

# THE ALBERTA LEGAL SERVICES MAPPING PROJECT

Report for the

**DRUMHELLER JUDICIAL DISTRICT**

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**Disclaimer**

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

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

## **1.0 INTRODUCTION**

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

The goals of this project are to:

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

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

Team members travelled to the Drumheller Judicial District in September 2010. We held a Community Focus Group meeting in Drumheller. We also conducted interviews with legal and related social and health service providers in Drumheller, Trochu, Hanna and Three Hills via telephone.

## **1.1 Outline of the Report**

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

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

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

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

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

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

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

That said, there are always limitations when conducting research:

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

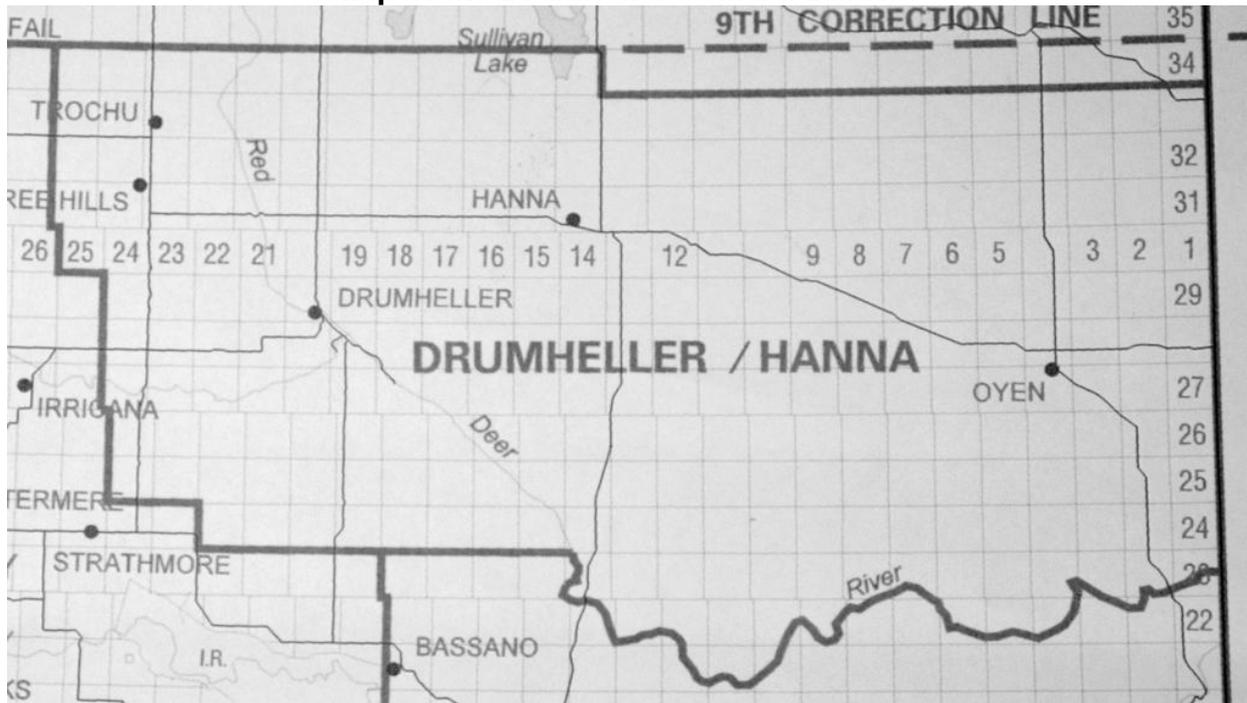
## **1.3 Database**

One of the deliverables of this Project is the creation of a database that provides information about all of the mapped legal and related services in Alberta. The database contains basic information about services such as mandates, as well as details about location, eligibility criteria, required documentation and accessibility. The administrative interface for this database can be viewed online by project partners by going to [www.albertalegalservices.ca/admin/](http://www.albertalegalservices.ca/admin/) then entering *guest* as the user name and *mapping data* as the password.

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

## 2.0 ABOUT THE DRUMHELLER JUDICIAL DISTRICT

**Figure 1 –  
Map of the Drumheller Judicial District**



### 2.1 Population

The demographic makeup of communities in this District appears to vary quite a bit (or at least reported perceptions of it do). Some participants thought there was a growing non-white population, including in the town of Drumheller, while others perceived a static population which is nearly all white, with a low Aboriginal presence. The Drumheller Court circuits to Siksika Reserve, although the Reserve actually falls within the Judicial District of Calgary.

A unique situation mentioned in this Judicial District is that Hutterites who break from the colonies are particularly vulnerable to social and legal problems; especially alcohol addictions and domestic violence.

There is a perception that young people in their 20s leave the area after high school, but often move back later. The lack of vocational and recreational options for young people in and around Drumheller was mentioned multiple times.

The population of the town of Drumheller is approximately 7,932 (Statistics Canada, 2006). Participants confirmed that the population is currently around 8,000. Of these, 365 people self-identified as being of Aboriginal descent. There were 395 immigrants living in Drumheller as of 2006, and all except 35 have been living there for at least five years. There were also 180 non-permanent residents.

Three hundred and sixty five people also self-identified as being visible minorities. Of this portion of the population, the largest proportion, by far, was Filipino people at 44%. Latin and Chinese people round out the second and third spots for largest representation at 14% and 12%, respectively (Statistics Canada, 2006).

There are four municipalities and counties in the Drumheller Judicial District. These include:

- County of Newell #4 (approximately  $\frac{1}{4}$  of this county; total population 6,862)
- Kneehill County (population 5,218)
- Municipal District of Acadia #34 (population unknown)
- Starland County (population 2,371)

The towns of Hanna (population 2,847) and Oyen (1,015), along with the villages of Cereal (126), Consort (739), Empress (136), Veteran (293), and Youngstown (170) are in a Special Area in this District (no municipal boundaries have been assigned). Given the uncertainty around how much of Newell County's population is inside District boundaries or the population of the Municipality of Acadia, it is not possible to give a definite total population number. The total population for this District is estimated at 25,000 residents.

There are no Reserves or Métis Settlements in this District. Although organizations in Drumheller do provide services to residents of Siksika Reserve, the reserve is located within the Calgary Judicial District, and was included in that Report.

Strathmore was identified as a particularly high incidence area for crime, and is home to nine enforcement agencies.

## **2.2 Education**

The educational attainment of the general population of Drumheller and area is lower than provincial averages (Table 1).

**Table 1 –  
Educational Attainment for Drumheller**

Education	Alberta		Drumheller	
	Total %	Aboriginals %	Total %	Aboriginals %
Less Than High School	14	26	31	42
High School	24	25	26	25
Trade	12	18	10	8
University/College	48	27	33	28

Source: Statistics Canada (2006)

Of those whose highest level of education achieved is high school, the averages are almost identical to the provincial average. High school dropout rates for the general population as well as for Aboriginal peoples is much higher though: almost double in the case of the general population and 33% higher for the Aboriginal population.

The percentage of people completing trade certificates or diplomas is about the same for the general population but less than half of the provincial average for Aboriginals. On the other hand, the rates of university and college completion are 30% lower than provincial averages for the general population but virtually the same as provincial averages for the Aboriginal population.

### **2.3 Employment & Industry**

In discussions among the Participants, there were varied perceptions about employment in this District. Most agreed that the area has a lot of long-time farmers. Mining was mentioned by several participants, although they were unclear on whether the mine remains in operation.

The labour force participation rate in Drumheller is 72.5%, which is not significantly different from the provincial rate of 74% (Statistics Canada, 2006). The occupations that account for the majority of employment in this District are:

- Sales and service occupations (28%).
- Trades and transport (19%).
- Business and finance (14%).

These patterns are almost identical to those found in the Wetaskiwin District (<http://cfcj-fcjc.org/docs/2010/mapping-wetaskiwin-en.pdf>), which is not surprising given their close proximity to each other. The Royal Tyrrell Dinosaur Museum and gift shops (<http://www.tyrrellmuseum.com/>) are a popular tourist attraction and account for a portion of sales and related jobs. An average of 500,000 tourists visit this area each year ([www.albertfirst.com](http://www.albertfirst.com)).

There is a federal correctional facility located just outside of the town of Drumheller. Also, there is a coal mine in this area, which accounts for the high percentage of people employed in trades and transport. Finally, plastic products are also produced here.

