

# THE ALBERTA LEGAL SERVICES MAPPING PROJECT

Report for the

**FORT McMURRAY JUDICIAL DISTRICT**

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Glynnis Lieb PhD (cand.)  
Stephanie Abel MA  
Diana Lowe, QC

Canadian Forum on Civil Justice  
110 Law Centre, University of Alberta  
Edmonton AB T6G 2H5  
Ph. (780) 492- 2513  
Fax (780) 492-6181

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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 Director Committee.

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# THE ALBERTA LEGAL SERVICES MAPPING PROJECT: Report for the FORT McMURRAY JUDICIAL DISTRICT

## 1.0 INTRODUCTION

The Fort McMurray Judicial District is the second of eleven Alberta Judicial Districts to be mapped as part of the *Alberta Legal Services Mapping Project (ALSMP)*. The ALSMP is a large-scale, 4.5 year endeavour, designed to gain an understanding of the legal needs of Albertans and of the legal services available in Alberta.<sup>1</sup>

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>.

The ALSMP Team completed the research for the Fort McMurray Judicial District during 2009. In May, ALSMP Research Coordinator Glynnis Lieb and Forum Research Director Mary Stratton conducted key contact visits in the City of Fort McMurray<sup>2</sup> and recruited members for the Community Working Group (Appendix A). In August the Team travelled to Fort McMurray for ten days, meeting with the community Working Group and conducting 29 face-to-face interviews. The remaining 8 interviews were completed via telephone.

A follow-up visit to complete interviews and meet again with the Community Working Group was originally scheduled for October 2009, but had to be cancelled due to funding constraints.

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<sup>1</sup> Full details of the ALSMP, including the full proposal, research questions, instruments and reports are available at: <http://cfcj-fcjc.org/research/mapping-en.php>.

<sup>2</sup> From here forward "Fort McMurray" will be used to refer to the city and "Wood Buffalo" will be used when referring to the region as a whole.

## **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 Wood Buffalo. 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. These recommendations have been prioritized in collaboration with Community Working Group members. 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 a wealth of quantitative and qualitative data. The result is a rich 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:

- In Fort McMurray, we were not able to involve members of the public to the degree we had planned and so we missed out on hearing their perspectives.
- It was not possible to interview representatives from all of the legal and related services due to time and budgetary constraints, although we did recruit a sample that appears to be representative.

### 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 FORT MCMURRAY JUDICIAL DISTRICT - THE WOOD BUFFALO REGION

The Fort McMurray Judicial District has the same boundaries as the Municipality of Wood Buffalo, spanning 68,454 kilometers, from Conklin to Fort Fitzgerald, just south of the border to the Northwest Territories (Figure 1).

**Figure 1 - Municipality of Wood Buffalo**



Source: Municipality of Wood Buffalo (2008)



Service providers commented that Fort McMurray was not like other communities in Alberta. Reasons include the racial diversity of the population and the smaller size of the community. However, the three primary ways in which participants stated that Fort McMurray was unique were:

- the oilsands;
- the cost of living; and
- the high staff turnover (in all vocations).

The high number of transient workers who come to Wood Buffalo to seek work in the oilfields, combined with a housing shortage, creates a *shadow population*<sup>3</sup> of residents living in situations of extreme stress which can erupt into social problems. Participants reported that people are making a lot of money and they often spend it destructively; on expensive homes and vehicles as well as on drugs and alcohol.

*Quite often too, we get a lot of camp related calls because there are a lot of people away from home with families elsewhere and they're lonely and they probably won't tell their co-workers that and they have no one to share their stresses with or their struggles with ... you know, that kind of stuff. We do get calls like that because Fort McMurray is a high energy town ... work, eat and sleep. So we try to get people to find a balance because of that. If not then they run the risk of reaching a breaking point and that's when people reach suicide levels because they can't take it anymore because they've kept it all in and have nowhere to go. And if you throw alcohol or drugs in there, those stresses can get worse. [Frontline Social Service Provider 19A]*

To add to social challenges, infrastructure has not been able to keep up with the influx of people. There are not enough homes, public transportation or services to meet the needs of the population. Yet the fluctuations in population do give pause to potential contractors and service funders. As previously stated however, even in the current downturn, services are unable to meet the need and population analysts predict that the population will continue to grow steadily.

## 2.1 Population

As the oilsands activity increased between 1999 and 2008 (and most significantly between 2005 and 2008), Wood Buffalo experienced a population increase of 141% compared to a 1% increase in the previous 10 years. Demographic trends illustrate

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<sup>3</sup> Shadow population refers to temporary residents who are employed or will be employed in an industrial or commercial establishment for at least 30 days (as opposed to people who may just be passing through) but do not have secure housing (Regional Municipality of Wood Buffalo, 2008).

the distinctive composition of this Judicial District (Statistics Canada, 2008). Some notable facts are:

- The population of the City of Fort McMurray has more than doubled to approximately 72,363 in the past 10 years (Regional Municipality of Wood Buffalo, 2008).
- The total population for this Judicial District is estimated to be 103,424. The populations of the various rural communities are listed in Figure 1.
- The oilsands camps have seen tremendous increases, swelling from 3,568 in 1999 to 26,284 by 2008.
- Between 1999 and 2005 the city accounted for 92% of the population growth and camps accounted for 8%. Between 2005 and 2008, there was a dramatic shift, with the city accounting for a mere 35% and the camps accounting for 53%.
- Not surprisingly, males in this District outnumber females significantly at a rate of 55% to 45%.
- The population is also very young with approximately 28% being under the age of 19 and only 2% over the age of 65.
- Approximately 53% of people living in this District are single.
- Only 38% of residents report having been born in Alberta.

These population numbers are quite likely underestimations as the large shadow population is nearly impossible to track. Many of the unaccounted for men and women are sleeping on couches, renting rooms from local homeowners or using shelters and travelling to and from their home communities as available jobs wax and wane.

### **2.1.1 Aboriginal Peoples in Wood Buffalo**

The Wood Buffalo region has the highest proportion of Aboriginal people in the province (Taylor, Friedel, & Edge, 2009):

- There are five First Nations communities as well as six Métis communities that live and work in and around Wood Buffalo.
- Statistics Canada (2007) reports that Aboriginal people made up 12.3% (6,465) of the population in Wood Buffalo, compared with 5.8% in Alberta overall.
- In Wood Buffalo's Electoral Profiles survey (2008), 33% of respondents self-identified as having Aboriginal ancestry (First Nations, Métis or Inuit).

Until the oil and gas industry began to develop in the 1970s, Aboriginal people in this northern region lived quite traditionally relative to those in southern areas of Alberta, often relying on hunting and trapping in order to earn income. Many are now employed by the oil and gas industry, as well as the other industries that have emerged to accommodate the oil production (eg, construction):

*A decade ago I saw many more young native men involved in the criminal justice system and I suspect because of the economic upturn I see considerably fewer in the criminal justice system than ten years ago. I would say there a couple of factors; our more persistent ones have died but many have found economic opportunities. I see them around town and they are bright. I think there have been a number of social changes within our community where these [men] are gainfully employed. [Legal Service Manager 17B]*

Language and cultural differences between the Cree and Chipewyan communities in this District further isolate many traditional Aboriginal peoples. It is important that service providers demonstrate a presence in these communities; either by visiting regularly or by having permanent staff in these communities.

### **2.1.2 New Canadians**

Wood Buffalo attracts people from around the world and has seen an influx of immigrants and Temporary Foreign Workers (TFWs). Twelve percent of Wood Buffalo's residents are immigrants; 1.4% of those (approximately 730) are non-permanent residents, the vast majority of whom are believed to be TFWs (Regional Municipality of Wood Buffalo, 2008):

- Most immigrants and non-permanent residents are from Asia and the Middle East and comprise 5% of Wood Buffalo's population.
- Europeans comprise an additional 3% of the population.
- Africans round out the top three at 1.4%.

### ***Languages***

Approximately 6% of Fort McMurray residents speak non-official languages, and a wide variety thereof. French is second most common after English, and is spoken by 1% of the population. The top three most commonly spoken non-official languages are (Government of Alberta, 2008);

- Spanish, which is spoken by 1% or approximately 455 people,
- Chinese, which is spoken by 0.5% or approximately 250 people, and
- Punjabi, which is spoken by 0.2% or approximately 130 people.

An additional 2,280 - 3,000 people speak a myriad of other non-official languages<sup>4</sup>.

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<sup>4</sup> For a list of additional languages spoken in Wood Buffalo, see [http://www.finance.gov.ab.ca/aboutalberta/ped\\_profiles/2008\\_profiles/FORT%20MCMURRAY%20-%20WOOD%20BUFFALO.pdf](http://www.finance.gov.ab.ca/aboutalberta/ped_profiles/2008_profiles/FORT%20MCMURRAY%20-%20WOOD%20BUFFALO.pdf)

## 2.2 Education

The lure of “big money” in labour related occupations has negatively impacted educational attainment in Wood Buffalo in recent decades. However, as seen in current statistics, it appears that a change may be occurring (Table 1). Between 1999 and 2002, for example, the provincial rates of high school completion (within three years of entering grade 10) remained constant at 65%. The completion rate remains lower than the provincial average, yet it did increase in Wood Buffalo from 54% to 58% during the same period.

It should be noted that the high numbers of immigrants who have moved to this Judicial District in recent years may account for a significant portion of any increase that is seen since immigrants tend to have higher levels of education, in general, than non-immigrant populations throughout North America (Betts & Loftstrom, 1998; Human Resources and Development Canada, 2006).

**Table 1 -  
Educational Attainment for Wood Buffalo**

Education	Alberta		Wood Buffalo	
	Total %	Aboriginals %	Total %	Aboriginals %
Less Than High School	14	26	16	NA
High School	24	25	22	32
Trade	12	18	21	12
University/College	48	27	44	29

Sources: Alberta First (2008); Statistics Canada (2008)

Not surprisingly, a larger proportion of residents in Wood Buffalo report trade certifications as their highest level of education. What is interesting is that a higher percentage of Aboriginals report having finished high school or university/college in this Judicial District than in the rest of the province.

## 2.3 Employment & Industry

The increase in employment opportunities in recent years – and the fact that many jobs are not dependent on education – has given people increased opportunities to provide for themselves and avoid some of the pitfalls that poverty brings. That said, Fort McMurray was not spared when the global recession hit. The residents of this “boom town” who spoke to Team members during the summer of 2009 were confident however, that it would be business as usual by the fall and reported that they were taking advantage of the lull while it lasted. This outlook appears to be shared by the Municipal Government (2008) as its Long Range Policy and Planning Division has forecasted that the population of Wood Buffalo will reach 250,000 by 2030.

The top industries in this District all result from oil and gas production (Regional

Municipality of Wood Buffalo, 2008):

- The oilsands employ 30% of the labour force in this District.
- Construction follows, employing approximately 11%.
- Retail occupations employ approximately 10%.<sup>5</sup>

Wages are high in this District, having surpassed a household average of \$130,165 per annum by 2005 (Government of Alberta, 2008). By 2006, 38% of people in this District earned over \$50,000 after taxes, compared to 18% of people across Alberta. Additionally, until approximately one year ago, a non-taxable living out allowance (LOA) amounting to \$4,000 - \$8,000 per month was being paid by oil companies to employees who did not reside in camps. This is not reflected in official income averages.

The unemployment rate in Wood Buffalo has long been lower than the national average (which is currently 7.2%) and, despite the economic downturn, remains relatively low (Service Canada, 2009):

- Between January 2008 and January 2009 unemployment increased from 3.4% to 4.0%.
- There are currently approximately 2,900 unemployed residents in this District.

However, the number of people who actually lost their jobs may be much higher. One service provider reported that between 16,000 and 25,000 jobs had been lost in the oilsands during January and February of 2009. Many of the workers in Wood Buffalo are from elsewhere. Those who become unemployed return home or move on to other communities, provinces and countries. If they collect benefits or find work, they become “statistics” in those communities. If they have come from other countries to work and lose their jobs, they often have no choice but to return to their home countries.

## 2.4 Cost of Living

*[The] cost of living here is really, really high. It's killing people. The cost of rent is just way up there. [Frontline Legal Service Provider 10A]*

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<sup>5</sup> For a list of occupations in which the remaining 49% of the labour force are employed, see <http://www.albertafirst.com/profiles/statspack/21298.html>.

### **2.4.1 Housing**

Housing costs in Fort McMurray are the most expensive in the province. Prior to the onset of the recession in the fall of 2008, finding accommodations in or near this city had become almost impossible.

In a recent Price Comparison Index of North America's most expensive homes, Fort McMurray ranked fourth for most expensive housing markets in Canada (Coldwell Banker Home, 2008):

- The average home price of \$682,149, which is an increase of 461% over prices a decade ago.
- Mobile homes on owned lots are currently selling, on average, for \$362,235 which represents an increase of 1102% (Regional Municipality of Wood Buffalo, 2008).

Despite the high real estate prices, 81% of residents own their homes. Fort McMurray needs to be building residential units at a rate of 5000 per year to accommodate the population growth but only 2000 a year are currently being built due to the time, expense of acquiring building materials and lack of available land (MacDonald, 2008).

