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## Alberta Legal Services Mapping Project: Research Proposal

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## **Alberta Legal Services Mapping Project** **Research Proposal**

*The most advanced justice system in the world is a failure if it does not provide justice to the people it is meant to serve. Access to justice is therefore critical.*<sup>1</sup>

### **A. Purpose of the Proposal**

The purpose of this proposal is to set out a preliminary research plan to create a province-wide 'map' or atlas of legal services that provides to the Alberta public information, education, legal advice, legal representation and/or other support or assistance related to legal problems. The map will include the central services provided by *pro bono* initiatives, clinics, public legal education services, courts, legal aid, the private Bar and social services relevant to the needs of users of the justice system. The map will extend to civil, family, criminal and administrative justice programs. For the purposes of simplicity, in this document we will hereafter refer to this complex as 'legal services'. The reader should assume that wherever this phrase is used, it refers to the much larger basket of services defined above.

A 'mapping process' is a form of needs assessment research that takes a collaborative network approach to creating a picture of what programs and services exist, and how they are experienced.<sup>2</sup> This process will also reveal strengths in current programs on which to build and gaps in services that need to be addressed, in order to improve the administration of justice in Alberta. The process of mapping legal services in Alberta will contribute to the Law Foundation objectives of:

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<sup>1</sup> The Right Honourable Beverley McLachlin, PC, Chief Justice of Canada, "The Challenges We Face" (Address to the Empire Club of Canada, 8 March 2007) at 3, online: <<http://www.cfcj-fcjc.org/docs/2007/mclachlin-empireclub-en.pdf>>.

<sup>2</sup> For over a decade, civil justice reform reports have underlined the need to involve a wide and representative group of stakeholders in developing policies that make the civil and family justice systems more accessible, effective, fair and efficient for the people it serves. A collaborative, action approach to research is invaluable in achieving effective policy and program change. The collaborative design of the Alberta province-wide mapping project will also encourage networking between individuals and organizations within the civil justice system and the larger community, and will lead to better integration of services within the justice system, and ultimately improved access for the public.

- (i) conducting research into and recommending reform of law and the administration of justice;
- (iii) contributing to the legal education and knowledge of the people of Alberta and providing programs and facilities for those purposes; and
- (iv) providing assistance to native people's legal programs, student legal aid programs, and programs of like nature.

This proposal describes the scope of the proposed project, presents the basic research questions, outlines the potential research methodology that can be employed to answer those questions and provides a preliminary plan for moving forward, including estimates of the costs and timelines to complete the proposed project.

## **B. Rationale**

Our justice system is a fundamental and far-reaching component of Canada's system of democracy. It is complex with four broad divisions of law: civil, family, criminal and administrative. There are also overlapping provincial, territorial, and federal jurisdictions and responsibilities as well as both substantive and procedural laws which must be applied in each situation. There is growing empirical evidence that the majority of Canadians lack knowledge and understanding of the justice system, its processes, and how those processes relate to their legal issues. Public participants in the *Civil Justice System & the Public* research by the Canadian Forum on Civil Justice, invariably told us they knew little about the civil justice system and had not recognized a need to gain that knowledge before they became personally involved in a legal dispute. As a result, the public typically seeks information about the civil process while under stress and experiencing serious social and/or emotional crisis. As the following research participant explained, when confronted with a need for legal information, members of the public do not know where to begin, what to do, where to go, or who to speak to:

I had no clue ... I initially asked my friends ... my brother ... "Dial-a-Lawyer" ... I called the courthouse ... I went to the police station. .... If you don't know where to start, you don't know what questions to ask, and if no one is giving you the answers to the questions you don't ask, you're not going to learn new stuff. [Public 202]

Other research confirms that many people with legal problems do not recognize their need for legal assistance or do not know where to begin in seeking legal

information and representation.<sup>3</sup> Consequently, when they need legal information and services they often have a difficult time identifying, accessing and negotiating the elements of the justice system and related legal services that they need.

As stated in the paper, "Into the Future: Confirming Our Common Vision"<sup>4</sup>, at the most basic level, our justice system exists to provide people with access to knowledge about their rights, and if necessary point them to a means of enforcing those rights. Lack of public understanding of our justice system is therefore a key and fundamental concern for the administration of justice. Many justice community stakeholders in Alberta and across Canada have recognized the need to improve services as well as the importance of systematic evidence-based research to developing effective policies, programs and facilities. One example of the practical value of this kind of research has been demonstrated by the *Alberta Self-Represented Litigants Mapping Project*.

In Alberta in 2006, government and community stakeholders concerned with improving the public understanding and access to justice, partnered to conduct the *Alberta Self-Represented Litigants Mapping Project*.<sup>5</sup> This research has been relied on in the design of Alberta's new Law Information Centres (LInCs) which are a promising collaboration by government and local service providers. The working relationships which have been fostered through the research, design and implementation of the LInCs are providing a new way of doing business in the justice community. In turn, the information provided by the *Alberta Self-Represented Litigants Mapping Project* has promoted interest in a more comprehensive mapping of legal services across Alberta.

There is a need to broaden the map beyond those individuals who are in courts without counsel, which was by definition the focus of the SRL mapping research, and to obtain a full understanding of the justice systems, programs and facilities in Alberta. The province-wide mapping project is designed to provide, in a coordinated manner, increased understanding of existing legal services and of the needs of the citizens who use them. Such a broad map of the Alberta justice

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<sup>3</sup> See for example, Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*. (Ottawa: Department of Justice, 2007); Barbara Billingsley, Diana Lowe and Mary Stratton, *Civil Justice System and the Public: Learning from Experiences to find Practices that Work* (Edmonton: Canadian Forum on Civil Justice, 2006), online: <<http://www.cfcj-fcjc.org/docs/CJSPLearningFromExperiences.pdf>>; Mary Stratton & Travis Anderson, *Social, Economic and Health Problems Associated with a Lack of Access to the Courts*, (Final Report to Ab Currie, Principal Researcher, Research and Statistics Division, Department of Justice Canada, March 2006) [under review - unpublished report is available from the authors].

<sup>4</sup> Jerry McHale, QC and Diana Lowe, Canadian Forum on Civil Justice, 2006 available online: <http://www.cfcj-fcjc.org/docs/2006/commonvision-en.pdf>

<sup>5</sup> This project was funded by matching grants from the Alberta Law Foundation and Alberta Justice.

system has never previously existed<sup>6</sup>. Its creation through this collaborative action process will allow informed recommendations to be made that address needed reforms to the law and improvements to the administration of justice. The information gained will assist in:

- enhancing existing programs and services that work well;
- shifting resources where duplication is identified;
- creating new programs and services where gaps exist, and
- identifying needed changes to current law, rules and practice.

Findings from the mapping research will enable government, educators, service providers and funders to move forward with a shared basis for reform based on objective evidence. At the same time, it will provide both the justice community and the public with a full picture of the landscape of programs and services that exist in the justice system in Alberta. A full understanding of the scope and relationship of legal services will contribute significantly to the legal education and knowledge of the people of Alberta.

## **C. Broad Research Questions and Information Goals**

The intent of this section is to outline the nature of the broad research questions to be addressed by the project. The proposed project has several interlocked information goals that can each be posed as a separate and broad research question. These main research questions and related sub-components are presented below. Section E then discusses the methods and procedures by which these questions can be answered.

### **The Broad Research Questions**

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

**(I) Exactly which services are supplied? Are they:**

- Legal Information, legal education, legal advice, legal representation or legal support?<sup>7</sup>

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<sup>6</sup> The Alberta SRL Mapping project provides a base of information from which the broader, province-wide project will benefit. That SRL Mapping research has already provided important and perhaps even surprising results, such as our finding that the Red Deer region is more under-served than the north. This finding will have significant implications for priority-setting both in government and other service providing organizations.

<sup>7</sup> In the *Alberta Self-represented Litigants Mapping Project* the following definitions were used: **Legal Information and education:** information and education about the law in general, about the options that are available, about the basic court processes. Can be in the form of written materials (pamphlets, brochures, websites), educational programs, or telephone/in-person services. **Legal Advice:** involves individualized answers about how the law would apply to a

- For which areas of law are these services provided (civil, family, criminal and administrative)?<sup>8</sup> Do they address procedural questions? Substantive law?
  - To which courts, and/or administrative tribunals do they apply? (Provincial Court, Court of Queen's Bench; Court of Appeal; Federal Courts; Administrative Tribunals)
- (II) What organization delivers the services and where are these located in relation to the clients using or needing to access the services?**
- Do services correspond to population distributions?
  - Can clients readily identify and access the services they need (clear and easy to find service information; appropriate hours of operation; access to buildings, transportation, etc.)?
- (III) To whom are the services available? Who are the actual users?**
- Are there eligibility criteria or other qualifying factors?
  - Do the service suppliers identify existing barriers and gaps in these services?
  - Are there gaps in 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 duplication of services?
  - Are there functioning collaborations for service delivery?

Gaining evidence-based insights into how legal services are organized and operate is an essential part of the research product. With large organizations it will be necessary to understand internal relationships and networks as well as interactions with other organizations providing or referring to legal services. It is also important to recognize that clients' lives do not fall neatly into the divisions created by legal areas of practice or court divisions. For example, with family cases there are frequently cross-over issues that involve criminal, civil and administrative legal matters (eg. violence, landlord & tenant, maintenance

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person's particular case, what outcome is likely in the person's case, or what option the person should pursue. Legal advice can only be given by a lawyer and a law student or paralegal working under the supervision of a lawyer. **Legal Representation:** involves a lawyer, law student or paralegal recognized by the Court, preparing legal documents (pleadings, Affidavit, etc) or appearing on behalf of a client. Could include duty counsel and unbundled legal services such as drafting of pleadings. **Legal Support:** services that offer court support programs or advocacy on the behalf of clients needing legal assistance. (p.65).

