



**THE ALBERTA LEGAL SERVICES MAPPING PROJECT**

**PILOT DISTRICT INTERIM REPORT**

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**Glynnis A. Lieb**  
**Research Coordinator**  
**Canadian Forum on Civil Justice**

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# The Alberta Legal Services Mapping Project Interim Report Executive Summary

## A. Introduction

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. Lack of public understanding of our justice system is therefore a key and fundamental concern for the administration of justice.

### Project Background and Rationale

One example of the practical value of this kind of research has been demonstrated by the *Alberta Self-Represented Litigants Mapping Project (SRLMP)*. This project was conducted by the *Canadian Forum on Civil Justice (the Forum)* in 2006 and involved mapping legal services that were available to members of the public who were representing themselves in court in three of Alberta's eleven Judicial Districts. An outcome of the SRLMP was the recognition of how valuable it would be to conduct mapping research about legal services for *all* people who have legal needs in Alberta.

### Project Objectives

The *Alberta Legal Services Mapping Project (ALSMP)* was envisioned as a large scale mapping endeavour, designed to gain an understanding of the legal needs of Albertans and of the legal services available in Alberta. This project will benefit justice system users, service providers and policy makers.

### Time Frame of the Project

The ALSMP is a four and a half year project, scheduled to be completed by October 2011. The Team began preliminary mapping of the Calgary Judicial District in January 2008. Relevant Provincial and Federal services are being mapped with the Calgary District. The final report for the Calgary Judicial District is due to be completed in June 2009. The remaining ten Judicial Districts are expected to be completed by September 2011, with the three districts that were partially mapped for the SRLMP to be revisited last.

## B. Methodology

This project involves mining resources such as the Internet, telephone books and specialized service directories for information about existing legal and related social services. It also involves thorough examination of a stratified sample of service providers and members of the public who are service users or in need of legal services.

There are four levels of data collection:

1. Preliminary mapping
2. Basic Information Collection
3. Statistics Collection
4. Interview and Questionnaire Completion

## C. Preliminary Findings

Between July 9<sup>th</sup> and September 15<sup>th</sup>, 2008 the Team completed 55 Part One Legal Service interviews, 53 Part Two Legal Services interviews and 28 Social Services interviews; all with service providers in the city of Calgary. The following are a selection of preliminary findings intended to provide a snapshot of the information we are collecting as well as some insight into what project participants are reporting on thus far.

### Preliminary Themes and Notable Statistics

- *First Contact with Legal Services.* Participants reported that members of the public initially tend to contact a service by telephone to get information about how to proceed with their legal issue(s).
- *Financial Eligibility Guidelines.* Only nine participants reported financial eligibility guidelines.
- *Other Eligibility Criteria.* Very few participants reported strict eligibility criteria for their services. Age (18 and older) was the most common criterion.
- *Service Users' Expectations of Services.* Some clients do have informed expectations of services offered. However, many have more of a vague idea of what to expect.
- *Meeting Service Users' Needs.* Many of the participants reported that they and their colleagues work beyond their job description in an attempt to meet their clients' needs.
- *Who Services Turn Away.* Participants most frequently reported that they had to turn away people for whom their services were not right.
- *Under-utilization of Legal Services.* Seniors and Aboriginals are emerging as two groups that are not using the available legal services as much as other groups.
- *Transportation.* The high cost and lack of parking space in downtown Calgary emerged as major concerns. All but three participants reported that transportation was an issue at least some of the time.
- *Language services.* The vast majority of participants who reported that their service was available in multiple languages (aside from French, which was sometimes mandated) said it was because they happened to have staff who spoke those languages.
- *Specialized services for groups with unique needs.* Relatively few of the participants interviewed reported that their services offered any specialized services or staff expertise other than having staff members participate in "sensitivity" training.

- *Referrals.* Most participants report that their service receives a significant proportion of inappropriate referrals.

### **Self-Represented Litigants**

Thus far, seventy six percent of the participants in this study report that they serve individuals who are self-representing. Participants reported that self-representing litigants are most likely to be people who have an overall lack of resources such as education, income and social supports.

## **D. Learnings from the Pilot Phase of Data Collection**

***Participation.*** The researchers received an exceptionally cordial response from all the service providers they contacted to request interviews. There were no instances in which these requests were refused. However, there were a number of incidences in which the supervisory staff insisted on either accompanying the field staff to the interview or on completing an interview themselves.

***Instruments.*** It quickly became evident to the researchers that the Social Services Instrument was more applicable for many Legal Services as well. This is because many Legal Services do not actually provide legal advice, legal information or legal representation, but instead offer other forms of support (e.g., counselling, referrals or prevention).

## **E. Next Steps**

The Research Team will resume data collection with legal and related social services in the Calgary District in November 2008. The Team is also currently developing additional versions of the data collection instrument that are tailored to members of the Judiciary, the Bar and the Public. The researchers have been seeking help to identify members of the public from the legal and social service providers whom they have interviewed, and will continue to do so.