That said, service providers perceive limited employment options here, and a belief that many young people move away after high school. However, Statistics Canada (2006) reports that the 20-29 age group is the second largest in Drumheller, after 40-49.

## 2.4 Cost of Living

Housing prices in Drumheller remain the lowest in Alberta. The average cost to purchase a bungalow was \$221,000.00 as of 2007 (Town of Drumheller, 2007). Participants did not perceive this area as being an expensive one to live in. They also reported very little - if any - homelessness. People who do not have permanent residences tend to be housed in a local hotel that rents rooms by the week or month.

Participants reported that there certainly are residents who are low income but did not perceive this to be out of proportion to trend in any prairie communities in Canada. Overall, they reported this District to be affordable and have adequate options for housing.

## 3.0 EXISTING LEGAL AND RELATED SERVICES IN DRUMHELLER

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

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

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

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

A selection of legal and related social and health services were identified for interviews.<sup>1</sup> Of these, seven agreed to participate in interviews: two were sole-purpose<sup>2</sup> legal; two were a cross-over legal and social/health service; and three were sole-purpose social services.<sup>3</sup> These participants were located in Drumheller as well as Three Hills, Hanna and Trochu. A follow-up Focus Group was then held in Drumheller to review the themes that had emerged regarding barriers and gaps in services as well as to develop and prioritize recommendations for this District. These participants were clearly very eager to talk and express their views. The pattern of their feedback and conversations during the meeting suggest that opportunities for them to share their experiences and feedback are rare.

### 3.1 Identification of Legal and Related Services

The Team mapped 44 organizations that offer a total of 110 legal and related services in the Drumheller Judicial District. Based on population, this District is the most sparsely serviced of the Districts that we have mapped thus far. Of the services mapped:

- 65 are sole-purpose legal services,
- 19 are cross-over legal and social/health services and
- 26 are sole-purpose social/health services.

As Table 2 indicates, there is a lack of options for family and civil legal supports for people who live in this District. This corroborates reports by service providers that there are no options for referring people with these needs to. The gap in services is made worse by the fact that the legal needs that service providers report encountering most frequently, fall largely into these two areas of law (see Section 4.3).

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<sup>1</sup> The Team has developed a prioritization process, which is described in detail in the methodology discussion of the Calgary Judicial District Report at page 13, footnote 16. <http://cfci-fcjc.org/docs/2009/mapping-calgary-en.pdf>

<sup>2</sup> “Sole-purpose” is a term used for the purposes of this Project, to differentiate legal services that do not have any social or health service components and social or health services that do not have any legal service components.

<sup>3</sup> A commitment of the ALSMP is to confidentiality. As we are now only able to include a very small number of participants we are no longer listing service representatives that have been interviewed.

There are also no local services that offer help with administrative matters, yet participants identified legal needs related to social benefits programs as being among the most common in this District.

**Table 2 –  
Services Available within the Drumheller District  
by Area of Law & Service Type<sup>4</sup>**

<b>AVAILABLE LEGAL SERVICES<sup>5</sup></b>	<b>City of Drumheller</b>	<b>Other Communities</b>	<b>Outside Judicial District</b>
<b>Administrative Law</b>			
<i>Advice</i>	-	-	2
<i>Enforcement</i>	-	-	9
<i>Representation</i>	-	-	-
<i>Support</i>	1	2	2
<i>PLEI</i>	3	5	31
<b>Civil Law</b>			
<i>Advice</i>	-	1	1
<i>Enforcement</i>	5	2	4
<i>Representation</i>	-	-	-
<i>Support</i>	3	3	-
<i>PLEI</i>	6	7	33
<b>Criminal Law</b>			
<i>Advice</i>	3	4	-
<i>Enforcement</i>	13	8	-
<i>Representation</i>	3	2	-
<i>Support</i>	10	10	-
<i>PLEI</i>	11	13	10
<b>Family Law</b>			
<i>Advice</i>	-	-	1
<i>Enforcement</i>	5	2	-
<i>Representation</i>	-	-	-
<i>Support</i>	5	2	2
<i>PLEI</i>	7	6	16

### 3.2 Geographic Location of Services

The majority of legal and related services that are located in the Drumheller Judicial District are located in the town of Drumheller itself (Table 3). Most of them are located

<sup>4</sup> Categorizing types of service is not straightforward. For example, the Native Counseling Court Worker Program is classified as “support”, although court workers are able to appear on behalf of clients. A service was only counted as providing PLEI if substantive information was offered about laws, rights, responsibilities or procedures. Not all advice and representation services also met the PLEI requirements.

<sup>5</sup> Some services offered multiple types of services in more than one area of law. Therefore numbers are greater than the total number of *different service organizations* mapped and interviewed.

on or near the Centre Street and to one end of the street. This makes the services very accessible for people who need to access multiple services and live in or have easy access to the town.

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

Location	Legal Services		Social or Health Services
	Sole Purpose	Legal & Social or Health	
Drumheller	21	8	14
Hanna	9	4	3
Oyen	1	2	3
Three Hills	6	2	5
Trochu	-	1	2
<b>TOTAL Service Locations in District</b>	<b>37</b>	<b>17</b>	<b>27</b>
<b>TOTAL Service Locations Outside District</b>	<b>40</b>	<b>5</b>	<b>4</b>
<b>TOTAL PHYSICAL LOCATIONS</b>	<b>77</b>	<b>22</b>	<b>31</b>

There are also a few services in each of the other towns in the District. People here are very reliant on services that are physically located outside of the District. They either travel to Calgary or Red Deer for supports and information, as well as access to lawyers.

### 3.3 Capacity of Existing Services

Most say there is a lack of legal as well as social services (except libraries), but they are doing their best with what there is. There are a lack of options for people who have legal needs and so existing service providers are often going beyond their mandates to offer supports to people because, if they do not, those people will receive no help.

*We are constantly fighting ... (we report to Calgary) to make them understand that things are not the same out here as in the cities. They don't listen. So we end up just making do. [01, Legal Service Provider]*

Additionally, there is often just one staff person per service to cover the entire Judicial District. Thus they have time for little else besides responding to immediate client needs. This was illustrated by the fact that in a community of less than 8,000 people, not all of the service providers who participated knew each other or about each other's services.

At the same time, the community members look to the service providers who are there to have a very broad knowledge base and the be able to direct them and answer questions that are outside of the range of services that they officially offer.

*In a small town, you get asked about everything. People need many services – social and legal – and ask for direction/referrals .... We get left alone a lot [in rural areas]. And then when [services] get taken, they get taken from us, not the cities. And the cities have more alternatives. If people out here had everything they needed as far as services go, they wouldn't have as many problems. You can't expect people who have no money, or no car, or mental health issues to travel to Calgary and seek out services. That's just not going to happen .... All outlying towns see gaps. All social assistance or social services are centered in Olds or Drumheller and there is no way to get to them .... If you don't have a car or Internet or a phone you have no way of accessing services. If you need food for example, you have to go to Olds or Drumheller and they are only open until 4:00. How are these people ever supposed to get services? For the legal services I deal with there is only LAA that I can really think of. [01, Legal Service Provider]*

Capacity is further taxed by the lack of any dedicated local source of public legal education and information. Service providers expressed a need for a centralized source of legal information and support. Most importantly, though, they feel this entity should act as a centralized triage, assessing individuals' needs and referring them to the proper service(s).

### **3.4 Key Services in the Drumheller Judicial District**

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

- Legal Aid Alberta (LAA)
- Lawyers
- Court House Services
- Alberta Law Libraries (ALL)
- Royal Canadian Mounted Police (RCMP)

Family and Community Support Services (FCSS) is a key resource in communities where local legal service options are few, if any. For that reason, a brief description will be included in this Section as well.

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

LAA does not have a Regional Office in this District. Rather, staff from Calgary have use of an office at the courthouse that they work out of every Friday, meeting with people and taking applications when warranted. This was still one of the most talked about legal services. Service providers reported that they observe lineups for LAA every Friday, although they do not know how many of those people are actually eligible or receive services.

