John Howard Society of Alberta (JHS)

JHS (<http://www.johnhoward.ab.ca/>) is a non-profit agency concerned with the problem of crime and its prevention. In Alberta, JHS consists of the provincial Society and six separately incorporated local Societies: Calgary, Edmonton, Grande Prairie, Lethbridge, Medicine Hat and Red Deer. While the provincial Society consults with the local offices and provides guidance and assistance as needed, each local Society responds to the programming needs and priorities of its own community. The district Societies have differing programs and available services. Basic information for each (with a varying amount of detail) is provided on the provincial website. Excepting Medicine Hat and Lethbridge, links are provided to individual websites, which do not share a specific presentation format. As might be expected in this context, the ALSMP reported differing levels of community involvement and feedback for JHS.

In Medicine Hat and Lethbridge, participants identified JHS as a key local service that was a first referral among providers.⁹⁷ These JHS societies were highly involved in delivering PLE through the school system and despite their criminal focus were known for willingness to attempt to assist with legal needs of all kinds.

3.7.4. Elizabeth Fry Society

The Elizabeth Fry Society has branches in Calgary and Edmonton (<http://www.elizabethfry.ab.ca/>) offering programs working with women and girls in

⁹⁷ It is interesting that the two locally best-known and referred too JHS Societies are the two without websites. This does seem to underline the limitations of web-based information versus the importance of physical local presence and involvement.

conflict with, or at risk of becoming in conflict with, the law. As with the JHS, services vary by location. Participants did not volunteer comments about these services, but participation from an Elizabeth Fry in an Edmonton focus group provided an opportunity to share information. Participants remarked that they had not known the extent of the services offered and were pleased to gain this knowledge. An exception was Aboriginal service providers in Edmonton who said that they made many referrals to Elizabeth Fry. It is noted that staffing is very limited and allows little time for activities other than immediate service delivery.

Recommendations

36. Current services at existing community legal clinics be maintained and expanded to address identified lack of capacity and unmet areas of relevant legal need and outreach service.
37. Community legal clinics be opened in all Judicial centres that currently do not have a clinic with priority given, in order, to St. Paul, Fort McMurray, Peace River, Drumheller, Wetaskiwin, and Medicine Hat.⁹⁸
38. Efforts be made to enhance current networking, information-sharing and collaboration among the community clinics and with other local and province-wide services:
 - a) A suggested starting point is the development of standardized formats for CLC websites that combines the best of current design and content examples.
 - b) CLC funders consult with the clinics to identify how enhanced networking can best be supported.
39. Resources are found to increase the current capacity and training level of NCSA Court Workers to meet identified need, especially in the area of family support.
40. Efforts be made to enhance current networking, information sharing and collaboration among John Howard Societies in Alberta. It is suggested that:
 - a) A standardized format be agreed for Society websites with prominent links from the provincial JHS website.
 - b) All JHS branches have active websites.
 - c) That locally identified good service practices be shared as models for all JHS branches across Alberta.

⁹⁸ This recommended order is based on current available services combined with distances to be covered in these Districts and between the District and the nearest available existing clinic.

3.8. PLEI Providers⁹⁹

Sometimes it's just about having some information about their legal rights. ...It has an effect on their care - it relieves a lot of pressure if they know this way or that way what their rights are. It would take a load off, they could know what to do or what not to do. They don't know where to find that information or they're fearful. ...of not being able to afford legal services. [C:86]

Alberta has some excellent PLEI resources and examples of good PLEI practices. These are identified throughout the district reports and are too numerous to overview here. According to ALSMP participants, good PLEI is valuable because it can:

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

There are however, well documented challenges to PLEI (Gander, 2003; Genn, 2007, Stratton, 2010a). Broadly speaking, these fall into three categories:

- Adequately covering complex information on myriad legal issues and processes while meeting the comprehension abilities of many and diverse groups of public.
- Keeping the information up-to-date and readily accessible.
- Overcoming a strong tendency to delivery fragmentation.

⁹⁹ Although most often referred to together, there is a difference between public legal *information* (usually considered to be sources such as pamphlets, booklets, websites about the law/legal systems/legal procedures) and public legal education (referring to courses, workshops, seminars where there is an active learning process about the law/legal systems/legal procedures). Neither of these definitions acknowledges the role of in-person interactions with legal service providers - the source of applied learning the public most values.

PLEI providers are well aware that there is room for improvement in all three areas. Identification of existing resources is a major hurdle because many organizations produce their own PLEI (see Section 3.8.2). It is, however, a necessary step that requires substantial commitment to a long-term collaborative project with the goals of creating a shared and comprehensive PLEI gateway and a future plan to address unmet needs.¹⁰⁰

A full cataloguing of PLEI resources in Alberta was beyond the scope of the ALSMP, designed to focus on services. However, the original ALSMP in-depth questionnaire for legal service providers did include detailed questions about any PLEI provided by that service. These were time-consuming to complete and researchers found it difficult to persuade participants to finish them. The results for Calgary are provided in Appendix I of that report. Thereafter, this aspect of the interview had to be dropped and the subsequent district reports contain an Appendix that attempts to list provincial and local PLEI providers.

Participants identified the following attributes of effective PLEI:

- Clear content that is easy to understand but at the same time substantial enough to tell people what they need to do (such as step-by step guides to legal processes).
- Available in the paths of potential service users – it needs to be at the places they are likely to go (public and law libraries; court houses, police stations, any other legal, or social services access point regardless of service relevance.
- Available in multiple formats (print, web, DVD, with a person to help explain it).

The one-on-one interaction (or education component) around receiving PLEI was very important to public participants and to service providers who would welcome focussed training and information sessions to learn about legal and social issues and the services available to help.

3.8.1. Gaps in Existing PLEI

Because there is no coordinated cataloguing of existing PLEI it is not possible to conclusively identify substantive areas of law where PLEI is absent. However, two areas were identified as generally insufficient:

- PLEI about legal process (also identified by the CJSP as lacking nationally).

¹⁰⁰ For example, The Law Foundation of British Columbia committed to supporting a collaborative PLEI committee for this purpose. It took five years for this group to evolve Clicklaw. After the PLEI aspect of Clicklaw was launched, users identified a need to add information about legal and support services to the PLEI information and a 'Help Map' with legal service information is now available (<http://www.clicklaw.bc.ca/>).

- PLEI in any languages other than English. This is not easy to address as many other languages are identified. Work is needed to more definitively identify where useful resources might be available nationally and which languages to prioritize for new materials.

As Table 6 (Section 2.4.3) shows, PLEI is the level of service most often available, but participants repeatedly perceived a lack of PLEI in the following substantive areas of law, which strongly reflect the areas of legal need identified in Section 2.4.3.

- Aboriginal law (such as on and off reserve differences and land claim rights).
- Adult Guardianship
- Children and Youth (child protection, youth charges)
- Common Law Relationships
- Criminal Records (what they are and the repercussions of a criminal record)
- Disability Law
- Employment Standards (specifically Temporary Foreign Workers (TFWs) and migrant workers)
- Financial Matters (debt, bankruptcy, consolidation and credit agreements)
- Immigration (especially TFWs)
- Power of Attorney
- Social Benefits (AISH, Income Support, CPP, rights, appeal process)
- Wills and Estates

Rural locations have far fewer potential access points, which may account for perceptions about a lack of PLEI resources. Researchers were, however, able to identify at least some available information in most areas and attempted to summarize major sources in the district reports. The majority of formal information resources are print materials provided in hard copy and/or on the Internet. There are also an increasing number of videos and video-linked PLE events. There is no insurmountable reason that these materials should not be equally available across the Judicial Districts.

Further PLEI-specific research is needed to understand whether it is availability, content or a lack of awareness of availability that are at the root of participant perceptions. Meanwhile the ALSMP data show that increased knowledge and resource sharing of current resources could reduce an unnecessary gap in PLEI accessibility without the expense of creating new materials.

3.8.2. Major PLEI Providers in Alberta

Some organizations are mandated specifically to produce and deliver PLEI and are referred to as 'dedicated PLEI Providers'. As well, most major justice organizations produce PLEI specific to their programs, which may range across all areas of law and cover many legal topics. PLEI in a variety of forms is produced and disseminated by

each of the service organizations overviewed previously in this report (Sections 3.1 - 3.7). Public libraries were also repeatedly identified as essential access points for PLEI and many urban and rural branches are actively involved in promoting access to information about the law and legal processes. Librarians are specialists in organizing and disseminating information and including public and law library representation in a PLEI collaborative will be important.

There are also federal sources that apply nationally, such as Justice Canada, Service Canada, federally legislated Tribunals and many more. As already stated, there is no comprehensive cataloguing or coordinating mechanism to document all existing PLEI and it was far beyond the capacity of the ALSMP to do so. However, the research does provide a solid starting point, having documented in the database many organizations that distribute PLEI. The following Alberta organizations are also identified as specifically mandated to provide and/or coordinate PLEI, and to network provincially and nationally with other PLEI providers:

- **The Legal Resource Centre (LRC)** (<http://www.legalresourcecentre.ca/>). Located in Edmonton, the LRC has a wealth of PLEI available on line and many links to other resources. It runs multiple PLEI sites listed as:

- [A-Link: Alberta's Law-related Information Network](#)
 - [Blogosarus Lex: The Evolution of Public Legal Education](#)
 - [Canadian Law & Modern Day Foreign Brides](#)
 - [Canadian Legal FAQs](#) (National & Alberta)
 - [Charity Central](#): A guide through charity law
 - [Charity Law in Canada](#): An Annotated Bibliography
 - [LawNetAlberta](#)
 - [LawNetCanada](#)
 - [LawNetFrançais](#)
 - [LawNow Magazine](#)
 - [LawNow Online](#)
 - [Laws for Landlords and Tenants in Alberta](#)
 - [LRC Online Store](#)
 - [Not-for-Profit & Charity Law](#)
 - [Oak-Net \(Older Adult Knowledge Network\): Abuse of Older Adults](#)
 - [RoseNet: Law & Abused Immigrant Women](#)
 - [Theory & Practice of PLE in Canada](#)
 - [VIOLET: Law and Abused Women](#)

- LawNetAlberta is a new portal or collection of links to law-related information and educational resources on justice and legal issues of interest to Albertans (<http://www.lawnetalberta.ca/resources/default.aspx>). It is geared towards the general public and for those who work with the public and is linked to many on-line PLEI resources. It also includes lists of dedicated PLEI providers in Alberta and across Canada (<http://www.lawnetalberta.ca/help/ple.aspx>).

- A-Link, an on-line directory of legal and related services has greatly improved navigability since the SRLMP mapping. However, many services identified in the ALSMP database are not included in A-Link. Generally the service information provides less detail than that included in the ALSMP entries (<http://www.lawnetalberta.ca/alink/default.aspx>) .

- **Lethbridge Community College Public Legal Education** (http://www.lethbridgecollege.ca/search/content?filters=tid%3A96%20type%3Ace_course). The LCC-PLE program provides general education and information about law and the legal system for people without legal training. The program offers night courses and online modules on a variety of legal topics including family law, employment law, residential tenancies, and wills and estates. There is also a “Law at Lunch” program linked by video to a number of public libraries in southern Alberta. PLE courses are posted but not information about the “Law at Lunch” program, although Lethbridge Public Library posts announcements (<http://www.lethlib.ca/node/240>).

- **Portage College Public Legal Education** (<http://pleonline.ca/>) is located in Lac La Biche. On April 19 2011 no sessions were posted and there did not seem to be any specific PLEI items available.

- **Public Legal Education Network of Alberta** (PLENA, <http://plena.org/>). As the name suggests, PLENA’s mandate has included a networking role. However, there is currently no information available for PLENA. The website states “under construction” and appears to have been that way for some time.

Recommendations

41. Following from Recommendations 8 and 9, a collaborative alliance of PLEI providers is formed and supported by PLEI funders to achieve the following goals:
- a) One united, Internet-based, easily navigable and searchable catalogue of all existing PLEI with links to these resources which are kept up-to date.
 - b) Pro-active outreach via:
 - i. branches of local and circuiting legal services, to key local information access points, to ensure that providers are aware of and have access to current PLEI resources;
 - ii. PLEI information workshops held in judicial centres (and designed to include remote service access points) for the purposes of: describing available legal services; providing and explaining current PLEI resources; gathering information on how to improve or increase PLEI where it is not yet meeting public needs.
 - c) Researching national and international resources and methods for providing PLEI in multiple languages with the intent to:
 - i. attain and share any resources which are immediately useful to Albertans (such as those which are federally applicable);
 - ii. adapt any resources that require minor editing to be applicable in Alberta;
 - iii. determine the most effective and cost-efficient ways to provide PLEI and other legal services to people whose first language is not English.
 - d) Evolve a joint coordinated plan of action for the development of new PLEI that:
 - i. fills identified gaps in present resources;
 - ii. improves the usefulness of current content;
 - iii. is developed with meaningful input from front-line legal, social and health service providers and the public who use the PLEI.