The Team will map the Fort McMurray District next. The Team plans to begin conducting key contact visits in this Judicial District in the spring of 2009 in order to be prepared to begin conducting interviews by early summer of 2009.

A pilot version of the database will be created using the data from the Calgary district and will be available for review in early 2009.

The Team will continue to provide progress updates every two to three months and the final report for the Calgary district is expected to be completed in June 2009.

# The Alberta Legal Services Mapping Project Interim Report

## A. Introduction

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<sup>1</sup>. As a result, the public typically seeks information about legal processes while under stress and experiencing serious social and/or emotional crisis. 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.

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 both the need to improve services and the importance of systematic evidence-based research to developing effective policies, programs and facilities.

### **Project Background and Rationale**

One example of the practical value of this kind of research has been demonstrated by the [Alberta Self-Represented Litigants Mapping Project \(SRLMP\)](#). This project was conducted by the *Canadian Forum on Civil Justice* (the Forum) in 2006 and involved mapping legal services that were available to members of the public who were representing themselves in court in three of Alberta's eleven Judicial Districts. The findings of this project highlighted the strengths and gaps that existed in legal services for this population, as well as the general lack of understanding members of the public have about the justice system. Recommendations made in that report informed the design and approach of the new *Law Information Centres* (LInCs) which were established each of the three Judicial Districts - Grande Prairie, Red Deer and Edmonton.

An additional outcome of the *SRLMP* was the recognition of how valuable it would be to conduct mapping research about legal services for *all* people who have legal needs in Alberta. In June 2007, the Forum submitted a [proposal](#) to the Alberta Law Foundation

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<sup>1</sup>For more information see [www.cfcj-fcjc.org](http://www.cfcj-fcjc.org)

(ALF) for funding to conduct a large scale mapping project of all legal and related services in all eleven Judicial Districts in Alberta. ALF approved a 50% share of the funding for four years, which is the anticipated time required to complete the project. Subsequently, Alberta Justice agreed to provide a 50% share of the funding for the first year of the project, with the understanding that additional funding will be requested for each year that it is required.

### **Project Objectives**

The *Alberta Legal Services Mapping Project (ALSMP)* was envisioned as a large scale endeavor, designed to gain an understanding of the legal needs of Albertans and of the legal services available in Alberta. This project will benefit justice system users, service providers and policy makers.

This project is designed to provide a province-wide ‘map’ of all legal services that offer Albertans information, education, legal advice, legal representation, and/or other supports relating to legal problems. The map will extend to civil, family, criminal, and administrative justice programs and services. This process will also reveal strengths to build upon in current programs and gaps in services that need to be addressed in order to improve access to legal services for all Albertans.

The goals of this Project are to:

1. gather and organize information about existing legal services in each Judicial District in Alberta and create a searchable database in which to store and share this information with service providers and the public;
2. identify the demographics for the population in each of the eleven Judicial Districts, including primary industries and other characteristics which will assist in predicting legal needs;
3. facilitate the development and maintenance of information networks among service providers; and
4. identify current service strengths and gaps in legal service delivery and resources as well as who (what groups of people/segments of the population) are impacted by these strengths and gap .

The project vision is that findings from the mapping research will enable government, educators, service providers and funders to move forward with a shared understanding 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.

## **Time Frame of the Project**

The *ALSMP* is a four and a half year project, scheduled to be completed by October 2011. The Research Directors group was established in July 2007; shortly after the Project Proposal was approved by ALF. The Research Team members were hired between October 2007 and April 2008. The Advisory Committee was formed in March 2008. Finally, the Calgary Working Group was established in April 2008.

The Team began preliminary mapping of the Calgary Judicial District in January 2008. Calgary is one of Alberta's two largest urban centres. This was not one of the districts included in the *SRLMP* and with the new Calgary Court Centre recently opened as well as plans to establish a LInC in the Calgary Courthouse in late 2008, this district was selected and the pilot district for this project.

Relevant Provincial and Federal services are being mapped with the Calgary District. The final report for the Calgary Judicial District is due to be completed in Summer 2009.

The remaining ten Judicial Districts will follow, with the three districts that were partially mapped for the *SRLMP* scheduled last. A number of initiatives were highlighted by participants in the *SRLMP*, and recommendations for change were made in the report for that project. Leaving these districts to the end will allow for maximum time between the first and second mapping, so that efforts to implement recommended change should have had a measurable impact.

The pilot database for this project will be created in early 2009. The database will be revised and updated as the project continues, and will be complete by the end of the project<sup>2</sup>. The final report for the *ALSMP* is expected to be released in October 2011.