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

In April 2009 a Legal Aid Alberta Review (<http://cfci-fcjc.org/clearinghouse/publication.php?id=22322>) made 19 recommendations to the Minister of Justice, including substantial service delivery changes. This review was not targeted at doing more with less, but the financial downturn intervened.<sup>6</sup>

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

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

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<sup>6</sup> For a more detailed summary of the recent changes to LAA, refer to the ALSMP Report for the Edmonton Judicial District. (<http://cfci-fcjc.org/docs/2010/mapping-edmonton-en.pdf>)

At the Legal Services Centres (LSCs) there will now be access to brief legal advice in person and by telephone.<sup>7</sup> Telephone intake will be available across the province. Expansion of the Duty Counsel program is planned as soon as fiscally possible, and LAA wants to proceed with the Review recommendation to pilot civil assistance, especially for debt.

**Regional Offices**

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

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

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

These guidelines may be increased somewhat within the ranges below if the applicant makes a contribution to the cost (Table 5).<sup>8</sup> If net income falls within the following ranges, legal aid coverage may be granted on the condition that payments are made (eg. down payment, monthly payments). Clients may be asked to start making small payments right away, or provide some kind of security agreement even before a lawyer is assigned to their case.

<sup>7</sup> Brief services may include document review and preparation; third party contacts for clarification or issue settlement; settlement advocacy; and coaching for clients who can self-represent.

<sup>8</sup> Although cost contributions are requested, LAA report only recovering eleven cents on the dollar. Clients may make a subsequent submission concerning inability to pay if their financial circumstances change, and accounts are written off if the client makes a case not to pay. LAA representatives also report that it has been suggested that increasing the amount recovered would improve their financial situation, however they resist this course of action because people accessing legal aid are the poorest of the poor.

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

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

**Legal Services Centres**

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

In accordance with the priorities set out in the 2009 LAA Review, LSC's will provide services in the following areas of law;

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

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

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

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

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

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

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

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

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

The toll-free Law Line number (1-866-845-3425) is still operational and calls from outside Edmonton will be accepted. However, former Alberta Law Line staff are now part of the LSC in Edmonton, providing in-person and telephone services. Calls from LInCs are received on a priority basis. There is also a priority call pilot program with nine women’s shelters across the province.<sup>9</sup> LAA management acknowledge that response time to individual callers may be delayed, resulting in lengthy wait times. We note that:

- there continues to be no eligibility criteria for gaining information and referrals via a direct call to the Law Line,
- the old [higher] eligibility levels apply for brief advice [as per those listed above],
- LAA is attempting to monitor discrete calls and waiting times.

**Local Perspectives about LAA**

Service Providers perceived the LAA presence in this District as being minimal. They reported that LAA is in Drumheller once a week on Fridays but often for two hours or less. They also reported that LAA used to be present in other towns, though minimally, but is more-or-less non-existent now.

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<sup>9</sup> This pilot project runs until December 2010, at which point it is anticipated that both organizations will be making recommendations with respect to future directions.

*LAA used to come to Hanna once a month. There is no more of that. They have to call Calgary now. They have all called Calgary and [then] said, “I’m not ... doing that anymore. I’ll deal with it on my own.” And these people have really serious legal needs. But they have given up seeking help. And they really do need the help. [01, Legal Service Provider]*

*For one [barrier], Legal Aid only uses an office in [the court] building. They’re only here once per week and they only stay for a couple hours. They don’t take appointments; it’s first come, first served and once they leave, then the only option for somebody is to wait ... they have to wait until the next Friday to be able to see the representative .... If somebody wants to contact Legal Aid, the phone number we provide is the Legal Aid office in Calgary. [03, Legal Service Provider]*

Although service providers did report that there are gaps in existing Duty Counsel services (see Section 3.4.3), enhancing these services does not address the gaps in LAA’s certificate services, which is what people truly need. People need representation for more civil and family matters and even for minor criminal matters. Service providers reported that too many people are trying to maneuver the system without representation or advice, and are experiencing negative outcomes.

### 3.4.2 **Lawyers**

Participants from towns in this District report at best one or two practicing lawyers. The actual numbers from the Law Society confirm this in towns other than Drumheller (Table 8). There was even mention of a lack of lawyers for real estate matters, which isn’t something we have heard in previously mapped Districts.

**Table 8 –  
Lawyers who are Practicing in the Drumheller District**

Location	Bar Members		
	Registered <sup>10</sup>	Government	Private
Drumheller	11	2	9
Hanna	2	-	2
Oyen	-	-	-
Three Hills	1	-	1
Trochu	2	-	2
<b>TOTAL</b>	<b>16</b>	<b>2</b>	<b>14</b>

### **Experiences with Lawyers**

A recent poll conducted by Ipsos-Reid for the Law Society of Alberta (<http://www.lawsocietyalberta.com/#survey>), reported that most Albertans were satisfied with the services of lawyers in meeting everyday legal needs such as matters concerning real estate and Wills and estates. However, public participants that have

<sup>10</sup> In some cases, the total number of registered Bar members may be higher than the sum of those in government and private practice. This is because those practicing in corporate settings have not been included in this Table.

been included in the ALSMP (Edmonton and Calgary Judicial Districts) and previously in the SRLMP and *Civil Justice System and the Public* (<http://cfcj-fcjc.org/publications/cjsp-en.php>) were generally not satisfied. These participants tended to be involved in contentious civil and family court cases or criminal matters, though. These represent a small minority, and the most complex of legal needs, which can have serious financial and other personal consequences. Clearly, such cases are more likely to generate dissatisfaction.

### **3.4.3 Court House Services**

The courthouse in this District is located in the town of Drumheller and holds Provincial as well as Court of Queen's Bench. Drumheller is the base court and circuits to Hanna, Siksika Nation and Strathmore. Additionally, Threehills court sits in Drumheller once each month. The key courthouse services that participants referred to were Duty Counsel and Family Justice Services, as well as Alberta Law Libraries (to be discussed separately in the next Section).

Participants reported that, due to the small size of the communities in this District, there is limited access to court and court-related services.

*We don't have court every day out [in Drumheller]. Hanna is once a month. There is no court any more in Oyen. [02, Social Service Provider]*

*Because we're considered a rural court, services that we have tend to be more remote assistance than one-on-one. [There is] a Legal Aid representative at each of [the] courts. They appear on a court date and they take applications from the public for those people needing legal assistance. [03, Legal Service Provider]*

They recognized though that this is the nature of smaller communities where there is not sufficient need to warrant five-day-a-week access to courts, for instance. However, they did point out that there is not sufficient access to legal services (even for the size of the communities) to help people prepare for court and support them in court.

There are no court workers or counsellors of any kind (eg. Family Court Counsellors, Native Counselling Services Courtworkers) in this District. There is also no Law Information Centre or Community Legal Centre. So there are few options for any support, other than Duty Counsel.

#### **1) Duty Counsel**

For Provincial Court in Drumheller, Criminal Duty Counsel can be accessed at the Courthouse. However, there is currently no Family Duty Counsel and no Duty Counsel for Queen's Bench.

There is no financial eligibility testing for assistance through this program. Duty Counsel provides free legal advice and assistance to people making their initial criminal court appearance unrepresented by counsel.

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

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

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

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

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

Participants indicated that Duty Counsel is a valuable resource in this District, but again reported that Duty Counsel, in general, do not have the capacity to deal with the volume of clients needing assistance.

*P1: We have the Duty Counsel that comes once a week for Provincial Court and that works out well I think.*

*P2: I agree with [colleague] Duty Counsel does work well for people who, you know, maybe the matter isn't a serious matter and they just need somebody to speak on their behalf in the courtroom. [The] judges also really appreciate Duty Counsel in the courtroom for unrepresented accused. [03, Legal Service Providers]*

*I like Duty Counsel. But they don't have a lot of time [to give to] people. They need more time. [01, Legal Service Provider]*

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

FJS/FLIC was launched in 2005 and is a group of programs and services that are offered by Alberta Justice and the Alberta Courts. They focus on providing free or low-cost services to members of the public with family law needs. There is no FJS/FLIC office in Drumheller. There are currently eight programs that are available to residents of this District through FJS in Calgary or Red Deer. Only one service is available locally: the Parenting After Separation course, which is offered through Child and Family Services.

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

The first of the programs that are available remotely is **Caseflow Conference**. This program is optional for individuals who are going to Provincial Court in Drumheller with family matters, and is intended to resolve disputes between parties and ensure they are prepared to proceed to court. The Caseflow Conference provides an opportunity for discussion of the parties' issues about the application(s) in a private, less formal atmosphere than a courtroom.