Rental and vacancy rates have increased since 2008 but rental costs remain high. Of those who rent (Regional Municipality of Wood Buffalo, 2008):

- Many are paying \$1000 or more a month to live in illegal basement units or rooms in houses.
- Those who rent legal suites can expect to pay an average of \$3000/month for a two-bedroom apartment.
- Houses are rented for an average of \$4000/month.

The cost of living hampers attracting and retaining professionals, which in turn negatively impacts human service delivery. People often cannot afford to live in Fort McMurray with full time employment in human services fields, and they almost certainly cannot stay if they lose their jobs even temporarily:

*The other problem in Fort McMurray is we don't have permanent staffing with a lot of our sectors. [Services] have staff for six months, and after six months new people come in ... This makes referrals very difficult ... Even in cases where we had effective relationships with a company or service, employee turn-around will mean that those can fall apart very quickly. [Frontline Social/Legal Service Provider 06B]*

## 2.4.2 Homelessness

*This is a very unique community but there is a high degree of homelessness here - I think we are the highest in the province per capita - but our homeless people are very highly educated. Some have degrees and diplomas. They report that it is much tougher to live on the streets of Fort McMurray than it is in Vancouver .... Our priority is to get the young people who come here off the streets as soon as possible, before they get into drugs. The people who have been on the streets here for some time are a rough group. I don't think it is a matter of lack of services. There are many good services here. But there are a lot of barriers to health care. However, they do have access to a doctor now at the Centre of Hope one day a week. [Social Service Provider 02C]*

Homelessness is a particularly salient challenge in Wood Buffalo. Many people who are homeless are working and may have functional social networks, but have moved away from them in search of work. This Judicial District also contains a high number of “hidden” homeless, which includes the shadow population. However, service providers report that there is no way to get an accurate number on how many people are living in such situations. The transient nature of Wood Buffalo means that many people move in and out of homelessness, making it particularly difficult to obtain true numbers. The high cost of living results in people who are working and earning wages that would afford them comfortable homes in some cities, being homeless in Fort McMurray. Proportionately, Fort McMurray’s homeless population is two times that of Edmonton or Calgary (Regional Municipality of Wood Buffalo, 2006). The situation for TFWs is even more tenuous. They often are housed by their employers and, if they experience problems at work and are let go or quit, they are often evicted immediately. Participants gave examples that were as extreme as TFWs getting fired in the morning and being evicted by five o’clock the same day.

- Homelessness – that is known about – had increased by 24% between 2004 and 2006 (most recent count was in 2006) to a rate of 441 per 65,000 people.
- Approximately 70% of known homeless people are from the Wood Buffalo region (as opposed to recent migrants from other parts of the country or indeed the world).
- Approximately 44% are employed (although this number reached as high as 61% during the peak of the boom).
- Caucasians comprise 54% of homeless people and Aboriginals account for another 35%.
- The majority of homeless people (64%) are between the ages of 31 and 54 and approximately 72% are male and 28% are female.

*The [organization] provides service to 200 different people per week. The official information is that there are 555 homeless people in the community, but [I know] it is higher than that. The number of homeless does not change between winter and summer. Over 50% of the homeless sleep rough every night. Most of the patrons are chronic homeless, and it is often chronic and solvent issues that the patrons deal with. The drug of choice in Fort McMurray is crack. [Social Service Manager 01]*

### 3.0 EXISTING LEGAL AND RELATED SERVICES IN WOOD BUFFALO

The Team began research in Wood Buffalo 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 and a law student or paralegal working under the supervision of a lawyer.
- **Enforcement** – the application or regulation of a law, carrying out of an executive or judicial order or ensuring observance of or obedience to laws.
- **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 such as 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)** – information about the law in general, 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 sample from the legal and related social and health services was then selected for in-depth interviews, and the Team conducted interviews with representatives from 37 legal and related services (Appendix B). Of these:

- 34 services are located in Fort McMurray, including 1 member of the judiciary
- 1 service provider was located in a rural First Nations community; and
- the remaining 2 were with lawyers based in Edmonton who travel to Fort McMurray to provide services.

The 37 services are made up of 15 sole purpose<sup>6</sup> legal services, 11 cross-over legal and social/health services, and 11 sole purpose health/social services.

### **3.1 Identification of Legal and Related Services**

Approximately 60 relevant organizations were identified and mapped, which provide a total of 176 legal and related services to this Judicial District. Of the 176 services:

- 57 are sole-purpose legal service providers;
- 14 offer both legal and social/health components; and
- the remaining 105 service providers offer social and/or health services.

As noted in section 1.3, all available information about mapped services has been entered into a database that has been created for the ALSMP.

#### **3.1.1 Services by Areas of Law**

As is apparent in Table 2, Wood Buffalo is underserved in all four areas of law. In a District that is constantly growing and becoming more diverse, and where so many people are made vulnerable by living away from their families and support systems, there is a critical need for speedy access to efficient legal and related services. There is currently no “index” of how many legal services in each area of law are required per capita to adequately meet legal needs.<sup>7</sup> However, as will be further discussed in Section 4.1.1, Justice Canada’s findings indicate that, at any given time, approximately 52% of Albertans have at least one legal need (Currie, 2006, 2007, 2009). Based on these estimates, approximately 53,781 people in Wood Buffalo have legal needs. The numbers of locally available services do not currently meet the demand and, if the population continues to grow as predicted, this situation could become dire.

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<sup>6</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 component.

<sup>7</sup> The aim of an index is to provide a measure by which change can be made and evaluated in a particular form of institutional behaviour. For further discussion of the need to a justice index or indices refer to Lowe, D. (2007). *Building a Civil Justice Index or Indices*. *News and Views*, Issue 11, pp. 10-11 <http://cfcj-fcjc.org/publications/newsviews-en.php#issue11> and Conly, J. (2007) Creating a Composite Justice Index: Better Measures for Change. (<http://cfcj-fcjc.org/docs/2006/conly-en.pdf>)

**Table 2 -  
Services Available within Wood Buffalo by Area of Law & Service Type<sup>8</sup>**

AVAILABLE LEGAL SERVICES <sup>9</sup>	City of Fort McMurray		Other Communities	
	#		#	
	Database	Interviews	Database	Interviews
<b>Criminal Law</b>				
<i>Advice</i>	3	1	-	-
<i>Enforcement</i>	8	-	2	-
<i>Representation</i>	3	1	-	-
<i>Support</i>	6	1	5	-
<i>PLEI</i>	10	3	4	-
<b>Administrative Law</b>				
<i>Advice</i>	1	1	-	-
<i>Enforcement</i>	-	-	-	-
<i>Representation</i>	-	-	-	-
<i>Support</i>	2	1	-	-
<i>PLEI</i>	7	4	-	-
<b>Family Law</b>				
<i>Advice</i>	1	-	-	-
<i>Enforcement</i>	5	3	1	-
<i>Representation</i>	1	-	-	-
<i>Support</i>	5	3	2	-
<i>PLEI</i>	7	3	2	-
<b>Civil Law</b>				
<i>Advice</i>	-	-	-	-
<i>Enforcement</i>	2	-	1	-
<i>Representation</i>	1	-	-	-
<i>Support</i>	3	2	1	-
<i>PLEI</i>	9	6	1	-

<sup>8</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>9</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.

See Appendix C for a listing of all legal services. The Team continues to map provincial and federal services as well as any additional local services that are brought to their attention, and as such this list reflects the services that have been mapped to date.

### 3.2 Geographic Location of Services

In addition to the low number of legal services, in general - a striking and even alarming fact - is the virtual absence of services physically located *within* this Judicial District (Table 3). Of the 57 sole-purpose legal services, 28 (49%) are physically located outside of the Judicial District. Of the 14 services that offer combined legal and social/health services, 2 (14%) are located outside of the Judicial District.

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

Location	Legal Services		Social/Health Services
	Sole Purpose	Legal & Social/Health	
Anzac	-	-	2
Conklin	-	-	2
Draper	-	-	-
Fort Chipewyan	5	3	4
Fort Fitzgerald	-	-	-
Fort McKay	-	-	3
Fort McMurray	24	9	91
Gregoire Lake Estates	-	-	-
Hinterland	-	-	-
Janvier	-	-	1
Mariana Lake	-	-	-
Saprae Creek	-	-	-
Work Camps	-	-	-
<b>TOTAL Services Located in District</b>	<b>29</b>	<b>12</b>	<b>103</b>
<b>TOTAL Services Located Outside District</b>	<b>28</b>	<b>2</b>	<b>2</b>
<b>TOTAL SERVICES</b>	<b>57</b>	<b>14</b>	<b>105</b>

The work camps currently are home to 53% of this District's population. There are some nurses and Emergency Medical Technicians in the camps. There are also Employee Assistance Program services on many sites, which include some counselling services. Camps have security services and reportedly there are undercover RCMP officers that spend time at camps. However, there are no formal legal services available.

According to participants, people in camps are working so much they often cannot get into town to deal with their legal needs. Others do not bother to deal with their legal matters because they are not planning to stay in the province.

*A lot of people that aren't from Alberta and aren't planning on staying – whether or not the judge accepts their plea - will plead guilty because they just want to leave. They're ultimately getting a record even though they're not really saying they're guilty. [Frontline Legal Service Provider 17A]*

### **3.3 Capacity of Existing Services**

Although the absence of consistent statistics prevent us from reporting definitive findings about the capacity of existing services, it was apparent as the Team conducted interviews that the vast majority if not all of the legal and related services in this District are taxed.

Service providers were often working with staff complements of two or three and a number were alone in offering particular services. Examples of these lone service providers include:

- the Crown Prosecutor,
- the Family Court Counsellor, and
- LAA's Duty Counsel.

At the same time, these service providers are often offering services that go beyond their mandates in order to accommodate the needs of clients.

### **3.4 Legal Services Known to the Public**

Community Working Group members were very helpful in providing the Team with suggestions and locations for public recruiting. Unfortunately, as a result of funding constraints we were unable to return to Wood Buffalo to conduct the public portion of the interviewing. We did, however, interview three members of the public during the Team's first visit (one female and two males). The female participant was employed; the two males were unemployed and homeless at the time of the interviews.

We also relied on social and health service providers' feedback for insight into the public's legal and related experiences. These professionals observe their clients' legal problems and repercussions, help clients locate appropriate legal services, act as advocates for their clients and network or collaborate with legal service providers.

There are few options for members of the public in Wood Buffalo who need legal assistance. The most well known resources are LAA, lawyers and services in the Courthouse. These are typically the first places people turn for legal services on their own.

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

Legal Aid has an office in Fort McMurray, which offers a wide range of services including;

- certificate services,
- duty counsel,
- emergency protection orders, and
- court ordered counsel for youth.

In addition, LAA travels to circuit court in Fort Chipewyan. LAA faces challenges in this District due to a lack of staff and lawyers. While LAA is known to the public, many people still do not know what to expect when they are accessing LAA's services. They may expect that services are free because this is the case in other Canadian provinces. They also often expect that they will see a lawyer immediately upon approval for services. Due to the shortage of lawyers in Wood Buffalo however, there are often delays for lawyers. Additionally, people often expect that LAA will provide representation for all legal matters (eg, to fight traffic tickets) which is not the case. Financial eligibility criteria can also be a barrier to accessing legal aid, as discussed in section 3.5.2.

### **3.4.2 Lawyers**

There are 39 practicing lawyers located in Wood Buffalo, 29 of whom are in private practice (Law Society of Alberta, 2009). All 39 are located in Fort McMurray. There are currently not enough lawyers to meet the demand for criminal and family cases (even for people who can pay for private lawyers). There are currently no local lawyers that will take family law cases through LAA. This is an extremely serious gap. The problem of attracting and retaining professionals – particularly experienced ones – negatively impacts the public's ability to obtain needed legal advice and representation.

There are also problems associated with retaining Crown Counsel:

*In actuality, they are extremely junior ...They are pleading everything out. They are poorly run. They should have five staff and only are at three...There is nothing in the system to attract and retain [staff] here. They get no living allowances to live here.... The repercussions are bitterness in police officers and confusion and disappointment in victims. For example, this girl was assaulted and it took two years to go to trial. The girl came back from Edmonton to go to trial and two days before the scheduled court date the Crown decided not to follow through (and never notified the victim). This girl will likely initiate an internal complaint. There is no justice in this system for the victims as it stands here. EVERYTHING is in favour of the accused here now. [Legal Service Manager 04B]*

### **3.4.3 Court House Services**

There are several services offered in the Fort McMurray Courthouse. There are court clerks who receive fine payments, give general information regarding legal actions and paperwork and help file legal documents. These clerks reported repeatedly that people expect them to be able to provide legal advice.

There are no Family Justice/Family Law Information Centre Services located in Wood Buffalo, other than one Family Court Counsellor who is based in the Courthouse. The Family Court Counsellor provides support for people dealing with issues such as child access and support and parenting orders. The Family Court Counsellor can help people fill in their forms properly. Service providers overwhelmingly praised the role of the Family Court Counsellor and many suggested that a second one was needed.

While not based in the courthouse, Native Counselling Services of Alberta provides a court worker to go to court and assist clients of any ethnic origin who have family law needs or summary criminal charges. The court worker is able to appear with or on behalf of clients, discuss cases with the Crown and negotiate resolutions to help people avoid receiving criminal records.