## **B. Methodology**

*Mapping* research is a form of collaborative needs assessment or environmental scan that recognizes, includes and values local knowledge as essential to understanding communities<sup>3</sup>. The active involvement of the community members in creating the research knowledge helps to enhance buy-in and ownership in both the findings and any recommendations for change.

This project involves mining resources such as the internet, telephone books and

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<sup>2</sup> The Forum undertook this project based on the understanding that stakeholders would come to a consensus about how the database will be supported and managed after this project is complete. There will need to be ongoing funding made available for the maintenance of the database.

<sup>3</sup> Stratton, M. (2008). Reaching out with research: Creating community and legal service maps. Presented at: *Reaching Further: New Approaches to the Delivery of Legal Services*. Seventh LSRC International Conference, London:UK. June 18-20, 2008.

specialized service directories for information about existing legal and related social services. It also involves interviewing service providers as well as members of the public who are either receiving or in need of legal services.

There are four levels of data collection<sup>4</sup>:

#### Preliminary mapping

This step involves mining the internet, telephone books, specialized service directories and any other resources such as input from stakeholders, lists or brochures for the names and contact information for any [legal and related services](#) that exist.

#### Basic Information Collection

Key descriptive information and contact instructions are collected for each organization that is mapped in Step 1. Additional descriptive information is collected and recorded on a separate Basic Information Sheet for each service within a given organization that meets minimum criteria for relevance to this project (Appendix B).

#### Statistics Collection

Services that meet the minimum criteria for Steps 3 and 4 are contacted. After they appoint a representative to participate in the interview, that representative is asked to provide information about the types of statistics that they collect and any actual statistics that they are able to share. They are also asked to explain how they collect statistics and how they use the statistics (i.e. for reporting, funding applications, and tracking referrals).

#### Interview and Questionnaire Completion

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<sup>4</sup> *Prioritization.* In many of the smaller communities, determining which services to complete Steps 2 through 4 of data collection for will not be a challenge. It will be possible to interview a representative from each service. However, in larger centres such as the city of Calgary which have numerous service organizations, it is not possible to complete all levels of data collection with every service. In an attempt to systematically select which services will be mapped to each of levels 2 through 4, the Mapping Team has created a Prioritization Scoring Protocol (Appendix A), with the input of justice community stakeholders who are collaborating on this project.

Two versions of the data collection instrument are used in this initial phase of the research: the Legal Services (two parts) and the Social Services [Questionnaires](#).

Representatives from services that are identified in Step 3 are also interviewed in person to complete Part One of the Legal Service or the Social Service Instrument. Those who complete the Legal Service Instrument are then scheduled to complete Part Two over the telephone.

### **Characteristics of Calgary**

In order to gain a more accurate insight into the information the mapping research findings provide it is necessary to understand the key demographics of the communities that are being mapped. The city of Calgary has been experiencing a steady increase in its population for years and is currently the fastest growing city in Canada. It currently leads major Canadian cities for net interprovincial migration (16,543 people in 2007) and is growing in population at a rate of approximately 2% annually. Calgary's total population is currently estimated to be 1,251,600<sup>5</sup>. Calgary is ranked fourth nationally for attracting new immigrants. Its immigrant population surpassed the 20% of total population mark in 2001 and continues to grow. Statistics Canada reports that Calgary's immigrant population almost doubled between 1991 and 2006<sup>6</sup>.

The increasing ethnic diversity demands that services be available for members of minority groups. For instance, language barriers are becoming a great concern as more and more people immigrate who do not speak English or French. India, China and the Philippines are currently the leading countries of birth for new immigrants to Calgary.

Calgary is also seeing an increase in the number of First Nations people who are relocating there. Currently, First Nations youth are the fastest growing segment of Calgary's child and youth population. It is estimated that First Nations people make up about 2.3% of the city's population<sup>7</sup>.

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<sup>5</sup>City of Calgary. *Calgary's Economic Development*. Retrieved September 30, 2008 from: <http://www.calgaryeconomicdevelopment.com/liveWorkPlay/Live/emographics.cfm>

<sup>6</sup>Retrieved December 20, 2007 from: <http://www12.statcan.ca>

<sup>7</sup>Retrieved December 19, 2007 from: <http://en.wikipedia.org/wiki/Calgary> and <http://www.calgaryeconomicdevelopment.com/liveWorkPlay/Live/emographics.cfm>

Calgary's economy is dominated by the oil and gas industry. Calgary also has one of the lowest unemployment rates of any major city in Canada (3.2%). As a reflection of Calgary's economic success in recent years, housing prices have skyrocketed (an increase of 38% between 2005 and 2006 alone). Calgary's rental stock has decreased. Approximately 58,555 households are currently in need of affordable housing. Calgary also has experienced an over 40% increase in homelessness since 2004.

These are just some of the demographics that relate to the legal needs that will be reflected in this as well as subsequent reports.