<sup>8</sup> A further breakdown of services will be identified within each of these areas, eg. family law will include separation, divorce, custody, maintenance, property.

enforcement). Recent research has emphasized the tendency for legal and social problems to cluster<sup>9</sup> and it is therefore important for local services to recognize these linkages and have an effective system of accurate referrals.

The mapping project will approach the justice system as the public would, and in doing so will be able to identify difficulties they experience in gaining access to needed information and services. It is important to understand who citizens first approach for help and whether these sources actually provide accurate information and referrals. A traditional avenue of seeking legal knowledge is to approach the office of the local sitting member of the Provincial or Federal government, and local municipal offices as well. It is also quite common for people with legal problems to have involvement with local social services of some kind. For this reason, the proposed mapping project will include the broad group of community and government services providers that the public approaches to access information and assistance in general. The employees of these offices who are routinely engaged in helping citizens can provide valuable insights if interviewed, and any records of queries for legal information or assistance will also be informative to the mapping research findings.

## **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? (eg. 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)?

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<sup>9</sup> Stratton & Anderson, *supra* note 6; Ab Currie, *The Legal Problems of Everyday Life* (2007) [unpublished].

**(IV) Are there identifiable gaps in 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 of local key coordinators 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?

**Information Goals**

These questions underline the need for a province-wide map of legal information, education and/or other legal assistance services for the Alberta public. The questions provide a framework of information goals which will be met via the mapping research, and which are summarized here:



- *Establish a meaningful regional organization of the legal services to be mapped.* It is recognized that some services are and will continue to be delivered on a province-wide basis, and in certain cases (such as EI, CPP and OAS benefits, immigration, income taxation, and passport issues) on a national basis, and this must be accommodated. However, it is recommended that the ultimate map of services should be localized by judicial district. The reason for this suggestion is that many legal services, especially outside regional centres, are associated with or dependant upon court locations and circuit schedules. Using judicial districts as the organizing framework therefore provides a structure that has some grounding in current organization and practice.
- *Gather together and organize pre-existing legal service information.* There are many pre-existing lists and directories of legal and social services that can provide basic information as a starting point for the mapping. Data from the SRL mapping will be extremely informative for the areas covered by this project.
- *Identify both client and population characteristics for the mapping jurisdictions.* It is important to identify the social characteristics of those who currently benefit or might potentially benefit in the future from various legal services in specific district locales, and particularly where unmet needs are involved. The service organizations themselves likely know a lot about their clientele. Accessing their institutional memory and records should provide much useful information in this regard. In addition, they may be able to provide access to their stream of clients for the purposes of asking questions of the clients directly. Population statistics are also available from Census data.
- *Facilitate information networks among service providers.* A strength of the mapping research approach is that working in cooperation with those individuals and agencies already striving to provide Albertans with effective and efficient legal services, encourages local information sharing and serves as a model for collaborative engagement. This in turn makes it more likely that the findings and recommendations will be adopted and well-integrated by all of the service providers.
- *Identify both current service strengths and gaps in service delivery.* Compiling data to answer the first and second broad research questions will provide the information needed to make recommendations for enhancing existing services and to identify and address service gaps. Responses to the first two research questions will also help to address aspects of the third, particularly in regard to PLEI delivery. Including a component of the research that looks more closely at PLEI content and effectiveness is also desirable.

- *Identify a mechanism for sharing and maintaining the rich information provided by the mapping research.* It will be important to ask questions concerning the sharing, maintenance and updating of information about available services. It is highly desirable to make this information available as widely and in as user-friendly a fashion as possible, so that service providers and citizens may immediately benefit. Possible means are: a new website; additions and improvements to an existing site; a telephone based query system with which members of the public may ask what they should do given their particular problems; or more likely, a combination of all these avenues. It is important to build in an assessment aspect to any dissemination arrangement so that it is easily known what kinds of information clients are searching for in the public information system, whether they are finding it, and if not, why not.

The process of consultation and collaboration inherent in a mapping process can be expected to reveal the most effective ways to achieve these information goals. It will also be important to develop an agreed method for conveying critique and suggestions for change to existing service delivery stakeholders, at an early stage in the project design and development.

## **D. Project Products**

### **What will emerge from the project:**

- *Comprehensive lists of legal service provider agencies and individuals and their contact information for the use of the public in their searches for legal information and referrals.*<sup>10</sup> This information will be available over the internet to assist citizens in assessing the nature of their problems and possible courses of action, and as a desktop resource for traditional in-person counter assistance. It will provide an accumulating record of legal needs which the public seeks web-based assistance for.
- *A searchable database that organizes the lists of service providers within the 11 Alberta judicial districts, and will be searchable by areas of legal need. This could be built on top of an existing system such as the Law Line, LInC, or A-Link, or as an extension to these directories, if that is the preference of existing service providers.*<sup>11</sup> The experience of

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<sup>10</sup> While public access to this database should be encouraged, research shows that the public prefers to obtain individual assistance, either in-person or by telephone. Support in the use of the database should be provided to those who need it.

<sup>11</sup> Designing databases is a special skill which will have to be arranged for and budgeted separately from this project, if the decision is to create an entirely new system. One can envision the public part of such a dissemination system as a large web-based database using a query system such as Google now provides, localized by judicial district whenever possible. A more

the LInCs in making the data from the SRL Mapping Project accessible, will provide helpful lessons in this regard.

- *Specific attention to the public legal education and information* component of services with regard to which agencies are providing it, to whom, where, the focus of these programs, and under which circumstances.
- *Public evaluations* of the specific services that listed agencies provide (which will identify valued services, ineffective services and unmet needs). This information will be shared with service providers, with the goal of ensuring both that approaches which are valued by the public are maintained and provide models for improving or creating new services, and that changes and improvements are made where needed.
- *A feedback mechanism.* The public web page should also provide a comment system in which clients can report when they cannot obtain local assistance for particular problems. This will be a valuable source of information about unmet client demand. If for example a particular problem for which there is no immediate solution recurs in the log of web queries, then this can be taken as a 'canary in the mine' identifying a gap in services or a misconception in the design of the service categorization on the web resource.
- *An ongoing analysis vehicle.* The database design will also have a separate and private analytic section for the accumulation of interview and assessment materials gathered in the mapping process, which will not be available to the public. The database will capture records of usage on queries, which will enable an ongoing analytic activity assessing the use patterns of the public information system. The database reports will be designed to routinely identify unmet information requests made by users of the system.<sup>12</sup>
- *An analytical research report* which identifies client issues and characteristics, their success in finding relevant legal services and insight on how to improve access to relevant legal services. Ideally, the project will be able to state, for example, that legal problems in a given population occur to x% every year, that the services are rendered in the following volumes by these organizations with a given degree of client satisfaction and that the following areas are indicative of this

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ambitious approach might involve an ORACLE-based system, which is a much more sophisticated software search product than Google.

<sup>12</sup> Software is readily available to accomplish this objective.

degree of unmet needs with the following effects. In addition, there will be some measure of efficacy available for existing services.

- *A provincial Steering Committee of justice community partners* based on the JPAC model, which will be prepared to receive periodic reports from the research team on progress made and emergent problems. Such a committee could authorize a change of direction or approach dictated by events when situations warrant, and would remove this responsibility from staff who might otherwise be unwilling to take the risk of altering the plan.
- *An ongoing analytic project* which assesses the quality of information as it is collected and finds underlying patterns of variation and uniformity in that information. This will include preparation of a final report covering all the activities of the project over its full duration.<sup>13</sup>

## E. Potential Research Methods

The collection of information from individuals and organizations by means of systematic questioning is by now a well-established discipline. Generations of social science researchers have perfected the techniques of the interview and the use of institutional records. While no single method is without flaws and limitations, using several methods concurrently to answer research questions generally strengthens the validity and robustness of the collected information.

Action research is an approach used when the goal is to bring about change to current applied practice. Mapping is a tool employed when encouraging community participation and ownership of the research process, which is in turn essential to achieving effective change. These combined approaches to research employ established and rigorous research methods, however choices and implementation are made in collaboration with members of the community to be researched.

The following commonly accepted methods are all potential ways in which data will be collected for the proposed mapping of Alberta legal services:

- **The examination and analysis of data from institutional records** which may include paper files, electronic files, summary tables of activity, and information collated and reported by representatives of the agencies

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<sup>13</sup> Prior to the release of the final report, as results become available, they will be shared with the mapping partners and may also be publicized in public presentations, media releases, the presentation of papers at relevant academic and practitioner conferences, and articles in relevant academic journals and practitioner publications. Data collected should also be made available to outside researchers for secondary analysis under appropriate terms and conditions, to encourage and support interest in this issue among social science researchers.

involved (e.g., legal aid, court registries, community legal clinics, PLEI organizations, etc.).