4. ALBERTANS WITH UNMET LEGAL NEEDS

Any Albertan with a legal issue who cannot find, cannot afford, or cannot continue to afford, legal assistance to resolve the matter has an unmet legal need. As well as people attempting to self-represent (SRLs) there are ‘invisible litigants’ – that is people with a legal problem who are not attempting to access assistance – usually because they do not know how to do so. As discussed in Section 2.2., poverty is at the root of social exclusion and vulnerability. Although there are potentially more services available to low-income Albertans, those who are most vulnerable are also likely to be least able to self-represent or to access a successful resolution, and most prone to experience clustering of multiple unresolved legal and social problems.

Overall, the ALSMP found that the legal needs of vulnerable groups are not well met:

- Identified PLEI gaps (see Sections 3.8) tend to particularly occur around the legal needs of people already at a social disadvantage.
- Few services incorporate specialized knowledge or training to assist groups who are socially vulnerable and have special needs.
- This includes knowledge of laws that relate to these groups, as well as understanding of cultural and social contexts.
- Service providers need - and want - specialized training concerning: physical, mental and cognitive disabilities (including understanding the differences); recognizing and assisting victims of domestic and sexual assaults; laws and issues relevant to Aboriginal peoples; legal needs of seniors; immigration issues (especially for TFWs); and meeting the needs of children and youth.

Section 4.1 describes seven repeatedly confirmed categories of SRLs and then summarizes (in alphabetical order) the unmet legal needs and related issues for the following vulnerable groups of Albertans:

- 4.2. Children and Youth at Risk
- 4.3. First Nation, Métis and Inuit Peoples
- 4.4. New Canadians and Ethnic Minorities
- 4.5. People Living with Disabilities, Serious Illness and Addictions
- 4.6. People Surviving Homelessness
- 4.7. Seniors
- 4.8. People Surviving Domestic and Sexual Violence

4.1. Self-Represented Litigants: Who They Are

I had a lady from Lac La Biche and the next day was her court date. She couldn't get to [the regional office] and I said "Can you find a fax?" "No, I can't." I said, "Have you a parenting order?" She said, "Yes, and I gather my partner is bringing in a lawyer." I said, "Now you are fighting for your life, aren't you?" "Yes, what can I do?" I said, "You go in and talk to the Judge - you don't have to talk to anybody else. You tell him that you require an adjournment in order to find a lawyer, and in the meantime you want interim custody and interim child support. And if the Judge says, 'Will you consider access?' say, 'Yes, I'd consider access'." She got her Order, she got her kids. She came in saying "I got my kids." She said, "I was standing up there and my knees were shaking and all of a sudden somewhere in the background I heard, 'You are fighting for your life'." [Social Service Provider, ED:52]

It should be kept in mind that anyone who seeks assistance with a legal problem begins by representing themselves, even if it is only to the point of identifying and retaining legal counsel. Those with legal counsel must still represent their own interests in their communications with their lawyer.

ALSMP findings indicate that the numbers of people self-representing continues to increase. It is agreed among stakeholders that the legal aid financial eligibility reduction has further swelled these numbers. Even prior to the eligibility changes, the ALSMP had heard much stronger concern about unrepresented accused than was the case in 2006. Crown and criminal defence have expressed alarm about the impact on people facing summary charges. While jail time may not be involved, ending up with a criminal record will invariably have major socio-economic consequences.

The SRLMP identified a typology of reasons that people self-represent across all legal areas. These seven profiles were subsequently utilized and confirmed by Reid & Malcolmson (2008) and the ALSMP:

1. **SRLs with an overall lack of social resources** have low income, low education, and low levels of literacy and are therefore likely to have poor communication skills and not readily understand their social and legal rights or the court process. They may be eligible for legal aid or other assistance but not know how to access available services without help.
2. **Low income SRLs with some social resources** cannot afford a lawyer but have sufficient education and communication skills to seek out and access any available service. If eligible for legal aid or assistance from legal clinics they will

usually take advantage of these resources once they connect with them. However, a significant portion of this group do not qualify for LAA or other low income services, yet have insufficient income to retain a private lawyer.

3. **SRLs living with additional social barriers that interfere with accessing justice** were identified by ALSMP service providers as pronounced in rural areas. Most SRLs in this group will also be low-income, although there may be overlap with any of the other six basic groups. In addition to other circumstances and reasons for self-representing, this group experiences additional social barriers to accessing justice, such as physical mental or cognitive disabilities, other health barriers, language and cultural barriers, and living in remote locations. These barriers cannot be totally removed by other social resources – not even sufficient income.
4. **SRLs unable to find an available lawyer** wish to hire a lawyer (including via a LAA certificate) but are unable to find one. They usually live in small centres or remote areas. The town may have no resident lawyers; those available do not have expertise in the required legal area, may already have too many cases, and/or have a conflict of interest; and/or the case may in some way be locally controversial.
5. **SRLs who were previously represented.** These SRLs began their involvement with legal counsel but are no longer represented. The usual reason is that the litigant can no longer afford counsel because the legal problem has been lengthy and remains without a permanent resolution. This can occur in complex cases of all kinds, but family law problems are the most common area. Cases may progress through appeal, or in the family area involve separate applications. Some of these litigants have learned much about the process and presentation of their cases and can self-represent quite successfully.
6. **SRLs in cases where representation is supposed to be unnecessary** such as Small Claims actions, Administrative Tribunal hearings, and most cases in Traffic Court. People often still require information and assistance to understand and access the legal process effectively, or to deal with more powerful represented parties.
7. **SRLs who could access representation but prefer to self-represent.** SRLs in this group have the resources for legal representation but choose to self-represent because they believe they can do as good or better job than a lawyer. They are usually well educated and distrust the legal profession. They may have received legal advice, which they choose not to accept. Often these SRLs are involved in cases they view as a personal cause. Some may have legitimate cases and be effective at self-representation, but the group includes those often

referred to as ‘vexatious litigants’.¹⁰¹ The judiciary estimate this group accounts for 5% or less of all SRLs who appear before them but are particularly time consuming and difficult to deal with.

LInC services, specifically designed to help meet the needs of SRLs, are extensively used and unanimously praised for successful service (see Section 3.3.2). However, there are only four LInCs and even where they exist there is still unmet need. In most rural areas and entire Judicial Districts such as St. Paul, Peace River and Wetaskiwin, service providers assumed clients would be self-representing and that most would also be socially vulnerable.

Recommendations made throughout this report are all of relevance to meeting the legal needs of SRLs.

4.2. Children and Youth at Risk

A lot of kids in town, it is surprising that they do as well as they do. And if you go back and research their history over the last year or two, how many sets of relatives and different locations bounced from pillar to post and school to school. And with that level of stability how do you expect them to do well? [St P:50]

There are a number of programs across the province aimed at helping youth who are already in trouble with the law. But participants repeatedly pointed out a lack of prevention and intervention initiatives aimed at children who are at social risk because of parental involvement with the legal system, addictions, domestic violence, or homelessness.¹⁰² It is well established that children experiencing these conditions are at high risk for life-long social disadvantage and involvement with the courts (Select Standing Committee on Children and Youth, 2009). The Select Committee (2009) concluded that “better outcomes for children require a much higher degree of coordination, focus and accountability” (p. 49) echoing an increasing number of justice-related reports (including the ALSMP) that call for coordinated, collaborative multi-sector responses to problems that have inseparable social and legal justice concerns (Buckley,

¹⁰¹ A ‘vexatious litigant’ is someone who: persistently files proceedings that have already been determined by a court, that cannot succeed or have no reasonable expectation of providing relief, that are for improper purposes; inappropriately uses previously raised grounds and issues in subsequent proceedings; persistently fails to pay the costs ordered by a court as a result of unsuccessful proceedings; persistently takes unsuccessful appeals from judicial decisions; and/or persistently engages in inappropriate courtroom behaviour. [Taken from the description provided by former Justice Minister Ron Stevens, see Edmonton report, p.74].

¹⁰² District reports contain many references to children in these situations. See also Stratton (2010, p 9) on homelessness and children and youth.

2010; Access to Justice Task Force, 2009; Alberta's CRSF Task Force, 2009; Forell & Gray, 2009; Cohl & Thompson, 2008).

ALSMP Participants identified the following specific problems:

- Delays or numerous repeated court hearings in adult family matters traumatize and destabilize children.
- Children and youth need safe community spaces where they can shelter and receive support when faced with unsafe conditions at home.
- Youth involved with legal and social systems need support and advocacy as they transfer to adult systems.
- Youth are routinely denied or manipulated out of labour-related rights and do not know how to address these issues.

Recommendations

42. The Safe Communities Secretariat, Alberta Justice and the Solicitor General investigate ways to improve community-based supports for children and youth at risk by:
- a) Reviewing existing related research and policy for good practices.
 - b) Encouraging coordination of existing programs.
 - c) Supporting new initiatives that address identified needs of children and youth.

4.3. First Nation, Métis and Inuit Peoples

Alberta contains Treaty Areas six, seven, and eight, comprising 105 reserves covering a total of 6,566.69 square kilometres. Members of 44 First Nations reside in Alberta. Languages spoken include Beaver, Blackfoot, Blood, Chipewyan, Cree, Dene, Ojibwa, Sarcee Slave, and a variety of dialects. There are 12 Métis Settlements. Alberta is the only province that has passed legislation protecting Métis lands through the Métis Settlements Accord, which established the sole form of Métis government in Canada.¹⁰³

¹⁰³ This information was compiled from the following resources: <http://www.ualberta.ca/~walld/ab2next6.html>; <http://www.aboriginalcanada.com/firstnation/dirfnab.htm> ; <http://www.msgc.ca/About+Us/Legislation/Default.ksi>; http://en.wikipedia.org/wiki/List_of_Indian_reserves_in_Alberta .

4.3.1. Legal Complexity

Law relating to Aboriginal peoples is complicated. There are many jurisdictional issues to take into account and First Nations, Métis and Inuit each have differing Land Claims Agreements and/or ongoing legal actions. Many questions arise about federal/provincial jurisdiction. Civil and administrative law applies differently to First Nations members living on Reserves.¹⁰⁴ The *Constitution Act, 1867*, Section 91(24) delegates federal jurisdiction over “Indians and Lands reserved for the Indians” assigning the responsibility of funding services on-reserve to the Government of Canada. However, Section 88 of the *Indian Act* allows for the application of provincial laws, such as those relating to child protection, adoption, and labour-relations to on-reserve activities, provided they are not inconsistent with treaties or federal law. Issues arise concerning the division of marital property and in the case of family violence, the protection of the victim’s civil interests (Royal Commission on Aboriginal Peoples, 1996). Inter-jurisdictional responsibility and communication related to children taken into care while off reserve, but who have families on reserve, remains a concern (Stratton, 2006).¹⁰⁵

What I would like to see is more clarification about the federal jurisdiction over Aboriginal people and accessing provincial services. ...With the Youth Criminal Justice Act clients under s. 34 (law about ordering court reports for youth who have committed a serious crime), we need to know who does what - who is responsible. [C:56]

People sometimes ask for resources on reserves. I don't know what resources exist on reserves. I can only refer people to the band offices. [C:56]

The need for advocacy is very high, families should be able to talk to someone they trust and get a lawyer. ...Wouldn't it be good to have child welfare matters brought in front of a more Aboriginal-focused court? Something...different...built through Aboriginal people with Aboriginal practices and beliefs - you might see quite a different child welfare world. [ED:69]

The complexity is challenging to understand and service providers reflected on their need for more knowledge of on-reserve services and jurisdictional issues in general. They frequently reported a lack of training to address the special needs of Aboriginal people.

¹⁰⁴ First Nations People refers, in this context, to those individuals who are registered as Status Indians under the *Indian Act*. It does not refer to Non-Status Indians.

¹⁰⁵ Similar issues pertain to children from Nunavut taken into care while outside of that territory.

4.3.2. Disproportional Involvement

There are many professional Aboriginal people in Alberta based on and off reserves, who span all socio-demographic groups and experience the same range of legal needs as other Albertans - with one difference - anyone identified as Aboriginal is likely to experience overt discrimination (Stratton, 2006; Stratton & Anderson, 2008b). It is also the case that Aboriginal peoples continue to be disproportionately present in low income groups, including among the homeless and people living with addictions. This leads to over-representation in criminal, quasi-criminal, and child protection actions. Despite this, service providers across the province reported that Aboriginal people were less likely than others to use their services - a finding also reported in national research (Currie, 2007a). Service providers identified a lack of trust towards any person or service perceived to be associated with government. There is a perception that the justice system is not there to serve or protect Aboriginal people. Previous research has identified many reasons for this: the colonial history of discrimination and injustice; continuing social and legal cultural and language barriers; distance from services; and continuing punitive experiences with formal justice systems (Royal Commission on Aboriginal People, 1996; Stratton, 2006; Stratton & Anderson 2008b).