## **C. Preliminary Findings**

Between July 9<sup>th</sup> and September 15<sup>th</sup>, 2008 the Team completed 55 Part One Legal Service interviews, 53 Part Two Legal Services interviews and 28 Social Services interviews, all with service providers in the city of Calgary. The following are a selection of preliminary findings intended to provide a snapshot of the information we are collecting, as well as some insight into what project participants are reporting thus far. Complete data analysis and reporting will be included in the final report for this district.

Where appropriate, basic quantitative statistical analyses were conducted for the 55 legal services that have been mapped through Level 4. Although it is important to note that further mapping in the Calgary district may impact these findings, some important trends did emerge from the preliminary analyses.

Some initial qualitative analysis was also conducted, based solely on the Legal Services Part One interviews. In addition to answering closed-ended questions for the quantitative portion of the data collection, participants were asked a number of open-ended questions so that they would have the opportunity to expand upon some of their answers. This provided an opportunity for them to speak freely about their experiences in helping members of the public meet their legal needs. Only a very preliminary themes analysis has been conducted, and it must be noted that there are numerous steps still to be taken before these themes are confirmed. Some new themes may emerge, while other preliminary themes may be adjusted or discarded.

### **Preliminary Themes and Notable Statistics**

*First Contact with Legal Services.* Participants reported that members of the public tend to contact a service by telephone to get information about how to proceed with their legal issue(s). This finding supports the concerns expressed by participants and other project stakeholders that existing websites and legal services directories can be difficult to navigate and lack the needed information and direction.

*Financial Eligibility Guidelines.* Only nine participants reported financial eligibility guidelines. Most reported that they follow Provincial Legal Aid guidelines (see <http://www.legalaid.ab.ca/Getting+Legal+Aid/Do+I+Qualify/Financial+Eligibility.htm> for details).

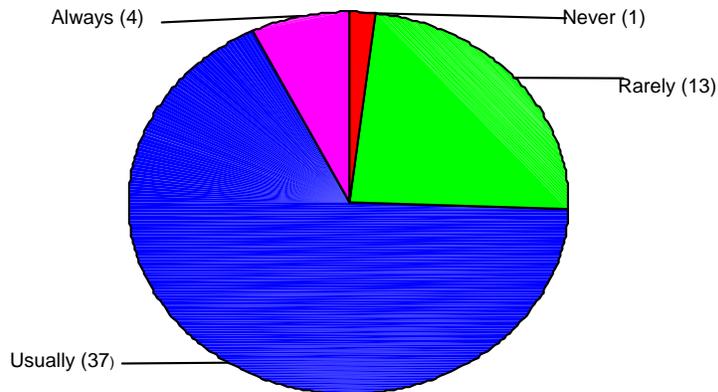
Two participants reported that, in order to qualify, at least one adult in the household must earn less than \$40,000.00 annually. All of these participants reported that there are situations in which exceptions are made (e.g., for women who are in abusive relationships).

*Other Eligibility Criteria.* Very few participants reported strict eligibility criteria for their services. Age (18 and older) was the most common criterion. Residence was the second most common, with most participants specifying only that service users had to be residents of Alberta. Of the services that have eligibility criteria, many informally reported that they have flexibility with respect to their criteria for service. Our preliminary qualitative themes suggested that, where eligibility criteria were present, interpretation in applying these criteria was complex and variable, posing potential barriers to accurate referrals from others services and clear understanding from clients.

The most frequent barrier to receiving services outside of eligibility criteria is aggressive or inappropriate behaviour. All participants who identified this barrier stated that they will work with an individual who has been denied service for this reason if they subsequently improve their behaviour.

*Service Users' Expectations of Services* (from the perspective of the service providers). In an attempt to understand whether both legal service providers and the general public are aware of the legal services available in their area and know what those services offer, a number of items were included in the data collection tools relating to who seeks out services, who gets referred to services and the accuracy of those referrals. The first such item asked service providers to share their perceptions about the accuracy of service users' expectations about the service they provide. The majority of participants reported that people who seek out their service "usually" have reasonably accurate expectations about what it is the service can (and cannot) do for them (Figure 1). Some clients do have informed expectations of services offered. However, many have more of a vague idea. For instance, they expect immediate service, expect the process to be much simpler (and faster) than it is, and many people are seeking legal *advice* while many service providers offer only legal *information*.

Figure 1: Accuracy of Service Users' Expectations about Legal



*Meeting Service Users' Needs.* Many of the participants reported that they and their colleagues work beyond their job description in an attempt to meet their clients' needs. This can involve giving legal advice or information to people who do not technically qualify for their service or going out of their way to find appropriate services for whom their service is not right.

*Who Services Turn Away.* When asked who, if anyone, they most often have to turn away, participants most frequently reported that they had to turn away people for whom their services were not right. This is often a result of receiving incorrect referrals and even happens internally within organizations. For example, participants who worked for Court Services in the Calgary Court Centre frequently reported that service users were being inaccurately referred within Court Services<sup>8</sup>. Only one participant reported that they had to turn people away because they were at capacity.