The **Child Support Resolution Project** attempts to help litigants resolve conflicts related to child support agreements prior to attending the Court of Queen's Bench. This service is mandatory for all interim applications or variations on child support Orders.

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

The **FLIC** provides information about:

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

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

**Family Mediation Services** offers free information and assistance with bringing applications concerning guardianship, parenting or contact, mediation services to assist

families in resolving parenting issues, courses to improve parenting skills and communication between parents who are living apart, and other court-directed services intended to aid in resolving parenting disputes. In order to qualify for this service, at least one party must earn less than \$40,000 annually.

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

Finally, the **Parenting after Separation for High Conflict Families (PASHC)** course is a three-hour seminar available to all parents who have already completed the six-hour Parenting after Separation course. Participants may be ordered to attend by a judge, or attend voluntarily. PASHC offers information about the process of separation, how to emotionally disengage from one another and how to identify and renegotiate boundaries. Parents will be encouraged to develop a *Parallel Parenting Plan*, which can be an effective tool to reduce conflict and minimize the contact between parents (2009 Alberta Court Calendar).

Other FJS services available in Red Deer or Calgary include:

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

Participants spoke of the importance of have more of these services available locally - particularly mediation services - and emphasized that legal processes are quite stressful for people experiencing family law-related matters and that they really need ample available support.

#### **3.4.4 Alberta Law Library**

**Alberta Law Libraries** are also located in the courthouse in Drumheller, and provide important resources to members of the public as well as members of the Bar and Judiciary. This Service will be described further in Section 5.2, in the discussion about PLEI providers.

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

The RCMP Detachments in the Drumheller Judicial District are organized into 11 sections and units. These units work together to promote public safety and awareness, enforce Federal, Provincial and Municipal laws and provide an overall sense of security to residents.

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

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

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

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

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

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

Finally, **Community Policing Services** are available in all communities in this District. Traditional policing such as crime investigation, law enforcement and maintenance of

order are still part of policing under this philosophy, as well as attempting to address unique needs and problems with the people and communities they serve (from website).

There is also a correctional institution near Drumheller. One comment made by participants about the RCMP is that they could possibly benefit from some of the same training that other legal service providers are requesting; training about marginalized populations.

### **3.4.6 Family and Community Support Services (FCSS)**

FCSS is typically thought of as a social services organization; however it does offer legal supports and referrals as well. FCSS is an 80/20 funding partnership between the Government of Alberta, and the municipalities or Métis Settlements. Provincially, the FCSS Program receives its mandate from the *Family and Community Support Services Act* and Regulation. At the local level, a municipality or Métis Settlement Council chooses whether to establish a Program, and enters into an agreement with the province to jointly fund the Program.

Under FCSS, communities design and deliver programs that are preventive in nature to promote and enhance well-being among individuals, families, and communities. The programs depend on community resources, often involving volunteers in management and delivery. The FCSS philosophy is based on a belief that self-help contributes to a sense of integrity, self-worth and independence. The programs developed are intended to help individuals in their community to adopt healthy lifestyles, thereby improving the quality of life and building the capacity to prevent and/or deal with crisis situations should they arise (from Website). Some programs that FCSS offers in the way of legal supports include;

- the Community Volunteer Income Tax Program,
- the Seniors Income Tax Program, and
- the Prevention of Family Violence Program.

FCSS is often a point of first contact for people with legal and related needs, particularly in smaller rural communities where there is not a large selection on legal services that are locally available.

## **3.5 Barriers to Accessing Existing Legal Services**

It is difficult to ascertain what barriers may be relevant in the Drumheller Judicial District because there are so few locally based legal and related services. People are not always accessing legal services when they would benefit from doing so and people are going to – and being referred to – services that are not entirely appropriate to meet their needs. But this, according to service providers, is quite often due to not having accessible options to consider.

What barriers did emerge in addition to the lack of services, were based largely around knowledge and awareness of legal rights and responsibilities:

- Lack of Local Options for Services.
- Lack of Coordination of PLEI.
- Lack of Public Knowledge.
- Lack of Transportation.
- Lack of Anonymity/Social Stigma.

### **3.5.1 Lack of Local Options for Services**

There are very few options in the Drumheller area for people who have legal and related needs. Yet there is an active Interagency Group in Drumheller. The service providers in the different towns seem to be aware of what services are available locally and where people have to go for the basic legal services like courts and LAA.

There also seems to be some awareness among the community services of what they are missing and would like. Examples include a LInC, community legal clinic and services via video conference. On the other hand, some of the providers expressed a low understanding of civil and administrative legal needs that members of the public face: the causes, prevalence and the impact these problems can have on people's lives and well-being.

### **3.5.2 Lack of Coordination of Public Legal Education and Information (PLEI)**

PLEI is available via sources external to this District, but the service providers we spoke to indicated that they were not always sure where to find the information they needed. Thus, it would follow that members of the public do not know where to find these resources and are not being assisted by service providers to do so.

*Having access to legal info that is free is a big need .... People by and large are ignorant of the justice system, and I would include myself in that .... understanding what their rights are is an area – do I have any recourse? Can I appeal? [02, Social Service Provider]*

There is currently no dedicated PLEI provider in this District. Residents have to travel to either Red Deer or Calgary to attend a LInC or Legal Clinic. The local libraries are not consistently supplied with print materials from legal services or dedicated PLEI producers. Service providers reported that one of the most needed services is a central point for people to start out at when they have a legal need; a place that would not only provide PLEI but would refer them on appropriately.

### **3.5.3 Lack of Public Knowledge about How to Address Legal Needs**

Lack of knowledge about legal rights, responsibilities and processes has emerged as a barrier to the public in every District that we have mapped thus far, and emerged again in Drumheller.

*People not understanding the system. Not knowing about services is huge. People don't know what to do in this area about their legal problems. They aren't going to figure out how to go deal with their needs in Calgary .... I do experience the same barriers they do – I try to call places and can't get through. [01, Legal Service Provider]*

*[People] come out of the courtroom and say..., "I don't have a clue what the judge just said." It is very intimidating and, on family and civil stuff, there's emotions involved and [they need] to have somebody to guide them through that, and I'm not sure how far FLIC goes into explaining the process. We understand they will help people and LInC is awesome. We've heard great, great feedback from people who utilize those two services. But they help them get their documents ready to get into court but I think that's where it ends. [03, Legal Service Provider]*

*People need to know what's involved in the Youth Court and they need to know the procedures when they're arrested. It's the kind of thing people don't know about until they have to know about it. Law Day is good, but I always get the feeling we're preaching to the converted there. A lot of people who end up with legal issues have literacy issues. [05, Community Service Provider]*

This lack of knowledge is exacerbated by the lack of direct access to legal services, especially PLEI. With this lack of visible resources and knowledge comes apathy and possibly discomfort or even embarrassment about seeking out legal supports. The public library in Drumheller periodically runs PLEI sessions via video conference from Lethbridge, however they require public input in order to determine what topics are relevant and people want to learn more about.

Drumheller held Law Days in the past but service providers reported that there was little public interest shown. This could be because people were not aware of how they could benefit from attending. Also, people do not tend to seek out legal supports unless they have an immediate need (that they recognize is a legal need). Furthermore, because there is such a lack of legal support services, it is possible that residents of this District still view legal services as places people go to when they are “in trouble” or have done something wrong.

An additional barrier discussed by service providers, however, would also discourage people from seeking out legal information and supports and is exacerbated by lack of knowledge. This barrier is *social stigma*. In communities as small as the ones found in this District, including in Drumheller itself, most people know each other and it is difficult

to maintain privacy. Service providers felt that people may be embarrassed to be seen going into places like the courthouse. Also, they often know the person who is providing the service to them. This can be a real deterrent for people, however having a source of education and information that targets all people could remove some of the perceived stigma.

### **3.5.4 Transportation**

Multiple participants identified transportation as a major barrier in this District.

*We don't have public transit. Our seniors do well, they have a handi-bus so they can use that. They pay a small fee to go to another community. Other people don't have that option. Accessibility is an issue too - the cold weather can be a big barrier. You need a car to get around here, and if you don't it's an issue. [06, Community/Legal Service Provider]*

There is no public transportation other than taxis. For physically well people who live in the town of Drumheller, services are within reasonable walking distance. However, the weather in the winter can be especially severe due to the geography around Drumheller. The town is located in a valley and so it can be very difficult to travel into or out of during winter.