4.3.3. Creating Culturally Sensitive Services

There are few specifically Aboriginal services, however, participants working with Aboriginal clients said that Aboriginal people build relationships slowly and with individuals, not services. Once they get to know somebody who provides a particular service and come to trust that person - whether or not he or she is Aboriginal - they will seek him or her out. It is not necessarily creating new specialized services that is the answer. More important is to have service staff who are knowledgeable about Aboriginal cultures and who can build relationships with Aboriginal communities and individuals. Developing Aboriginal specific components to current services is helpful.¹⁰⁶

Aboriginal service providers spoke positively about the work of services such as LInC, FLIC, JHS, and Elizabeth Fry, where cultural sensitivity and appropriate knowledge were perceived to be present. Attempts to introduce more restorative justice options were also acknowledged. At the same time, Aboriginal and non-Aboriginal providers often identified a need for additional knowledge and training.

The following quote is illustrative of a number of related concerns, some of which were initially raised in Section 3.4.1 discussing policing services. Interview comments also suggest that in some cases there may be a lack of awareness that Aboriginal people are present in and around some communities

¹⁰⁶ An example is the newly established Aboriginal Legal Clinic, established by the Edmonton Community Legal Clinic in partnership with Aboriginal Consulting Services.

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

Demographic profiles provided in the District reports indicate that there are very few, if any, areas of Alberta where police and other providers will not be called upon to interact with Aboriginal people and immigrant minorities! A policy that only provides some officers with specific cultural knowledge and training appears to be founded on inaccurate geographical and demographic understanding and is clearly inadequate.

4.3.4. Employment and Labour Law Concerns

Participants identified a lack of awareness among Aboriginal peoples concerning employment and labour law. First Nations youth are finding opportunities for off-reserve oil industry employment and there is federal support for training that includes related PLEI. However, program providers reported significant resistance from the majority of reserve administrations, which remain the primary (or only) employer on reserves. Past distrust of the legal system, combined with possible conflicts of interest, create roadblocks to providing PLEI that addresses Human Rights, Employment Standards and other work-related legal issues.

Some Aboriginal participants suggested that social and political pressure should be applied to Band Councils to ensure that PLEI is provided to Band members, and to ensure compliance with Employment Standards. One barrier to achieving this is the jurisdictional complexity of governmental fiscal and legal responsibilities, especially involving workplace standards. However, non-adherence to Employment Standards and Work Place Safety regulations was also raised as a concern across Alberta in relation to youth and migrant and temporary workers, indicating a significant area of legal need.

Recommendations

43. In collaboration with Aboriginal representatives and in association with previous Recommendations 34, 35, 39 and 41, it is recommended that all legal service providers receive:
 - a) information about Aboriginal cultures and Aboriginal people in their service locale;
 - b) PLEI to assist them in helping clients with matters related to Aboriginal law;
 - c) specific training in cultural sensitivity and understanding Aboriginal specific laws.
44. In association with recommendations 41b and 41d, coordinated approaches be developed to providing PLEI outreach to Reserves, with especial attention to Employment Standards.
45. All Legal services explore ways in which they might add Aboriginal focussed components to existing programs.

4.4. New Canadians and Ethnic Minorities

Alberta is increasingly multi-cultural. The term 'New Canadians', includes immigrants, refugees and temporary foreign workers (TFWs). Petroleum industry development and related service sector demands have brought a particularly high number of immigrants and TFWs to Alberta. Varying work and residence stipulations are attached to their permits. These different statuses affect rights and entitlements that increase vulnerability to legal problems and makes addressing them more complicated for both New Canadians and service providers.

It's more of a challenge or barrier when you are making referrals to individuals that are new to Canada, or English isn't their first language. When you have to make a referral to a person who makes another referral to another person, who makes another referral - that is overwhelming even if you speak English and you are from Canada. [C:59]

As well, there are ethnic minorities (such as Francophone and German) that have been in Canada for generations but still retain distinct cultures and their own first language. As Section 2.5.6. identified, low English literacy is a major barrier to understanding legal rights and responsibilities, legal process and the justice system, as well as to accessing legal assistance. PLEI in languages other than English is lacking and the availability of affordable interpretation and translation services is very limited (Recommendations 9-11).

4.4.1. Temporary Foreign Workers (TFWs)

TFWs were of particular concern to many ALSMP participants because they are especially vulnerable in a number of ways. They have very restricted legal rights in Canada, generally do not understand the Canadian legal or social systems, and are often housed by their employer.

When I arrived, I was told that if I complained I'd be on the first plane back home. There is fear everywhere. We would rather suffer the bitterness in silence than try to deal with the legal services - using our money to pay for phone calls to just hear answering machine. ...Lack of time is a huge factor for me and others. When you are working seven days a week how can you get time to see legal services? ...Employers are also cutting foreign workers to eight hours a week in some cases, when they were promised full time work. ...I am working seven days a week [but paid] only regular wages, rather than 1.5 [for overtime]. I calculated back as far as labour standards allow and figured out I am owed \$4000. [TFW, ED:67]

Their housing is dependent upon that employer but then something falls apart or there's a work shortage or whatever. Now they have no income and no place to stay because their housing was a part of the job package. They may also not understand that they're being taken advantage of in terms of employment and feel they have no recourse because they don't understand their rights. ... I can't imagine living in that fear - being jobless and homeless in a country where you don't speak the language. People get to the point where they have nothing other than their clothes in a bag. ... They think they'll be deported and it's quite tragic. [RD:40]

The TFW participant quoted below, summed up the need for a proactive approach.

Legal services must be pro-active rather than reactive. Why are they waiting behind the desk for people to come to them with problems? They must...seek out companies that employ Temporary Foreign Workers and speak to the staff about their rights. ...There should be a body who has the authorization to inspect all companies who hire Temporary Foreign Workers. They should talk to the workers about not being fearful and what to do if employers threatened them or force them to violate their contracts.
[ED:67]

A model of this is provided in Brooks where the RCMP explain criminal law and matters where they can assist new workers employed at Lakeside Packers (Medicine Hat report, p. 34). Recommendations related to improving legal services to new and established ethnic minorities essentially fall under those concerning knowledge sharing, networking/collaboration and PLEI (Recommendations 8, 9, 12, 13, 41). Local liaison among legal and social organizations concerned with immigrant settlement, rights, employment standards and the general provision of legal services is essential to meeting the legal needs identified for this group.

4.5. People Living with Disabilities, Serious Illness and Addictions

Evidence of the interrelations between physical and mental health and social/legal problem clusters is substantial (Currie, 2007b; Karras et al, 2006; Pleasence et al, 2007a, 2007b, 2008a, 2009; Stratton & Anderson, 2008a). Health challenges may stem from disadvantage or lead to it, often creating major – sometimes insurmountable – barriers to accessing legal services. Overt and systemic discrimination is common.

4.5.1. Physical Disabilities and Serious Illness

Issues of physical disabilities or serious illness, either in terms of service access or specific areas of law, was seldom raised by ALSMP participants. Few services had the special equipment necessary to facilitate access for people with limited hearing or vision. Not all services were accessible to people with mobility restrictions. For the most part service providers seemed rather unaware of the absence of physically disabled service users, but when the matter was raised in the interview, providers usually expressed a willingness to meet a physically disabled client at an accessible location. The CJSP reported similar findings related to physical disabilities and service awareness and also captured the impact of serious illness and physical disability via public participants

(Schwartz & Stratton, 2005; Stratton & Anderson, 2008a). Complicated legal action may occur related to any or all of accident and injury, malpractice, workers compensation, insurance, and social benefits.

I think they more or less want these people to become somebody else's problem. ...[There is a woman] who is wheelchair bound. She has alcohol issues and she will often tip her chair. People will just leave her [laying there] until the police come...I called her community and nobody wants anything to do with her. I was told she didn't complete treatment so they cut off services. I was furious. I invited somebody from her community to come but nobody ever came. I went to AISH and we got her a room for a few days. She was really grateful and we got to have long talks because she was able to sleep and she sobered up. We just don't have the resources here. So we have a group of people who just get ignored. [St.P data report]

4.5.2. Mental and Cognitive Disabilities

In contrast to physical health issues, many ALSMP participants were highly aware of service users with mental illness and FASD (a cognitive disability). They felt frustration with a legal system that maintained unrealistic expectations that resulted in revolving-door court appearances at high cost to the justice system, the individuals involved, and the legal service staff who attempt to cope without adequate support to really help.

FASD was a major issue raised across Alberta. Alcohol abuse occurs across all segments of Canadian society and national estimates are that 37% of babies have been exposed to multiple episodes of binge drinking, involving 5 or more drinks per session, during pregnancy. It is probable that about 15% of children are affected significantly enough by prenatal alcohol exposure to require special education. Many children with FASD are born to multi-generational drinkers. Children with FASD are having babies with FASD (Ritchie, 2007). People with FASD are often unable to recognize appropriate behaviour or social boundaries. They cannot foresee the consequences of their actions, nor relate previous consequences to future events. The high incidence of involvement of people with FASD in the criminal and family justice systems, is well documented (FASlink, 2009). One service provider reported informal research in the St. Paul District that observed 75% of people going through the courthouse either were known to experience FASD or be related to a family member so diagnosed.

Mental health courts are a positive step within the justice system, but the underlying issues reach far beyond the justice system and cannot be effectively addressed within it. At the same time courts and legal services are asked to deal with problems that require a multi-sector interdisciplinary response that focuses on diagnoses, treatment

and diversion. The quotes below are a tiny fraction of the examples provided throughout the district reports. Members of the judiciary are among the first to point out that court is not a helpful pathway for most people with mental and cognitive disabilities.

They should have mental health and alcohol and drug abuse counsellors available in courts everyday for every docket. But that's never going to happen. ...After doing this for twenty years [I can tell when someone] has some mental problems or has some clear drug abuse problems. And I can tell them, "This is what you should do, and here's where you should go." ...Anybody who knows people in that situation knows that they have a hard time dealing with anything - anything. To think that they're going to be able to struggle their way through and get to the mental health professionals or the alcohol professionals - it just doesn't happen.
[Lawyer, ED data report]

People need to gain a better understanding of mental illness. This lawyer wrote denying a man service [reads from letter] due to his "psychotic condition" and "difficulty communicating." This man has Post Traumatic Stress Disorder due to his experiences while in custody. He was denied medication for his heart for eight days, he was assaulted in jail. He has a stutter. [Health Service Provider FM:32]

FASD is on a spectrum...a range of cognitive, social, emotional problems...addictions, poor social network, poverty, those kinds of things. ...We would like to prevent people from getting there in the first place. Some recognition prior to charges. We find that youth with FASD get involved with the justice system for stupid things such as stealing cup hooks. [Someone] was charged and he didn't go to Court. We didn't know about it. ...Now it has cost the Court thousands of dollars for cup hooks. He finally gets probation and breaches and doesn't understand and now he has a record ...he ends up in jail for something else, he met new friends and it just keeps escalating and escalating. If we could take him at first point of entry and divert him to have a more permanent youth worker, or identification of his disability it would save the courts millions of dollars - and the public. [Social Service Provider St.P: 42]

4.5.3. Drug and Alcohol Addictions

People with FASD and mental illness are particularly vulnerable to addiction and substance abuse, which in turn, can precipitate mental illness and further cognitive impairment. The association between alcohol and drug abuse and involvement (as both victims and offenders) in criminal, volatile family matters and sexual violence was

emphasized in every Judicial District. It is difficult to impossible for legal services to untangle the issues and address legal needs when necessary health and social supports are not in place, or not accessible. As front-line providers, public participants and related tribunal representatives underlined, the lack of addictions treatment programs and mental health advocacy and support is an issue for the delivery of legal and justice services of all kinds.

Recommendations

46. The ministries of Alberta Justice and the Solicitor General take the lead in forming a multi-sector advisory committee mandated to identify collaborative integrated responses to meeting the interrelated health, social and legal service needs of Albertans with mental health, FASD, and/or addictions. An immediate focus should be on meeting established needs such as:
 - a) Increased addiction treatment places and options.
 - b) Increased capacity to diagnose FASD and provide caseworker support to those with this diagnosis.
 - c) Prioritized diagnosis, intervention, and ongoing support to children diagnosed with FASD.
47. The capacity of the Lethbridge FASD Community Justice Program is expanded to adequately serve larger portions of southern Alberta, and it is used as a model to create similar programs across the province.
48. Court Services and LAA support local efforts of management and staff to facilitate one-stop service points that bring together the legal and social supports needed for people with disabilities who are facing court appearances.
49. Provincial health and social services managers support and facilitate local efforts to develop one-stop service points that bring together the legal and social supports to assist people with disabilities to avoid legal problems, or to reach early alternative resolutions when these arise.
50. Legal service managers review accessibility of services to people living with physical disabilities and address gaps by:
 - a) Researching and applying for grants to obtain equipment or renovations that improve accessibility.
 - b) Identifying PLEI, CLE, and disability related information and training that can enhance the service provided to people living with disabilities.