*Under-utilization of Legal Services.* Participants were asked to identify any groups of people who would be eligible for their services, but access them less than other groups do. Overwhelmingly, seniors and Aboriginals are emerging as two groups that are underutilizing available legal services.

*Transportation.* The high cost and lack of parking space in downtown Calgary emerged as major concerns. All but three participants reported that transportation was an issue at least some of the time. Parking for service users (and often staff) was frequently

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<sup>8</sup> It should be noted, though, that inadequate signage was often cited as a barrier in the Calgary Court Centre and this could result in service users showing up at the wrong services, even if they had correctly been directed.

reported as minimal, if not nonexistent. The high price of public parking in Central Calgary was repeatedly raised as a concern.

Also, people outside the city of Calgary are not accessing city-based services. All the services that were included in this stage of the project were located near to or in central Calgary<sup>9</sup>. Many of the participants reported that members of the public are hesitant to travel into the city centre from surrounding communities and even from city suburbs. In addition to worries about finding parking, confusion about the public transit routes, fears about safety and concerns about finding their way in the city centre were among the most frequently cited reasons for this apprehension. Although all of these services are accessible by bus, participants reported that the transit system in Calgary is confusing and getting to a service location often involved multiple bus transfers. The C-Train in Calgary is handy for the services that fall on its route. However, it runs a limited route that is confined to central Calgary.

*Language services.* Participants were asked whether they offer oral service and/or written material in languages other than English. Of the 55 services included in this report, 25 offered oral services in French. The second most common language other than English was Spanish (12 services). The vast majority of participants who reported that their service was available in multiple languages (aside from French, which was sometimes mandated) said it was because they happened to have staff who spoke those languages, not because they were mandated to offer service in multiple languages or because they specifically sought out job applicants who spoke languages other than English. Approximately two participants reported that their service will hire interpreters for any language that clients require. People are trying hard - albeit unofficially - to provide service to clients in various languages by using other staff members for interpretation, or asking clients to bring in their own interpreters.

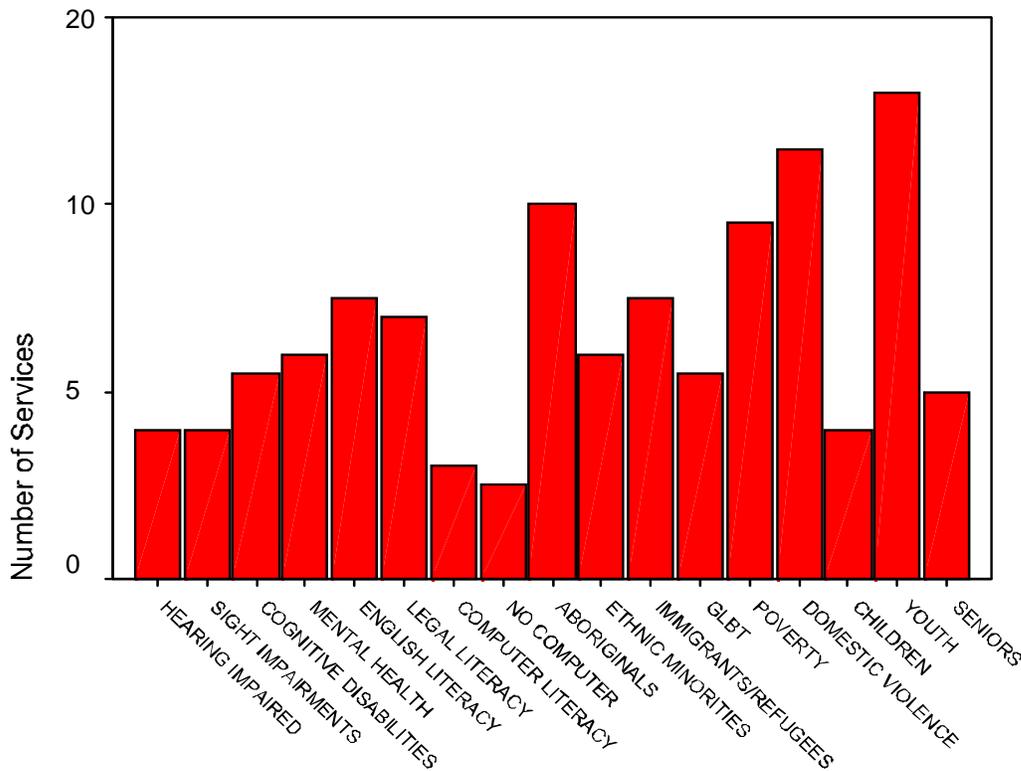
*Specialized services for groups with unique needs.* Throughout the planning stage of this project collaborators have expressed interest in learning about the experiences and legal needs of groups of people who may have special/particular needs. These include people who are living with disabilities, Aboriginal peoples, recent immigrants (temporary foreign workers) and seniors (see the Prioritization Protocol for a complete list). Legal service providers were asked whether they have any programs, staff training or legal information for these groups, or whether they specialize in areas of law particular to any of these groups. Relatively few of the participants interviewed reported that their services offered any specialized services or staff expertise other than having staff members participate in “sensitivity” training. In Figure 3, services are included if they

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<sup>9</sup>Service location within Calgary was not a factor in selection for participation. Services were selected based on the Prioritization Protocol.

offered both specialized programs and staff, just specialized programs or just staff with specialized training.