Legal Aid's Duty Counsel is a free service that provides representation for people who would otherwise be in criminal court without a lawyer. Duty Counsel is available to both adults and youth in criminal court and domestic violence court. Duty Counsel can assist people who have mental health concerns and people who are seeking Emergency Protection Orders. To help keep up with the significant demand for these services, the Legal Aid officer also goes to the Courthouse frequently to provide assistance to people who are seeking Duty Counsel services.

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

Even if people do know about existing legal services, they face a number of challenges that can prevent them from accessing the services they need and resolving their legal problems in a timely and effective manner. There are factors that limit or restrict members of the public from accessing existing legal services in Wood Buffalo. These barriers include;

- the vast geography of this District,
- eligibility criteria of key legal services,
- fees for services, and
- shortage of services and information in languages other than English.

#### **3.5.1 Geographic Realities**

Communities in Wood Buffalo are widely dispersed over a large area. Many communities are two or more hours from the urban centre of Fort McMurray. The climate can prevent travel between communities but these communities are often too small to make it feasible to establish local legal services.

Given the small number of available services and relatively small population, it can be difficult for people to maintain their privacy when accessing services. It can also be dangerous, as will be discussed in regards to domestic violence (Section 5.1.2). This also is relevant for people who are involved with gangs/organized crime in this District.

#### **3.5.2 Eligibility Criteria**

Twenty one (62%) of the participants reported eligibility criteria for their services (Table 4). As in the Calgary Judicial District, age was the most common criterion.

**Table 4 -  
Eligibility Criteria**

<b>Eligibility Criteria (N=34)</b>	<b>Yes %</b>	<b>No %</b>	<b>N/A %</b>	<b>Not Answered %</b>
Age <sup>10</sup>	24	74	3	-
Income	18	79	3	-
Residence	15	77	3	6
Parental Status	12	85	3	-
Criminal History	9	88	3	-
Agency Referral	6	91	3	-
Citizenship	6	88	3	3
Gender	6	88	3	3
Health	9	88	3	-
Homelessness <sup>11</sup>	6	-	-	94
Immigration Status	6	88	3	3
Agency Involvement <sup>12</sup>	6	-	-	94
Self-Referrals <sup>13</sup>	6	-	-	94
Marital Status	3	94	3	-
Ethnicity/Culture	-	97	3	-
Religion	-	94	3	3
Other	12	85	3	-

Criteria reported under the “other” category included First Nations status and organization memberships.

Thirty eight percent of service providers who reported that there were eligibility criteria for their services reported making exceptions to their eligibility criteria, such as providing service for people who are outside the age range served, or helping someone who is outside of their strict service mandate, or being flexible with financial eligibility.

In addition to eligibility criteria, service providers were asked to identify any “other barriers or restrictions” to accessing their services:

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<sup>10</sup> This criterion may have been underreported because participants may not immediately think of adult services as having an official criterion of age 18+.

<sup>11</sup> New category based on responses provided more than once under the “other” category.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.



- 27% reported that applicants' life styles were sometimes a barrier to receiving their services;
- 21% reported that *priority systems* were used by their services;
- 9% reported that wait lists were used for their services; and
- 50% reported other potential barriers.

Wait lists mainly applied to obtaining legal counsel or setting a trial date. These other barriers and restrictions included; staff shortages due to a government hiring freeze, not having a means of contacting the person, people seeking services “too late” (eg, after their work permit has already expired), clients having to pay for their own transportation to access services, and delays in appointing counsel after the client has been approved for a legal aid certificate (eg. Legal Aid Alberta (LAA) currently has no lawyers to take family law files in this District).

Fifteen percent of participants reported that they require proof of finances from people who are seeking their services at least some of the time (Table 5). Eighteen percent of services require identification upon application. While this appears to be a relatively low number, it should be noted that key services require identification and proof of income (eg, the Law Society of Alberta now requires that individuals have valid ID when retaining lawyers, except for Duty Counsel). This can pose a challenge for people who are transient, low income and/or homeless.

**Table 5 -  
Required Documentation**

<b>Required Documentation (N=34)</b>	<b>Always %</b>	<b>Often %</b>	<b>Sometimes %</b>	<b>Never %</b>	<b>D/K %</b>	<b>N/A %</b>	<b>No Answer %</b>
Medical	9	3	6	58	-	23	-
Identification	9	6	3	58	-	23	-
Income	6	-	9	61	-	23	-
Legal	9	-	3	61	-	23	3
Proof of Residence	-	3	3	64	3	23	3
Other	3	3	3	49	3	29	9

***LAA Eligibility Criteria***

There are many eligibility criteria to qualify for the Legal Aid certificate program. It can be quite complex. These complexities become especially poignant in this “boom and bust” community:

*We look at both what the monthly (the current) income and also look at what the person has made in the last 12 months. I think that is such a huge barrier. The biggest one I see is a “Fallen Angel” who is making huge income maybe have struggled with alcohol or maybe mental health issue and crashes and burns and his annual income is huge and his current income is zip. [Legal Service Manager 17B].*

*In Fort McMurray our eligibility is the same province-wide despite the cost of living being way different than something even four hours south of here. People are paying three times what they are elsewhere. If someone is working at 7-11 or the Wal-Mart full time they’re not going to qualify. I think those are the ones that should. It should be more reflective of our community...Those who have worked in the past 12 month and have made good money, they qualify for the month but not for the year. We’ve been seeing that a lot lately, because of all the layoffs. [Frontline Legal Service Provider 09]*

Residents in Wood Buffalo face additional unique challenges due to the high cost of living and the relatively high wages earned: people are not able to qualify for certificate services because they make too much money, but they cannot afford a lawyer because their cost of living is so high. When people do not qualify for LAA but are not able to afford a lawyer on their own, service providers reported that they resort to creativity yet again to try to find them some support. For example, the Family Justice Counsellor often sees people who really require a family lawyer but cannot obtain one through LAA.

### ***LAA Appeal Process***

There is an appeal process available for people who are found ineligible during their initial Legal Aid applications. It was evident that the clients were told clearly that this process was available and were offered supports to help them with the appeal.

### **3.5.3 Fees for Services**

Although none of the services that are mapped are *for profit*, four did report charging fees for at least some of their services:

- 26 participants reported always providing free services;
- 1 service provider reported always charging fees; and
- 3 additional service providers reported sometimes charging fees.

Lawyers are key to providing much-needed legal advice and representation, yet there are few lawyers in the District and private lawyers are expensive to retain, which can leave people unable to afford to access legal advice and/or representation for their legal needs:

*I'm currently going through a divorce. My husband admitted to having an affair .... I am living here with my three daughters and my ex is still living in the basement so I want to move ... I'm going to get some money from the settlement so I want to get out of Fort McMurray as soon as possible because rent here is so high and I don't want spend it all on housing .... So I am wanting to get through the divorce quickly. I called ... and talked to a lawyer on the phone, but I haven't heard back from her, and that was over a month ago. [Member of the Public P03]*

### 3.5.4 Languages

As previously mentioned, Fort McMurray (and the oilsands camps) is exceptionally culturally diverse. There is a need in Fort McMurray for services to be available in other languages. Service providers were asked what, if any, languages other than English they provided service and/or written materials in. In spite of the population diversity, the number of participating services that offer services in languages other than English is very low (Table 6).

**Table 6 -  
Languages Other than English that Services Offer**

<b>Language (N=34)</b>	<b>Oral Service N</b>	<b>Written Material N</b>
French	6	4
Cree	4	2
Dene	3	2
Spanish	3	3
German	1	1
Chinese Dialects	1	2
Vietnamese	1	1
Punjabi	-	2
Blackfoot	-	1
Hindi	-	1
Italian	-	1
Japanese	-	1
Michif	-	1
Tagalog	-	1
Ukrainian	-	1
Other	1	-

Service providers believe that people who do not speak English are not actually accessing services:

*We have multiple language barriers ... Fort McMurray is like the League of Nations. Women that have literally been in the country for only a month or so will end up accessing our services. That's the other piece, having staff that is very creative, finding ways to make sure that the clients' needs are met. [Front Line Social Service Provider 03A]*

It is extremely important that a person who is completing legal documents understands those documents. None of the existing services are able to provide their entire service in other languages. Rather, they may have brochures or booklets available<sup>14</sup>, some staff members who might be able to speak the language and/or access a translator or a province-wide service that offers service in various languages<sup>15</sup>. One local immigrant serving agency provides some translating services. One service provider reported that they were trying to hire people who speak a specific language to serve a particular group of people. Service providers also reported that people sometimes bring in their own translators. This can be problematic because the quality and accuracy of the translation cannot be guaranteed. Service providers are resourceful and will seek out translators to help service their clients in whatever ways they can.

## **4.0 UNDERSTANDING LEGAL NEEDS IN WOOD BUFFALO**

In this section we discuss:

- Statistics on the incidence of legal problems among Canadians in Alberta and nationally.
- The availability of service provider statistics on legal service usage in the Wood Buffalo Region.
- Specialized services for particular groups and or specific legal needs.
- Consequences of not accessing legal services.

### **4.1 Statistics**

As explained below, we were unable to obtain statistics about legal service utilization in Wood Buffalo. By referring to national and provincial statistics about the prevalence of legal problems, and the observations of service providers, we are able to report on the primary legal needs in this District.

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<sup>14</sup> Some service providers accessed or referred clients to information available on the Internet. One service provider referred us to a book entitled *Alone in Canada* (2001), which has been translated into multiple languages. Examples include Somali, Arabic, Bengali, Chinese, Dari, Farsi, French, Hindi, Russian, Serbian, Urdu [06A]. This booklet can be viewed online at [http://www.camh.net/About\\_Addiction\\_Mental\\_Health/Mental\\_Health\\_Information/alone\\_in\\_canada.html](http://www.camh.net/About_Addiction_Mental_Health/Mental_Health_Information/alone_in_canada.html).

<sup>15</sup> Examples include Alberta Law Line's *Can Speak* Service and the Provincial Family Violence Hotline (ph. 310-1818 from anywhere in Alberta) which has access to 158 languages and can be used for people with sight or hearing impairments.

#### 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, at any given time, 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%.<sup>16</sup>

This is evidence of a need to effectively address prevalent legal problems. Table 7 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.

**Table 7 -  
Prevalence of Legal Problems in Canada and Alberta**

Type of legal Problem	Respondents with Problem <sup>17</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

As can be seen in Table 7, the general patterns for incidence of problems in Alberta are very similar to the national pattern.<sup>18</sup> It should be noted that family law problems are divided between relationship-related and other matters. When combined, family

<sup>16</sup> Refer to the ALSMP report on the Calgary Judicial District for a more detailed discussion of this research.

<sup>17</sup> Percentages do not add to 100% because some respondents reported more than one problem within each category. Percentages are not rounded because of the extremely large number of Canadians potentially represented by the national statistics (95% confidence ratio), where 1% equals approximately 250,000 Canadians. National percentages are taken, with permission, from Currie (2007, p.12). Alberta numbers provided in a personal communication from Ab Currie, December 7, 2009.

<sup>18</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.

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.

Frequency of a problem does not, however correlate with perceived seriousness. By far, respondents considered social benefit problems, followed by family matters, to be the most serious. In contrast, the more prevalent consumer and debt problems were viewed as the least serious.<sup>19</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.

#### **4.1.2 Service Statistics**

The Team requested statistics from all services where representatives were interviewed. To date, only six services have provided any information about what statistics they keep. None have provided actual numbers, rather they provided lists of the types of statistics they keep and some explanations regarding the purposes those statistics serve. 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 Wood Buffalo. These data are supplemented by the national data, researcher observations and three interviews with members of the public.

The national research concerning the prevalence of justiciable<sup>20</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.

### **4.3 Specialized Services for Particular Groups and/or Specific Legal Needs**

Table 8 illustrates the numbers of existing sole-purpose legal and cross-over legal and social/health services that appear to offer specialized services for particular socio-demographic groups and/or to meet specific legal needs. Related social and health services that specialize in working with any of the same groups or needs are also reported to add perspective (see light grey column).

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<sup>19</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>20</sup> Justiciable is defined as "capable of being decided by a court".

**Table 8 -  
Specialization of Legal and Related Services**

Specialization	Legal Services		Social/Health Services
	Sole Purpose	Legal & Social/Health	
Victims & Offenders	16	8	5
Human Rights & Citizenship	12	2	-
Youth	9	6	28
Housing & Tenancy	9	1	15
Families	7	5	25
Aboriginal	5	5	18
Children	5	2	25
Alternatives to Court	4	3	-
Pensions & Benefits	3	1	-
Seniors	2	-	8
Disabilities	2	-	8
Family Violence/Abuse	1	6	14
Low Income/Poverty	1	2	8
Consumer Issues	1	1	-
Mental Health	1	-	32
Addictions	-	1	18
Women	-	1	8
Immigrants	-	1	5
Employment	-	1	4
Taxes & Finances	-	1	1
Debt Management	-	1	-
Gay, Lesbian, Bisexual & Transgendered	-	-	13
Crisis Intervention	-	-	4
Men	-	-	1
Wills & Estate Planning	-	-	1
Accidents/Injuries	-	-	-

The need for specialization was emphasized by participants who expressed concern about how some legal professionals currently deal with clients with unique needs, as illustrated by quotes in this section. They reported a lack of sensitivity and education:

*Lawyers need to gain a better understanding of mental illness ... People NEED to gain a better understanding of mental illness. [read an excerpt from a letter a lawyer wrote, denying a man service due to his "psychotic condition" and "difficulty communicating."] This man has Post Traumatic Stress Disorder due to his experiences while in custody (he was denied medication for his heart for eight days, he was assaulted in jail). He has a stutter. [Frontline Health Service Provider 05 ]*

*Fort McMurray needs strong Aboriginal lawyers that understand Aboriginal issues and the legal system as well as mental health issues. [Frontline Health Service Provider 21]*

There are very few services that have specializations that are relevant to the key needs that service providers identified (these have been shaded in Table 7).