- **Developing awareness and documentation of relevant social context factors.** This generally includes the incorporation of available data about populations and other relevant social demographics. In the context of this project these may also include: non-obvious sources of advice such as police services, tax preparers, the offices of local elected officials, and trusted persons in the community who have experienced the same set of circumstances previously (through individual accounts or case studies); the observations of trained legal service providers; and the growing trust and use of the ever-increasing information resources available online.
- **Interviews**, either in person or on the telephone, with respondents who are pivotal officials, service providers, clients of the services involved, and/or any other identified key informant with information germane to the research questions. Interviews may be structured (questions are delivered from and recorded on preprinted forms, usually referred to as questionnaires or surveys). They may also take the form of open-ended inquiries where participants are encouraged to respond to questions in their own words). Sometimes both approaches are combined.<sup>14</sup>
- **Focus Groups** are sometimes used in place of, or as a complement to, individual interviews because they allow one researcher to obtain information from several participants at the same time. Focus groups are organized discussions lead by a facilitator with a prepared set of questions. While no statistical inferences can be drawn from focus group discussions, the fact that these groups are held under controlled circumstances by a project worker who has the ability to ask follow-up questions and pursue unexpected comments and particularly non-verbal reactions which arise during the group meetings has certain advantages.
- **“Test” or “simulated clients”** may be used to record the client response patterns of advising agencies. A researcher may pose as a client or a researcher might accompany a legitimate seeker of advice during their search for assistance and/or counseling sessions.
- **Observations** may also be recorded and used to inform research findings. Usually researchers make the observations in the course of interacting with service providers to conduct other aspects of the research

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<sup>14</sup> The development of specific questions and approaches is a highly skilled process that requires both technical social research expertise and the input of key stakeholders in the legal services community who have the knowledge of that community culture, technology and service issues.

program. Occasionally, collaborating clients may also provide recorded observations, rather than a structured interview.

These methods have been widely employed in whole or in part and, in general, they have been successful in providing reliable and concrete evidence of the nature of client needs, the numerical proportions found between the types of information and assistance needed, and in the description of the nature of the institutional responses, together with some indication of gaps in the services available. More detailed information on methods reported in literature, which are of direct relevance to this proposed legal service mapping, is contained in Appendix 1 to this proposal.

Section F now presents a more detailed model of how the above methods might be most effectively applied to provide answers to the research questions posed in Section III. The methods and procedures will be finalized in consultation with mapping project partners, and will be tested in a pilot project in a selected judicial district. Initial problems will be identified and rectified during this pilot stage and the research will then be extended systematically to the balance of judicial districts.

## **F. Proposed Project Design and Operational Plan**

A successful research project occurs in a number of important stages and involves many distinct steps. These are listed below in approximate order, however once the first stages are complete, some of the remaining stages may actually take place concurrently.<sup>15</sup>

- Stage One: Project Direction and Partnership Coordination
- Stage Two: Establish the Research Team and Design the Instruments
- Stage Three: Pilot Site Data Collection
  - Organization identification and service reporting
  - Mining of service provider records
  - Client perspectives
  - Data management, analysis and interim reporting
- Stage Four: Data Collection in Remaining Judicial Districts
- Stage Five: Final Report

### **Stage One: Project Direction and Partnership Coordination (4-6 months)**

#### *Research Coordinator:*

Once funding for the project is confirmed, the first step will be to advertise and hire a Research Coordinator who will be the primary staff person responsible for

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<sup>15</sup> It should be noted that the inclusion of research partners which is planned in the first stage of the project, may have an impact on the proposed operational plan, timelines and budget, which may need to be modified once we learn what contributions these partners are able to make to the project.

the conduct of the project. The Research Coordinator will be a social scientist with field research experience who will work closely with and under the direction of the Mapping Project Research Directors and Steering Committee. The Research Coordinator will undertake the work at every stage of the Mapping Project, and must therefore be in place before the project can begin. The Research Coordinator will liaise with the partners and Steering Committee, hire and supervise the research staff, design the research instruments, direct the data collection, storage and analysis, and be responsible for final reporting on the project.

It is important to note however, that there is a lack of socio-legal research capacity both within Canada and internationally, especially in the areas of non-criminal social research.<sup>16</sup> This means that the pool of qualified candidates is small, and that every effort will need to be made to identify and encourage candidates to apply for this position. For this reason it is important that we are able to offer a three-year term for the position, as the pool of interested candidates would be even smaller for a shorter term contract.<sup>17</sup> While advertising will be done in Alberta and nationally, there is a high possibility that we will incur relocation costs in order to move the candidate to Edmonton where the Research Team will be based. In the current economic climate in Edmonton, with high housing and living costs, we may be faced with a need to offer a higher starting salary than might otherwise have been expected.

*Partnership Development and Coordination:*

The involvement of key stakeholders from throughout the justice community will be fundamental to the success of the mapping project. The Alberta Justice Policy Advisory Committee (JPAC) and its component Working Groups provide a ready-made vehicle for bringing together these justice community partners<sup>18</sup>, and we have already begun the process of partnership development for this project through preliminary discussions at the JPAC Research Working Group. Working Group members invited justice community stakeholders to share their research priorities, which have been analyzed and themed for presentation at the JPAC meeting on June 11, 2007. The Forum included a brief description of the province-wide mapping project among the research priorities that we shared with the Working Group, and interest in this project has been expressed by a number

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<sup>16</sup> In the UK, the Nuffield Foundation funded the Inquiry on Empirical Research in Law to look at the lack of social science researchers who are working in the legal field, and to consider possible means of encouraging the building of socio-legal research capacity to address the real need for this kind of work to support a better understanding of the justice systems. The final report, *Law in the Real World: Improving Our Understanding of How Law Works*, is available at <http://www.ucl.ac.uk/laws/socio-legal/empirical/>. The Forum is also making efforts to build socio-legal research capacity in Canada, and has currently undertaken a program of research in British Columbia, to identify social science researchers and introduce them to this field of research.

<sup>17</sup> For example, it was challenging to hire a qualified researcher to conduct the preliminary research that was required for the "Designing an Alberta-Wide Mapping Project" which formed the basis for this research proposal.

<sup>18</sup> Along with the JPAC structure, the Self-Represented Litigants Advisory Committee and associated NGO sub-committees will also be a valuable resource in establishing the partnership.

of key justice community stakeholders<sup>19</sup>. Initial indications are that there will be support within the justice community for moving ahead with this project, and if funding for this project is approved, one of our first priorities will be to extend invitations to key justice community stakeholders to join the project as partners.

Potential partners for the project include:

- Alberta Law Foundation
- Alberta Justice
- Alberta Solicitor General
- Justice Canada
- Courts (Provincial Court, Court of Queen's Bench, Court of Appeal, Federal Court, Tax Court)
- Judiciary
- Bar (Law Society, Canadian Bar Association, Trial Lawyers Associations)
- Alberta Legal Aid
- Community clinics
- *Pro Bono* Law Alberta
- Public Legal Education and Information organizations
- The Premier's Council on the Status of Persons with Disabilities
- Police Representatives
- Aboriginal organizations
- Public/Community/NGO Representatives

Once the partnership is established, each partner will be asked to complete a survey which will assist the Research Team to understand their respective interest in the Alberta Mapping Project, as well as identifying issues of priority, details about the role they will play in the research (including funding contributions, in-kind contributions, access to organizational data, access to key informants for interviews and focus groups, dissemination of findings), expectations and deliverables. The information obtained from these survey responses will assist with establishing expected outcomes for the research, ensuring that partner needs are addressed, research design and detailed budgeting.

There will be many benefits to involving such a broad partnership for the project, including the likelihood that this will eliminate or significantly reduce any barriers the researchers might otherwise face with gaining access to research subjects and data. Research involving institutions and formal services can pose special entry problems for project researchers unless key informants in each locale can be identified. Stakeholder buy-in and collaboration will be essential to the success of this project. The project should above all not be seen as a threat to

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<sup>19</sup> Correspondence from the Peter Michalyszyn, QC of the Law Society of Alberta to the Chair of the JPAC Research Working Group is included as Appendix 2, with permission of the Law Society of Alberta.



those already providing assistance and indeed that it will provide benefits in return for cooperation.

*Project Direction:*

It is proposed that the project will be directed by 4-5 Research Directors including Mary Stratton (Research Director of the Canadian Forum on Civil Justice), Diana Lowe (Executive Director of the Canadian Forum on Civil Justice), representatives of the Alberta Law Foundation, Alberta Justice and perhaps one additional key stakeholder. The overall direction of the Mapping Project will rest with the Research Directors, who will work as a team and will be responsible for the overall project management, the integrity of the research, the development of the pilot design and the communication of findings and recommendations. The Directors will be responsible for compliance with ethical guidelines, research quality, research methodology, and the training and supervision of research staff, most particularly the Research Coordinator.

A Steering Committee will be established very early in the project, and will be made up of representatives of the above-noted justice community partners. The Steering Committee will work together to ensure that the research is informed by the perspectives, knowledge and interests of the key components of the justice system in Alberta. The partner representatives will provide information from these key perspectives, will return information to their constituents, and will assist the Research Directors and Research Staff to gain entry to the justice system and the data required for the conduct of the research.

As the Mapping Project moves forward, the Steering Committee will be able to provide valuable information about new, changing and/or unserved demands, any new concerns which arise in the system, and also problems with the quality of existing information as it is being dispensed. Constant assessment of methods and practices is highly desirable and an additional goal of the project that is put in motion by the formation of an actively involved Steering Committee.

The Steering Committee will also assist the Research Team to identify and involve key local coordinators who will act as key contacts for the Research Team in each judicial district, assisting with identification of local service providers and keep their local community informed about the Research. These individuals will form local Advisory Groups for the research project.