## **4.0 UNDERSTANDING LEGAL NEEDS IN DRUMHELLER**

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

### **4.1 Statistics**

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

#### **4.1.1 National Prevalence**

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

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

As can be seen in Table 9, the general patterns for incidence of problems in Alberta are very similar to the national pattern.<sup>11</sup> It should be noted that family law problems are divided between relationship-related and other matters. When combined, family matters at 7% are the fourth most frequently reported problem in Alberta. When both disability benefits and other social assistance are combined, benefits rank eighth in Alberta, accounting for 2.9% of reported problems.

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

Type of legal Problem	Frequency of Problem <sup>12</sup>	
	National % (N = 8873)	Alberta % (N = 600)
Consumer	22.0	25.4
Debt	20.4	27.0
Employment	17.8	19.0
Wills & Power of Attorney	5.2	6.7
Family: Relationship breakdown	3.6	5.0
Personal Injury	2.9	4.3
Police Action	2.0	3.0
Discrimination	1.9	1.7
Housing	1.7	1.0
Hospital treatment or release	1.6	1.8
Other family	1.4	2.0
Threat of legal action	1.2	1.3
Social Assistance	1.2	1.7
Disability Benefits	1.0	1.2
Immigration	0.6	0.2

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

<sup>11</sup> The small percentage differences that occur cannot be considered significant because the sample sizes are not comparable. While 600 respondents is a sufficient number to make the Alberta results reliable within the province, it is a mere fraction of the total national sample. Percentages were also provided for the number of each type of problem reported by Alberta respondents (a total of 938). While this changes the numbers within each category, the overall frequency pattern is very similar.

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

as the least serious.<sup>13</sup> The prevalence of legal problems demonstrated by this research reveals the potential need for legal services as an everyday occurrence for a significant portion of the population. In fact, as the survey focuses on problems already perceived as serious, it likely underestimates actual legal need, which would also include many non-problematic everyday matters such as making a Will or formalizing a contract.

The national research concerning the prevalence of justiciable<sup>14</sup> legal problems (Currie, 2007), provides a foundation of both national and Alberta-specific data within which to consider the ALSMP findings for all Alberta Judicial Districts. These findings indicate a much greater need for legal services than has traditionally been understood.

#### 4.1.2 **Service Statistics**

The Team requested statistics from all services where representatives were interviewed. To date, Court Services have provided statistics (Table 10).

**Table 10 –  
Drumheller Provincial Court Volumes**

<b>Area of Law</b>	<b>2004/05 Volume</b>	<b>2005/06 Volume</b>	<b>2006/07 Volume</b>	<b>2007/08 Volume</b>	<b>2008/09 Volume</b>	<b>Average Annual Volume (2004-2009)</b>
<b>Civil</b>						
Claims Filed <sup>15</sup>	102	100	126	125	114	113
<b>Family</b>						
Actions Commenced	72	53	131	137	156	110
Child Welfare Actions Commenced	131	153	188	157	100	146
<b>Criminal</b>						
Charges Commenced – Adult	9,271	9,490	10,976	15,216	20,487	13,088
Charges Concluded – Adult	8,741	9,284	10,701	15,075	19,619	12,684
Charges Commenced – Youth	10,284	10,518	12,343	16,504	21,603	14,250
Charges Concluded – Youth	1,018	1,073	1,315	1,235	1,106	1,149
<b>Other</b>						
Average Preliminary Hearings per Month	19	12	14	20	25	18
Average Courtroom Time (hours)	759	830	938	920	890	867

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

<sup>13</sup> While it seems intuitive that for the most part consumer problems would not have as serious an impact as many others, the same is not true of debt. Based on the CJSP data reported in Stratton & Anderson (2008), we would suggest that debt is seen as manageable until it precipitates or combines with other problems, such as family breakdown, loss of job, foreclosure, etc.

<sup>14</sup> Justiciable is defined as "capable of being decided by a court."

<sup>15</sup> These numbers do not reflect the number of Landlord/Tenant Applications filed each year.

Thus, as had been anticipated might be the case when this project was proposed, it is not possible to draw conclusions about public need and service capacity in this manner. Instead, service providers' interview responses are used to derive qualitative themes about the public's legal and related needs in Drumheller. These data are supplemented by the national data and researcher observations.

The numbers of family cases being commenced in Drumheller have increased significantly since 2005/06. However, family problems come with economic booms and busts as well, which is another contributing factor. As seen in other Districts, criminal charges have also jumped in the past two years. Some of the service providers observed that the issuing of Peace Bonds on Emergency Protection Orders are becoming more common. They are not sure of the reasons, but state that alcohol is very frequently a factor.

People who are involved in the drug trade also tend to commit property crimes in order to finance habits or while under the influence. Alberta Health Services runs two 15-week men's programs each year for mandated offenders and self-referred people who have substance use and abuse-related problems. These programs are reportedly at capacity each time (taking up to 15 people), and they are not advertized.

## 4.2 Specific Populations and Specialized Legal Needs

Participants spoke of needs that local residents commonly experience. These include:

- Benefits (AISH, EI)
- Child protection
- Debt (bankruptcy, consolidation and credit agreements)
- Divorce and related family matters
- Minor Criminal matters (assault and break and enters, especially)
- Real Estate (lawyers)
- Non-permanent residents (human rights, employment rights and Immigration)
- Wills

*[There are] a lot of people with financial issues. Some people with debt issues. We [would find] it very interesting that ... one day to see what it's all about. We found several of our clients up for various charges. They would definitely need legal aid - including [for] family. We have a lot of family breakup in our clientele. There are legal needs in that area, of course, but they can't afford it or they have to go to [travel to get legal help]. I think a lot of people just deal with their problems instead of getting legal help or advice. [06, Social Service Provider]*

Table 11 helps to provide perspective regarding the services that are available to meet these needs. First, it must be noted that many of the services that are offering specialization in working with specific groups of people or with specific types of legal needs are not physically located in this District (refer to Table 2). For example, none of the sole-purpose legal services that specialize in offering alternatives to going to court, working with Aboriginal peoples, or people with addictions are located in the Drumheller District. This is true of many other services as well; people have to access via telephone or Internet or drive to adjoining Districts.

Even considering services that are physically located outside of this Judicial District, there is still a dearth legal services that specialize in helping people who have needs that were identified as common such as those related to addictions (including FASD), employment, immigration, and wills and estates.

**Table 11 –  
Specialization of Legal and Related Services**

<b>Specialization</b>	<b>Legal Services</b>		<b>Social/Health Services</b>
	<b>Sole Purpose</b>	<b>Legal &amp; Social/Health</b>	
Aboriginal	3	2	1
Accidents/Injuries	-	-	-
Addictions	-	1	5
Alternatives to Court	3	3	-
Children	5	3	5
Consumer Issues	1	1	-
Crisis Intervention	-	1	3
Debt Management	-	1	-
Disabilities	2	-	6
Employment	-	-	2
Families	6	5	11
Family Violence/Abuse	3	3	1
FASD	-	-	-
Gay, Lesbian, Bisexual & Transgendered	-	-	-
Housing & Tenancy	4	-	2
Human Rights & Citizenship	11	1	-
Immigrants	1	-	-
Low Income/Poverty	2	-	-
Men	-	1	2
Mental Health	1	-	9
Pensions & Benefits	4	2	1
Seniors	4	2	5
Taxes & Finances	2	-	-
Victims & Offenders	18	6	1
Wills & Estate Planning	-	-	-
Women	1	-	2
Youth	9	5	6

#### **4.2.1 New Canadians**

The number of new Canadians in this District has not grown significantly in recent years, and remains very low over-all (see Section 1.2). Service providers reported that the population is growing in some nearby towns (mostly non-permanent residents), but not in Drumheller itself. The town that stood out for them was Brooks, which is in the Medicine Hat Judicial District.

There is a meat producing plant in Trochu that attracts many Temporary Foreign Works (TFWs) as well as immigrants, and participants reported more new Canadians there. For example, 10% of the students at the school there are reportedly Filipino. Concern was expressed that Filipino TFWs, in particular, do not know their legal rights and have significant language barriers.