Participants identified the most pressing social challenges and corresponding legal and related service needs in Wood Buffalo, in relation to the following groups and/or specific legal needs:

#### **4.3.1 New Canadians**

Wood Buffalo is not only very racially and ethnically diverse, but its composition is constantly changing. There is a steady influx of new people to this Judicial District from all over the world. As a result, ongoing and diligent effort is required to reach newcomers, educate them about their rights and responsibilities and provide required services in a timely and effective manner.

As is evidenced in this report, service providers are working together to reach out to New Canadians in this District in order to provide information about available services and to help address legal and related needs. However, there is a shortage of services that specialize in working with Immigrants and TFWs. Additional services and/or specialization are required. For example:

- PLEI on key legal needs (eg, landlord-tenant, domestic violence, workers' rights) in languages other than English



### **4.3.2 Addictions**

Both legal and health services are needed to address this social problem. Examples include:

- Establishing a drug court or special sitting days for drug-related crime
- A residential treatment facility for people with addictions<sup>21</sup>

### **4.3.3 Domestic Violence**

The lifestyle in this District can be very conducive to stress and with that, domestic violence. Service providers require additional capacity to provide education, prevention, treatment and address related legal problems. Examples include:

- Training for existing legal service providers (and/or hiring legal service providers who already have training) to deal with domestic violence
- Legal and general information resources about domestic violence and related laws (in English and additional languages)

### **4.3.4 Mental Health**

Mental health issues are prevalent and legal service providers with knowledge about mental illnesses (and/or training for existing legal service providers) is required. Additional social and health resources are required as well. For example:

- Additional beds (or a facility) for psychiatric inpatients

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

Sole-purpose legal service providers, lawyers and judiciary were asked if they encounter people who are representing themselves (SRLs). All eight who were asked, reported that they had encountered SRLs. They were asked about specific groupings of SRLs, which had been previously identified in the Alberta SRL Mapping Report.

1. People who have an overall lack of resources (e.g., low income, education, literacy).
2. People who have low income but some social resources (e.g., education, communication skills).
3. People who have low income and are living with additional social barriers (e.g., disabilities, language).
4. People who could afford a lawyer but are unable to find one.

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<sup>21</sup> The Mark Amy Treatment Centre, which is located in Anzac, only serves people who have treaty status (although some exceptions are made for non-treaty Aboriginals and Métis).

5. People who were previously represented by a lawyer but are no longer (e.g., ran out of money).
6. People involved in cases where representation is supposed to be unnecessary (e.g., small claims, administrative tribunals).
7. People who could retain a lawyer but prefer to self-represent.

This typology is utilized in the ALSMP to ask service providers their perceptions of why service users represent themselves. These categories resonated with service providers in Fort McMurray. The most commonly cited reasons were overall lack of resources and having been previously represented by a lawyer.<sup>22</sup> Both categories were cited by 76% of participants as applying to the SRLs they have encountered.

Service providers who have encountered SRLs in this District reported that they tend to lack understanding of the justice system in general. Trial procedures and the rules of evidence stand out as particularly problematic gaps in knowledge. Service providers also reported that many people who self-represent experience negative outcomes that are avoidable and unwarranted.

#### **4.4 Consequences of Not Accessing Legal Services**

While more information is needed in order to understand when, how and why people recognize and seek to address legal problems, the frequency with which the general public has a legal need and the negative costs of not addressing legal needs, are well established. If legal needs are not resolved promptly, overall social problems tend to increase, leading to additional issues which form a 'cluster' (Currie, 2007, 2009; Genn, 1999; Pleasence, Balmer & Buck, 2008; Stratton & Anderson, 2008a). ALSMP data from Fort McMurray also reveal this tendency.

Both legal and social service providers commented on the clustering of legal needs and social problems. The areas of clustering identified include;

- addictions with criminal charges,
- homelessness with addictions and criminal charges,
- mental illness with criminal charges, and
- domestic violence with criminal charges, as well as family and civil legal problems.

Domestic violence is a criminal as well as a social behaviour and has serious ramifications for all involved. If the crime is reported it can lead to multiple legal needs including child custody and access, criminal charges, and divorce. Often these legal needs take a while to be resolved and in the meantime one or both

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<sup>22</sup> This includes people who fired their lawyers, or ran out of money to pay for legal representation prior to the resolution of their case.

partners cannot afford to remain living in the Fort McMurray area due to the high cost of living but also cannot move out of town when custody issues are involved:

*Lawyers from time to time will offer Pro Bono services to women that are severely abused and trying to get out of the relationship. Often when custody is involved it forces the women to stay in Fort McMurray. If she took the child out of the city she would be charged with kidnapping. Those little things allow the man to continue to abuse the woman, if she can't survive here financially and take care of children then she is forced to go back. These cases can drag on for months and years. It would be great if there was any other way especially for women stuck in abusive situations to quickly access the legal support they need. [Frontline Social Service Provider 03A]*

It was reported that often addictions are related to legal needs for people. There is a high population of youth in the Fort McMurray area and they are vulnerable to drugs and crime. Service providers also linked homelessness with addictions and criminal legal needs:

*A good percentage of them have been incarcerated in the past, many multiple times. ... for a variety of reasons. Drugs, homeless people are seen as nuisances, they have criminal histories to begin with, they are often evicted, if they do find housing, and end up getting taken to court. [Social Service Provider 02C]*

People who have mental health concerns were again highlighted in this District because they often come into conflict with the legal system and often have a difficult time dealing with the legal system, which can in turn escalate to a higher incidence of involvement with the justice system:

*Studies show that if there's an issue with mental health, then violence or other legal issues may coincide with it. That goes hand in hand with the co-morbidity of legal issues that I talked about. [Social/Legal Service Manager 11]*

Legal service delivery that effectively meets the needs of Albertans must understand the likelihood of problem clustering. The optimum goal must be to avoid the development of clusters by addressing and resolving problems quickly. Reaching that goal will need to include a holistic approach to service delivery.

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

In addition to the barriers that are impacting members of the public from accessing the legal services they need, some significant gaps in existing services emerged. In this section we will discuss major gaps that must be prioritized in order to improve legal service provision in Wood Buffalo. We will also address challenges in filling these gaps.

### **5.1 Gaps in Legal Services**

The gaps in legal service provision in Wood Buffalo can be grouped into seven categories.

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

The Wood Buffalo region does not have a sufficient number of lawyers to meet the legal need. Particularly challenging is the current lack of lawyers who will take on family legal aid cases. Overall though, there is a need for more lawyers who can provide access to affordable legal advice and representation in every area of law.

The vast geographic area and small remote communities in this Judicial District, pose particular challenges in providing access to legal services. While it may not be realistic to expect that lawyers can be encouraged to locate to these communities, it is imperative that some means be created to address legal issues within communities.

#### **5.1.2 Preventing and Responding to Domestic Violence**

*... Fort McMurray is a different scenario. People come here to make money. They live in high stress and they carry this stress home. That's why it explodes into family violence. [Frontline Legal Service Provider 10B]*

Domestic violence is a major concern in Wood Buffalo. Service providers work together to provide services and support to both the victims and the offenders. According to participants, men are not excluded from being victims of domestic violence in this high pressure District:

*Coordinating council is a community collaboration group of 16 [who] work on the periphery or to stop family violence ... Those 16 agencies include: Victims Services, AADAC, probation, Family Crisis Society, men's outreach, short term transitional housing, Regional Municipality of Wood Buffalo, Native Counseling, and a few others. Victim Services and Family Crisis Society will give information, as well as attend court and guide them through the court process and explain it in laymen's language. The men and women's programs will offer the same thing for offenders. Provide them with the necessary information as they go through the steps. Men's outreach facilitators will explain how you complete the 12-16 weeks, and the whole process. [Social/Legal Service Manager 11]*

*I find that men don't come forward if they get assaulted unless it gets really bad. It's often the kids that manifest with problems first, and then subsequent problems (like domestic violence) are uncovered when someone investigates. [Social/Legal Service Manager 11]*

Participants expressed a great deal of support and commitment to the Domestic Violence Court. They reported that it serves as a coordinated and collaborative response to domestic violence and that it provides a forum in which they can work together and more effectively address the needs of families. Representatives from Victim's Services, the Fort McMurray Family Crisis Society and the Canadian Mental Health Association attend the court to support victims of family violence. A representative from North East Alberta Child and Family Services also attends the domestic violence court and takes back any concerns to the office for investigation.

Not every issue arising from domestic violence situations can be resolved by this Court though. Two participants expressed concerns about privacy, the visibility of shelters, and the challenge of escaping remote communities. More specifically, the number of service providers who are monitoring cases that are heard in this court could be seen as an invasion of privacy for the people involved in a community that is still small enough for many people to know each other. In a smaller centre in Wood Buffalo it was reported that women accessing the local shelter were not safe because everyone in the community knows where it is located. This safety risk is compounded by the fact that, if women want to leave the outlying communities in this District, they have to pay for their own plane fare and many of these women are living in poverty and cannot afford to pay.

### 5.1.3 Services for Children and Youth

*Two years ago we did a survey with about 2000 youth. 56 reported they were homeless. Out of 56, 45 were going to school and/or working while homeless. Kids are trading sexual favours for housing and taxi rides. [02B]*

The major gap reported by participants that impacted children and youth was the lack of prevention-focused programs and initiatives. Service providers reported that there are an adequate number of services that focus on young people who are already in trouble or at risk. However, there are not enough resources or funding to offer services that prevent them from ever becoming “at risk” in the first place. Participants reported that there is a need for more mental health professionals such as psychologists and psychiatrists as well.

*Research has shown that if children have grown up in an environment where there is physical, verbal abuse or witness it they are more likely to be sexually abused as well. Because they don't have the strong, healthy boundaries that are needed. We hate to use terminology like that, because it then gets turned around onto the victim, "If you had done this, this wouldn't have happened to you." ... This is why we need education in schools because if we are getting the myths out in their early teens before they graduate. ... I find that kids that are coming from a background in which their parents have had some sort of fight or domestic dispute or separation. ... Or kids that are being tossed around between mom and dad. Those are the kids you notice and that IS a statistic. I notice ... that youth get into trouble more when they don't have two parents with them all the time. And they are definitely more likely to be involved in criminal activity. [04C]*

Service providers are collaborating in order to try to address service provision for children and youth in a cohesive and proactive manner:

*The Municipality of Buffalo put together a youth inter-agency meeting to promote NGOs to combine services so we aren't duplicating or stealing services. That has strengthened the community so far. We also feel that people sharing contacts and information with other organizations allows us to network way more positively. [08]*

Participants stated that many children are spending a lot of time unsupervised because of demands their parents face in their jobs and/or the need to work long hours to survive financially. There is a drop-in centre in Fort McMurray that offers recreational activities as an alternative to the streets. The staff take on a mentoring role so that children will feel safe to talk to them if they wish. Participants also mentioned that there is a need for more capacity to offer parenting programs for at-risk families in Wood Buffalo.

A very significant gap in Wood Buffalo is the lack of foster and group homes for children and youth. This leaves service providers with no choice but to remove apprehended children and youth from their communities. (For example, youth have to be placed in group homes in Edmonton.) This exacerbates the trauma for the individuals who are taken not only from their homes, but from their communities, schools and friends. It also adds stress for families and makes it more difficult to arrange contact with their children.

#### **5.1.4 Services for Aboriginal Peoples**

Most of the services in the city of Fort McMurray are open to anyone regardless of their ethnic origin, but there is a reported lack of Aboriginal specific services in the city and a lack of services overall in the rural areas which are mainly Aboriginal communities:

*Most of our rural communities are First Nations ... we have five First Nations and six Métis locals now. We don't having housing for staff in the rural communities ... we are trying to build capacity but are trying to hire within the communities right now. I believe in building communities from the inside out so I am willing to flex a bit on education and training to get people from within each community to live and work there. Each of our rural communities is very unique.*  
[Social Service Manager 02B]

Participants also observed that, when Aboriginal clients do access services, they are not as aware of their rights.