It will also be important to keep critical supporting agencies informed generally as the project progresses, and to advise of both problems and opportunities. Information bulletins can be used to lay the groundwork in the districts not initially mapped. If the information material can go to local contacts in all the districts from the outset, then the project can present an imminent presence long before the Research Team arrives with their information gathering tools.

*Decision-making.* Decisions about the research will be made by the Research Directors, in consultation and collaboration with the Steering Committee to the extent possible.

## **Stage Two: Establish the Research Team and Design the Instruments**

(4 months)

In the second stage of the project, a research team with a range of suitable skills and abilities will be hired and trained. Researcher entrée ability will be an important selection criteria, as well as technical research experience and knowledge. It is anticipated that three Research Assistants (or their full-time equivalent) will be required for the duration of the project.

Office space will be acquired for the team, either within the Law Centre or University of Alberta campus if available, or as commercial space on a lease agreement. Furniture, telephones, basic office supplies, computer equipment and software will need to be in place, and the cost associated will depend on the location and proximity of the office space in relation to the Forum offices in the Law Centre.

Research staff will need to receive training about the purpose of the research, the methodologies, the organization of the justice system, and the technical and software needs of the project.

### *Proposed Project Geography*

It is important to use a common system of geographical organization to ensure the capture of differences in the experience of clients and in the level of services provided from place to place. The most obvious and appropriate manner of doing this is to use the current judicial district system. Alberta is divided into eleven judicial districts as shown in Figure 1, below. Unless some compelling reason emerges to use an alternative geographic, it will be prudent to use these pre-existing jurisdictions as the number of districts is both manageable and useful.

## **Figure 1: Judicial Boundaries in Alberta**

- Calgary
- Drumheller
- Edmonton / Hinton
- Fort McMurray
- Grande Prairie
- High Level / Peace River
- Lethbridge
- Medicine Hat
- Red Deer
- St. Paul
- Wetaskiwin



One judicial district will be selected as a pilot site, likely an urban or at least city-centered district. The selection will be based on the convenience of operational factors and will be decided by the Research Directors in consultation with the Steering Committee.

The pilot site data collection will first be completed and assessed, and if the field experience from the pilot suggests changes to the research approach would be beneficial, these will be made before commencing the field research in the remaining 10 judicial districts.<sup>20</sup>

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<sup>20</sup> It may be necessary to address any identified deficiencies in the pilot data by re-interviewing or following up with participants.

### *Detailed Research Plan*

In consultation with the Steering Committee, the Research Directors and Research Coordinator will develop the detailed pilot research plan (such as the employment of surveys, interviews, focus groups, etc.) and the development of the research instruments to be used. The research instruments for the Pilot Project will be developed and tested during Stage Two. This will include data capture approaches; questions and interview guides for interviews with clients, service providers and court officials; and collecting records from court and service organizations.

An essential step in the creation of the research instruments, will be a literature review and inventory of good practices which will ensure that the Research Team is aware of any similar mapping projects or needs assessments that have taken place in Canada and elsewhere. Preliminary work on this bibliography was undertaken in the initial design phase of this project, and is summarized in Appendix I. The research will benefit from the experience of similar undertakings in other jurisdictions, and particularly in the United States and the United Kingdom.

The Research Coordinator and Research Assistants who will be working in the field will need to be provided with an introduction to the justice community, and with “credentials” that will facilitate their entrée. The Steering Committee and Research Directors will guide and assist with these initial contacts, which will likely be made through requests to key contacts in the justice community. This will include the development of introductory materials which explain the nature and expected benefits of the project. These introductory materials will be prepared and distributed to known service organizations in the pilot judicial district, in advance of first contact. The materials will include a personalized covering letter indicating the endorsement of the project and the active support of justice community partners, a description of the project purpose emphasizing that this is a collaborative project of many partners designed to generate and disseminate helpful information, advice and assistance to existing organizations.

### **Stage Three: Pilot Project Data Collection (9-12 months)**

#### **a) Organization identification and service reporting**

It is currently estimated that completion of the pilot may well consume one year of operations with four or five districts completed in the second year and the remaining five or six completed in the third year. It may be necessary to re-consider these timelines during the detailed development of the project.

The following steps will be required to identify the range of legal service organizations and services in the pilot judicial district, and to document what services they offer, how these services are provided and to which clients they are available:

- Identification and collection of contact information for legal and other relevant community service providers, utilizing existing lists and directories; the knowledge of the Steering Committee and local Advisory Groups; findings of the SRL Mapping project; Internet, library, community information centres, and any other available sources. Contact lists should include
  - key court personnel
  - Legal service providers
  - Relevant community and social service representatives
  - local police officials
  - representatives of local elected members' offices
  
- Organization of this service information into the relevant judicial districts, decisions about relevance for inclusion in the mapping project, and identifications of gaps in existing lists.<sup>21</sup>
  
- Existing service lists will provide a basis for a first round of contacts. It is important to quickly locate a key informant or informants within a given target district in order to find out what information collections already exist. Key informants can be asked to provide any updates or revisions to the collected lists and to add other known services to which they refer clients. Potential language and cultural barriers can be identified (for example with immigrant settlement organizations and their clients). Key contacts can be asked to assist in resolving language difficulties when planning interviews with clients.
  
- Interviews (or other forms of data collection) will be scheduled and conducted with all services identified for inclusion in the mapping project. Representatives of each of these organizations can be approached for interviews on their perspectives of their roles in providing assistance, their views of the broad range of client problems presented, and also about gaps in the local service assistance matrix. It will also be important to include the manner in which client referrals take place (whether by word of mouth, the internet, Yellow Pages, other potential mechanisms, or a combination of these).
  
- This step of the project process is complete in a district when no further organizations or services can be identified by the body of all informants

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<sup>21</sup> Decisions will have to be made about the extent of the service mapping. For example, local contact information for legal aid and for any individual lawyers known for *pro bono* work would probably be collected. Some organizations, however, may fall into a gray area for inclusion such as income tax advisors. The latter may well represent clients in income tax disputes which carry the potential of fine or even imprisonment. Also in the gray area are non-lawyer advocates who represent convicted persons at events such as dangerous offender hearings, or other legal processes.

whose interviews have been completed.<sup>22</sup> Researchers should, however, always be prepared to alter, amend or augment the list as the project moves forward.

### **b) Mining of service provider records**

The capture of institutional records concerning service delivery client numbers and unmet client needs or inquiries is also an important form of data. The research team will ask the service providers they contact to provide any institutional records that can contribute to greater understanding of legal service delivery (bearing in mind the need to protect the confidentiality of individual clients). Even if such records are only in a basic tabular form, they can provide researchers with some idea of the nature and volume of the requests that clients are making of the services.

- The project will accumulate summary statistical information on each legal services entity and its clients, if possible. In the optimal circumstance, a researcher would find a case-based client information system which could then be mined for client information. More likely though, is a circumstance in which records are on paper and sparsely in detail. Unavailability of such information is also an important finding. In such cases it may be necessary to capture complete client information from a sample of new clients who appear during a chosen reference period of time.
- In addition to client numbers, it will be critical to capture the social characteristics of the clients, the nature of the problems presented and the outcome of the advising event (whether a further referral, solution or abandonment of the action). Researchers will be particularly attuned to problems that appear to have no current solutions available from services in that judicial district.
- Public court records may also contribute to a better understanding of legal service needs, especially in terms of the litigation process and need for legal representation and/or the extent of self-representation. Any information about various types of actions together with the outcomes, if known will be useful. It might also be possible with the cooperation of local court officials to select a sample of self-represented parties
- Interviews with court officials should be sought to capture both their first hand experiences within the justice system and their particular experiences dealing with self-representing litigants.

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<sup>22</sup> It must always be kept in mind however, that citizens have their own informal parallel networks of advice and assistance, and that these may not be the same as the norms of community institutions. This important information should be captured within the client/public interviews.

### **c) Public perspectives**

Identifying and interviewing a selection of clients of some or all of the listed service organizations, will be essential to fully understanding public or user needs. The cooperation of service providers in facilitating client involvement will be essential. Service providers cannot breach confidentiality by providing the research team with client contact information, therefore service personnel will be asked to provide clients with an invitation to be part of this mapping project. Every effort should be made to obtain a representative range of public input.

- Informants could be asked at initial contact with an agency whether they would agree to answer a few research-related questions given a grant of anonymity. We will ask about the process of getting their problem solved or not solved as the case may be, their perceptions about the process and what would have made it easier. If many organizations are involved, only a few clients from each will be required.
- Another approach will be to hold focus groups that draw selected members of the public together in one place for a recorded discussion of their experiences as clients and the outcomes for their legal problem(s). It should be possible to gain some sense about how successful given services are in the performance of their mandates as well. User perceptions can then be balanced against the perceptions of the service providers.
- In addition to interviews and/or focus groups, it may be advantageous to observe a selection of client-service interactions, if all parties agree. Such observations are powerful tools in resolving any differences that arise in the perspectives of clients and service providers.