Figure 3: Services That Offer Specialized Programs and/or Staff Training



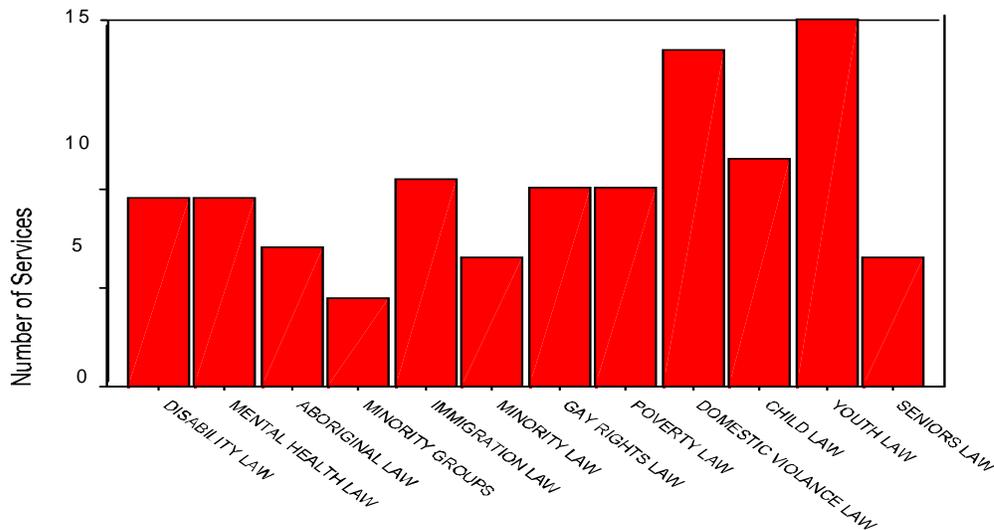
Of those participants who reported that they do offer services that cater to people who have unique needs:

- Five services employ staff who have specialized training about Aboriginals (two of those services also offer specialized programs for Aboriginals);
- Fourteen offer specialized services and/or staff training for youth (under 18);
- Five offer specialized programs and/or staff training for children (under 12);
- Seven offer specialized programs and/or staff training for recent immigrants and refugees;
- Five services have staff with specialized training about mental illness;
- Three offer specialized programs and/or employ staff with specific training about seniors; and
- Three services report that they offer specialized services for people with hearing impairments. In two cases, this specialization constituted hiring Sign Language

Interpreters from external agencies.

In Figure 4 services are included for target group if they offered specialized legal information, they specialized in a relevant area of law or both.

Figure 4: Services That Offer Specialized Areas of Law and/or Legal Information



Again, few services report that they specialize in the areas of law and the legal information that they provide. Of those who do specialize, the most common areas of specialization relate to domestic violence and youth (ages 12 to 18).

*Referrals.* Most participants report that their service receives a significant proportion of inappropriate referrals. Preliminary analyses indicate that there are three types of referrals that are being made: a) informed, appropriate referrals, b) “best intention” referrals and c) “basic pass” referrals. Specific statistics for these categories will be calculated once more interviews have been completed. Everybody reported that they try to redirect individuals who are incorrectly referred to their services. Regardless of the intent behind the referrals, inappropriate referrals result in shuffling individuals around and delays in receiving help.