#### **5.1.5 Services for New Canadians**

Participants reported that new Canadians are being treated poorly and, because they are unfamiliar with the legal system in Canada, may end up being trapped in abusive situations with landlords or employers. It is difficult to even get the information to these people to let them know that help is available for them:

*These are complications that will happen, and then it comes to our notice. The information is not going out easily - people don't know their legal rights. Especially TFWs. One of the reasons is that they're new, they go directly to the employer and then to the house. There's not much social activity and communication - they don't know about these cases and what to do when it happens to them. This is in part because of the temporary status...One generation of workers will be gone in six months and this cycle will start anew. This makes [reaching them] particularly challenging...It takes time for them to trust - they believe themselves to be trapped so they don't try to get out of their situation. For instance...they [won't seek services] because they didn't think they had enough money. They were told [services were] free but they had been cheated so many times that they didn't believe it. [Frontline Social/Legal Service Provider 06B]*

People from other countries are not always aware of their rights or the laws in Canada:

*One of the things I'd like to see from a legal stance ... I hosted a Human Rights Info session a year ago, in collaboration with Sheldon Chumir ... a lot of people are coming here and are not aware of their rights (eg, nannies, TFWs). [Social Service Manager 02B]*

The issues faced by new Canadians are compounded if they are female:

*Female workers are ... more exposed to these kinds of issues. They're more vulnerable. ... They didn't have any control - the employer might call late one night and tell them to work the next day...They eventually got fed up and sent resignation letters. In spite of all this the employer didn't give them the return ticket. They gave them the ticket two weeks later (mid month - so where were they supposed to stay?). These women were so frightened. ... There are lots of cases in which the [women] are psychologically exhausted and can't face the employer. [Frontline Social/Legal Service Provider 06B]*



### **5.1.6 Remand Centre**

Wood Buffalo does not have a facility that is dedicated housing people who have been remanded into police custody. The RCMP can sometimes house a limited number of individuals in holding cells at the detachment office but this does not meet the needs. The closest Remand Centre is located in Edmonton. People who are arrested in Fort McMurray are often transferred by bus to Edmonton to be held in custody until their court dates. They are then transferred back to Fort McMurray.

The absence of a local Remand Centre results in significant delays in legal processes because the buses run on limited schedules. This absence results in greater financial costs associated with transporting inmates. Additionally, people who are in custody and their legal representatives who are located in Fort McMurray must try to contact each other via telephone to discuss their legal matters. This can result in long delays for those charged connecting with a lawyer. In fact, many people wait up to eight days before their first contact with a lawyer. In addition, this gap creates increased safety risks as a result of long distance travel. People who are in custody in Edmonton are also separated from their families and social supports.

### **5.1.7 Public Legal Education and Information (PLEI)**

A limited amount of PLEI is made available in Fort McMurray (Table 9) and participants indicated that there is a need for more as well as for legally trained professionals to be able to review legal information with members of the public to ensure they understand the information that applies to them.

**Table 9 -  
PLEI Availability by Area of Law**

<b>PLEI Topics</b>	<b>Urban</b>	<b>Interviews</b>	<b>Rural</b>	<b>Interviews</b>
Administrative				
Information	7	4	-	-
Education	1	1	-	-
Civil				
Information	9	6	1	1
Education	2	2	1	1
Criminal				
Information	10	6	2	1
Education	3	1	4	1
Family				
Information	7	3	2	1
Education	3	2	2	1

Service providers use a booklet called the *Tough Times Handbook* (Family and Community Services, 2005)<sup>23</sup>. While it does not specifically offer PLEI it does provide the names of services that could offer legal information and education. Many of the participants reported that they informally assist members of the public as much as they can, by guiding them in the right direction or explaining legal processes and options to them. Sometimes services/organizations reported putting on educational seminars to attract public attention to their legal rights and responsibilities.

Participants reported that they would like to make sure that people are educated about their rights before they take legal action. They would like to have easily available handouts on specific issues rather than having to search the Internet for resources:

*I guess if we had a list of "this is the issue - this is where I refer you to" kind of thing. If we had problems with, say, I mean lots of times I can go on the Internet and find the information I want. If someone wants to know about elder abuse, I know I can go on the Internet and find kind of where they need to go. But if we had a handout that showed if you were having this problem this is where you would go, that would be great. [Frontline Legal Service Provider 07C]*

There is a need for clear and concise PLEI – particularly in print form – that addresses common legal needs in this District. Examples include:

- abuse (legal recourse for victims and concerned third parties),
- domestic violence (definitions, rights and responsibilities),
- criminal records (what they are and the repercussions of a criminal record),
- landlord/tenant issues, and
- substance-related charges.

It is also imperative that this PLEI be made available in languages other than English. As per Section 2.1, French, Spanish, Chinese dialects and Punjabi are the most commonly spoken languages after English in this district and are therefore be ideal starting points when creating and translating PLEI for this District. However, it

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<sup>23</sup> This booklet can be found through the following link;  
[http://woodbuffalo.ab.ca/residents/social\\_support\\_services/pdfs/Handbook.pdf](http://woodbuffalo.ab.ca/residents/social_support_services/pdfs/Handbook.pdf)

is equally important to reach all residents so the other languages<sup>24</sup> should also be considered when producing PLEI materials.

## 5.2 Challenges in Filling the Gaps

In this section we will discuss the challenges that hamper the elimination of the above mentioned gaps. These include;

- lack of funding and resources,
- the inability to retain staff,
- the inability to retain police officers, and
- fragmentation of legal and related services.

### 5.2.1 Lack of Funding and Resources

Service delivery is affected when there is either not enough funding or funding is reduced.<sup>25</sup> Service providers who are already at capacity, become busier and unable to provide the amount or quality of service they did previously. It was also indicated that some already existing services need more funding to improve or expand the services they are currently able to offer. The transient nature of the population poses additional challenges, as some funding for health and social needs does not get funneled to local services:

*... we see mentally ill people going to the hospital to help themselves. Often there is no crisis nurse working so they see whomever and they just get turned away. People who are diagnosed with Hepatitis C or HIV are diagnosed by postal code. We have tons of men in camps with known HIV or Hepatitis C but they were diagnosed in Edmonton or Calgary so the funding for them goes to that city. [Frontline Health Service Provider 05]*

In the case of LAA, family law issues are critical and need to be dealt with differently to address the lack of available lawyers. LAA is currently managing this need as best they can by referring clients with family legal needs to the Family Court Counsellor for support.

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<sup>24</sup> See [http://www.finance.gov.ab.ca/aboutalberta/ped\\_profiles/2008\\_profiles/FORT%20MCMURRAY%20-%20WOOD%20BUFFALO.pdf](http://www.finance.gov.ab.ca/aboutalberta/ped_profiles/2008_profiles/FORT%20MCMURRAY%20-%20WOOD%20BUFFALO.pdf) for a full list of spoken languages in Wood Buffalo.

<sup>25</sup> While this could arguably be said of any community anywhere in the country at almost any time, it is particularly salient in Wood Buffalo where services are extremely limited.

### **5.2.2 The Inability to Attract and Retain Staff**

Participants reported that, although they feel this may be beginning to improve, there are still a number of factors that serve as deterrents for human services professionals who may be considering relocating to Wood Buffalo. These include:

- the high cost of living;
- the remoteness and harsh climate;
- perceptions about high rates of crime and substance abuse;
- inadequate pay; and
- the prospect of working with limited resources and personnel.

Even modest funding increases that would allow not-for-profit organizations to offer more competitive wages or increase their staffing complement could serve to lessen some of the above deterrents.

### **5.2.3 Challenges Retaining Law Enforcement Personnel**

Some service providers reported concerns about policing in Fort McMurray. The constables are often new to their positions and do not stay long enough to develop a familiarity and rapport with the community:

*The RCMP always sends the new recruits North. They always lack experience and end up handing out charges that ultimately bog down the system. There is either a lack of enforcement or too much enforcement. There is also a lack of victim support. For example, when dealing with sexual assaults. [Frontline Health Service Provider 21]*

*We get all the young cocky RCMP officers. We so often have people showing up at the police after being beaten by their spouse and are told "no harm done ... go to the hospital, get checked out ... " We have so many social problems and not the manpower to deal with it. So then you get people who are angry and retaliate against the people who have wronged them because the system has done nothing ... then they get charged. [Frontline Health Service Provider 05]*

For many RCMP officers the salaries and cost of living are prohibitive. They cannot afford to bring their families with them, for instance, so they stay for the minimum required time and then relocate to communities in Canada that allow for a higher standard of living for them and their families. That said, service providers reported that some RCMP officers do get involved in the community and with other service providers (including participating in the Community Working Group for this project):

*We are working on [a sexual assault response team] and will have it by next year. We are working together with the RCMP, nurses, doctors, victim's services. It's going to take a while to coordinate and understand our roles ... RCMP [officers] will be on the team. [Frontline Social Service Provider 03A]*

#### **5.2.4 Shortage of Lawyers in the District**

The shortage of lawyers in this Judicial District is a challenge that goes to the heart of providing access to justice. Ways must be found to encourage lawyers to establish legal practices in this District.

#### **5.2.5 Fragmentation of Legal and Related Services**

Fort McMurray service providers are doing an impressive job of working together to avoid fragmented service delivery. There are however, some areas where fragmentation does occur:

*[Networking] is good but can always improve. There are a lot of services that still work in silos. Partnerships are very important. Even NGOs are not always aware of other services that are similar. We did a formal needs assessment in 2003 and this was identified as a key issue ... service providers didn't know about others with similar mandates. [Social Service Manager 02B]*

Despite tremendous efforts and resourcefulness, fragmentation still occurs where there are insufficient appropriate services, resulting in delays in addressing needs or people having to travel to major urban centres to obtain the services they require. Service providers identified a lack of intensive counselling for chronic mental health conditions as well as the lack of a local treatment centre for addictions. They spoke about people having tried to check themselves into the hospital because they are experiencing mental health symptoms, only to be turned away because there are no beds available (the local hospital reportedly has only 11 beds).<sup>26</sup> Their symptoms then escalate and they too frequently end up in the justice system.

Additional fragmentation occurs within legal services due to a shortage of professionals and resources. As previously mentioned, participants reported that there are currently no lawyers who specialize in Civil or Family Law in this District who will take LAA certificates. Team members met a young lawyer informally, who

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<sup>26</sup> Research Team members attempted to confirm this with the hospital but hospital representatives would not provide the actual number of beds.

had recently relocated to Fort McMurray and stated in casual conversation that he will take private civil and family cases.

## **6.0 IMPROVING LEGAL SERVICE DELIVERY**

In this section we will discuss how to improve legal service delivery in Wood Buffalo. In doing so, we will give recognition to:

- the good practices that are in place in this District, and
- creative approaches that service providers are using to address legal needs.

### **6.1 Good Practices to Build On**

Service providers in Wood Buffalo are very proactive and resourceful when it comes to finding ways to meet the needs of the public. The high level of formal and informal interactions between service providers and the creativity they display has resulted in a number of notable accomplishments. The following areas are models upon which to build:

- Service provider relationships.
- Networking practice.

#### **6.1.1 Service Providers' Relationships**

The Team received a reception from service providers that was extremely warm and accommodating, which was indicative of the very positive culture that exists among the service providers in this Judicial District. Despite the overwhelming numbers of people requiring services and the modest number of services that exist, service providers' dedication and positive attitude towards service users was striking. The Team made a number of observations:

- The majority of legal, social and health service providers not only knew about each other but have forged close formal and informal working relationships in order to accommodate their work loads and serve their clients efficiently. Team members were even told about staff from one service personally driving clients to other services.
- Service provision is very female dominated and the women involved are passionate about service provision. When asked about the apparent domination of women in legal and related services provision, one legal professional replied that many of the women who work in these fields have spouses who are making comfortable salaries in the oilsands. Therefore, these women can choose jobs based on passion rather than income.

- Service providers with whom Team Members interacted were very proactive and resourceful in finding ways to meet client needs.

The service providers in Wood Buffalo enhance the effectiveness of service delivery and their ability to make do with limited resources by forging close working relationships that cross the boundaries of the legal, social and health fields. Evidence of this cooperation and collaboration can be seen in:

- the effective referrals services providers are making;
- networking; and
- collaborations.

**Referrals**

Referrals are very effective in Fort McMurray. 90% of Service Providers reported receiving referrals, and a high proportion of these referrals were considered appropriate (Table 10).

Of the 96% of participants who make referrals (Table 10), 56% reported that they learn whether the referrals they make are effective or not. Most often they find out from the clients themselves (95%). Additionally, 72% find out from the service they have made the referrals to and 44% also find out via other means (eg, networking and informal conversations with other members of the community).

**Table 10 -  
Service Providers' Experiences with Referrals**

(N=33)	<b>Always</b> %	<b>Often</b> %	<b>Sometimes</b> %	<b>Never</b> %	<b>N/A</b> %
<b>Make Referrals</b>	33	39	24	3	-
<b>Receive Referrals</b>	24	42	24	9	-
<b>Receive Appropriate Referrals</b>	33	49	9	-	9

The top three types of referrals that participants reported making were:

1. Health services for mental health and addictions;
2. Legal advice and representation (eg, LAA); and
3. Housing services (eg, Residential Dispute Resolution Services).

**6.1.2 Networking**

Of the 34 participants interviewed in Fort McMurray, 33 reported that they engage in networking activities. For example, in a meeting of the ALSMP Community Working Group, one member said that she had a sense that the courts did not understand

clients who are living with Fetal Alcohol Spectrum Disorder (FASD). Another service provider followed up with an invitation to present at the court users meeting:

*... I offered to set up some time at a court users meeting to give a presentation to the two judges and other people in the court system so that they have a sense of who I am and who my clients are ... So others could learn about [FASD]. [Legal Service Manager 17B]*

Service providers' responses were overwhelmingly positive when asked about networking in their area, with responses such as "Awesome" [07B] and "It's fabulous" [11]. Researchers observed a willingness and desire to network and work together to increase service provision in Fort McMurray:

*A pro about our small community is that the links between [service providers] are very solid. We can contact each other easily for information. [Frontline Legal Service Provider 17A]*

A number of the existing committees and networking opportunities were mentioned:

- Community Network
- Mental Health and Addictions Committee
- Community Outreach Workers
- Legal Aid Appeal Committee
- Homeless Information Steering Committee
- Housing 1<sup>st</sup> Model
- Support through Housing Team (STHT)
- Family Violence and Bullying Coordinating Council

Work is also underway to develop a Sexual Assault Response Team.