#### **4.2.2 Aboriginal Peoples**

There are a very small number of Aboriginal peoples living in Drumheller and area (Section 1.2). The Courts in Drumheller serve residents of Siksika Nation (in the Calgary Judicial District) but other services reported that Siksika Reserve is outside of their service area. Thus the needs and experiences of Aboriginal peoples did not emerge as a theme in this District. In fact, nothing at all was said about Aboriginal peoples in this Judicial District.

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

Service providers reported that mental illness is a barrier and often a cause of legal problems in this District because there are so few local options for supports. Addictions are also a barrier/cause.

*When someone comes in with mental issues the only thing we can do is call the police. There's no alternative so it becomes a criminal issue when it shouldn't. We've had several people come in where this has been the case. This can happen after hours too: times at which a mental health worker can't help. This is particularly difficult when they don't have a home. [05, Community Service]*

*With the over 18 group, there is more violence and drug-related charges ... not that the charges are all related to drugs directly but the legal problems are a result of drug use. [01, Legal service]*

*The other issue that warrants attention is FASD. In the past ten years we are seeing that a large segment of our clientele are affected .... This is brain damage and is it not talked about as an afterthought - it is an epidemic, I think. And those are guys and gals – seems like mostly guys (I know that's not true but men are most of who we see) are a big part of [problems with] criminal justice. [02, Social Service]*

*I find about 5% of my clients need to be connected with Community Services – not just because of mental health, more people have mental health issues – but because they have never been able to function on their own .... And they have never been told that! A lot of what I do is not only directly dealing with offenses but with other issues clients are facing. If someone comes in with addictions and a robbery charge, I am going to deal with the charge but I am first going to deal with addressing the addiction. If it is mental health, I'll start with that. [01, Legal service]*

Some participants perceived that drug use is a very serious problem in the District, but others referring to past reports issued by AADAC about substance use across Alberta, stated that this District rates at right about average. They did however mention that youth and Hutterites who have broken from their colonies are especially vulnerable to becoming involved in substance use and abuse.

For those who are involved with drugs, violence tends to occur between the people who are involved. Break and enters are reportedly very common among adults with addictions, and it is common to see people who have those charges or vehicle theft, as well as drug charges themselves. Service providers reported that individuals who have addictions or mental health concerns often gravitate to the public libraries because there is nowhere for them to go. There are no local shelters, crisis or other. There is a Salvation Army but it was reported that it does not offer emergency shelter.

With youth who are involved in the drug trade, property offenses are more popular. One legal service provider attributed this to being under the influence as well as being bored due to the small size of Drumheller and lack of options for activities.

#### **4.2.4 Domestic Violence**

Service providers agreed that family violence and breakdown is a concern in this District. They emphasized that Hutterites – especially those who leave their colonies – are vulnerable but this is a general concern about residents of this District. As previously reported in Section 4.1.2, Peace Bonds and EPOs are frequently being issued, and men are consistently filling the spaces in the men's groups that are dedicated to working with individuals who have legal problems – most often family and criminal related – and addictions. Again alcohol was pointed to as being a main factor. One estimate given was that three-quarters of the men who attend these groups have problems related to alcohol abuse and dependence.

#### ***Sexual Assault***

Sexual assaults were not thought to be a significant problem in this District, however the one exception was females with addictions. It was reported that the majority of females who have addictions have been sexually abused/assaulted. This correlation has repeatedly been proven to be strong.

#### **4.2.5 Children and Youth**

Some participants expressed concern about youth and their vulnerability to becoming involved with drugs and crime.

*The younger people get, the more property offenses you see. Kids tend to be more graffiti and wrecking stuff – not really hurting people. I think it is boredom, to be honest with you. Plus we don't have a lot out here to do. Even our skate park is gone. There is nothing for them. [01, Legal Service Provider]*

*P1: We are getting a new arena and recreation centre.*

*P2: We get that [comments about lack of recreational options] from all people but in fact there is a lot to do here. People who are going to use and/or commit crimes are going to do so. [Focus Group Participants]*

There were no concerns expressed about access to services for children and youth who have legal and related needs and their families, rather the concerns focused on the factors that result in them having these needs in the first place. Service providers did acknowledge however, that having reduced opportunities for entertainment other than participation in sports is the nature of smaller communities. Also, they identified that there are in fact options for recreation in and around Drumheller.

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

Service providers reported that they believe there has been an increase in people who are representing themselves in court. They felt that this is never the best option for people and they are often sacrificing desired outcomes by self-representing.

When focus group participants were asked what they believe the reasons are for people self-representing, they attributed it wholly to financial barriers. One specific example given was that people frequently represent themselves in divorce cases because they believe that lawyers will be too costly, and will not achieve optimal agreements.

Participants believed that increased Duty Counsel capacity is required, however they did not believe that increasing Duty Counsel services is an adequate substitution for LAA certificates. The bottom line is that, in order to reduce the number of SRLs, LAA's income cutoffs must be increased so that their ability to issue certificates is improved.

## **5.0 GAPS AND PRIORITIES IN MEETING LEGAL NEEDS**

There are many services that are not located in this District, and of these, some are critical to have local access to.

## 5.1 Lack of affordable legal services

There are fewer services in this District, due to its small population, and that was largely accepted by service providers. However, there are some specific gaps in services that need to be considered.

### ***Insufficient Family Law Services***

There are very few locally based free or low cost services for people who have family law matters. Legal service providers who are located in Drumheller reported that they will try to provide support or general information when required. Also, FJS does offer Parenting After Separation courses in Drumheller. However, there is a lack of options for people to turn to for counseling, mediation, information, advice or representation.

### ***No Community Legal Clinic***

As has been previously mentioned in this Report, there is no dedicated place for people to go to receive legal support, brief advice or information in this District. Representation for matters not covered by LAA is also needed. Service providers felt it very important that the public have consistent access to a service that can provide such supports. Too many people are currently not addressing their legal needs or trying to handle them without adequate knowledge or supports.

### ***Insufficient Duty Counsel***

There is Duty Counsel for Provincial Criminal Court but there is currently no Duty Counsel for Provincial Civil or Family Court or for the Court of Queen's Bench. Participants reported that there is a need for this service for people who have family and civil needs.

### ***Insufficient LAA Access and Certificates***

LAA staff currently travel to Drumheller each Friday. There is high demand for this service, according to participants.

*LAA certificates are usually only for divorce matters. As far as LAA services go there is a representative here on Fridays. We don't know how many people see them, there is always a lineup but we don't know how many people are refused/actually served. It is hard to tell because all of our local counsel are LAA as well. [Focus Group Participant]*

Service providers reported that individuals have difficulty accessing LAA even when they are eligible for services. Circuiting into the Drumheller Judicial District is minimal. Also, members of the public and service providers themselves reported problems in getting through to Calgary by telephone.

*In order to qualify [for legal aid] you basically have to be homeless, the guidelines are so low. People are pleading guilty when they aren't because they don't qualify for legal aid, yet they cannot even afford to pay \$100 for a service. They sure can't afford to pay a \$500 retainer. [01, Legal Service Provider]*

*Legal Aid is a big thing because a significant portion of our clients struggle financially. So to be able to afford a lawyer is often difficult. [02, Social Service Provider]*

### **Absence of Mediation Services**

The gap that focus group members emphasized the most was the complete lack of mediation services in this District. There are no local options for people with family or civil matters. Participants stressed that going to court is currently the only option for people, yet a significant portion of them could probably actually avoid court if they had alternative solutions.

*P1: Mediation to us is probably a big one. [There aren't] mediation services in Drumheller.*

*P2: Except for Queen's Bench Judicial Dispute Resolutions.*

*P1: If the court orders parties into mediation, they have to travel to Calgary to attend mediation sessions. So, in low-income families, not everybody has a vehicle - that becomes difficult for them ... [there have been] parties on a family matter for instance that do wish to have mediation and other courts are very reluctant and will actually not accept clients from [this] judicial district ... .*

*R: In some courts, there's a process of screening files for mediation, for civil claims for example. Does this process happen in [Drumheller]?*

*P1: No, it's not available at all. I know that other centers, for a family or civil matter, before they're even set for hearing, mediation is a necessary process, or a step that they have to take. Basically, any civil or family matter ... if there's any kind of a dispute that cannot be resolved between the parties, it goes into court for a hearing. [03, Legal Service Provider]*

## **5.2 Absence of Public Legal Education and Information (PLEI) Providers**

This gap has been emphasized throughout this Report as well. There are no dedicated PLEI providers located in the District other than the Alberta Law Libraries, and few service providers that routinely receive and disseminate PLEI to clients. Although there are services outside of the District that will provide PLEI to residents of Drumheller and

area (Table 12), they are not always easy to access if people desire in-person services. Additionally, service providers who are in this District do not have sufficient information and awareness about PLEI providers to know what PLEI is available or how to access relevant PLEI to provide to clients.