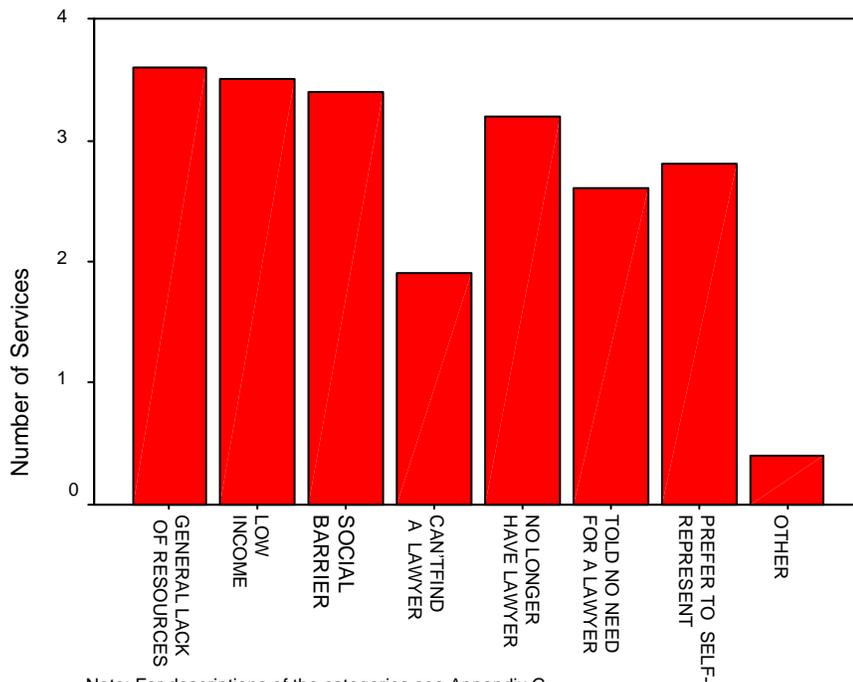
An additional noteworthy finding is that many participants expressed frustration about trying to keep track of all the services that exist (and how these services change) and the resulting challenge in knowing where to refer members of the public who do not fit their service or need additional assistance. This is particularly important because all of

the participants reported that they have clients who have multiple legal needs. One theme that emerged was that , “when in doubt”, many participants referred members of the public to two particular legal services in the hopes that, if these two services were not right for the referred individuals, staff there would at least know of other options and be able to redirect them. These services are Calgary Legal Guidance and Legal Aid Alberta.

### Self-Represented Litigants

This project endeavours to continue the examination of people who are representing themselves in court cases that was initiated by the *Self-Represented Litigants Mapping Project* in 2006. Seventy six percent of the participants in this study report that they serve individuals who are self-representing. Participants were asked to describe who self-representing litigants tend to be, and to select categories that best describe these service users (Figure 5). These categories had emerged in previous research that was conducted by the Forum. For a complete listing of the categories of Self-Represented Litigants see Appendix C.

Figure 5: Categories of Self-Represented Litigants



All of the participants who were able to answer this question related to these categories and found them to be relevant. Participants reported that self-representing litigants are

most likely to be people who have an overall lack of resources such as education, income and social supports. In multiple instances, participants who work with individuals who choose to self-represent noted that these individuals only prefer to handle their case without a lawyer because they did not trust that they would get quality service from a lawyer. This implies that these individuals would prefer legal representation *if* they felt assured that they would receive good service.

## **D. Learnings from the Pilot Phase of Data Collection**

***Participation.*** The researchers received an exceptionally cordial response from all the service providers they contacted to request interviews. The intent was to interview individuals who work directly with service users/clients. In order to accomplish this, it was necessary to contact either management directly or use general telephone numbers or email addresses for services in order to gain entrée. The researchers explained the project and then ask to be directed to a field staff member who would be willing and able to participate.

There were no instances in which these requests were refused. However, there were a number of incidences in which the supervisory staff insisted on either accompanying the field staff to the interview or on completing an interview themselves. In a small number of instances (approximately five), organizations requested that their staff lawyers sit in on interviews with non-lawyer field staff. In an additional few instances, participants simply asked that there be multiple staff present for the interview.

Once individuals completed Part 1 of the Legal Services Interview, they were very quick to respond to the researchers' requests to complete Part 2. In fact, only about ten percent of participants had to be contacted more than once to successfully schedule the second interview. This was very encouraging as it is indicative of the participants' appreciation of the value of this project. Additionally, meeting in person for Part 1 built a good rapport with the participants and all appeared to be very comfortable participating over the telephone for Part 2. None of the representatives who participated with colleagues, supervisors or lawyers present in Part 1 insisted on being accompanied during Part 2.

***Instruments.*** When the Team began conducting interviews it was assumed that the Legal Services Instruments would be administered to all Legal Services and Social Services Instruments would be administered to related Social Services. It quickly became evident to the researchers that the Social Services Instrument was more applicable for many Legal Services as well. This is because many Legal Services do not

provide or provide minimal legal advice, legal information or legal representation; but instead offers other forms of support (e.g., counselling, referrals or prevention). For these services, a large portion of the Legal Services Instrument was not applicable.

## **E. Next Steps**

The Research Team will resume data collection with legal and related social services in the Calgary District in November 2008. Relevant Provincial and Federal Government services will be a primary focus. The Team is also currently developing additional versions of the data collection instrument that are tailored to members of the Judiciary, the Bar and the Public.