There is also a yearly event - *Revive and Revitalize* - held for service providers to meet as a group, and there is a *Health and Wellness Week* each spring where agencies set up booths in a local shopping mall to help make their services better known to the public.

There are regular formal and informal interagency meetings held and service providers spoke about the usefulness of both the actual meetings and reading the Minutes to update knowledge about the organizations in Fort McMurray and the services offered. Additionally there are regular *Court Users Meetings* to offer



information about court services. Service providers clearly value the networking, and spoke about wanting to continue to improve networking in the District.

## 6.2 Creative Approaches to Meeting Needs

The following stood out as ways in which legal and related service providers are using exceptional resourcefulness and creativity to meet the needs of the public:

- Creative approaches to addressing the needs of people living with mental illness and addictions.
- Efforts to meet the needs of new Canadians.
- Proactive approaches to addressing domestic violence.

### 6.2.1 Helping People Living with Mental Illness and Addictions

The lack of training about mental health among legal professionals, as well as the shortage of hospital beds for inpatient care and the absence of a treatment facility for non-Aboriginal people who are struggling with addictions, all impact the frequency with which people who are struggling with these challenges end up involved in the justice system. Although limited by the lack of resources and options available to avoid incarceration, social and health service providers are collaborating with legal service providers to try to offer supports and interventions for people living with mental illness and addictions. The Mental Health and Addictions Committee is a collaborative effort which allows service providers to share information about legal, social and health issues, and to consult about how best to provide services to clients.

There are some supports available for people with mental health issues but they are short-term solutions:

*We also get calls from people suffering from mental illnesses and we are basically a support group for those people. We can't offer any medical advice but some of those people that is their world. If they're struggling with a mental illness, those problems don't go away overnight so we encourage those people to keep in close contact with their doctors and take their doctor's advice to take their medication ... stuff like that. But sometimes they want to talk to someone that is a little removed from the medical profession ... knows what the doctor is telling them but is just removed enough from it so that they are unbiased and so that they don't side with anyone. Like if they're having a bad day, they can call and we'll help them through it. It just helps them through during that low time. And we also train our listeners to understand that every call is important. [Frontline Social Service Provider 19A]*

### **6.2.2 Proactive Efforts to Inform and Assist New Canadians**

The local Multi-Cultural Association runs a *Parenting in Two Cultures* course. They also offer a program called *Safe Harbour: Respect for All*. Through this program, they aim to educate the public about the inclusion of people from various religions, races, ethnicities, sexual orientations and socio-economic situations. The primary focus is on educating employers about the importance of fostering inclusion in their work forces [17B]. Additionally, they have an *In School Settlement Support Worker* who provides support to parents of elementary school children to help them integrate successfully into the community and find the supports they need. The Multi-Cultural Association offers a number of other programs and services to not only help New Canadians settle, but to engage the larger community in learning about and appreciating other cultures:

*We translate for the Courthouse. They always phone us for translators and we can provide that service. We also do things that bring people together like our international cooking classes which have been a real hit. People really enjoy them, and we find that people are really mixing through courses like that... We have walk in [services]. So for example, this week a woman and her daughter-in-law, who is from another country, walked in because the daughter-in-law is getting depressed because she's away for the first time from her country and from her family ... [W]e can connect her daughter-in-law with people who speak her language and maybe from her country as well. So we do things like that as well to try and help people because that is a big thing. ... depression when you come into another environment. [Social Service Manager 15]*

In one rural area we were informed that one of the services offered some culturally appropriate programs for their clients and some of the services are open to the entire community:

*... weekly Cree classes that are open to the whole community. They also have an Elder's luncheon every second [week]. They discuss different issues. [Social Service Manager 01]*

### **6.2.3 Proactive Approaches to Addressing Domestic Violence**

In Fort McMurray, education about domestic violence begins when children are in daycare. The Family Violence and Bullying Prevention Coordinator conducts regular sessions with children in day care and in schools to help them recognize violence

and teach them alternative pro-social methods of conflict resolution. Service providers are also teaming up to address contextual factors that impact family violence:

*... [E]very city in [Wood Buffalo] that has a domestic violence court is supposed to have a family violence addictions counselor. So the way it is designed, anybody [who] goes through domestic violence court and has addictions related issues in addition to domestic violence will be required to see a counselor. In different cities there are a lot of different services that they can access after that, but there [are not] as many choices in Fort McMurray so the majority of them will be filtered through here to our office to do the addictions counselling portion of the court services recommendation. [Frontline Health Service Provider 09]*

As mentioned in Section 5.1.2, a team of service providers regularly attend hearings at the domestic violence court to determine what, if any, legal, social and/or health services may be appropriate for the parties involved. This is a particularly coordinated and proactive method for detecting and addressing needs that people may not even recognize they have, let alone know what services exist can help them.

For families that are experiencing separation or divorce, Family Justice Services (FJS) offers Parenting after Separation courses 6 times per year, FOCIS courses 4 times per year, family mediation as well as child protection and intervention mediation.

### **6.3 Creating Affordable Legal Advice & Representation**

The lack of affordable legal advice and representation are challenges that have been widely recognized by legal professionals nationally, and these challenges are a priority in the Fort McMurray Judicial District. Two methods for addressing these gaps that are currently being explored by justice community members are unbundling legal services (also referred to a *limited retainers*) and expanding the use of paralegals. Additional methods for addressing the gaps that apply specifically to Wood Buffalo include the creation of a Law Information Centre (LInC) and/or a Community Legal Clinic.

#### **6.3.1 Encouraging Lawyers to Establish Practices in this Judicial District**

Creative initiatives must be undertaken to encourage lawyers to open practices in this Judicial District. Suggestions for how this could be accomplished include:

- opening a legal clinic and hiring legal staff,
- targeted funding to Legal Aid for the purpose of paying lawyers a higher rate to reflect the higher cost of living in this Judicial District, or hiring staff lawyers

- recruiting new graduates to work in rural communities and encourage them to establish practices in those communities.

### **6.3.2 Unbundling Legal Services**

Sole-purpose legal service providers were asked about unbundling legal services or limited retainers as an option for increasing accessibility of services to the public. Fifty percent of participants asked (N=8) supported unbundling. It could be argued that there is a lot of informal unbundling happening already in order to cope with the limited services in this District. Although not a lawyer, participants provided the example of the previously mentioned Family Court Counselor who supports people with family law matters as they go through the court process when asked about unbundling. Some argued that unbundling would be useful even earlier in individuals' legal processes; from the moment they recognize that they have a legal need:

*[Unbundling is needed] right at the beginning. Sometimes charges just drag on and on and on, especially for people that don't have this big money flow. They make just a little bit too much to be a legal aid applicant. I don't think there's enough out there to support the middle group. Every time they appear in court it costs money. [07A]*

Participants mentioned that unbundling would be particularly helpful throughout the legal processes for child custody and foreclosure cases. Participants felt that many foreclosure cases end up in court that should not have:

*Lots of people that are being foreclosed on obviously can't afford a lawyer. Nine out of ten times they don't get legal advice. Of course there's a lawyer representing the bank. Lots of times people don't even show up because they don't understand it. [07C]*

The notion of unbundling legal services did raise some concerns, however. Twenty five percent did not support unbundling and the remaining 25% had no opinion. Participants worried that unbundling might exacerbate fragmentation, making it difficult for some people to navigate through the numbers of services. This may place people who are already vulnerable at increased risk of slipping through the cracks of the justice system. Unbundling would be useful, though, for people who maneuver through multiple services and have the resources and ability to recognize what services are available and what parts of their legal processes they should get

help with:

*Sometimes for the people I deal with I think you have to [take a holistic approach]. ... unbundling is almost like fracturing things up, which can be logical sometimes but sometimes, if I go see one person and then they keep sending me off to different people for different aspects of my issue, that to me is fracturing my problems ... my fear is that we are going to lose people. I think a number of people that I deal with are already lost to begin with. If we fracture things for them, are they are going to be able to coordinate [their needs]? ... if not then are we prepared to have someone be a coordinator there for them. ... There can be further work in simplifying some of our legal processes. People can't [maneuver them] with Grade 10 education. [Legal Service Manager17B]*

Two of the three members of the public stated that, given the choice, they would like to have a lawyer to cover all the aspects of their legal cases. The third one commented that he would like to speak in court for himself but have a lawyer to handle all of the preparation.

### **6.3.3 Paralegals**

The increased use of supervised paralegals to aid with legal service provision is another method of increasing the availability of cost-effective legal services that justice community members are currently evaluating. Sole purpose legal service providers, lawyers and judiciary were asked if they believed there is a role for paralegals in legal service provision. Responses were lukewarm. Of the eight respondents:

- 2 believe there is a role for paralegals in private firms;
- 1 believes there is a role for paralegals in courts; and
- 1 believes there is a role for independent paralegals.

Both lawyers who were interviewed reported that paralegals are currently working in their firms.

Paralegals could play a role in addressing legal issues within the small remote communities in this District, if the role of community-based legal workers or paralegals could be established and funded. This would increase awareness of legal rights and access to justice. Paralegals who work under the supervision of a lawyer (in private practice or in a legal clinic) would significantly improve access to legal services for the members of these communities.<sup>27</sup>

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<sup>27</sup> Inspiration for this suggestion comes from the recommendation for the creation of community-based legal workers in the Forum's 2008 Report *Justice for Nunavummiut*.

### **6.3.4 Community Legal Clinic and/or a Law Information Centre (LInC)**

There is currently no legal clinic or other central source of legal information and advice in Wood Buffalo. Other Judicial Districts such as Calgary, Edmonton and Lethbridge have community legal clinics. These clinics provide legal advice to people who cannot afford to retain private lawyers. They also provide general legal information, legal education and outreach and other services such as photo identification.

Alberta Justice has also erected LInCs in Calgary, Edmonton, Grand Prairie and Red Deer. These LInCs are located in the courthouses and provide general information about legal services as well as help individuals find legal forms and assistance completing and filing them.

Participants in this District stated that there is a need for a “one stop shop” for legal information and help completing legal forms in Wood Buffalo. Service providers are collecting and sharing information with clients as they are able but expressed that they do not always have access to the necessary information or the time to search for it. A central source for information about legal services and processes would benefit the public and would alleviate some of the workload for other legal service providers.

## **7.0 RELATED LEGAL, SOCIAL, HEALTH AND INFRASTRUCTURE NEEDS**

There are significant contextual factors that are impacting the numbers and types of legal needs in Wood Buffalo. These factors also impact whether or not people will access existing services and benefit from the services they do access. The ability of legal service providers to recognize these factors and tailor their approaches to service provision accordingly (eg, knowing what additional services to involve and how these factors may impact clients’ abilities to understand, cooperate and follow through with plans) is essential to preventing some legal problems from occurring, providing effective service and alleviating at least some “repeat clients.” The legal, social and health factors that emerged in Wood Buffalo include;

- delays in legal processes,
- unreliable or unavailable public transportation,
- mental health concerns, including addictions, and
- homelessness.

## 7.1 Delays in Legal Processes

Service providers as well as the members of the public we spoke with, repeatedly referred to delays in legal processes as being significant and problematic. Often the expense of dealing with a legal need is associated with the delay in the court services:

*Biggest problem I may have come across is someone who doesn't qualify for Legal Aid but also doesn't have the money to afford their own lawyer. There is always a gap there. Likely they would be referred to the Family Court Counselor but she doesn't represent anyone; she is really there to make sure that everyone knows the rules of the court and how everything works. It is really expensive {to retain lawyers} in Fort McMurray. I think it is usually \$2,000. [Frontline Social/Legal Service Provider 16]*

*... right now judges are setting trials eight months ahead, so there's no excuse [for that wait]. [Frontline Legal Service Provider 17A]*

Such court-related delays are linked predominantly to:

- Insufficient number of lawyers to take LAA certificates (11) and offering affordable private retainers (several law firms are asking for \$5000 retainers for Family files [17A]),
- too few judges (2) and crown prosecutors (3), and
- the absence of a local Remand Centre.