4.6. People Surviving Homelessness

Issues related to homelessness or transience were mentioned in most jurisdictions and 17 ALSMP public participants reported being homeless. The majority of homelessness is invisible and involves people living in temporary shelters or ‘couch surfing’. Many more have insecure housing.

Last year we ran the Damp Mat Project for a month and it doesn't matter if you are an alcohol or drug user you just come and show up and sleep on a mat and get fed and leave in the morning....The majority of them are housed right now through the Housing First Initiative...[It] doesn't really matter what situation you are in, we're going to house you first and then we're going to deal with the ... supports and with your issues. Our numbers in the winter this year have been significantly lower because if they do come and the team identifies them early they are put in the Housing First program. [MH:52]

The ALSMP identified a number of paths to homelessness, all intersecting with systems of law:¹⁰⁷

- Involvement in domestic abuse as a victim or abuser
- Contentious family breakdown
- Mental illness and cognitive disability
- Substance abuse
- Living in a remote community
- Loss of employment for migrant and immigrant workers
- Criminal incarceration

Homeless people face multiple barriers in accessing services – not having an address and often no identification being major issues. There are an increasing number of legal service initiatives aimed at assisting by providing outreach to shelters and drop in centres and providing ID assistance.¹⁰⁸ Particularly encouraging is the Housing First initiative present and active across Alberta and reporting positive results.

¹⁰⁷ *LawNow* 35 (2) published a special issue focusing on homelessness and the law. The lead article in this addition was based on data from the ALSMP (Stratton, 2010a). The pathways are summarized from this article, which provides a more detailed discussion of the issues. As well, see Forell et al (2005) on “no home, no justice.”

¹⁰⁸ For example, the Calgary Legal Guidance outreach which assisted with over 2,000 identification matters in 2010.

Recommendations

51. Current legal services aimed at people surviving homelessness are evaluated and effective practices are shared and built upon.
52. Legal Service managers are pro-active in identifying local Housing First programs and ensuring sponsoring organizations are aware of available legal information and assistance.
53. Recommendations 23, 33-35 and 46-49 be recognized as also potentially relevant to addressing the legal needs of people who are homeless.

4.7. Seniors

ALSMP participants who worked with seniors underlined that this group has multiple and very specific legal needs. Wetaskiwin stands out for the frequent mention of seniors, services aimed at seniors, and recognition that seniors have legal needs. For the most part, however, it is the silence about seniors' legal issues that is most telling and this was also the case in the SRLMP.

There was a couple sleeping in their truck in a seniors center parking lot. They had no idea that the male partner was able to apply for CPP and OAS. It turns out that they were eligible for back pay. We helped them apply and got them set up in housing. A lot of times people just need someone to look at their situation and see what they could be eligible for. [MH 23]

A court preparation program targeted at seniors would be very useful. Many seniors do not know how to access court services let alone navigate the court process...and some will give up because it's too hard or they think they are being too much of a bother. [Policing Services – C:65]

Reports from the LInC, the CLG, and other self-help services record low use by people over 55 years of age, and yet this group is fast growing (Malcolmson & Reid, 2006; PRA Inc 2008).¹⁰⁹

The following are ALSMP findings in relation to the legal needs of seniors:

- Seniors are likely to encounter the following legal needs and problems: Adult Guardianship; Elder Abuse (physical and financial); Fraud; Immigration Status; Powers of Attorney, Wills and Estates. Based on the ALSMP data, police officers are most often the service provider to first discover these legal needs.
- There is an increase in seniors seeking legal assistance with divorce and separation.
- Elder abuse occurs in familial and institutional settings and is especially insidious as the senior is usually reliant on the abuser.¹¹⁰ Police and other providers often encounter situations where family members have obtained orders for guardianship or trusteeship when the senior is actually still competent.
- Immigrant seniors, often isolated by language and cultural barriers, may be sponsored by a family member who threatens withdrawal of that sponsorship.
- As people age they may encounter challenges related to loss of physical mobility, hearing, eyesight, and/or cognitive abilities. Such changes can raise legal issues (especially those related to rights and entitlements) and at the same time make it more difficult to deal with complex legal matters.
- For many seniors, lack of comfort with the Internet provides an additional barrier to accessing legal information and assistance.
- There is a need for lawyers specializing in seniors' legal needs, but such lawyers must have generalist knowledge of a wide range of legal issues spanning civil, family, administrative and criminal areas.

¹⁰⁹ CLG provided demographic statistics on users for 2010. Also noted is that providers working with seniors in the City of Calgary reported strong networking around their needs. However, analysis of other interviews in that district revealed an absence of discussion about seniors and their legal needs. This suggests a disconnect between seniors needs and the range of legal services available in Calgary.

¹¹⁰ Government of Alberta (2010b) provides information and a strategy for action on elder abuse. This report calls for the kind of integrated response reflected in the ALSMP recommendations.

Recommendations

54. Further research into the legal needs of seniors is undertaken that investigates:¹¹¹
- a) Reasons that seniors are underrepresented among users of self-help services.
 - b) Effective ways to reach seniors and provide PLEI and legal assistance.
55. Recommendations 8, 9, 27, 33, 34, 41, and 57-59 be recognized as potentially also relevant to addressing the legal needs of seniors.

4.8. People Surviving Domestic and Sexual Violence

Legal and social service providers of every kind, in every judicial district, reported seeing an increase in domestic violence and sexual assaults. After 30 years of campaigns and initiatives aimed at addressing these issues, this is a disturbing finding. Participants speculated about possible reasons, but admit to not understanding what is happening.

Huge, huge, huge addictions and family violence. I don't know if it is connected to oil and gas industry. ...We do sit around and try to figure it out. Is it cultural differences? Or money, because everyone was making so much and now many aren't? Or the transient nature? Or the amount of young people? Or the substances? I'm not sure but it is huge. [GP:39]

I find that men don't come forward if they get assaulted unless it gets really bad. It's often the kids that manifest with problems first, and then subsequent problems (like domestic violence) are uncovered when someone investigates. [FM:37]

¹¹¹ Helpful in this regard may be the resources provided by the BC Law Institute Canadian Centre for Elder Law, www.bcli.org/ccel

ALSMP findings highlight the following:

- Domestic violence can and does affect every social group. Individuals in some circumstances are, however, more vulnerable to violence than others, usually because of reduced resources and/or opportunities to seek help. Poverty alone reduces options. Disabilities, addictions and homelessness are all circumstance that increase risk. For multiple reasons, immigrant women are extremely vulnerable.¹¹²
- Participants in seven of the eleven judicial districts raised the issue of men also being victims of domestic violence. Providers point out that there is no specialized assistance or support for men in these situations. Furthermore there is a lack of any kind of general assistance or temporary shelter for men.
- The lack of services and shelters also affects men charged with domestic violence. If they cannot go home, they have nowhere to stay. They may not actually be able to attend ordered treatment or counselling programs.
- Criminal charges against economic providers usually have negative financial consequences for all family members, especially in rural communities. Police point to the complications of laying charges, especially when they identify bi-directional abuse.
- There are multiple issues and challenges related to addressing domestic violence in small and remote communities:
 - Escaping small communities (especially when they are remote) is difficult because there is little available transportation. The cost of leaving remote fly-in communities is often prohibitive.
 - The locations of community shelters are known.
 - Delayed or unsettled family matters force abused women to remain in small communities allowing opportunities for further abuse. If the woman cannot survive financially in that community she is essentially forced to go back to the abuser.
 - 'No contact' orders are often unenforceable as even buying groceries can risk violations.
 - Lack of privacy is an issue for special Domestic Violence Teams and Courts, where multiple local people have access to case details.
- Sexual violence is reported as occurring in domestic and non-domestic settings, with service providers strongly associating the increase by with addictions and FASD.

¹¹² Gander et al (2005, pp.814-815) provides a detailed example of what can occur in situations involving immigrant women.

Recommendations

56. The effectiveness of Domestic Violence Courts is evaluated and good practices are built upon and expanded into all Judicial Districts.
57. Adequate understanding and training of domestic and sexual violence is given to all legal service providers. This should include identifying personnel in every community for in-depth training, especially when no sexual assault centre or women's shelter is present.
58. Research is conducted to better understand the reported increase in domestic and sexual violence. It is suggested that this be a priority for the Safe Communities Secretariat.
59. Recommendations 46-50 concerning disabilities and addictions are potentially relevant to understanding and assisting with domestic and sexual violence.

5. FINDINGS SPECIFIC TO JUDICIAL DISTRICTS

All findings so far reported are generally relevant across all eleven Judicial Districts. Major differences between rural areas and larger centres, and to the extent identifiable between the cities of Calgary and Edmonton, were reported in Section 2. Each Judicial District report contains much detail that cannot be incorporated into this review. It is recommended that the specific report be consulted to fully inform policy and program initiatives affecting each area. This section very briefly flags distinct local contexts, concerns and current good practices in each Judicial District, beginning with the two major cities and then in order of mapping.

5.1. Calgary Judicial District

<http://cfcj-fcjc.org/docs/2009/mapping-calgary-en.pdf>

Calgary was the fastest growing Canadian city throughout the recession. Immigrants make up almost a quarter of a total population of 1.3 million. However, the majority of immigrants are primarily Caucasian. Many first languages are reported with almost 21,000 people who do not understand either English or French (Calgary Economic

Development, 2011; Statistics Canada, 2010b).¹¹³ Although Calgary has one of the highest high school completion rates in Canada (80%), pockets of poverty are identified within the city where 10% of residents have completed less than Grade 9 (Alberta Health Services, 2009). Education and income is also lower in the communities surrounding the city.

The general ALSMP findings all apply to the Calgary Judicial District. The ALSMP identified a substantial number of legal services in the city, but data suggests delivery is fragmented. Better provider knowledge of services, improved coordination and collaboration for existing services, and expanded outreach to surrounding communities are identified as the priorities for the city (see Recommendations 3, 4, 7-9, 12,13, 28c/d, 47 and 48).

As the pilot district, Calgary generated more data than any other area. These data have the potential for further analysis focusing on specific issues. At the time of data collection the Calgary Court Centre had only just opened and the LInC was not yet in place. It may be the case that these initiatives have positively impacted service knowledge and coordination.

5.2. Edmonton Judicial District

<http://cfci-fcjc.org/docs/2010/mapping-edmonton-en.pdf>

With a population in the metro area of 1.1 million, Edmonton is generally reported as having slightly less growth than Calgary. Immigrants make up at least 19% of the city population. Although overall high school completion is around 80%, far more people fail to complete high school (22% compared to only 14% in Calgary). The Edmonton Judicial District serves 32 outlying communities (including six reserves) stretching south west to Jasper and the BC border, north to the Grande Prairie Judicial District boundary and south east beyond Camrose (which falls into the Wetaskiwin District). Increasing outreach to these mostly underserved communities should be a priority (City of Edmonton, 2011; Statistics Canada 2006). The concerns and recommendations about rural capacity and access noted for Calgary also apply to the towns in the Edmonton Judicial District.

All major ALSMP findings apply to the Edmonton District. While legal services seemed less fragmented than in Calgary, providers identified a lack of solid knowledge about what other services actually do. Lack of service capacity was raised as an issue, noting that Edmonton was mapped after the changes to LAA eligibility. Edmonton is the provincial capital and as such the central office of many legal and social services. This is a potential strength for the city in terms of forming and sustaining local and regional coordination and collaboration among legal and health and social services.

¹¹³ Where possible, numbers in this report have been updated to reflect the most recent available. Projections, some directly from Statistics Canada, provide variable figures on immigration.

5.3. Fort McMurray Judicial District

<http://fcj-fcj.org/docs/2010/mapping-ftmcmurray-en.pdf>

Fort McMurray is the only city in the Wood Buffalo region and the service centre for north-eastern Alberta. Located close to oil sands development, the city has experienced rapid growth, but accurate population figures are hard to determine due to the transience of workers and the number of work camps in the District. Cost of living is high, the population is young with a high employment turnover, including in legal services.

Tables 4 - 6 in Section 2 show that this District is seriously underserved and lacks access points even for PLEI. The only legal services that were identified outside of Fort McMurray are located in Fort Chipewyan - a community that is accessible by ice road in the winter but fly-in only in the summer. Resources did not allow the ALSMP Team to visit communities outside of Fort McMurray.

Service providers in this District are over-extended and face many challenges. However, the ALSMP reported outstanding provider knowledge, networking and cooperation in Fort McMurray. The majority of legal, social and health service providers not only knew about each other but have forged close formal and informal working relationships in order to accommodate their workloads and serve their clients efficiently. They are proactive and resourceful in meeting clients' needs and make effective referrals. This District serves as a model for provider relations.