### **d) Data management, analysis and reporting**

At each stage of the research process careful records must be kept. Records will include:

- Information about all services and organizations considered for inclusion in the mapping research, including records of research team contact.
- Detailed information about all services and organizations contacted for participation in the mapping project including researcher contacts and agreement or refusal to participate.
- Personal open-ended interviews and focus groups will be audio recorded so that information provided can be justified by reliance on a record and not just on the possibly selective recall of the interviewer. Interviews may

be transcribed in full or in part depending on later decisions of the Advisory Committee and Research Team.<sup>23</sup>

- Standardized printed forms will be designed and used to collect information related to predetermined questions and answers (questionnaires). This approach will be used where an exact form of questions can be expected to produce reasonably uniform and comparable answers from all participants.
- Researcher observations will be recorded in word processing files.
- Records of secondary sources of data will be kept ( eg., census records and other statistics).
- All data will be collected and securely stored to preserve confidentiality and comply with guidelines for the ethical conduct of research.
- Data will be analyzed using established techniques appropriate for the data set. Depending on decisions about the data collection formats and quantity of interviews and other statistics it may be desirable to use any of SPSS, SAS or MS Access for storing and analyzing quantitative data and Atlas.ti for qualitative analysis.<sup>24</sup>
- In addition to data collected about legal services, a variety of population data and geographical software offer potentially useful tools to better understand the delivery of legal services in the context of geography and population factors. For example judicial districts can be mapped in Microsoft MapPoint as boundary files and then combined with Census data and population projections using the PCensus program and the Environics Census projections database. The location of particular services can be identified precisely by means of GIS mapping points on

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<sup>23</sup> Data preparation, especially transcription, can be extremely time-consuming. The precise technology chosen for this task will be for the research team and Steering Committee to decide. A promising possibility is digital voice recording for initial capture of the interview resulting in small mp3 sound files for storage and reference. An alternative is combining standard audio recording with a computer software program such as *Dragon Dictate Naturally Speaking*. More detailed advice for the actual research methodology is on file for the information of the research team and advisory committee.

<sup>24</sup> SAS, SPSS, and Access are software programs designed for the entry and statistical analysis of case-based data. In research projects of this sort, each client interviewed or institution record captured becomes a data point. Information must be entered and securely captured in electronic form for later analysis. There are several commercial software programs such as those listed above which are designed to make this recording, storage and analysis routine and reliable. SAS (Statistical Analysis System) is the largest and most sophisticated of these options, with SPSS (Statistical Package for the Social Sciences) being the second in stature. Microsoft Access is a rudimentary utility which comes packaged as part of the Office software suite. It suffers from a lack of statistical analysis tools to use once data are captured. Atlas.ti was the software used to analyze data in the *Civil Justice System and the Public* project.



PCensus maps, allowing the precise calculation of travel distances between clients and service locations and the superimposition of concentric rings of distance from service points. This will provide detailed demographic portraits of the people who live in each district, together with population projections to the year 2015 at a minimum. Such information can be most helpful when interpreting the legal information needs of particular population clusters, underserved clients and where to locate services so that are accessible.

- As the pilot data collection comes to a close, there will be an assessment of methods to date (note: this process can begin during the field collection phase), reporting to the Steering Committee to assess progress, and refining of field practices, if necessary. An Interim report on the pilot will be produced and circulated.
- If maintenance and updating of the services inventory information is to be a project outcome, then some follow-on activity will have to be put in place as the mapping of each jurisdiction is completed. If not already resolved, it will be necessary to determine who will be responsible for managing the web-based resource of legal service organizations.
- Preliminary results will be presented to the participants, for review. This process provides the opportunity for the researched communities to evaluate the validity of the data.

#### **Stage Four: Data Collection in the Remaining Judicial Districts**

(20-24 months)

At the conclusion of the pilot phase, the data collection process will be repeated (subject to any modifications that are considered necessary) in the remaining 10 judicial districts. Information relating to both national service providers and province-wide services, will have been collected in the pilot phase, thus making subsequent jurisdictions less demanding. The anticipated timeline is for the completion of data collection for the remaining 10 judicial districts over a period of 20-24 months.

#### **Stage Five: Final Report (4-6 months)**

Interim reports will be completed at the end of each project year, and (as noted in Footnote 13) these reports and other publications about the research findings will be broadly shared with the Steering Committee, mapping partners, practitioners, academics and the public.

A final report will be produced at the completion of the project. In addition, the full production of the online database of services will be made available at that time.

## Appendix 1

### Previous Research Methodology in this area of study

Considering the importance of the unavoidably widespread phenomenon of citizens with legal issues in need of legal services, and of the related normality of self-representation of persons in legal difficulties in Canada and elsewhere, there has not been a noticeable overabundance of systematic research work on the impact of the organizations and services providing legal services for such persons.

To some extent, this observation reflects a material difference in the phenomenon of self-representation in the United States, the source of much social science research<sup>25</sup>.

Together, the studies which have been reported in the world social science literature highlight the importance of some central methodological tools

- Interviews with pivotal officials and service providers.
- Review and capture of institutional records.
- Interviews, either in person or on the telephone, with clients of services.
- Developing awareness of non-obvious sources of advice such as police services, tax preparers, the offices of local elected officials, and trusted persons in the community who have experienced the same set of circumstances previously.
- Developing awareness of the growing amount of advice available online and also growing trust in online resources.
- Developing awareness of the importance of training and/or preparation of those providing the advice.
- The possibility of using “simulated clients” to record institutional response patterns of advising agencies. A variation on this method is for a researcher to accompany a legitimate seeker of information during their search for assistance and/or observe counseling sessions.

A non-exhaustive account of some of the existing literature follows, emphasizing the methods used to collect relevant information:

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<sup>25</sup> The general right to legal counsel in criminal matters and the widely accepted practice of contingency fees for civil legal representation in the United States has created a much more tractable legal system for middle class Americans. Having noted this difference however, it is still true that there are many information services available to citizens, particularly those in California, including self-help kiosks, centres, unbundled services and advanced on-line services providing information and electronic forms. See, for example, websites such as [www.SelfHelpSupport.org](http://www.SelfHelpSupport.org)

First of all, one general and more theoretical treatment proposes the following categorization of the information seeking and dispensing process together with the underlying 'big' and general research questions associated with each. This categorization suggests the dimensions which studies such as proposed here must consider<sup>26</sup>.

Social information can be thought of as having six different dimensions, each of which can provide a basis for analysis. They are:

1. **function** – why do people need information?
2. **form** – what kind of information do people need?
3. **clusters** – what do people need information about?
4. **agents** – who initiates the information activity?
5. **users** – how do needs differ between different groups of people?
6. **mechanisms** – which mechanisms can be used to meet information needs?

A notable beginning point for Canadian research in this area was Friedland's 1975 book *Access to the Law*.<sup>27</sup> It focused primarily on an empirical study of the mechanisms by which members of the public are informed of their legal options as an educational activity. With the benefit of hindsight however, knowledge of options does not in this instance equate to access, it rather being very much bound up with intractable financing issues which came to be the focus of later research. Also published in 1975 was Wilkins' *Legal Aid in the Criminal Courts*<sup>28</sup> which examined the performance of lawyers working under the Ontario Legal Aid plan.

From the same era, there are a number of examples of the constructive use of court records for analytical purposes. Some early examples are described in *Civil Justice in Canada*<sup>29</sup>, *Women in the Civil Courts*<sup>30</sup>, and *Divorce: Law and the Family in Canada*<sup>31</sup>. The first two were based on a sample of civil cases collected and coded by Statistics Canada, and the third was based on the then complete electronic records of the Central Divorce Registry and a sample of the case records from the Official Guardian office of Ontario.

Today, there are the ongoing Civil Courts Survey (CCS) and Integrated Criminal Courts Survey (ICCS) programs at Statistics Canada. Together these have proven that the capture of electronic court records is feasible and a useful strategy to pursue though little analytical work has so far been published. The

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<sup>26</sup> Nick Moore, "A model of social information need", *Journal of Information Science* 2002; 28; 297-303.

<sup>27</sup> M.L. Friedland, *Access to the Law*, Law Reform Commission of Canada. Toronto: Carswell/Methuen, 1975.

<sup>28</sup> J.L. Wilkins, *Legal Aid in the Criminal Courts*. Toronto: University of Toronto Press, 1975.

<sup>29</sup> C. McKie and P. Reed, *Civil Justice in Canada*, 2 volumes. Research Study #8, Justice Statistics Division, Statistics Canada (4-2400-525), 1979.

<sup>30</sup> C. McKie and P. Reed, *Women in the Civil Courts*, Research Study #9, Justice Statistics Division, Statistics Canada (4-2400-569), 1979.

<sup>31</sup> C. McKie, B. Prentice and P. Reed, *Divorce: Law and the Family in Canada*. Ottawa: Supply and Services, 1983

first Alberta data from the former program will appear in March 2008 if things go according to plan.

In Canada, two notable contemporary examples of survey research projects which bear a direct comparability to that which is proposed here. First, there was a 2004 self-represented litigant mapping project in the Greater Vancouver area of British Columbia<sup>32</sup>. In its own words, “this report provides an ‘access to justice’ map of the network of services that currently provide assistance to self-representing litigants at the Vancouver Courthouse Complex at 800 Smithe St. and at the New Westminster courthouse areas”. It included a comprehensive collection program on advising and assisting agencies of all types and some consideration of the referral patterns between each, together with contact information, service content information, and some indication of how each has been used by clients in the past. It suffers from a lack of hard information on the actual of number of self-represented litigants, and litigants with legal representation only in part, in the courts. This lack of solid information, one which will in all probability not be corrected by the new Statistics Canada survey programme, is one aspect which must be directly addressed in the presently proposed project with the assistance of court officials. There is a clear opportunity in this matter to be the first to present hard data on this topic in Canada.