**Table 12 –  
Services That Offer PLEI by Area of Law**

<b>Areas of Law</b>	<b>PLEI Providers</b>	<b>Topics</b>
Administrative	Alberta Appeals Secretariat Alberta Children and Youth Services Alberta Civil Liberties Research Centre (ACLRC) Alberta Law Libraries Association des juristes d'expression française de l'Alberta Court Services Canadian University College Central Alberta Refugee Effort (C.A.R.E.) Committee Drumheller Public Library Environment Family & Community Support Services (FCSS) Finance and Enterprise Hanna Municipal Library Justice and Attorney General Legal Resource Centre of Alberta Ltd. Municipal Affairs Native Counselling Services of Alberta Oyen Municipal Library Seniors and Community Supports Service Alberta Three Hills Library Trochu Municipal Library	Civil liberties and human rights Financial benefits (appeals) Forms Immigration and settlement Legislation Licenses, registration and permits Pensions
Civil	Alberta Arbitration & Mediation Society Alberta Civil Liberties Research Centre (ACLRC) Alberta Health Services Alberta Law Libraries Association des juristes d'expression française de l'Alberta Court Services Canadian University College Central Alberta Refugee Effort (C.A.R.E.) Committee Drumheller Public Library Family & Community Support Services (FCSS) Hanna Learning Centre	Civil liberties and human rights Consumer law Copyright Debt Employment law Forms Guardianship, power of attorney, trusteeship, personal directives Homeless rights Human rights Landlord and tenant Legislation Mediation and arbitration Protection for persons in care Real estate law

	<p>Hanna Municipal Library  Justice and Attorney General  Legal Resource Centre of Alberta Ltd.  Native Counselling Services of Alberta  Oyen Municipal Library  Seniors and Community Supports  Service Alberta  Three Hills Library  Town of Drumheller  Trochu Municipal Library</p>	<p>Rights and citizenship  Self-representation  Seniors  Small claims  Wills and estates law</p>
Criminal	<p>Alberta Law Libraries  Association des juristes d'expression  française de l'Alberta  Calgary Legal Guidance  Community Corrections  Court Services  Drumheller Public Library  Hanna Municipal Library  Justice and Attorney General  Legal Aid Alberta  Legal Resource Centre of Alberta Ltd.  Native Counselling Services of Alberta  Oyen Municipal Library  Royal Canadian Mounted Police (RCMP)  Seniors and Community Supports  Service Alberta  Three Hills Library  Trochu Municipal Library  Victims Services</p>	<p>Abuse laws  Abuse of seniors  Assault  Breaches  Controlled substances  Court procedures and  processes, terminology  Crisis intervention  Drug use and addictions  Emergency housing  Family violence  Identity theft  Immigrants and settlement  Impaired driving  Judicial interim release  Mental health  Monitored exchange  Parole  Pre-sentence release conditions  Prostitution  Protection for persons in care  Restorative justice  Rights and responsibilities  Sentencing  Sexual assault and abuse  Sexual exploitation of children  and youth  Substance abuse  Traffic violations  Victims and offenders  Victim support  Youth appeals, reviews and  youth records</p>
Family	<p>Alberta Arbitration &amp; Mediation Society  Alberta Children and Youth Services  Alberta Health Services  Alberta Law Libraries  Association des juristes d'expression</p>	<p>Access/contact  Arbitration and mediation  Child maintenance  Child protection/welfare  Common law</p>

	française de l'Alberta Calgary Legal Guidance Court Services Drumheller Public Library Hanna Municipal Library Justice and Attorney General Legal Resource Centre of Alberta Ltd. Native Counselling Services of Alberta Oyen Municipal Library Service Alberta Three Hills Library Trochu Municipal Library	Court orders Court process and procedures Custody and access Divorce Domestic/family violence Guardianship Legislation Maintenance (child support and spousal support) Opposing family law applications Parenting rights and responsibilities, parent education Self-representation Separation Variation of court orders
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**The Alberta Law Libraries**

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

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

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

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

The libraries are actively engaged in educating clients on the effective identification and use of reliable legal information sources, both print and electronic, as well as information on the Canadian justice system. In-person seminars, tours and library

orientations are offered regularly and a number of research guides and online tutorials are being made available. Alberta Law Libraries also work with other organizations to provide legal information workshops and presentations to members of the public.

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

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

More information on Alberta Law Libraries' collections and services can be found on their website at [www.lawlibrary.ab.ca](http://www.lawlibrary.ab.ca).<sup>16</sup>

## **6.0 IMPROVING LEGAL SERVICE DELIVERY**

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

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

The relationship that services providers in Drumheller have with each other and the work that Alberta Health Services staff are doing with people who have addictions were both mentioned as good practices to build on.

#### **6.1.1 Networking**

There was evidence that not all service providers knew about each other or about what exactly other services offered; this was especially true across disciplines (eg. legal to social or health). Participants identified this themselves. While this is true, Providers appear to work closely with colleagues from other services that they regularly had clients in common with.

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<sup>16</sup> The Alberta Law Libraries website is currently being updated and current information about the services offered was provided for this Report by representatives.

*I am used to thinking about what is going badly because that is what gets to you every day. But most things are coming along well. The collaborating (and I can only speak for my type of services) is going well. In court, things go very smoothly. I am able to speak with the Crown and the defence because I know them well. We can get people's cases addressed fairly quickly and work together. [01, Legal Service Provider]*

Additionally, service providers expressed an eagerness to get to know about each other and to have more networking opportunities. They also appeared to really know their communities; the people in them and the challenges they face.

### **6.1.2 Alberta Health Services – Addictions Services**

Addictions Services was identified by multiple participants as being very effective.

*The Adult Outpatient Addictions Service responded without receiving any resources from [Community] Corrections until this year. This is an example of the community working together to go beyond with the limited resources they share. [02, Social Service Provider]*

*We have an awesome, awesome addictions service here. No issues with seamless services with them. [Focus Group Participant]*

Praise was given to staff for efficiency, responsiveness and willingness to go beyond their mandate to provide supports to people in need as well as to help colleagues from other services.

### **6.1.3 Youth Justice Committee**

Service providers demonstrated that this District is attempting to address concerns previously expressed about the risks that children and youth face in this District (Section 4.3.5) and the potential legal problems that they can encounter.

*We just started a Youth Justice Committee in Drumheller. We already have it in most my other communities. Drumheller has been not so open to restorative justice as to 'punishment' justice in the past. Some young people have come in and really taken initiative and really tried to pull kids into the communities instead of pushing them away. It is great to see their influence in the way things are going. I am really passionate about YJCs, even though they take up as much of my time as my other work. [01, Legal Service Provider]*

The YJC is a proactive effort to offer supports to youth and to minimize encounters with the justice system.

## 7.0 RECOMMENDATIONS

The Recommendations which follow have been developed from a combination of evidence and analysis. Findings have been based on the mapping of services; the perceptions and experiences of interviewees; the observations of the Research Team; and the input of the service providers who attended a meeting to review the ALSMP findings. The seven Recommendations are organized by primary funder to whom they are relevant, and are designed to enhance legal service provision in the Drumheller Judicial District (Table 13).