Not all delays are court related, however. The following example shows some of the difficulties which arise because services are located outside of the Judicial District. This participant described the experience of temporary foreign workers when dealing with Employment Standards issues:

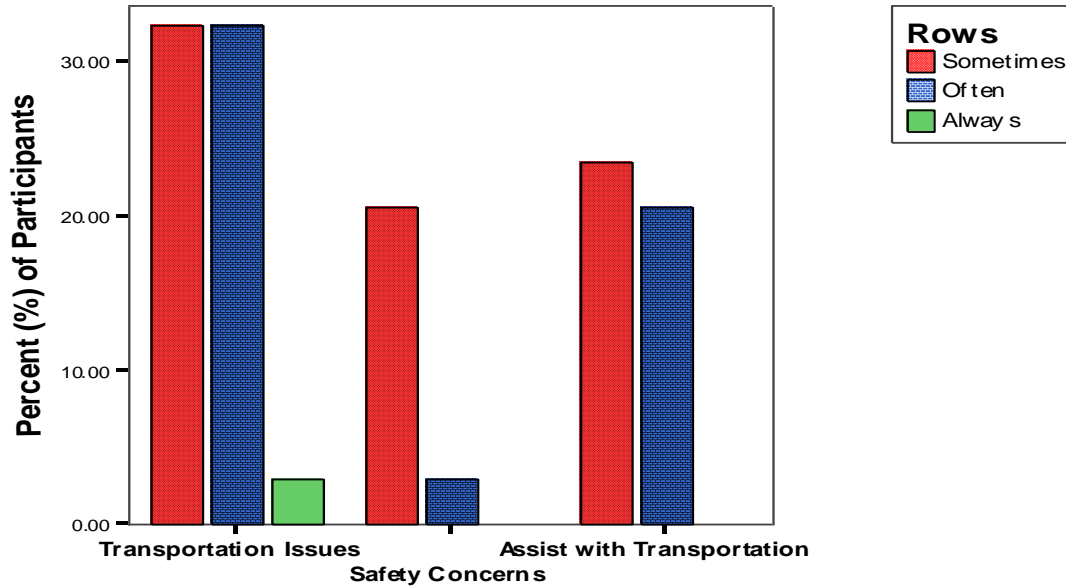
*We also have a number of cases with Employment Standards. The problem with Employment Standards here is that they don't have an office here where clients can go directly to get immediate support. [They] have to fill out an application and send it to Edmonton; it takes time for them to get it and then assign an officer, then talk to the people here and figure out the issue. It can take anywhere from 1 - 6 months. This is the nature of the legal issue, but it isn't very suited to TFWs because they are here for such a short time. If they cannot work how can they afford to pay \$1000 for a room here? ... They may lose the claim. They try to get the person's contact information from their home country, but it's hard to reach them there. Something could happen along the way and things get disconnected. There was a case in which I had the person's address, Employment Standards met with the employer and they agreed on an amount that should be paid to the employee. The employer sent me the cheque, along with a paper that the employee and I both had to sign. Of course the employee had already left the country. The employer refused to let me send the form to the employee. ... These legal aspects like Employment Standards - the main objective is to ensure the rights of the employee but at times the result is still zero because the worker cannot get what he or she lost. [Frontline Social/Legal Service Provider 06B]*

## **7.2 Transportation**

Service providers reported transportation concerns that are significant in this District (Figure 2). Sixty seven percent of participants reported that service users experience problems related to transportation. Twenty four percent reported that there are safety concerns related to transportation (or lack thereof). While no participants reported that their services always help service users with transportation, 44% reported providing transportation assistance (ie, providing bus tickets or paying for taxis) at least some of the time.



**Figure 2 -  
Transportation in Wood Buffalo**



They reported that the public transportation in the city is extremely slow. Most of the legal services are located in the centre of the city and one service provider reported that, at times, it can take upwards of an hour and a half to get across the city by bus. To give perspective, Team members walked from one end of the city’s main thoroughfare to within three blocks of the other end in just over half an hour:

*Often my clients won't take the bus. The transit system is horrible; it takes up to one and a half hours to get from [the residential areas] to downtown. And my clients are often afraid to go on buses, due to mental health issues. There is a stigma about bus transportation in this community since the beheading on the Greyhound. People often refuse and they don't have [their] own vehicles or money for cabs. I often go out to see people in town. [Frontline Health Service Provider 05]*

Transportation barriers also contribute to homelessness rates in Fort McMurray. Service providers reported that some of the members of the city’s homeless population have families and homes they could go to in the rural communities, however they do not have the means to travel to and from their home communities so they end-up living on the streets in the city so that they can access social, health and legal services for ongoing needs.

Winter conditions in Fort McMurray often cause havoc with the transportation system causing long delays in very cold weather. The weather also causes poor safety conditions when travelling to access services.

### **7.2.1 Rural Transportation**

Fort McMurray is the largest city in the Judicial District and provides services for the outlying communities. Winter road conditions and lack of transportation between these rural communities and Fort McMurray creates barriers to accessing legal services in Fort McMurray. Fort Chipewyan is a “fly in” community during the summer and accessible by ice road in winter, so is even more isolated. However, it does host circuit court once a month and thus people in the community have some access to court services and Legal Aid Alberta (LAA).

There are some buses that travel to and from rural communities on select days of the week. The service is limited and is further complicated by a system that exists on some of the routes, which gives priority to people with treaty status. This has resulted in conflicts between rural residents that have escalated to fistfights when there has not been room for everybody seeking to travel into the city. In response to the violence, bus routes have been periodically suspended resulting in no access to public transportation from these communities until the decision is made to start the route up again:

*There was a bus for Janvier but there were literally fistfights to use it because the First Nations people got dibs over the Métis people so they stopped the whole system for a while. It started again for two weeks and then stopped. I believe now it is stopped. The Medi-Van still runs but you have to ... have a treaty card. Each First Nations has their own Medi-Van day(s). [Frontline Health Service Provider 05]*

The inability to get into Fort McMurray for court can have serious ramifications. People regularly hitchhike into the city to access services they need. This has resulted in some people, particularly women, being vulnerable to victimization. These women are often desperate to avoid missing their court dates which often involve child custody matters. Participants reported that there have been multiple known instances in which women have been sexually assaulted while trying to make their court dates. However, one service provider noted that people could call Native Counselling Services of Alberta to appear for them if they cannot get into Fort McMurray for court dates (assuming they have access to a telephone and know about this option).

In order to alleviate the rural transportation issues some service providers arrange for workers to travel out to the smaller communities to provide service, although this can be hampered by bad road conditions that make it impossible for them to get out

to the smaller communities. Others provide part of their service over the telephone thus alleviating some of the need to commute.

### **7.3 Mental Health and Addictions**

Stress, fast pace, workload, climate, loneliness as well as substance abuse all play a part in exacerbating the incidence of chronic and acute mental illnesses in Wood Buffalo. Formal and informal mental health services do exist in Fort McMurray; however service providers reported that more is needed in terms of general and specific mental health services. Participants also felt that legal service providers need to have a better understanding of mental health issues.

Participants also reported that people with mental health and addiction issues tend to engage with the legal system repeatedly and, as a result, to use their services more frequently. They also reported that being under the influence of drugs or alcohol are “life style barriers” that most frequently result in refusals of service for members of the public. Legal service providers who are already taxed spend more time on these issues due to lack of training, and their ability to provide appropriate responses to the needs of people with mental health and addiction issues, is also limited.

There is also a lack of resources to offer people who require treatment. Therapeutic courts such as Drug and Mental Health courts were suggested as a means of effectively addressing related charges and reducing further criminal activity that sometimes accompanies untreated addictions and mental health symptoms. In order to serve their purpose however, there must also be alternatives to incarceration available. Participants highlighted:

- the need for a residential treatment facility that provided medical detox for addictions (required for youth and adults),
- the need for more psychologists and/or psychiatrists, and
- the need for additional hospital beds that are devoted to psychiatric inpatients or a separate treatment facility.

#### **7.3.1 Capacity to Serve People Living with Mental Illness and Addiction**

The gaps that currently exist include:

- lack of legal professionals with mental health training and awareness,
- lack of hospital beds for people experiencing acute symptoms, and
- the absence of an addictions treatment facility for non-Aboriginals.

Although the latter two gaps are outside the scope of legal service funders, the provision of formal training that is tailored to legal professionals would go a long way to enhancing the effectiveness of legal services. Money and staff time would be

saved if the numbers of people who repeatedly enter the justice system due to unrecognized underlying mental illnesses, could be reduced through increased education of legal service providers.

## 7.4 Homelessness

Fort McMurray briefly had a *Homelessness Eviction Fund* but it has now been cancelled. Some services remain which specialize in working with homeless people. The *Centre of Hope* is a day time drop-in centre that offers a place to relax, showers, daily new socks and underwear, a Housing First program, and outreach workers. *Native Counseling Services* provide court support, and there is a *Support through Housing Committee* that helps people to find homes in Fort McMurray. In addition, there is a provincial government plan to implement a *Housing First* model and a community plan to address homelessness. There is also a plan to open a short-term, co-ed youth homeless shelter before the end of 2009.

## 8.0 RECOMMENDATIONS

Based on data analysis and input from Community Working Group members, we have made 24 recommendations for the enhancement of legal service provision in Wood Buffalo.

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
<i>Reducing the Shortage of Affordable Legal Advice and Representation</i>				
1. Increase financial cutoffs for LAA certificate services.	Increase funding to LAA in this District to correspond with the higher cost of living relative to the rest of Alberta.	Alberta Justice		Remove Barriers
2. Increase access to legal advice and basic legal services	Fund the establishment of a small clinic that can hire a staff lawyer(s) and also provides services such as ID. There could be a lawyer(s) who specialize in Family Law as well a position for someone who specialize in financial advice/debt management and could help complete income tax returns as well.	Alberta Justice	CLG, LLG or the ECLC	Fill Gaps
<i>Preventing and Responding to Domestic Violence</i>				

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
3. Provide training for legal service providers about how domestic violence manifests.	Fund a contract for experts in domestic violence to provide courses that are free for legal services providers to attend.	ALF, FJS/FLIC, LAA, LInC		Support Good Practices
<i>Increasing Services for Children &amp; Youth</i>				
4. Provide basic legal information about rights, responsibilities and consequences to students in junior high and high schools.	Legal professionals from LAA and/or other services could approach local school boards and volunteer to provide regularly scheduled seminars (eg annually) for students about the law as it applies to them.	LInC, FJS, LAA, RCMP	<p>Family Violence &amp; Bullying Prevention Coordinator in Wood Buffalo</p> <p>John Howard Society of Edmonton's outreach web-based programs for schools.</p> <p>LAA currently conducts information sessions in local schools when able to.</p>	Remove Barriers
5. Form an interdisciplinary team to work with children/youth and their families.	Appoint a Social Worker (or equivalent) and prosecutor to work together to assess contextual risk factors and work with children/youth and their families.	Alberta Justice, FJS/FLIC	<p>Calgary's CART program</p> <p>Practice Note 8 in Edmonton</p>	Fill Gaps
6. Form a Youth Justice Board to identify and propose solutions for legal issues that impact them.	Recruit young people through schools and local community centres and invite them to apply. Selection will depend on interest, insight and commitment to learn as well as to stay for a minimum time period. Offer intensive training, small incentive by way of honorariums or scholarships.	Alberta Justice, ALF, Municipalities of the Wood Buffalo Region	<p>New York City's Youth Justice Committee</p> <p>(<a href="http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&amp;PageID=606&amp;currentTopTier2=true">http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&amp;PageID=606&amp;currentTopTier2=true</a>)</p>	Fill Gaps

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
<i>Enhancing Services for Aboriginal peoples</i>				
7. Recruit Aboriginal community members to act as legal advocates or liaisons (See the recommendation for rural communities - #24 below).	Provide basic paralegal training to one or two people who live in each community; training to include info about existing services and resources.	Alberta Justice, ALF, Native Court Workers	FCSS in Wood Buffalo  Youth Justice Committees in Wood Buffalo.	Fill Gaps
8. Produce PLEI which addresses legal issues of particular concern to Aboriginal peoples.	Produce PLEI in Aboriginal languages.	ALF		Fill Gaps
<i>Improving Services for New Canadians</i>				
9. Hold regular information seminars for new Canadians that they are encouraged to attend when they first arrive in Fort McMurray	Immigrant Services collaborate with employers to hold information seminars. Interpreter services to be provided.	ALF, LAA, LInC		Support Good Practices
10. Put Legal Services and information in the paths of immigrants and TFWs.	Erect a “Newcomers’ Desk” in a central location such as the Provincial Building. A website that is managed by legal service providers and has a blog as well as specific information and resources could also be helpful.	ALF, LAA, LInC		Fill Gaps
11. Produce PLEI that is specifically designed for new Canadians, and addresses relevant topics/ common legal needs (landlord/tenant, domestic violence, workers rights)	Publish relevant PLEI in languages that are prevalent in Wood Buffalo.	ALF		Fill Gaps
<i>Increasing Public Legal Education and Information (PLEI)</i>				

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
12. Create a central location where people can find information about legal services as well as basic legal information.	Erect a LInC Kiosk in the Fort McMurray Courthouse.  Create a user friendly website of PLEI resources.	ALF, FLS/FLIC, Alberta Justice, PBLA	LInCs in Calgary, Edmonton, Grand Prairie & Red Deer  Clicklaw in BC	Fill Gaps
13. Create a central information source about benefits programs such as EI, WCB and CPP.	Hire a Benefits Specialist to provide information about benefits and help complete applications and appeals. This could be a service offered by the LInC Kiosk or Legal Clinic.	ALF, Alberta Justice		Remove Barriers
<i>Encouraging Lawyers to establish practices in the District</i>				
14. Attract more lawyers who practice family, civil and criminal law and will accept LAA certificates.	Re-evaluate LAA funding for this District in comparison with cost of living and enhance funding to allow for a “Northern Living Incentive” for lawyers who accept contracts.	LAA, CBA, LSA	REAL Initiative in British Columbia: <a href="http://www.cba.org/BC/Initiatives/main/real.aspx">http://www.cba.org/BC/Initiatives/main/real.aspx</a>	Fill Gaps
<i>Addressing the Shortage of Funding and Resources</i>				
15. Prioritize funding of programs and additional staff for services that are targeting legal needs and special groups that have been emphasized in this report.	Prioritize funding proposals from legal services providers that aim to reduce key barriers and gaps in Wood Buffalo.	Alberta Justice, ALF, Legal Aid		Remove Barriers
<i>Attracting and Retaining Staff</i>				