Building on the Vancouver experience, the Alberta Self-Represented Litigant Mapping Project<sup>33</sup> extended this approach in selected Alberta communities. It likewise involved an ambitious effort to gather information by means of searches to identify current services to self-represented litigants, interviews with representatives of organizations providing legal and/or support services to self-represented litigants, as well as interviews with members of the judiciary, and with the litigants themselves. The final report stated that “The findings from the project confirm the need for improved services for SRLs beginning with the provision of better information about existing services – to the providers of those services as well as the SRLs themselves. Accurate detailed service information and increased coordination of current services will improve service delivery and help to more clearly define priorities for future services.”<sup>34</sup>

Also in this vein, there is a recent report of an environment scan project on paid paralegals working in Ontario.<sup>35</sup> The methodology used consisted in part of a randomized telephone survey, screening for those who had had a legal issue in the last 5 years. The sample was divided between 250 persons who had used

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<sup>32</sup> Gayla Reid, Donna Senniw & John Malcolmson, “Developing Models for Coordinated Services For Self-Representing Litigants”, manuscript, 82 pp. March 2004.

<sup>33</sup> Mary Stratton, Final Report of the Alberta Self-Represented Litigants Mapping Project, Edmonton: Canadian Forum on Civil Justice, January 12, 2007.

<sup>34</sup> Ibid, p.52-53.

<sup>35</sup> *The Strategic Counsel*, A Report To The Law Society of Upper Canada: Environmental Scan and Review of Awareness and Attitudes Pertaining to the Regulation of Paralegal Service Providers in Ontario, March, 2000.

legal services and 250 who had used paralegal services. There was unavoidably some overlap. Paralegal services tended to be used in cases where the perceived risk was low such as in minor traffic offences and credit counseling issues. Cost of services proved to be the decisive factor in choosing paralegal services over traditional services by lawyers who are still preferred for serious criminal charges, family matters, and accident compensation cases. It was also noted that small businesses were users of paralegal services to a considerable extent. In addition to the telephone survey, short structured interviews were conducted with important respondents involved in providing services or interacting with those providers in the court context. Though the study was focused on the lack of a regulatory regime for paralegals, it did clearly indicate that such paralegal services were in heavy, continuing and perhaps growing use in Ontario. Most importantly, its results drew attention to the decision-making process of proceeding with or without a lawyer; a decision heavily influenced by the costs of the latter, either real or anticipated.

This study also produced a useful paradigm (reproduced below) for compartmentalizing various types of legal issues which suggests a hierarchy of risk, with a proportionate likelihood of obtaining the services of a lawyer as the degree of risk rises.

High Risk	Medium Risk	Low Risk
Criminal law → any matter involving jail time	Real Estate → Lien and Title searches, Mortgages	Highway Traffic Act and other automobile-related matters
Landlord/tenant → Evictions	Alternative dispute resolution/mediation services	Small business incorporations
Immigration → Immigration Status, Deportation, Bail hearings	Immigration → Issues not involving immigration status	Representation before the Ontario Municipal Board
Social Benefits → Involving loss of livelihood or pension	Social Benefits/Social Assistance → Not involving loss of livelihood or pension	Process serving
Worker's Compensation	Wills/estates	Name changes
Human Rights consulting	Minor criminal matters involving fines	Taxation services
Family Law → Divorce, Child custody, Child support, Domestic violence	Worker's Compensation → matters not involving loss of livelihood	Small claims court
	Insurance	Power of attorney
	Credit counselling	Debt collection
	Accident benefits	
	Employment-related issues	
	Impaired driving	

Source: Strategic Counsel, p.19.

Another type of methodology involves face-to-face or telephone-conducted structured interviews. Structured interviews are so called because there is a printed form with a schedule of questions to be asked and answers to be recorded, in contrast to open-ended interviews in which no schedule is involved. A contemporary example of interviews of those involved in providing legal assistance (in this case for aboriginal clients who are over-represented in the courts), can be found in an article by Marianne O. Nielsen concerning her study of Native Counseling Services of Alberta and a comparable organization in Australia.<sup>36</sup> The article concerns the views and work patterns of native courtworkers in both Canada and Australia. It demonstrates that this sort of structured interview of service workers can yield valuable insights.

Outside of the Canadian context, a few studies are worthy of note.

For instance, there is a study of rural information needs in the Shetland Islands carried out for the local Citizens Advice Bureau (established in 1939)<sup>37</sup>. "The objectives were: to analyse the operation of the Citizens Advice Bureau in Lerwick and the use made of it by clients; and to gather data on the information and advice requirements of the rural population via interviews with 50 leaders within the rural community who might be consulted by those needing information and advice, within two parishes in the North Mainland of Shetland". Client inquiry records were also analyzed. The results indicated that there was insufficient public awareness of centralized information and advice dispensing services, something which may well be mirrored in other locales. It also mentions the major importance of training for the volunteer advisers, again something which may well be pertinent to the Canadian experience. If, for instance, the information is all available but the advice given is ill-informed, no advance has been made. The article also includes a brief review of the UK literature on advice bureaus.

Another British study deals with a very specific and germane issue which requires advice, namely in negotiating the delivery of needed medical services in the context of sole provider state medical care<sup>38</sup>. It describes the operation of patient advice and assistance services (PALS). Such offices are reported to already exist in major urban centres in the UK.

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<sup>36</sup> Marianne O. Nielsen, "Indigenous-Run Legal Services in Australia and Canada: Comparative Developmental Issues", *International Criminal Justice Review* 2006; 16; 157-178.

<sup>37</sup> Susan F. Beer, Rita Marcella and Graeme Baxter, "Rural citizens' information needs: a survey undertaken on behalf of the Shetland Islands Citizens Advice Bureau". *Journal of Librarianship and Information Science*, 1998; 30; 223-240. See also Elizabeth St. Clair Singh, "Citizens' Advice Bureaux (C.A.B.)", *International Journal of Offender Therapy and Comparative Criminology*, 1972; 16; 268-271.

<sup>38</sup> Jane Bentley, Stephen Abbott, Julienne Meyer and Anne Lanceley, "Horizontal or Vertical Support: Dilemmas for Patient Advice and Liaison Services in the NHS". *Public Policy and Administration* 2005; 20; 54-66.

Another British study suggests that when all is said and done, provision of legal information and advice to those who need it falls very far short of what ideally would and should be provided. For instance, Zander and Brooks<sup>39</sup> report that

“In total our 1,651 respondents told us of 1,022 cases where, in our view, legal advice was needed. Advice of any kind had been taken in only 450 cases and in only 270 cases was a lawyer the main advisor.”

While this study is now dated, it does show that it is methodologically possible to obtain this sort of information from community/client surveys and interviews. Also noteworthy is their finding that many of those who did receive competent legal advice then failed to heed it, thus introducing a further note of complexity to forming an overall understanding of the entire information and education matrix.

The general topic of unmet needs for legal advice was the subject of a staff study for the Royal Commission of Inquiry on Poverty in Australia, report published in 1975.<sup>40</sup> A similar study of 2064 American households was conducted for the American Bar Association and published in 1977. It sought to identify the triggers which provoked a visit to a lawyer's office for advice.<sup>41</sup>

There is also a report of an American study of the use of legal assistance by victims of stalking by previous partners<sup>42</sup>. This forms part of the more general category of advice to the victims of crime. It mentions prominently a Canadian study<sup>43</sup> based on a survey of 2000 Canadian victims of sexual harassment and the advice and assistance subsequently offered by police who may for the purposes of the present study be considered as another institutional source of legal information and assistance in this limited context.

Also from the United States there is a research assessment of trust in and willingness to follow online advice<sup>44</sup>. The results suggest that younger users are more willing to trust in and follow online advice. In general, the results convey the impression that online delivery of detailed advice about topics such as buying a house and perhaps arranging a mortgage can be effectively delivered over the

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<sup>39</sup> Brian Abel-Smith, Michael Zander and Rosalind Brooks, *Legal Problems and the Citizen*. U.K.: Heinemann Educational, 1973, 219.

<sup>40</sup> M. Cass and R. Sackville, *Legal Needs of the Poor*, Commission of Inquiry into Poverty, Canberra, Australian Government Publishing Service, 1975. The study reports on a 1973 survey on the unmet legal needs of residents of three poor areas in Australia.

<sup>41</sup> B. A. Curran, *The Legal Needs of the Public: The Final Report of a National Survey*. Chicago: American Bar Association, 1977.

<sup>42</sup> Mary P. Brewster “Legal Help-Seeking Experiences of Former Intimate-Stalking Victims” *Criminal Justice Policy Review* 2001; 12; 91-112.

<sup>43</sup> Smith, M.D. and Morra N.N. “Obscene and Threatening Phonecalls to Women: Data from a Canadian National Survey”. *Gender and Society*, 1994, 8, 584-596.

<sup>44</sup> Pamela Briggs, Bryan Burford, Antonella De Angeli and Paula Lynch, “Trust in Online Advice”, *Social Science Computer Review* 2002; 20; 321-332.

internet, provided the appearance of the site conveys the correct impression of authoritativeness and trustworthiness.

Another intriguing methodological wrinkle reported in the literature is the “simulated client”, a person sent into an office in an information-seeking role to determine the quality of the response. In the reported case, the issues were family law related and occurred in Scotland.<sup>45</sup>

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<sup>45</sup> Fran Wasoff and R. Emerson Dobash, “Simulated Clients in ‘Natural’ Settings: Constructing a Client to Study Professional Practice”, *Sociology* 1992; 26; 333-349.