**Table 13 –  
Recommendations for Improving Legal Service Delivery in Drumheller**

<b>Recommendations</b>	<b>Reference Sections of the Report</b>	<b>How to Achieve the Recommendations</b>	<b>Justice Community Partners</b>
<b>Alberta Law Foundation</b>			
1. Enhance access to PLEI.	3.5.3 5.1 5.2	Provide funding for advertizing about video conference PLEI sessions being provided at the public library.	Lethbridge Legal Guidance
2. Coordinate access to PLEI print materials.	3.5.2 3.5.3 5.1 5.2	Provide funding to the local library or Law Libraries (or another appropriate service such as LInC) to collect and disseminate current PLEI from providers that are outside the District as well as locally accessible services.	LInC, Alberta Law Libraries, Public Libraries
3. Provide members of the public with an accessible, effective point of entry into the legal system.	3.5.1 3.5.3	Fund an independent service that acts as a source of general information about available legal services and a triage point.	
<b>Alberta Justice</b>			
4. Provide supports for people with family law needs.		Provide a Family Court Counsellor on a circuit basis.	
<b>Recommendations</b>	<b>Reference</b>	<b>How to Achieve the</b>	<b>Justice</b>

	Sections of the Report	Recommendations	Community Partners
5. Provides alternative options to going to court.	3.5.3 4.3.6 5.1	Provide civil and family mediation services on a circuit basis.	
<b>Legal Aid Alberta</b>			
6. Increase legal support for people going to court.	3.5.3 5.1	Provide Duty Counsel services for the Court of Queen's Bench.	
7. Provide increased access to legal representation.	4.3.6 5.1	Increase frequency or length of circuits in Drumheller.	

**7.0.1 Recommendations for ALF to Consider**

1. Service providers repeatedly reported that public and they themselves need access to more PLEI and need to learn more about legal rights and responsibilities as well as options for resolving legal needs.

They reported that the PLEI sessions offered by the public library via video conference from Lethbridge Legal Guidance. However, the library does not have the resources to advertize the sessions or research what topics are in demand. Focus Group participants stated that providing even a modest amount of funding either to the library or Lethbridge Legal Guidance or a locally based legal service such as the Alberta Law Libraries, to enable advertizing and staff time to be spent, enquiring with local legal and related service providers as well as the public about what types of information would be useful to them and how often different sessions need to be offered would be helpful.

*Here's a gap. I think we, as helping professionals, need to be better educated about clients' legal rights. From assaults, to B & Es, to child apprehension orders. As an addictions agency, we need more training about the justice system. We are gatekeepers and stakeholders in this whole mess and there are few resources out here so we need to be better for our clients. [02, Social Service Provider]*

*Information and the ability to absorb it are the greatest barriers. If the information isn't presented in plain language people won't understand it .... {Get} legal information to the ordinary person on the street in plain language so when they're stopped or arrested they know what the procedures are. Access to lawyer as well. It's the whole legal system in Canada as it pertains to a regular person. It's something that should be done early even as classroom presentations. This could also be done through grocery stores, liquor stores, the Salvation Army or food banks. We spend so much money on people who are incarcerated that prevention would be so useful. [05, Community Service Provider]*

2. Focus group participants also reported that there needs to be a local service that collects and disseminates PLEI from all local, provincial and national service that serve this District.

This service should collect information about the services themselves, as well as about legal rights, responsibilities and processes. A suggested starting point is collecting PLEI related to the commonly experienced needs that were identified in Section 4.3.

Funding could be provided to the public libraries in the District or Law Libraries (or another appropriate service) to collect and disseminate current PLEI. However, participants suggest that a LInC service would be helpful. This could simply be a staffed LInC kiosk in the library or courthouse (although service providers caution that people are often hesitant to go into a courthouse in a small community). This kiosk would be helpful even if staffed part-time. If a LInC were established in Drumheller, coordinated effort should also be made to either have the staff person circuit to other towns in the District on a regular basis and/or disseminate PLEI print materials to the other libraries.

*Making the information available about legal services and the legal processes in layman's terms so it is in a format that is easily understood by the average guy on the street. And I think that has to be available not just through the court house but all those places that people frequent. Not just websites but written info and posters. [02, Social Service Provider]*

3. The recommendation that focus group participants identified as the priority is to create a point of entry for the public into the justice system.

Participants stated that the most effective solution to improving access to legal services for residents of this District would be to fund an independent service that acts as a triage point and a source of general information about available legal services. They stressed that there is a lot of apathy and lack of knowledge among residents. Thus, when they have legal and related needs, they typically do not know where to begin to seek information and help. The service providers also do not always recognize other needs or know where to refer people to when they do. They stated that there needs to be a place for people to go and speak to someone who has a basic knowledge of legal processes and about available services including their mandates and eligibility criteria. Due to the low staffing compliments, they recommended establishing a separate, dedicated service rather than creating this role for staff of an existing service.

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

4. Service providers also identified the complete lack of court counsellors of any kind in Drumheller and recommended that this service be provided for the public.

People who are going to court here currently have no supports. They can access help to find out how to begin a legal process or find forms if they enquire with services in Red Deer or Calgary, or go to the Alberta Law Libraries. But they have no supports once they get to court, if they do not have a lawyer. Participants suggested providing a Family Court Counsellor on a circuit basis to help address this need.

*I think somebody here to assist Albertans in the courtroom and with applications. In criminal, I think things are under control, if I can use that word. There seems to be assistance for those. But on family and civil matters, if we have parties coming in and there's a dispute about custody or maintenance for children, there isn't really a program here to assist them. Our remote assistance is FLIC or LInC for people in Drumheller and they will assist with completing the applications but there is nobody to appear in court with them. [Focus Group Participant]*

*There are no court workers in any capacity. Yes, there is victim's services but they never come to court. [Others] have to act as these things and it is not [their] job. I hear about it all the time, especially for civil matters. [Focus Group Participant]*

5. Focus group participants also reported that people are often going to court who really would benefit from an alternative solution. However, there are no alternatives currently.

They stated that there is a need to provide civil and family mediation services – again, on a circuit basis – to give people (and judiciary) additional options for resolving their legal problems in a constructive manner.

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

6. Service providers had reported that current Duty Counsel services need to be enhanced. Focus Group participants stated that Duty Counsel services are adequate in Provincial Court but not the Court of Queen's Bench.

One service provider stated that this service may not be needed all the time and suggested an option whereby parties can request assistance in advance through the registry. Something like that is done for Employment and Immigration files, whereby a local lawyer came up from Calgary.

7. Focus Group participants reported that people are not getting LAA certificate services who truly need them, and cannot afford private representation. These include people with family matters, some civil matters and with minor criminal

charges that may not be facing incarceration but may still be facing criminal records. However, this get is observed even for people with very serious legal needs.

*I have noticed a problem with people who have major criminal problems not getting LAA. [Focus Group Participant]*

Participants reported that increasing Duty Counsel is not the answer to this gap. Many people are facing potential life altering legal needs and desperately need guidance throughout their legal processes. Ideally – as has been reported consistently cross the province – LAA could focus its funding on representation and increase the numbers of certificates issued as well as increase financial eligibility guidelines. However, the difficulties of achieving this are recognized. Participants suggested increasing the frequency or length of circuits in Drumheller, at least, so people are not lining up only to not get seen and have to wait until the following week (or longer) to try again.

## 8.0 CONCLUSIONS

Service providers in the Drumheller District recognize the realities of serving small communities and are generally happy with the work that is being done. They did not identify any major social or legal problems that are greater concerns here than is average or expected. They all presented as being very positive about their jobs and the people they serve.

They did, however, have very clear and specific opinions about what additional supports and services are needed in order to optimize access to justice for residents. They also readily identified that they need more knowledge about other services and more opportunities for collaboration and networking and appear more than willing to engage in any opportunities that are presented. Furthermore, they stressed the importance of working collaboratively and sharing information with social and health services.

*Team or dynamic case conferencing. That could involve Crown, Corrections, addictions, children's services - having those case conferences to ensure that people's needs are getting met. It is the safety card. How can we ensure that clients are safe and don't end up as headlines in the newspaper? [02, Social Services]*

*We already use it. Some people aren't as interested. We double up on services because we need it more. In rural areas you are very protective [of your job and clients] because you are often the only one [doing that job]. [01, Legal Service Provider]*

The reality is that there is not enough demand to warrant the local availability of the wide range of services that can be found in larger centres. Yet, there are key services that this District (indeed no District) should be without. Service providers and members of the public need to have consistent access to current and accurate PLEI. Additionally, members of the public need to be provided with timely and accurate direction and referrals in order to minimize the negative impacts of any legal and related needs they have. Finally, people need to have access to constructive alternatives to going to court. Providing basic access to these resources will greatly improve access to justice for residents and help existing service providers do their jobs.

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