Many concerns were raised about lack of capacity and gaps in service:

- Lack of resources is causing long delays in the legal process.
- One much-praised Family Court Worker provides the main family assistance in the District – a second worker is desperately needed.
- One NCSA Court Worker provides Criminal and Family Support circuiting from the already under-served St. Paul office.
- There are currently no local lawyers on the LAA roster who take family law cases.
- There is a need for Aboriginal lawyers who understand Aboriginal issues.
- The low-income cut-offs of LAA and other services are especially difficult as applicants may appear to have sufficient income and yet cannot even afford the high rents in this District, which range from \$1,000 for an illegal basement suite to \$4,000 or more per month for a house. Many workers are also maintaining families outside of the area.
- There are many Employment Standards and Workplace Safety issues, yet no office in the District.

Increasing legal services in this region must be a priority. Current FJS, LAA, and NCSA staffing need to be expanded. Both a LInC and a community legal centre are needed.

5.4. Lethbridge Judicial District

<http://cfcj-fcjc.org/docs/2010/mapping-lethbridge-en.pdf>

Lethbridge serves 13 communities in the south-western corner of Alberta, including two reserves. Services in the city are located centrally, in walking distance for most people, and there is city transit. Of the 143 legal service access points identified, 96 are located in the outlying communities – a very good distribution for the geographic area. Some innovative transit programs between communities were also noted. This likely explains why rural services were not such a major concern in this Judicial District.

Lethbridge Judicial District has many service strengths and programs that can serve as good practice models. It is relatively well serviced having: a regional LAA office with staff Duty Counsel; a Family Law Office with two staff lawyers; a community legal clinic; Court of Queen’s Bench mediation program; a city police force praised for community and youth involvement and Aboriginal and diversity relations; an active immigrant settlement program; and the FASD Community Justice Program – a very progressive and welcome initiative.

There is also the Lethbridge College Public Legal Education Program which offers PLEI at the College, by video link and through in-person presentations. The “Law at Lunch” program, offered by the College and the Lethbridge Public Library, is now video linked to approximately 25 communities across southern Alberta, where events are held at local libraries or other community spaces. Further collaborative expansion of this program all across the province is recommended (see Recommendations 41 and 60b) .

Providers who participated in the ALSMP reported good networking and there are very significant examples of collaboration in this District. However, it is cautioned that the researchers were not able to visit the area or include all the providers they might have wished to. There is some indication that overall there may be fragmentation among groups of providers which should be overcome.

The priority for this District is to increase the capacity of existing proven services and to continue to build on and share the many good practices identified by the ALSMP.

5.5. Medicine Hat Judicial District

<http://cfcj-fcjc.org/docs/2010/mapping-medicinehat-en.pdf>

The Medicine Hat Judicial District is adjacent to Lethbridge and serves the south-western corner of Alberta. There are no reserves or Métis communities in this District, but Aboriginal employment in the region is well above provincial averages. There is a significant, but mainly Caucasian immigrant population in Medicine Hat, and a more mixed and TFW population in Brooks, working at the Lakeside Meat Packers. As many as 40 languages are reported and services do not have the funds to access interpreters.

All participants were located in Medicine Hat and did not express concerns about lack of services. However, other than in Brooks, there are few legal services in the 11 other District communities, with seven having no identified access points for legal or health services. Furthermore, there are no circuiting services other than to Brooks.

Data analysis revealed relatively good provider awareness of existing services, although small but vital legal-social services such as Citizen Advocacy and the Sexual Assault Response Centre (SARC) seem less well-known to legal service providers.

There are also strong examples of collaboration, but mainly among legal service providers. The ALSMP findings suggest there are problems with health services in the District which are affecting access to justice. Participants reported a general lack of sensitivity by health workers to victims of domestic and sexual violence. Also, doctors are not taking new patients and refuse even provider requests to complete AISH and CPP disability reports.

Inter-ministry response is needed to address the concerns in this District regarding access to interpretation, health provider training and capacity, and the barriers to accessing legal rights and benefits entitlements.

Further inquiry into legal service access for outlying communities should also be a priority. LInC services that reach these communities would be beneficial (see the discussion of LInC services in Section 3.3.2 and associated Recommendations 24-27)

5.6. St. Paul Judicial District

<http://cfci-fcjc.org/docs/2010/mapping-stpaul-en.pdf>

Nothing has changed from the time I worked here when my children were small to now. ... Obviously the resources that are available here are not meeting the needs. They are not addressing the core issues - something is not working.

St. Paul is the Judicial Centre for the area east of Edmonton, south of Fort McMurray, and north of Wetaskiwin. This Judicial District is identified as having the deepest social and legal need.

St. Paul is one of several small centres in the area. These include Lloydminster, Cold Lake, Lac La Biche, and Bonnyville, all of which have larger populations than the town

of St. Paul, which has a population of just over 5,000. There are five reserves and four Métis settlements in this District.¹¹⁴

Educational attainment varies across the centres, but is generally well below the provincial average, especially in St. Paul and Bonnyville where over 30% fail to complete high school - more than twice the Alberta average. For Aboriginal people in these areas, high school completion is just 50%.

Legal and health/social services are scattered throughout this Judicial District with St. Paul and Lac La Biche having the largest concentrations of services, followed by Cold Lake. The result is extreme fragmentation with access barriers due to distance compounded by very low overall knowledge of available services and significant cultural divides within and between the scattered service centres. Homes are spread along the roads for miles outside of the towns. A few infrequent and meandering Greyhound bus routes provide the only public transit in the region.

Lloydminster, Cold Lake and Lac La Biche have greater growth and prosperity than the rest of the region where dealing with grinding poverty is seen as just “part of what you do” by service providers. The region was mapped prior to LAA eligibility changes and it can be anticipated that the impact of the cuts and service reorganization on the St. Paul District has been substantial and negative.

The courthouse in St. Paul currently serves as an informal legal service hub. Court Registry and Law Library staff were identified as knowledgeable and helpful. This provides an area of strength on which to build, but this Judicial District faces daunting legal and social issues with insufficient resources. Local service providers want to help. They report strong networking with other providers they know about, but they are often sharing incomplete or inaccurate information.

Based on the ALSMP findings, it is concluded that this region has been neglected. For that reason, some recommendations are now made that are specific to the St. Paul Judicial District.

¹¹⁴ These population numbers are taken from the St. Paul report (pp. 9-11), which used a variety of sources noting that no overall population figure could not be obtained for the District. Boundary changes around Bonnyville and Lac la Biche further complicate this. Furthermore, population statistics for the reserves and Métis settlements reported by Statistics Canada were considered inaccurate by local representatives.

Recommendations

60. The St. Paul Judicial District receives priority attention as an underserved area with particular depth of legal and social need. It is recommended that:

- a) Alberta Justice and/or the Solicitor General take the lead in forming a collaboration of major legal services and funders to develop and deliver legal and related in-person service information sessions organized in St. Paul, Bonnyville, Cold Lake, Lac La Biche and Lloydminster, that include:
 - i. representatives from major legal services who also make presentations and provide related PLEI materials, including conveying materials to local services that cannot attend the sessions;
 - ii. cultural sensitivity training for all legal service providers, with special attention to ethnic communities and understanding disabilities;
 - iii. consideration of the relevance of Recommendations 8, 9, 13, 41, 43, 48 and 49 in developing these sessions.
- b) The Legal Resource Centre and the Lethbridge College Public Legal Education Program are encouraged to work together to expand video-linked PLE into the St. Paul Judicial District public libraries or other community spaces.
- c) Establishing a LInC with strong PLEI and outreach capacity is made a priority for St. Paul.
- d) Assessment of re-organized LAA services to the St. Paul Judicial District is undertaken immediately, and addressing gaps and inadequacies is prioritized.
- e) The St Paul Judicial District is highlighted as a high priority for increased legal service resources of all kinds, including further research, and especially initiatives that incorporate holistic solutions to both the legal and social components of problems.

5.7. Red Deer Judicial District

<http://fcj-fcj.org/docs/2010/mapping-reddeer-en.pdf>

Red Deer is the Judicial Centre for 12 central Alberta communities between the BC and Saskatchewan borders. There are seven reserves in the District and immigrant population in the area has increased steadily in the past decade.

In the city of Red Deer, most legal services are centrally located and there is public transit. Lack of transportation from outlying communities presents a service access barrier, also noted previously in the SRLMP. It is noted that the Central Alberta African Centre is now providing a shuttle service to new Canadians in the region who need to access legal or social services.

The LInC makes a valued contribution improving options for SRLs since the SRLMP mapping in 2006. Both the LInC and CALC have increased outreach services, however, a community clinic dealing with residential tenancy issues has been closed. Service capacity and high staff turnover were concerns in Red Deer.

The need for outreach to surrounding communities nevertheless remains a priority in this District. The SRLMP identified a need for more in-depth research into legal needs in the central Alberta communities, but unfortunately ALSMP resources did not allow this and once again there was no Aboriginal input from this District.

5.8. Wetaskiwin Judicial District

<http://cfcj-fcjc.org/docs/2010/mapping-wetaskiwin-en.pdf>

The Wetaskiwin Judicial District is sandwiched between the Edmonton and Red Deer Districts and has jurisdictional and geographical anomalies. It includes 14 communities of mixed characteristics. Some (such as Devon and Leduc) are closer to Edmonton than Wetaskiwin and are attractive commuter locations. Others (such as Ponoka, Rimbey) are closer to Red Deer and typical of rural central Alberta, although some participants suggested they are increasingly attractive as retirement communities. The Hobbema Reserve is also in this District. Additionally, Wainwright, located in the St. Paul Judicial District, receives some services from Wetaskiwin.

The Wetaskiwin area was included in the SRLMP mapping as part of the Red Deer area and reported as having administrative responsibilities for legal services split between Edmonton, Red Deer and Calgary. This continues to be the case. Already noted in Section 2.4.2., different courts sit at different courthouses in the District and split the circuiting. This is confusing even for service providers and the detailed breakdown is therefore included here:¹¹⁵

- Wetaskiwin Provincial Court includes Family, Traffic, Civil, and Criminal, and circuits to Ponoka.
- Camrose Provincial Court includes Family, Traffic, Civil, and Criminal, and circuits to Killam.
- Leduc Provincial Court includes Family, Traffic, Civil, and Criminal, and circuits to Breton and Drayton Valley (which is actually in the Edmonton Judicial District).

¹¹⁵ This information was provided to the ALSMP Team at the time of the Wetaskiwin Mapping.

- Red Deer Provincial Court circuits to Rimbey for Criminal and Traffic matters, but Rimbey Civil and Family matters are heard in Ponoka.
- All charges appearing before Court of Queen’s Bench are transferred to Wetaskiwin from Camrose and Leduc.
- Charges from Drayton Valley are transferred to the Court of Queen’s Bench in Edmonton.

Towns in the Wetaskiwin area are not connected to Edmonton or to each other by public transit. Because of the proximity to Edmonton there appeared to be an assumption among service providers that people could easily get to the city. The demographic profile suggests otherwise for many residents, as farm and low income families often share one vehicle and also find it difficult to go to centres during the regular opening hours. It can be seen from the above details that getting to the right courthouse could be a challenge.

Legal service access points are reasonably well distributed across the District, but 40 of the 52 private practice lawyers are located in Camrose, Wetaskiwin and Leduc.

An air of detachment from major legal services was noticed among service providers in the area, who appeared resigned to doing without and did not expect ready access to services. Some of this may be due to a lack of basic knowledge about toll-free or Internet access to services located elsewhere. Service providers self-identified a need for better knowledge of legal services and the court system. Red Deer LInC staff travel to Wetaskiwin, Rimbey and Ponoka, but increased outreach across the region is clearly needed. The LAA Legal Service Centre, now open in Wetaskiwin, will have the opportunity to make a major difference.

Wetaskiwin Family Violence Collaboration was described as a positive initiative. Another important strength on which to build are the dynamic public and law librarians who are proactive and enthusiastic in acquiring, learning and sharing legal information. Linking these libraries to the Lethbridge College PLE video programs would be beneficial.

5.9. Drumheller Judicial District

<http://cfcj-fcjc.org/docs/2010/mapping-drumheller-en.pdf>

Drumheller is the Judicial Centre for mapped communities in south-east Alberta, with a population of just under 8,000 (Alberta First, 2010). There are also a number of very small settlements or villages in the region that have no assigned municipal boundaries. There are no reserves or Métis settlements, but the Drumheller Provincial Court circuits to the Siksika reserve (located in the Calgary Judicial District). There are Hutterite Colonies in the District and young Hutterites breaking from their communities were noted by area participants as particularly vulnerable to social and legal problems, especially related to addictions and domestic violence.