The researchers have been seeking help to identify members of the public from the legal and social service providers whom they have interviewed, and will continue to do so. Each service provider who participates is given a printed set of instructions for their reference and *Consent to Contact* forms to circulate to members of the public who seek their services. Individuals are asked to either return the completed form to a staff member at that service organization or to contact the Team directly. In an added effort to reach members of the public who may have legal needs but have not found or sought out legal services, the Team will set up a booth to recruit and interview members of the public in at least one shopping centre in Calgary for one day. The Team is also exploring the possibility of setting up booths in a Public Library and/or the Calgary Courthouse, and using local media to inform the public of our interest in engaging them in the project.

The Team will map the Fort McMurray District next. This district has been selected due to widespread concerns about the lack of legal and social services in the area. The Team will begin Step 1 mapping for the Fort McMurray district in December 2008. The Team plans to begin conducting key contact visits in this Judicial District in the spring of 2009 in order to be prepared to begin conducting interviews by early summer of 2009.

Preliminary planning for the database began in September 2008. A pilot version of the database will be created using the data from the Calgary district and will be available for review in early 2009.

The Team will continue to provide progress updates every two to three months and the final report for the Calgary district is expected to be completed in June 2009.

## APPENDIX A



### Prioritization Scoring Protocol For the *Alberta Legal Services Mapping Project*

#### **Purpose of the priorities**

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

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

#### **Instructions for using this sheet**

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

#### *Scoring*

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

#### **Step 1: Preliminary Mapping**

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

#### **Step 2: Basic Information Sheet**

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

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

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

#### **And/or**

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

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

- Does this service enhance access to justice?
- Do the majority of clients who access this service have issues that may be of a legal nature?

- Would it be useful to know about this service if someone needed help with a legal issue?
- Other: Please explain

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

### **Step 3– Statistics Collection**

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

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

### **Step 4 – Interview and Questionnaire Completion**

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

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

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

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

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

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

**and/or**

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

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

- Does this service offer unbundled services?
- Are paralegals utilized?

**Other priorities:**

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

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

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

How should this organization be mapped?

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

Comments:

## APPENDIX B

### Alberta Legal Services Mapping Project Legal Services – Basic Information

| Parent Organization Information                                  |  |
|--|--|
| 1. Official Name of Organization                                 |  |
| 2. Is the organization known by any Acronyms or alternate names? |  |
| 3. Name (and Title) Senior Staff Person                          |  |
| 4. Mailing Address for Head Office                               |  |
| 5. Street Address (if different)                                 |  |
| 6. General email address for the public                          |  |
| 7. Main telephone number(s)                                      |  |
| 8. Fax Number  |  |
| 9. Years of operation  |  |
| 10. Mandate/Description of Organization                          |  |

| Legal Service(s) Offered by Parent Organization |                                      |   |   |                 |
|---|--------------------------------------|---|---|-----------------|
| Name of Service                                 | Senior Staff Person (Name and Title) | Contact Person and Title (if different) | Basic Contact Information (E-mail, Phone of contact person) | Mapped (Y or N) |
|   |                                      |   |   |                 |
|   |                                      |   |   |                 |
|   |                                      |   |   |                 |
|   |                                      |   |   |                 |
|   |                                      |   |   |                 |
|   |                                      |   |   |                 |
|   |                                      |   |   |                 |

| <b>Service Being Mapped: Complete this sheet for each service being mapped.</b> |  |
|---|--|
| 1. Name of Service  |  |
| 2. Name and Title of Senior Staff person  |  |
| 3. Years of operation   |  |
| 4. Contact Person   |  |
| 5. Contact information  |  |
| 6. Mailing address (if different from Parent)                                   |  |
| 7. Street address   |  |
| 8. Business hours   |  |
| 9. Website  |  |
| 10. General email address for the public  |  |
| 11. Telephone number(s)   |  |
| 12. Toll Free telephone number  |  |
| 13. Fax Number  |  |
| 14. Is any of the Contact Information you have provided Confidential?           |  |
| 15. Mandate/Description of Service  |  |
| 16. Funding Source(s)   |  |
| 17. Level of Mapping  |  |

| <b>Researcher Observations:</b>  |
|--|
| <ul style="list-style-type: none"> <li>• <i>General observations.</i></li> <li>• <i>Comments about finding out about this organization &amp; understanding the structure.</i></li> <li>• <i>Comments about ease of figuring out about this organization, its services and accessing services.</i></li> </ul> |

## APPENDIX C

### Characteristics of Self-Represented Litigants:

1. SRLs with an overall lack of social resources.

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

2. Low income SRLs with some social resources.

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

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

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

4. SRLs unable to find an available lawyer.

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

2. SRLs who were previously represented.

These SRLs began their involvement with legal counsel but are no longer represented. The usual reason is that the legal problem has been lengthy and remains without a permanent resolution. This can occur in complex civil cases of all kinds but family law problems are the most common area. These SRLs may be involved in cases that progress all the way to the Court of Appeal. Some of these litigants have learned much about the process and presentation of their cases and can self-represent quite successfully.

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

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

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

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

5. SRLs who do not fit into any of the above categories.

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