## Appendix 2



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**Law Society of Alberta**

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March 12, 2007

**Raymond Bodnarek, Q.C.**  
**Alberta Justice**  
Civil Law Branch  
5<sup>th</sup> Floor, 9833 - 109 Street N.W.  
Edmonton AB T5K 2E8

Dear Sir:

**Re: JPAC Research Working Group**

This follows our various e-mails correspondence over the last while. Thanks once again for allowing the Law Society to weigh in a bit late with our comments regarding research priorities.

As part of formulating a Law Society response to JPAC's Research Working Group I was fortunate enough to meet recently with Mary Stratton of the Civil Justice Forum, and with Peter Lown, Q.C. of the Alberta Law Reform Institute. At that time we discussed a number of things, but nothing more interesting than the Alberta Legal Services Mapping project, potentially to be funded by the Alberta Law Foundation and to be carried out by the Forum. I understand Alberta Justice has expressed at least verbal support for the project.

The Law Society very much supports the notion of an Alberta Legal Services Mapping project. It is perhaps not a "quick win", to use a popular phrase around the JPAC table. On the other hand, in the longer term such a project would identify in a concrete way not only available legal services, but also gaps in those services which may be impeding access to justice for Albertans. The results of such a project would arm policy makers at all levels with much-needed information to get on with improving that access to justice.

Ray, thanks once again for allowing us to provide input into the question of research priorities. If you have any questions or comments I would be pleased to speak with you further.

Yours truly,

Per: Peter B. Michalyszyn, Q.C.

PBM/bg

cc James Peacock, Q.C.  
Don Thompson, Q.C.

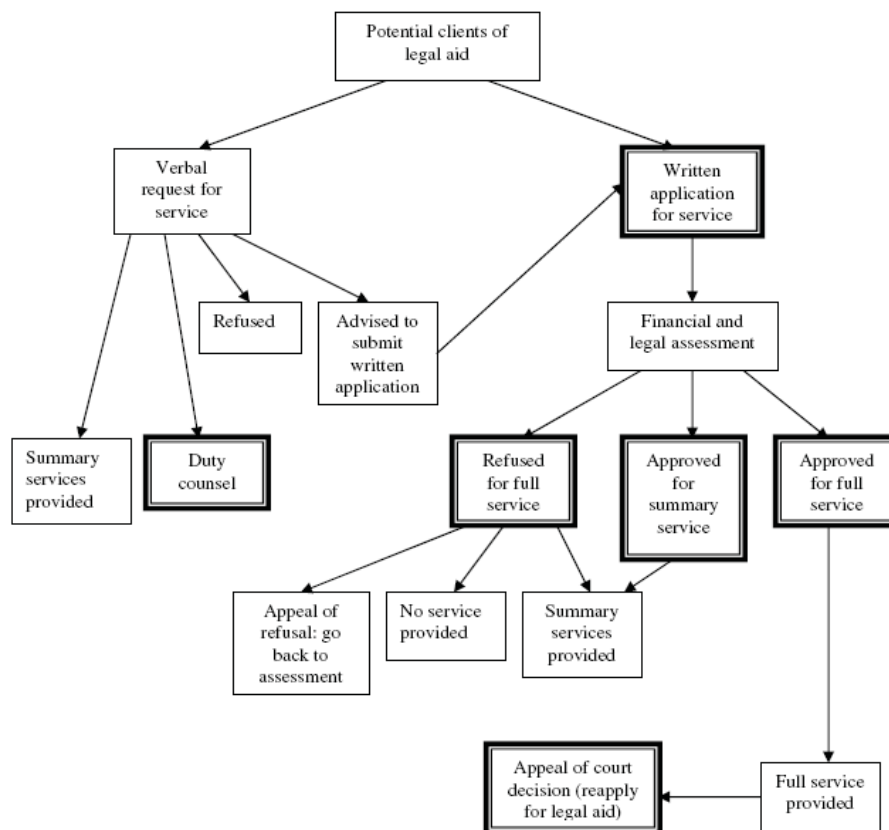
## Appendix 3

### Current Legal Aid Statistics for Alberta

Current revenue and expenditure data for the Alberta Legal Aid plan are already available from Statistics Canada in tabular form. It is not necessary to recollect it for this project. It would be desirable however to interview plan officials and clients to obtain their views on the how the system is working out and to note any problems which might be mentioned. In particular, it would be advisable to find out by means of interviews what those whose applications have been refused subsequently decide to do.

The Statistics Canada data (reproduced in part in tables which follow) can be analyzed in the context of the other streams of information collected by this project.

A model of the legal aid process



Source: Figure 4, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p.16

**Legal aid plan revenues by type of revenue, current and constant dollars (continued)**

Province/territory and year	Current dollars									
	Total revenue	Government contributions <sup>2</sup>		Client contributions and cost recoveries		Contributions of the legal profession		Other <sup>3</sup>		
		\$'000	\$'000	%	\$'000	%	\$'000	%	\$'000	%
Alberta										
2001/2002	35,529	27,242	77	2,674	8	...	...	5,613	16	
2002/2003	34,840	28,187	81	3,076	9	...	...	3,577	10	
2003/2004	34,999	28,798	82	3,193	9	...	...	3,008	9	
2004/2005	39,062	31,898	82	3,483	9	...	...	3,681	9	
2005/2006	38,143	30,998	81	3,967	10	...	...	3,178	8	

Source: Table 1, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p.29

**Federal government contributions to legal aid plans, criminal matters, current and constant dollars<sup>1,2</sup> (concluded)**

Province/territory and year	Current dollars		1992 Constant dollars <sup>3</sup>	
	Total	Per capita <sup>4</sup>	Total	Per capita <sup>4</sup>
	\$'000	\$	\$'000	\$
Alberta				
2001/2002	7,752	2.54	6,455	2.11
2002/2003	7,830	2.51	6,304	2.02
2003/2004	8,166	2.58 <sup>f</sup>	6,296	1.99
2004/2005	8,176	2.55	6,217	1.94
2005/2006	8,197	2.52	6,103	1.87

Source: Table 2, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 33

**Provincial and territorial government contributions to legal aid plans, current and constant dollars<sup>1</sup> (concluded)**

Province/territory and year	Current dollars			1992 Constant dollars <sup>2</sup>		
	Total	Percent change	Per capita <sup>3</sup>	Total	Percent change	Per capita <sup>3</sup>
	\$'000	%	\$	\$'000	%	\$
Alberta						
2001/2002	19,332	21	6.32	16,097	19	5.27
2002/2003	20,363	5	6.53	16,395	2	5.26
2003/2004	20,632	1	6.53	15,907	-3	5.03 <sup>f</sup>
2004/2005	20,657 <sup>f</sup>	0	6.45 <sup>f</sup>	15,709 <sup>f</sup>	-1	4.90 <sup>f</sup>
2005/2006	20,578	-0	6.32	15,322	-2	4.70

Source: Table 3, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p.35

**Total legal aid plan expenditures, current and constant dollars (concluded)**

Province/territory and year	Current dollars			1992 Constant dollars <sup>1</sup>		
	Total	Percent change	Per capita <sup>2</sup>	Total	Percent change	Per capita <sup>2</sup>
	\$'000	%	\$	\$'000	%	\$
Alberta						
2001/2002	32,438	19	10.61	27,009	17	8.84
2002/2003	36,670	13	11.77	29,525	9	9.47
2003/2004	39,716	8	12.57	30,621	4	9.69
2004/2005	42,692	7	13.32 <sup>f</sup>	32,465	6	10.13 <sup>f</sup>
2005/2006	49,469	16	15.19	36,835	13	11.31

Source: Table 4, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 37

**Total legal aid plan expenditures by type of expenditure<sup>1</sup> (concluded)**

Province/territory and year	Total	Direct legal service expenditures				Central administrative expenditures		Other expenditures	
		Criminal matters		Civil matters					
		\$'000	%	\$'000	%				
Alberta									
2001/2002	32,438	16,998	52	12,012	37	3,267	10	161	0
2002/2003	36,670	19,402	53	13,481	37	3,613	10	174	0
2003/2004	39,716	20,373	51	15,167	38	3,951	10	225	1
2004/2005	42,692	21,752	51	15,888	37	4,832	11	220	1
2005/2006	49,469	24,389	49	18,243	37	6,397	13	440	1

Source: Table 5, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 39

**Legal aid plan direct legal service expenditures<sup>1</sup> (concluded)**

Province/territory and year	Total expenditures	Total direct expenditures	Percent of of total expenditures	Direct legal service expenditures			
				Criminal matters		Civil matters	
				Direct expenditures	Percent of direct expenditures	Direct expenditures	Percent of direct expenditures
				\$'000	%	\$'000	%
Alberta							
2001/2002	32,438	29,010	89	16,998	59	12,012	41
2002/2003	36,670	32,883	90	19,402	59	13,481	41
2003/2004	39,716	35,540	89	20,373	57	15,167	43
2004/2005	42,692	37,640	88	21,752	58	15,888	42
2005/2006	49,469	42,632	86	24,389	57	18,243	43

Source: Table 6, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 41

**Legal aid plan direct legal service expenditures, staff and private lawyers by type of matter<sup>1</sup>**

Province/territory and year	Total						Criminal matters					Civil matters					
	Total		Staff lawyers		Private lawyers		Total		Staff lawyers		Private lawyers	Total		Staff lawyers		Private lawyers	
	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	
Alberta																	
2001/2002	29,010	5.140	18	23,870	82	16,998	2,388	14	14,610	86	12,012	2,752	23	9,260	77		
2002/2003	32,883	7.206	22	25,677	78	19,402	2,554	13	16,848	87	13,481	4,652	35	8,829	65		
2003/2004	35,540	7.732	22	27,808	78	20,373	3,096	15	17,277	85	15,167	4,636	31	10,531	69		
2004/2005	37,640	8.869	24	28,771	76	21,752	3,610	17	18,142	83	15,888	5,259	33	10,629	67		
2005/2006	42,632	9.757	23	32,875	77	24,389	3,758	15	20,631	85	18,243	5,999	33	12,244	67		