It was difficult to attain a clear demographic picture of the area and participant perceptions varied considerably concerning employment, growth, and immigrant and Aboriginal presence.¹¹⁶ The ALSMP data suggest very low knowledge among providers about other services. This is difficult to understand because services are centrally located in this small town.

This is the only Judicial District without a LAA Legal Service Centre. One valued criminal Duty Counsel circuits with the court, but is in Drumheller only on Fridays, sometimes for as little as two hours. There are long queues for this service and the Counsel cannot meet the demand. There are no FJS or NCSA Court Workers. There are few private lawyers to even address such routine matters as real estate.

Oyen no longer receives a circuit court and Three Hills has a special court day, but it is held in Drumheller. Court in Hanna is just once a month. Limited court services are apparently circuiting into parts of the Calgary Judicial District, including to Strathmore, noted by providers as a concern because of a high incidence of crime.

Strengths on which to build are active cross-over services such as Family Community Support Services (FCSS) which delivers the Parenting after Separation course in Drumheller and is identified as a critical access point for this community. Alberta Health Addictions Services (formerly AADAC) were similarly identified as important and helpful. Public libraries are also active social and information points. The Youth Justice Committee was noted for new young service providers taking the initiative to really try and involve youth in the communities.

This District appears to have some distinct characteristics and legal needs and to be underserved. The only reason Drumheller is not identified as such a pressing priority as St. Paul and Fort McMurray is its geographical proximity to other Judicial Centres. The District requires further investigation to better understand access barriers and determine if these can be overcome with increased knowledge of and outreach from existing services, or whether more local service access is necessary.

5.10. Grande Prairie Judicial District

<http://cfci-fcjc.org/docs/2010/mapping-grandeprairie-en.pdf>

The Grande Prairie Judicial District is located north-west of Edmonton and south-west of Peace River. Nine communities, including one reserve, were mapped in this District. However, Grande Prairie is the regional centre for all of north-west Alberta and some major services located here also serve the Peace River Judicial District.¹¹⁷ The area has seen recent growth and high employment (at least up until 2008). There is a significant Aboriginal population in the city and increased immigration to the area. Participants said the population is relatively young and transient – people tend to stay in the area for

¹¹⁶ There is little information available on-line and identified sources also differed.

¹¹⁷ In the SRLMP Grande Prairie and Peace River Judicial Districts were mapped together. In the CJSP Peace River and High Level were included, but Grande Prairie was not.

three years or less. They also noted sharp contrasts between affluent residents and families living in poverty. All participants in this District mentioned addiction as a key *demographic* factor because they perceived it to impact employment and income dispersion.

The opening of the LInC/FLIC and Grande Prairie Legal Guidance have significantly added to available legal services since 2007, however they operate at or beyond capacity and struggle to retain staff. At the time of the mapping staff attrition was not being replaced and the situation was dire. FJS was reported as having a one month wait for an appointment with the one Court Counsellor about to go on leave, and the LInC had lost one of just two staff members. NCSA workers were held in high regard but lack of staff and resources had forced them to focus only on Aboriginal clients.¹¹⁸

LAA has a small office with an officer and assistant. It was reported as very difficult to reach LAA unless using the dedicated LInC line. The LAA office moved from the central Provincial Building to an 18th floor office that participants said is hard to find. This is a serious concern given its reorganized role as a Legal Service Centre.

There are Criminal and Family Duty Counsel programs for both Provincial and Queen's Bench, which are covered by roster lawyers drawn from local private practices (of which there are 44 in Grande Prairie and just one in each of Beaverlodge and Grande Cache). This involvement of local lawyers, along with volunteers at the GPLG, must be taken into account when considering reported lack of availability to take LAA certificates.

There are very few legal or related health/social services located outside of the town of Grande Prairie. Grande Cache was identified as a concern by Hinton (but not Grande Prairie) participants. Hinton providers anticipated that Grande Prairie would have little awareness of this town, reporting that the LAA office was closing and that there was no RCMP officer based there, even though there is a maximum security prison in the area. Seven legal services were mapped for Grande Cache, but the researchers were unable to visit or involve people from there. The situation in that town requires further investigation.

Provider networking and collaboration are a strength in Grande Prairie, and knowledge of available services is above average, although a tendency for mis-referrals was noted.

Lack of capacity is the major issue for the District, especially given that key services essentially cover the entire north-west, and that there is also a lack of related health and social services outside of the judicial centre.

¹¹⁸ This focus is of course the Aboriginal Court Worker mandate, but NCSA principles are to provide what assistance they can to anyone seeking help and they are an important resource to other providers and residents in small communities.

5.11. Peace River Judicial District

<http://cfcj-fcjc.org/docs/2011/mapping-peace-en.pdf>

Peace River is the Judicial Centre for 23 communities in north-western Alberta, of which Peace River and Slave Lake are the only towns with populations over 5,000. The area includes ten mostly small reserves, and four Métis Settlements. Based on the 2006 Census the total population of the District is around 70,000. However numbers are quite obviously unreliable as a zero population was recorded for some reserves.

Slave Lake, High Level, and High Prairie also serve as small regional centres with clusters of 17 mapped legal service access points each. The remainder of legal services are scattered among small communities. This Judicial District has a notable lack of rural health and social services and the rural legal services - especially those programs with social/health components - are very critical access points. It was noted that three clients approved for AISH were still not getting benefits because no one would accept management of the files.¹¹⁹

The barrier created by geographic distance is a fact of life. Greyhound does serve the area with a wandering route that can take up to nine hours for a 2-3 hour drive. Some communities are fly-in only. Cost of available transportation is also a concern.

Many First Nations members on the reserves do not speak English and lack of English literacy and computer skills are major access barriers. The region has the lowest educational attainment in Alberta among Aboriginal people. Even when Internet skills are present, remote access is often limited.

There are also cultural divisions among Aboriginal groups, as well as between the Aboriginal and non-Aboriginal populations. Nevertheless, there is strong involvement of Aboriginal service providers and community representatives.

There are few private lawyers available, especially for family law matters. Those taking LAA certificates are over-burdened with cases.

At the time of the mapping, no toll-free number was provided to call LAA. This is now rectified with both the toll-free 1-866-845-3425 and the local office number provided on the LAA website.

Dedicated frontline workers with positive attitudes despite work overload are a strength in this District that was also previously noted in the SRLMP. There is strong understanding of clients' challenges and those of other providers. They have a good working knowledge of available services and a willingness to work together to find

¹¹⁹ As this report is concluded, wild fires in this region have caused extensive damage to service premises and homes in Slave Lake and surrounding communities. The new courthouse and public library were destroyed. This will affect both service delivery and demand on legal and health/social services in this already over-stretched District.

innovative ways to meet need. Willingness of representatives in this District to participate in the ALSMP despite the work overload is remarkable.

NCSA are consistently praised (and have been through three rounds of research since 2002). Peace River RCMP were noted as proactive with youth justice involvement and in encouraging Crown to look for restorative justice alternatives.

The capacity issues outlined for the Grande Prairie legal services, such as LInC and GPLG, also apply to this District, which relies on telephone access to and outreach from the Grande Prairie locations.

6. CONCLUSIONS AND SUMMARY OF RECOMMENDATIONS

The ALSMP has gathered and reported a wealth of information pertinent to answering the primary research questions (Section 1.4.2). Extensive detailed documentation of legal services across Alberta are contained in the ALSMP database. This report and those for the Judicial Districts discuss broader aspects of service delivery responding to research Question 1.

The ALSMP findings show that service access points are more numerous than anticipated - especially in the cities. At the same time, available legal service statistics demonstrate a substantial, sustained increase in demand over the last 2-5 years. Some areas of the province are seriously underserved and the depth of unmet legal and associated social need exposed is likely to feel overwhelming.¹²⁰

Although this report, along with those for the Judicial Districts, provides valuable insights, the overall answers to Questions 3 and 4 are rather blunt. For the most part we do not have the reliable figures about how many clients are served and not served, and we have only perceptions about use patterns of specific groups. There are, nevertheless, many clearly identified gaps in services and major barriers across much of the province to accessing those that exist. PLEI delivery and content can and should be improved; legal advice and representation services are currently inadequate - and this includes rural private Bar services. Many of the problems identified as the probable root causes of increased demand lie beyond the power of the legal system to address. Yet police, court and other legal services are called upon to deal with the outcomes.

An equally major and consistent finding is, however, encouraging and inspiring. Across Alberta, incredibly dedicated service providers strive each day to meet the legal and related social needs of Albertans. Often faced with momentous social problems and inadequate resources, and at times with disruptive organizational changes, most do their very best to assist service users. They are too seldom acknowledged for the efforts or consulted for their knowledge-based experience. As well as informing provincial

¹²⁰ Certainly, the experience of reading through, analyzing and summarizing the often heart-rending data in these eleven reports was at times distressing.

policy, it is the hope of the ALSMP Research Team that the project findings and recommendations will afford front-line providers with recognition, useful support and ultimately improved and increased resources.

6.1. Future Potentials

The ALSMP built on previous legal service mapping research to create the most comprehensive province-wide project so far undertaken in Canada. The data is already assisting stakeholders to identify priority areas (such as the geographical distribution of services) that were previously unclear. The study also adds to other provincial, national, and international research by once again identifying a set of core issues and challenges in delivering services that ensure Canadians have equitable access to justice. Among the ALSMP contributions are insights that can assist in understanding both the financial costs of providing an effective justice system, and the broader socio-economic costs of failing to do so.

6.1.1. Access to Legal Service Information: Using the ALSMP Database

The ALSMP prototype database is a major information resource. It contains information on 1810 discrete services *plus* every location across Alberta where that service can be accessed. Of these services 704 provide some form of legal information and/or assistance. The remainder offer health and social services of relevance to dealing with legal problems.¹²¹

The ALSMP database was only intended to be a prototype. It was designed to allow transference of the information into another format suited to permanent sharing. Significant resources have been invested in compiling this impressive foundation of service information. A commitment is needed to maintain and build on this investment (see Recommendation 7). Details about services tend to change frequently - this is one of the identified barriers to service provider knowledge and so the ALSMP database must be regularly updated. However, updating the information already catalogued by the ALSMP is a far less comprehensive and costly task than recreating it. A permanent full-time position dedicated to maintaining the database is estimated at around \$50,000 per annum – inexpensive when the benefits to knowledge sharing, improved referrals and overall service access are considered.¹²²

¹²¹ The prototype of the database can be accessed and searched at <http://albertalegalservices.ca/admin/>. Enter User Name: guest and Password: mapping data.

¹²² The ALSMP team see this position as being responsible for updating service entries working on one of the 11 Judicial Districts a month at the same time working with organizations in that District to encourage awareness and networking among providers. Ideally this position would work from within a service provider organization (such as InC).

As well, the ALSMP database entries are supported by print files that record the information (mostly on websites) as it was at the time of mapping. These hard files are a resource for tracking service details and changes over time - something that is becoming increasingly hard to do with purely virtual information.

Permanent sharing and maintenance of the database information was a beyond-project goal set by the Advisory Committee representing many justice stakeholders. For many of the ALSMP participants the database of services was the key resource hoped for (See for example the input of the Judiciary in Section 3.2). A commitment to this goal has not yet been achieved and frustration and concern has been expressed that this data is not yet more accessible.

6.1.2 Contributions to Policy and Program Development

The findings synthesized in this report present a wealth of information pertaining to legal services and legal needs in Alberta, offering pointers and recommendations for future policy and program directions. Each District report adds local details of value to priority setting and local implementation. For several of the Judicial Districts and many of the outlying communities, this was the first time research had attempted to identify and catalogue local legal services and legal needs.

Throughout the project, the enthusiasm and continued engagement of local participants has underlined the value placed on the information generated. Even as the project has progressed it is possible to identify movement toward meeting some of the recommendations in the District reports. Report content has already been applied in developing programs and funding.¹²³ When the SRLMP, and the CJSP before it, are considered, the on-going contributions to policy and program direction can be traced. It is encouraging to see that the ALSMP is a living project that generates action, and not merely a series of documents no-one knows of, or cannot find.

6.1.3 Contributions to Future Research

The ALSMP has the potential to contribute to further research provincially, nationally and internationally and in a variety of ways:

- In Alberta, the ALSMP identifies areas where further investigation is required. In some cases this relates to a need for more in-depth inquiry about the legal service context of a particular area. As well, the need for a review of issues-related existing research is sometimes identified. The importance of program statistics and evaluations are also underlined.

¹²³ An example is the Pro Bono Law Alberta Business plan to develop an expanded volunteer lawyer services pilot program, which drew significantly on the ALSMP District Reports.