Source: Table 7, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p.42

**Legal aid plan direct legal service expenditures, staff and private lawyers by type of criminal matter<sup>1</sup>**

Province/territory and year	Total criminal					Criminal - adult					Criminal - youth					Provincial offences					
	Total		Staff lawyers		Private lawyers	Total		Staff lawyers		Private lawyers	Total		Staff lawyers		Private lawyers	Total		Staff lawyers		Private lawyers	
	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	
Alberta																					
2001/2002	16,998	2,388	14	14,610	86	12,878	505	4	12,373	96	4,041	1,883	47	2,158	53	79	0	0	79	100	
2002/2003	19,402	2,554	13	16,848	87	14,751	484	3	14,267	97	4,520	2,070	46	2,450	54	131	0	0	131	100	
2003/2004	20,373	3,096	15	17,277	85	15,470	648	4	14,822	96	4,786	2,448	51	2,338	49	117	0	0	117	100	
2004/2005	21,752	3,610	17	18,142	83	17,026	1,088	6	15,938	94	4,616	2,522	55	2,094	45	110	0	0	110	100	
2005/2006	24,389	3,758	15	20,631	85	19,502	1,347	7	18,155	93	4,768	2,411	51	2,357	49	119	0	0	119	100	

Source: Table 8, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 44

**Legal aid plan direct legal service expenditures, staff and private lawyers by type of civil matter<sup>1</sup>**

Province/territory and year	Total civil					Civil - family					Civil - other					
	Total		Staff lawyers		Private lawyers	Total		Staff lawyers		Private lawyers	Total		Staff lawyers		Private lawyers	
	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%
Alberta																
2001/2002	12,012	2,752	23	9,260	77	..	..	..	7,084	..	4,928	2,752	56	2,176	44	
2002/2003	13,481	4,652	35	8,829	65	..	..	..	6,754	..	6,727	4,652	69	2,075	31	
2003/2004	15,167	4,636	31	10,531	69	..	..	..	8,056	..	7,111	4,636	65	2,475	35	
2004/2005	15,888	5,259	33	10,629	67	..	..	..	9,141	..	6,747	5,259	78	1,488	22	
2005/2006	18,243	5,999	33	12,244	67	16,133	5,603	35	10,530	65	2,110	396	19	1,714	81	

Source: Table 9, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 46

### Total legal aid applications by type of matter<sup>1,2</sup>

Province/territory and year	Total applications		Criminal matters			Civil matters		
	Total	Percent change	Total	Percent change	Percent of total	Total	Percent change	Percent of total
	#	%	#	%	%	#	%	%
Alberta								
2001/2002	48,185	6	33,054	8	69	15,131	2	31
2002/2003	50,533	5	34,826	5	69	15,707	4	31
2003/2004	50,544	0	34,274	-2	68	16,270	4	32
2004/2005	53,985	7	34,987	2	65	18,998	17	35
2005/2006	52,385	-3	36,764	5	70	15,621	-18	30

Source: Table 10, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 48

### Total legal aid applications by type of criminal and civil matter<sup>1,2</sup>

Province/territory and year	Total applications	Criminal matters						Civil matters					
		Total		Adult		Youth		Provincial		Total	Family	Other	
		#	%	#	%	#	%	#	%	#	%	#	%
Alberta													
2001/2002	48,185	33,054	25,712	78	7,123	22	219	1	15,131	14,019	93	1,112	7
2002/2003	50,533	34,826	27,396	79	7,142	21	288	1	15,707	14,496	92	1,211	8
2003/2004	50,544	34,274	28,000	82	6,028	18	246	1	16,270	15,029	92	1,241	8
2004/2005	53,985	34,987	28,670	82	5,709	16	608	2	18,998	16,566	87	2,432	13
2005/2006	52,385	36,764	30,290	82	5,898	16	576	2	15,621	14,450	93	1,171	7

Source: Table 11, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 50

### Approved legal aid applications by type of matter<sup>1</sup>

Province/territory and year	Total approved applications <sup>2</sup>			Criminal matters <sup>3</sup>				Civil Matters <sup>3</sup>			
	Total	Percent change	Rate per 1,000 population <sup>4</sup>	Total criminal	Percent change	Percent of total	Rate per 1,000 population <sup>4</sup>	Total civil	Percent change	Percent of total	Rate per 1,000 population <sup>4</sup>
	#	%		#	%	%		#	%	%	
Alberta											
2001/2002	36,420	8	12	26,589	9	73	9	9,831	5	27	3
2002/2003	37,822	4	12	27,711	4	73	9	10,111	3	27	3
2003/2004	36,889	-2	12	26,765	-3	73	8	10,124	0	27	3
2004/2005	40,410	10	13	27,140	1	67	8	13,270	31	33	4
2005/2006	37,474	-7	12	27,815	2	74	9	9,659	-27	26	3

Source: Table 12, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 52

### Approved legal aid applications, staff and private lawyers by type of matter<sup>1</sup>

Province/territory and year	Total approved applications <sup>2</sup>						Criminal matters <sup>3</sup>						Civil matters <sup>3</sup>					
	Total		Staff lawyers		Private lawyers		Total		Staff lawyers		Private lawyers		Total		Staff lawyers		Private lawyers	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Alberta																		
2001/2002	36,420		4,958	14	31,462	86	26,589	2,928	11	23,661	89	9,831	2,030	21	7,801	79		
2002/2003	37,822		5,633	15	32,189	85	27,711	2,970	11	24,741	89	10,111	2,863	28	7,448	74		
2003/2004	36,889		4,742	13	32,147	87	26,765	2,334	9	24,431	91	10,124	2,408	24	7,716	76		
2004/2005	40,410		5,371	13	35,039	87	27,140	2,370	9	24,770	91	13,270	3,001	23	10,269	77		
2005/2006	37,474		4,498	12	32,976	88	27,815	2,301	8	25,514	92	9,859	2,197	23	7,462	77		

Source: Table 13, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 54

### Approved legal aid applications, staff and private lawyers by type of criminal matter<sup>1,2</sup>

Province/territory and year	Total criminal <sup>3</sup>						Criminal - adult						Criminal - youth						Provincial offences					
	Total		Staff lawyers		Private lawyers		Total		Staff lawyers		Private lawyers		Total		Staff lawyers		Private lawyers		Total		Staff lawyers		Private lawyers	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%		
Alberta																								
2001/2002	26,589		2,928	11	23,661	89	19,247	60	0	19,187	100	7,123	2,858	40	4,265	60	219	10	5	209	95			
2002/2003	27,711		2,970	11	24,741	89	20,281	37	0	20,244	100	7,142	2,915	41	4,227	59	288	18	6	270	94			
2003/2004	26,765		2,334	9	24,431	91	20,491	26	0	20,465	100	6,028	2,304	38	3,724	62	246	4	2	242	98			
2004/2005	27,140		2,370	9	24,770	91	21,181	44	0	21,137	100	5,709	2,326	41	3,383	59	250	0	0	250	100			
2005/2006	27,815		2,301	8	25,514	92	21,710	16	0	21,694	100	5,898	2,282	39	3,616	61	207	3	1	204	99			

Source: Table 14, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 56

### Refused legal aid applications by reason for refusal<sup>1</sup> (concluded)

Province/territory and year	Total <sup>2</sup>		Financial ineligibility		Coverage restrictions		Lack of merit		Non-compliance/abuse		Other reasons <sup>3</sup>	
	#	%	#	%	#	%	#	%	#	%	#	%
	Alberta											
2001/2002	11,765		3,623	31	2,211	19	1,132	10	566	5	4,233	36
2002/2003	12,711		3,817	30	2,565	20	1,175	9	588	5	4,566	36
2003/2004	13,655		4,248	31	2,696	20	1,186	9	731	5	4,794	35
2004/2005	13,575		3,938	29	2,876	21	1,056	8	607	4	5,098	38
2005/2006	14,911		4,581	31	2,738	18	1,119	8	728	5	5,745	39

Source: Table 17, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 63

**Refused legal aid applications by reason for refusal, criminal and civil matters<sup>1</sup>**

Province/territory and year	Total <sup>2</sup>						Financial Ineligibility						Coverage restrictions					
	Total		Criminal matters		Civil matters		Total		Criminal matters		Civil matters		Total		Criminal matters		Civil matters	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Alberta																		
2001/2002	11,765		6,465	55	5,300	45	3,823	1,909	53	1,714	47	2,211	1,367	62	844	38		
2002/2003	12,711		7,115	56	5,596	44	3,817	1,999	52	1,818	48	2,565	1,578	62	987	38		
2003/2004	13,655		7,509	55	6,146	45	4,248	2,127	50	2,121	50	2,606	1,678	62	1,018	38		
2004/2005	13,575		7,847	58	5,728	42	3,938	1,915	49	2,023	51	2,876	2,012	70	864	30		
2005/2006	14,911		8,949	60	5,962	40	4,581	2,471	54	2,110	46	2,738	1,833	67	905	33		

Source: Table 18, Statistics Canada, Legal Aid in Canada: Resource and Caseload Statistics, 2005/2006, Catalogue no. 85F0015-XIE, p. 64