- If resources are available, both the ALSMP database information and the qualitative data are extensive enough to allow further focussed analysis around a specific legal service issue across Alberta.
- Both national and international interest has been expressed in the possibilities of applying the methodology and research knowledge gained to other jurisdictions.
- The qualitative findings of the ALSMP contribute further evidence to the body of Canadian and international research concerned with legal problems and how these tend multiply and cluster.
- Findings from the ALSMP have the potential to be applied to other areas of ongoing research, such as better understanding the costs of justice (see Canadian Forum on Civil Justice, 2010).

6.2. Summary of Report Findings and Related Recommendations

The following chart brings together the 60 recommendations made throughout the report, placing them against the relevant report sections and topics. Key findings that apply province-wide (presented in Section 2) are highlighted. These broad major findings are amplified by the more detailed discussion and associated recommendations throughout the entire report. Consequently, multiple recommendations are related to the key findings and the relevant numbers are noted beside each key finding.

ALSMP Findings by Report Sections	Recommendations
<p>Section 2 Province-wide Trends: Key Findings</p> <p>2.1. Service Delivery and Access in Alberta: Geographic and Demographic Realities</p> <p><u>Key Finding 2.1</u> <i>Alberta’s geography and demography pose significant barriers to ensuring equitable delivery of, and access to, legal and other services for all Albertans.</i></p> <p>2.2. High incidence and Range of Legal Need: The Evidence</p> <p><u>Key Finding 2.2</u> <i>Population-based research indicates that at any time 45 - 52% of Canadians, including Albertans, are likely to be experiencing a significant legal problem but many do not successfully access legal assistance.</i></p> <p>2.2.1. Usage Trends Identified in the ALSMP</p> <p>2.2.2. Improving the Collection and Sharing of Service Statistics</p> <p><u>Key Finding 2.2.2</u> <i>Although challenging to achieve, improved statistics concerning numbers of service users, time to deliver service and the basic demographics of users, are indispensable to understanding service costs and capacity.</i></p>	<p>(All recommendations relate broadly to this basic finding. See especially Recommendations 3, 4, 24-32, 36, 37,60)</p> <p>(All recommendations are broadly related to meeting Albertans’ legal needs)</p> <p>1. The consistent collection of basic legal service statistics be made a priority. The following steps are suggested to achieve this: a) Funders take the lead in liaising with each other to establish priorities in basic statistical information</p>

2.3. Consequences and Costs of Unresolved Legal Problems

Key Finding 2.3

Findings in every Judicial District support national research showing that legal problems occur in complex social contexts and require a multisector, multifaceted response. Unresolved problems tend to multiply and cluster, escalating costs to legal and other social systems.

2.4. Current Legal Service Distribution and Capacity in Alberta

Key Finding 2.4

The ALSMP found some excellent legal services in Alberta delivered by outstanding and dedicated providers. But, for the most part they are working at or beyond capacity.

- b) Funders take the lead with services by:
 - i. explaining to services which numbers are needed and why;
 - ii. working with services to establish a practical, shared template to collect essential numbers (see footnote 34)
 - iii. assisting services to establish simple methods to enter and retrieve service statistics;
 - iv. insisting that essential numbers are a part of grant reports.
 - v. Ensuring that funding levels include capacity to support gathering this information.
- 2. Major organizations set an example by:
 - a) Making basic statistics about the services they provide publically available.
 - b) Ensuring numbers are presented to maximize clarity and understanding within their organization as well as among stakeholders more generally.
 - c) Explaining why these numbers are important and how they are used.

(See Recommendations 9, 23, 33, 34, 38, 42-59)

2.4.1. Geographic Distribution of Legal Services

Key Finding 2.4.1

Access to legal services, including private lawyers, is not equitable for all Albertans.

- a) There are few legal services outside of major centres, particularly those offering legal advice and representation.***
- b) In underserved areas, most existing services do not currently have the capacity to adequately serve their catchment areas.***
- c) Residents of northern Alberta have fewer legal services distributed across greater distances that often pose formidable access barriers.***

2.4.2. The Organization of Legal services: Some Issues

Key Finding 2.4.2

There are some anomalies in current service delivery that may benefit from review:

- a) Coordination and effectiveness of court and LAA circuiting practices***

- 3. Providers of legal services, especially major organizations (such as Alberta Justice, Solicitor General, LAA) review the current distribution of legal services with a view to:
 - a) Addressing obvious access inequities between northern and southern Alberta and between rural and central communities across the province (subsequent recommendations in this report expand on this issue).
 - b) Identifying current administrative and/or circuiting incongruities that might be more practically and effectively organized.
- 4. The Law Society of Alberta and Alberta law schools actively promote rural practice among currently practicing lawyers and students by:
 - a) Being familiar with and pointing out the need for rural practice.
 - b) Providing training and supports specific to rural practice needs, such as generalist articling opportunities, specialized CLE events, a system of mentoring in a range of legal areas available to rural practitioners.
 - c) Collaboratively advocating for an incentive system for rural practice by making the case to the Governments of Alberta and Canada, private law firms, the Alberta Law Foundation, the Canadian Bar Association, and any other possible sources of funding for such initiatives (see footnote 49).

(See Recommendation 3b)

b) Process related to the issuing of tickets and the prosecuting of unpaid fines.

2.4.3. Services by Type and Area of Law

Key Finding 2.4.3

Participants reported legal need across all areas of law and in many substantive areas, but service availability varied:

- a) In all areas of law, the majority of legal services available offer only information and referrals and even PLEI access points are limited outside of Judicial Centres.***
- b) Services providing legal advice or representation are generally sparse and often non-existent in rural areas.***
- c) Overall, the Area of criminal law has more available sources than any other area while administrative law has the least number of sources.***

2.5. Common Barriers to Legal Service Access

Key Findings 2.5

The ALSMP identified a set of barriers to legal service access that are common across the province posing challenges that require innovative and coordinated responses:

- 2.5.1. Barriers of geography and demography***
- 2.5.2. Lack of resources to increase current capacity***
- 2.5.3. Lack of access to affordable legal advice and representation***

- 5. Alberta Justice conduct a review of current practices in issuing and prosecuting tickets, with the goal of increasing benefits and reducing costs (see also Recommendation 35).

(Most recommendations relate broadly to increasing legal service access. See particularly Recommendations 3, 8, 24-32, 36-37, 42, 44, 60)

(See Recommendations 4, 17, 19, 20, 21, 22, 24, 36, 37)

(All recommendations relate broadly to this basic finding. See especially Recommendations 3, 4, 24-32, 36, 37, 60)

(All recommendations are relevant to effectively applying and/or increasing current capacity).

(See Recommendations 4, 17, 19-22, 24, 36, 37)

<p>2.5.4. Service eligibility criteria</p>	<p>6. All legal services with eligibility criteria review these with the aim of:</p> <ul style="list-style-type: none"> a) Reducing barriers to service wherever feasible. b) Developing policies for eligibility that are clear and consistent, including about the circumstances and process under which exceptions may occur. c) Ensuring that information concerning eligibility criteria is readily available to service providers and the general public.
<p>2.5.5. Lack of service provider and public knowledge</p>	<p>7. A commitment is made to permanently establishing and maintaining a comprehensive, Internet accessible database of legal and related support services across Alberta that:</p> <ul style="list-style-type: none"> a) Builds on the foundation of services identified and documented in the ALSMP prototype database. b) Provides a range of search categories that include lay terms for finding the appropriate service information. c) Over time also connects to and assists in coordinating and sharing PLEI resources. <p>8. A collaboration of PLEI providers is formed to find ways to best coordinate and share existing PLEI resources with legal, health and social service providers across Alberta (also keeping in mind PLEI specific Recommendations 9, 41, 42, 50b and 60).</p> <p>(Recommendations 12-14, 18, 23, 33-36, 38, 52, 57 also have relevance)</p>
<p>2.5.6. General levels of English language, legal, and computer literacy</p>	<p>9. PLEI and legal service providers connect with Community Adult Learning Associations (CALCs, see footnote 54) across Alberta for the purposes of:</p> <ul style="list-style-type: none"> a) Gaining a stronger understanding of literacy barriers and facilitators. b) Finding collaborative opportunities for programs promoting language, computer and legal literacy. <p>10. Federal, Provincial and Municipal</p>

<p>2.5.7. Lack of transportation</p> <p>2.5.8. Unmet health and social needs</p> <p>2.6. The Value of Networking and Collaboration</p> <p><u>Key Finding 2.6</u> <i>Service providers usually value networking, identifying a need for more opportunities with focussed agendas that promote knowledge exchanges that increase understanding of shared issues.</i></p>	<p>governments, and the Alberta Law Foundation work together to provide a pool of funding specifically designated to pay for legal service interpretation.</p> <p>11. PLEI specific Recommendations 8, 9 and 41 are applied in identifying and sharing resources in languages other than English.</p> <p>(Some suggestions and recommendations are included in the Individual Judicial District Report)</p> <p>(See Recommendations 9, 23, 33-35, 42, 46,47 50, 60aii)</p> <p>12. Government organizations and large NGOs make a strong commitment to support and participate in relative networks by:</p> <ul style="list-style-type: none"> a) Ensuring community-based stakeholders are included in organizationally-led networks. b) Providing consistent representation and information to relevant community-based networks. <p>13. Funders recognize the importance of network participation by providing financial support within grants, to make staff participation possible.</p> <p>14. All network leaders work to ensure focussed agendas:</p> <ul style="list-style-type: none"> a) With topics that are relevant to members b) Identification of other local networks c) Interaction with other networks around common issues and concerns.
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Section 3

Looking at Existing Legal Services

3.1. Private Lawyers

3.3.1. Experiences with Lawyer Services

3.1.2. Options for Affordability: Limited Scope Retainers and Paralegal Services

3.2. The Judiciary

15. Continuing Legal Education (CLE) opportunities continue to be provided that promote good communication strategies and effective workload management among practicing lawyers.
16. Further research is conducted to identify and build on the good practices that lead to public satisfaction with everyday legal assistance.
17. The existing strengths of *pro bono* contributions be built upon and expanded.
18. Lawyer knowledge be increased about available dispute resolution options and the importance of offering these alternatives to clients.
19. The duties of paralegals currently providing services supervised by a lawyer are built on and expanded.
20. Appropriate training and additional resources are provided to court workers that result in acknowledged paralegal status.
21. Ongoing evaluation of current 'unbundled' or limited scope retainer approaches is put in place to assess their effectiveness for clients versus the effectiveness of self-representing with no legal assistance.
22. Agreed definitions, endorsed by the Law Society of Alberta, be reached concerning the supervision and scope of paralegal services and limited scope retainer options.
23. Members of the judiciary (with special attention to new appointments and circuiting judges) be provided with additional information about:
 - a) The cognitive, social and justice impacts of FASD.
 - b) Local social contexts and service capacities that impinge on sentencing options and/or the ability to comply with orders.

<p>3.3. Alberta Justice Court Services</p>	
<p>3.3.1 Court Registry Services</p>	
<p>3.3.2. Law Information Centres (LInCs)</p>	<p>24. The LInC program continues to build on current good practices, working towards expanding services to meet identified needs at current locations, especially increased circuiting capacity and the addition of brief legal advice.</p> <p>25. Additional LInCs, with regional circuiting and phone-in capacity, be established in all Judicial Centres, with priority being to the Fort McMurray and St. Paul Judicial Districts.</p> <p>26. Consideration be given to the possibility of establishing LInC services outside of the courthouse setting and to providing some service hours beyond the regular court day.</p> <p>27. Consistent overall coordination be established in order to better coordinate and collaborate in the delivery of services (especially pertaining to family matters).</p>
<p>3.3.3. Family Justice Services (FJS)</p>	<p>28. It be made a priority to ensure that all Albertans with relevant family law needs have equitable and timely access to all Family Justice Service programs. The following steps are suggested:</p> <ul style="list-style-type: none"> a) All currently vacant and previously proposed Family Court Worker positions are filled. b) New Family Court Worker positions are created to meet identified but currently unmet demand, including increased circuiting capacity. c) Ways are found to increase viable access to mediation services for Albertans outside of major Judicial Centres. This may include circuiting mediation or providing transportation to, and day care at, central service locations. d) FLIC services are enhanced to: <ul style="list-style-type: none"> i. improve collaboration and coordination with LInC services; ii. provide a uniform range of services in all FLICs across Alberta;

<p>3.3.4. Civil Claims (non-family) Mediation Programs</p> <p>3.3.5. Alberta Aboriginal Court Worker Program</p> <p>3.3.6. Alberta Law Libraries</p> <p>3.4. Solicitor General and Public Security 3.4.1 Policing Services</p>	<p>iii. provide permanent FLIC services at all Alberta courthouses by whatever means is possible (such as circuit, additional training for registry staff, telephone, interactive web – see also footnote 69).</p> <p>29. Access points to Provincial Court Civil Mediation be created in the Judicial Districts of Fort McMurray, St. Paul, and Peace River.</p> <p>30. The accessibility of Drumheller Judicial District residents to the Provincial Court Civil Mediation program in Lethbridge and Medicine Hat be evaluated with a view to enhancement.</p> <p>31. Provincial mediation possibilities (by video conferencing, phone, or circuiting) be assessed, especially in the northern Judicial Districts.</p> <p>32. The adequacy and effectiveness of the Court of Queen’s Bench roster approach to civil mediation be evaluated.</p> <p>33. Additional formal training about the following social issues is developed and delivered to all currently serving Alberta RCMP:</p> <ul style="list-style-type: none"> a) Understanding and dealing with domestic violence of all kinds including multi-directional, abuse against men, involvement of FASD and/or addictions. b) Understanding the symptoms, social and behavioural impacts, diagnosis and support options for people living with FASD. c) Sensitive and effective response to sexual assault. <p>34. RCMP officers newly placed in rural settings are routinely provided with social context information, including information about available legal and social services.</p>
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<p>3.5. The Safe Communities Initiative</p> <p>3.6. Legal Aid Alberta (LAA)</p> <p>3.6.1. Summary of Previous and Forthcoming Service Changes</p> <p>3.6.2. Summary of LAA Programs</p> <p>3.6.3 The Impact of LAA Service Changes in 2010</p> <p>3.6.4. Considerations for LAA Future Directions</p> <p>3.7. Community Based Clinics and Programs</p> <p>3.7.1. Community Legal Clinics (CLCs)</p> <p>3.7.2. Native Counselling Services of Alberta (NCSA)</p>	<p>35. Sheriffs are provided with additional training to increase understanding:</p> <ol style="list-style-type: none"> a) Of the situations of people surviving homelessness and mental illness. b) About the legal process and costs related to unpaid tickets. <p>(See Recommendation 42)</p> <p>(Due to the transitory nature of LAA services, no formal recommendations are offered. Section 3.6.4, does, however, offer important service considerations as LAA reorganization goes forward.)</p> <p>36. Current services at existing Community Legal Clinic clinics be maintained and expanded to address identified lack of capacity and unmet areas of relevant legal need and outreach service.</p> <p>37. Community Legal Clinics be opened in all Judicial centres that currently do not have a clinic, with priority given in order to St. Paul, Fort McMurray, Peace River, Drumheller, Wetaskiwin, and Medicine Hat.¹²⁴</p> <p>38. Efforts be made to enhance current networking, information-sharing and collaboration among the community clinics and with other local and province-wide services:</p> <ol style="list-style-type: none"> a) A suggested starting point is the development of standardized formats for CLC websites that combines the best of current design and content examples. b) CLC funders consult with the clinics to identify how enhanced networking can best be supported. <p>39. Resources are found to increase the current capacity and training level of NCSA Court Workers to meet identified need, especially in the area of family support.</p>
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¹²⁴ This recommended order is based on current available services combined with distances to be covered in these Districts and between the District and the nearest available existing clinic.

<p>3.7.3. John Howard Society of Alberta (JHS) 3.7.4. Elizabeth Fry Society</p>	<p>40. Efforts be made to enhance current networking, information-sharing and collaboration among John Howard Societies in Alberta. It is suggested that:</p> <ol style="list-style-type: none"> a) A standardized format be agreed for Society websites with prominent links from the provincial JHS website. b) All JHS branches have active websites. c) That locally identified good service practices be shared as models for all JHS branches across Alberta.
<p>3.8. PLEI Providers 3.8.1. Gaps in Existing PLEI 3.8.2. Major PLEI Providers in Alberta</p>	<p>41. Following on from recommendations 8 and 9 a collaborative alliance of PLEI providers is formed and supported by PLEI funders to achieve the following goals:</p> <ol style="list-style-type: none"> a) One united, Internet-based, easily navigable and searchable catalogue of all existing PLEI with links to these resources which are kept up-to date. b) Pro-active outreach via: <ol style="list-style-type: none"> i. branches of local and circuiting services, to key local information access points, to ensure that providers are aware of and have access to current PLEI resources; ii. PLEI information workshops held in judicial centres (and designed to include remote service access points) for the purposes of: describing available legal services; providing and explaining current PLEI resources; gathering information on how to improve or increase PLEI where it is not yet meeting public needs. c) Researching national and international resources and methods for providing PLEI in multiple languages with the intent to: <ol style="list-style-type: none"> i. attain and share any resources which are immediately useful to Albertans (such as those which are federally applicable); ii. adapt any resources that require minor editing to be applicable in Alberta; iii. determine the most effective and cost-efficient ways to provide PLEI

	<p>and other legal services to people whose first language is not English.</p> <p>d) Evolve a joint coordinated plan of action for the development of new PLEI that:</p> <ul style="list-style-type: none"> i. fills identified gaps in present resources; ii. improves the usefulness of current content; iii. is developed with meaningful input from front-line legal, social and health service providers and the public who use the PLEI.
<p>Section 4 Albertans with Unmet Legal Needs</p> <p>4.1. Self-Represented Litigants: Who They Are</p> <p>4.2. Children and Youth at Risk</p> <p>4.3. First Nation, Métis, and Inuit Peoples</p> <p>4.3.1. Legal Complexity</p> <p>4.3.2. Disproportional Involvement</p> <p>4.3.3. Creating Culturally Sensitive Services</p> <p>4.3.4. Employment and Labour Law Concerns</p>	<p>(Recommendations made throughout the report are all of relevance to meeting the needs of SRLs)</p> <p>42. The Safe Communities Secretariat, Alberta Justice and the Solicitor General investigate ways to improve community-based supports for children and youth at risk by:</p> <ul style="list-style-type: none"> a) Reviewing existing related research and policy for good practices. b) Encouraging coordination of existing programs. c) Supporting new initiatives that address identified needs of children and youth. <p>43. In collaboration with Aboriginal representatives and in association with previous Recommendations 34, 35, 39 and 41, it is recommended that all legal service providers receive:</p> <ul style="list-style-type: none"> a) information about Aboriginal cultures and Aboriginal people in their service locale; b) PLEI to assist them in helping clients with matters related to Aboriginal law; c) specific training in cultural sensitivity and understanding Aboriginal specific laws <p>44. In association with Recommendations 41b and 41d, coordinated approaches are</p>

<p>4.4. New Canadians and Ethnic Minorities</p> <p>4.4.1. Temporary Foreign Workers (TFWs)</p> <p>4.5. People Living with Disabilities, Serious Illness, and Addictions</p> <p>4.5.1. Physical Disabilities and Serious Illness</p> <p>4.5.2. Mental and Cognitive Disabilities</p> <p>4.5.3. Drug and Alcohol Addictions</p>	<p>developed to providing PLEI outreach to Reserves, with especial attention to Employment Standards.</p> <p>45. All Legal services explore ways in which they might add Aboriginal focussed components to existing programs.</p> <p>(See recommendations 8, 9, 12, 13, 41)</p> <p>46. The ministries of Alberta Justice and the Solicitor General take the lead in forming a multi-sector advisory committee mandated to identify collaborative integrated responses to meeting the interrelated health, social and legal service needs of Albertans with mental health, FASD, and/or addictions. An immediate focus should be on meeting established needs such as:</p> <ul style="list-style-type: none"> a) Increased addiction treatment places and options. b) Increased capacity to diagnose FASD and provide caseworker support to those with this diagnosis. c) Prioritized diagnosis, intervention, and ongoing support to children diagnosed with FASD. <p>47. The capacity of the Lethbridge FASD Community Justice Program is expanded to adequately serve larger portions of southern Alberta and it is used as a model to create similar programs across the province.</p> <p>48. Court Services and LAA support local efforts of management and staff to facilitate one-stop service points that bring together the legal and social supports needed for people with disabilities who are facing court appearances.</p> <p>49. Provincial health and social services managers support and facilitate local efforts to develop one-stop service points that bring together the legal and social supports to assist people</p>
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	<p>with disabilities to avoid legal problems, or to reach early alternative resolutions when these arise.</p> <p>50. Legal service managers review accessibility of services to people living with physical disabilities and address gaps by:</p> <ul style="list-style-type: none"> a) Researching and applying for grants to obtain equipment or renovations that improve accessibility. b) Identifying PLEI, CLE, and disability related information and training that can enhance the service provided to people living with disabilities.
<p>4.6. People Surviving Homelessness</p>	<p>51. Current legal services aimed at people surviving homelessness are evaluated and effective practices are shared and built upon.</p> <p>52. Legal Service managers are pro-active in identifying local Housing First programs and ensuring sponsoring organizations are aware of available legal information and assistance.</p> <p>53. Recommendations 23, 33-35 and 46-49 be recognized as also potentially relevant to addressing the legal needs of people who are homeless.</p>
<p>4.7. Seniors</p>	<p>54. Further research into the legal needs of seniors is undertaken that investigates</p> <ul style="list-style-type: none"> a) Reasons that seniors are underrepresented among users of self-help services. b) Effective ways to reach seniors and provide PLEI and legal assistance. <p>55. Recommendations 8, 9, 27, 33, 34, 41, 57 and 58 be recognized as potentially also relevant to addressing the legal needs of seniors.</p>
<p>4.8. People Surviving Domestic and Sexual Violence</p>	<p>56. The effectiveness of Domestic Violence Courts is evaluated and good practices are built upon and expanded into all Judicial Districts.</p> <p>57. Adequate understanding and training of</p>

	<p>domestic and sexual violence is given to all legal service providers. This should include identifying personnel in every community for in-depth training, especially when no sexual assault centre or women’s shelter is present.</p> <p>58. Research is conducted to better understand the reported increase in domestic and sexual violence. It is suggested that this be a priority for the Safe Communities Secretariat.</p> <p>59. Recommendations 46-50 concerning disabilities and addictions are potentially relevant to understanding and assisting with domestic and sexual violence.</p>
<p>Section 5 Findings Specific to Judicial Districts</p> <p>5.1. Calgary Judicial District</p> <p>5.2. Edmonton Judicial District</p> <p>5.3. Fort McMurray Judicial District</p> <p>5.4. Lethbridge Judicial District</p> <p>5.5. Medicine Hat Judicial District</p> <p>5.6. St. Paul Judicial District</p>	<p>All recommendations in this report have relevance across Alberta. Recommendations specific for each Judicial District are provided in the individual reports.. Priorities are identified for each District and these are summarized here. St. Paul is the only District having an additional formal recommendation</p> <p>Priorities: improved knowledge about and coordination of existing services.</p> <p>Priorities: improved knowledge of existing services and increased capacity.</p> <p>Priority: Increasing legal services in this District, especially a LInC and CLC.</p> <p>Priorities: Increased capacity for proven services and continued sharing of identified good practices.</p> <p>Priorities: Increased knowledge of and networking among existing services; multi-sector responses; rural outreach.</p> <p>Priority: Addressing the deep unmet legal need of this District.</p> <p>60. The St. Paul Judicial District receive priority attention as an underserved area with particular depth of legal and social need. It is recommended that:</p> <p>a) Alberta Justice and/or the Solicitor</p>

<p>5.7. Red Deer Judicial District</p> <p>5.8. Wetaskiwin Judicial District</p>	<p>General take the lead in forming a collaboration of major legal services and funders to develop and deliver legal and related in-person service information sessions organized in St. Paul, Bonnyville, Cold Lake, Lac La Biche and Lloydminster, that include:</p> <ul style="list-style-type: none"> i. representatives from major legal services who also make presentations and provide related PLEI materials, including conveying materials to local services that cannot attend the sessions; ii. cultural sensitivity training for all legal service providers, with special attention to ethnic communities and understanding disabilities; iii. attention to the relevance of Recommendations 8, 9, 13, 41, 43, 48 and 49 in developing these sessions. <ul style="list-style-type: none"> b) The Legal Resource Centre and the Lethbridge College Public Legal Education Program are encouraged to work together to expand video-linked PLE into the St. Paul Judicial District public libraries or other community spaces. c) Establishing a LInC with strong PLEI and outreach capacity is made a priority for St. Paul. d) Assessment of re-organized LAA services to the St. Paul Judicial District is undertaken immediately, and addressing gaps and inadequacies is prioritized. e) The St. Paul Judicial District is highlighted as a high priority for increased legal service resources of all kinds, including further research, and especially initiatives that incorporate holistic solutions to both the legal and social components of problems. <p>Priorities: increased outreach to surrounding communities, including further research to better understand rural needs in this area.</p> <p>Priorities: Increased provider knowledge and</p>
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	networking; linking public libraries into existing PLE video programs; outreach across the District.
5.9 Drumheller Judicial District	Priorities: Increased knowledge of and networking with existing services; further research to better understand some distinct characteristics of this District.
5.10 Grande Prairie Judicial District	Priorities: Increased capacity of existing services; further inquiry into conditions in Grande Cache.
5.11 Peace River Judicial District	Priorities: Increased capacity for existing services; establishing a LInC and CLC serving this district with strong outreach components.

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