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
16. Enhanced funding for not-for-profit organizations.	Consider topping up existing funding of existing legal services so that they can increase salaries or offer signing bonuses if these services can demonstrate that their staffing complement does not meet the demand for services <u>and</u> that the wages they currently offer are not competitive.	ALF, Other major funding agencies		Removing Barriers
<i>Address Challenges in Retaining Law Enforcement Personnel</i>				
17. Offer incentives to law enforcement personnel who agree to stay longer (eg, five years).	Officers could be offered housing subsidies such as down payments for mortgages or extra seniority (ie, 5 years in Wood Buffalo would equal 7.5 years of service for the purpose of benefits or promotions).	Solicitor General and Public Security of Alberta		Fill Gaps
<i>Improving Legal and Related Services for Persons Living with Mental Illness and Addiction</i>				
18. Establish a Mental Health Court in Fort McMurray.	Use a multidisciplinary team of mental health and appropriately trained legal professionals. Assign specific days for hearing cases in which the accused are or are suspected of having mental health concerns.	Alberta Justice	The Red Hook Justice Center <a href="http://www.courtinnovation.org/index.cfm?function=Page_ViewPage&amp;PageID=572&amp;currentTopTier2=true">http://www.courtinnovation.org/index.cfm?function=Page_ViewPage&amp;PageID=572&amp;currentTopTier2=true</a>  Fort McMurray's Domestic Violence Court	Fill Gaps
19. Provide training for legal service providers about how mental illnesses manifest.	Fund a contract for a mental health professional(s) to provide courses that are free for legal services providers to attend.	Alberta Justice, Alberta Health Services		Support Good Practices



Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
20. Establish a Drug Court.	Use a multidisciplinary team of mental health and appropriately trained legal professionals. Assign specific days for hearing cases. In order to be able to offer effective alternatives to incarceration, adequate health and social services will need to be in place (eg, a treatment facility that is open to everybody).	Alberta Justice	The Red Hook Justice Center <a href="http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&amp;PageID=572&amp;currentTopicTier2=true">http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&amp;PageID=572&amp;currentTopicTier2=true</a>  Fort McMurray's Domestic Violence Court	Fill Gaps
<i>Reducing Delays in Legal Processes</i>				
21. Build a local Remand Centre.	This would require a very large financial commitment but would have a tremendous impact on expediting legal processes.	Solicitor General and Public Security of Alberta		Fill Gaps
22. Enact a policy about minimum notice times that are acceptable when changing appointments or court dates for people in rural communities.	Determine an appropriate amount of time (eg, 3 days) that would allow for arranging/changing transportation.	Alberta Justice		Remove Barriers
<i>Improving Access for People Living in Rural Communities</i>				
23. Establish a "court bus" which runs to and from rural communities and Fort McMurray regularly.	Regulate the days of the week on which cases from specific communities are heard. Have a bus travel to and from communities on the established days. The bus will transport people with court dates and other legal appointments.	Alberta Justice		Remove Barriers
24. Hire community legal advocates to provide legal supports and act as a contact point for communication with legal service providers.	Provide basic paralegal training to one or two people who live in each community; training to include information about existing services and resources.	Alberta Justice, ALF, LSA	FCSS in Wood Buffalo	Remove Barriers

## 9.0 CONCLUSIONS

Wood Buffalo is characterized by extremes:

- Remote communities
- Harsh climate
- Economic highs and lows
- Fast paced lifestyles
- Diverse ethnicities and cultures

Legal and related service providers are faced with the challenge of accommodating the public's needs in a Judicial District with a population that has swelled and diversified well beyond the capacity of existing resources. The result is a variety of barriers and gaps that hamper their ability to meet the public's needs.

There is an overall lack of legal services in all areas of law. However, the most urgent gap that requires immediate attention is the shortage of lawyers. Currently, there are no lawyers who will take civil or family law LAA certificate cases. This is an urgent need in this District, particularly because domestic violence is a significant problem.

There is also no legal clinic in Wood Buffalo. Legal Aid Alberta (LAA) is the sole source of legal advice and representation for people who cannot afford to hire private lawyers.

Existing services are taxed due to lack of funding to hire adequate personnel, offer needed programming and provide training for existing staff. Training for working with people who are living with mental illness and addictions is particularly required.

The high cost of living, remoteness and climate can discourage legal, social and health professionals from moving to Wood Buffalo or from staying there long enough to develop an intimate knowledge of the communities and hone working relationships with the public. This gap was noted in particular with respect to law enforcement personnel. New RCMP officers are often posted to northern communities shortly after completing their training. They cannot afford to move their families to the community, and so move on once their required northern service is complete. Thus, Wood Buffalo has difficulty retaining experienced officers.

The related social and health services barriers and gaps that have been presented in this report are important to consider, as they will have an impact on the success of legal programs. Suggestions for legal services funders to focus on in order to have the greatest impact in removing barriers and filling gaps are:

1. Encourage lawyers to set up practices in Wood Buffalo (Recommendation 14).
2. Establish a LInC (Recommendation 1).
3. Establish a Community Legal Clinic (Recommendation 2).

4. Offer incentives for RCMP officers to stay in this District long term (Recommendation 17).
5. Translate PLEI related to common legal needs into additional languages (Recommendation 11).
6. Create a local Remand Centre (Recommendation 21).

The above recommendations are listed in order of urgency. We recognize however that some of these will require significant financial commitment, and acknowledge that they should be addressed based on priority and available funding. Action on any of these recommendations will have a positive impact on legal service provision in Wood Buffalo.

## **9.1 Where to Begin: Suggestions for Legal Service Funders**

At the outset, many legal problems are minor and potentially easily resolved. If they are not resolved quickly however, they tend to gather momentum - "problems trigger problems" that have high costs to the justice and other systems, as well as to the individuals affected. This pattern of legal and social problem clustering has been shown repeatedly in Canadian and international studies.

There is a vast and currently unmet need for effective entry points that assist people to sort out which kind of assistance they need and to connect them with this assistance. This need was found in the Calgary Judicial District as well, but is even more urgent in Wood Buffalo because there are currently no such entry points in this District.

There are options to address the needs that result from this situation, and which provide guidance for funders in reviewing grant applications and establishing funding priorities:

- a) The creation of broad-based, one-stop entry points (such as LInCs and community clinics) that have sufficient resources to address the initial inquiries of all residents. Such entry points will ascertain the legal and social aspects of a problem and connect the person to the appropriate services. (This requires that these services are known about, hence the value and interest in the mapping and the database.)

Funders could choose to prioritize funding for these kinds of entry points: providing additional funding to Legal Aid Alberta specifically to create such services, funding a LInC service, or establishing a legal clinic. A clinic in this district would need to cater to low and moderate income levels as middle income people cannot afford to pay for legal services either, due to the high cost of living.

- b) An option that could be selected in conjunction with the creation of an entry point or separately is to encourage lawyers to open practices in Wood Buffalo. This could happen through opening a legal clinic and hiring legal staff, or through

targeted funding to LAA to a) pay lawyers a higher rate in conjunction with the higher cost of living or b) hire staff lawyers as other provinces (eg, Manitoba) do. A third option that is underway in BC is a program that recruits summer students to work in rural communities (the REAL Initiative: <http://www.cba.org/BC/Initiatives/main/real.aspx> ) and a similar program could be developed in Alberta.

- c) Alternatively, funders could prioritize the provision of services related to specific legal areas (and perhaps locations). For example;
- It might be argued that damage from unresolved family disputes is the greatest. Although the incidence of these problems is not the highest according to national data on the prevalence of legal problems, legal and social service providers in Wood Buffalo report that the incidence of domestic violence is alarmingly high. Funders might therefore concentrate on promoting better access to the range of family services from training legal services providers about the needs and contextual issues that families face, to providing basic legal information through to advice and representation.
  - It could equally be argued that debt is the legal problem most frequently found, although people tend not to initially recognize it as serious. With the recession however, debt is an increasing problem for Albertans. There will be a continuing impact in the form of foreclosures and bankruptcies which warrants action. The ALSMP has shown a gap in affordable legal services related to debt and associated financial legal problems (from legal information all the way through to advice and representation). Funders might choose to make this a priority area for the development of PLEI, advice and representation services.
- d) The ALSMP (and previous Alberta based research) also indicate that there is a definite need for coordination of PLEI development and delivery. Funders could request and/or prioritize an initiative designed to address this issue and assign one body or organization to prioritize and oversee the addressing of Recommendations 8 – 13. An example of this approach is found in Ontario, where the Law Foundation of Ontario has placed ads inviting applications for what they call "Connecting Region Invitation, " which will support the creation of a consortium of legal and non-legal organizations working together to develop a coherent system for the delivery of legal information, referrals and services. The focus in the Ontario program is on services to linguistic minorities and/or residents of rural or remote areas. The same focus would serve the Wood Buffalo Region well.
- e) Findings in Wood Buffalo indicate that public legal education (PLE) is particularly lacking. Service providers reported that they are attempting to provide PLE to school age children and youth, New Canadians as well as the general public.

However, they are severely restricted by funding and staffing shortages. Funders might choose to prioritize PLE initiatives, either separately or in liaison with any of the above priority options.

Two priorities that would have a tremendous effect on legal service delivery and public perception of the criminal justice system would fall to the provincial government to initiate.

- a) Erecting a local Remand Centre.
- b) Offering incentives which would encourage RCMP officers to remain in this District long term.

Additional options for government to consider that would enhance the effectiveness and appropriateness of judicial processes are to establish dedicated mental health and drug courts.

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## APPENDIX A

### Alberta Legal Services Mapping Project

#### Fort McMurray Community Working Group

<b>Organization</b>	<b>Representative</b>	<b>Position</b>
Alberta Alcohol and Drug Abuse Commission	Michelle Beaton	Case Worker
Assured Income for the Severely Handicapped	Jennifer Best	Generalist
Alberta Justice Court Services	JoAnne McNeilly	Manager - Court of Queen's Bench
	Michelle Campbell	Manager - Provincial Court
CMHA	Melissa Williams	Consumer Advocate
FCSS	Carole Bouchard	Manager - Neighbourhood & Community Development
Landlord Tenant Board	Theckla Garnes	Landlord and Tenant Advisor
Legal Aid Alberta	Louise Cooke	Manager
Native Counselling Services	Vacant	
Prevention of Family Violence & Bullying	Lynn M. Rhoddy	Key point person
YMCA – Immigrant Settlement Services	Ramazan Nassery	Temporary Foreign Worker



## **APPENDIX B**

### **ALSMP: List of Services from which Representatives were Interviewed**

#### **FORT MCMURRAY:**

Athabasca Tribal Council  
Head Office

Alberta Health Services – Addictions and Mental Health  
Adult Outpatient Addiction Counselling Services

Alberta Employment and Immigration  
Child Support Services

Canadian Mental Health Association  
Mental Health Consumer Advocate

Centre of Hope  
Head Office

Court Services  
Provincial Judicial Clerk (2 participants)  
Family Court Counsellor

Family and Community Support Services  
Head Office  
Homelessness Plan  
Landlord and Tenant Advisory Board

Fort McMurray Family Crisis Society  
Follow-up Program  
Sexual Assault Centre

HIV/AIDS Society  
Head Office

Justin Slade Youth Foundation  
Dugout

Legal Aid Alberta  
Head Office  
Certificate Program

Native Counselling Services of Alberta  
Criminal, Family and Youth Court Work Program  
Family Group Conferencing  
Safe Visitation Program

Nistawoyou Association Friendship Centre  
Youth Development

Children and Youth Services  
Northeast Child and Family Services  
Child Intervention Services/Intake

Northern Lights Health Authority  
Assertive Community Treatment

Prevention Family Violence and Bullying Coordinating Council  
Head Office

Seniors and Community Supports  
Assured Income for the Severely Handicapped (AISH)

RCMP  
Court Liaison Program  
School Liaison Program

Salvation Army  
Family Services

Some Other Solutions  
Crisis Line and Rural Crisis Line

The Multicultural Association of Fort McMurray  
Head Office

YMCA  
Settlement Program  
Temporary Foreign Worker Program

Solicitor General and Public Security  
Victim's Services

**Fort Chipewyan:**

Paspew House  
Shelter

## **APPENDIX C**

### **ALSMP: Legal Services in the Fort McMurray Judicial District**

#### **FORT MCMURRAY:**

Alberta Employment and Immigration  
Child Support Services

Athabasca Tribal Council  
Services

Children and Youth Services  
Northeast Child and Family Services  
Child Intervention Services/Intake

Court of Queen's Bench  
Services

Family and Community Support Services  
Homelessness Plan

Fort McMurray Family Crisis Society  
Follow-up Program  
Sexual Assault Centre

Fort McMurray Public Library  
Services

Justice and Attorney General  
Crown Prosecutors

Landlord and Tenant Advisory Board  
Information and Education  
Information Packages  
Mediation

Legal Aid Alberta  
Certificate Program  
Duty Counsel

Métis Local 1935  
Services

Native Counselling Services of Alberta

Criminal Court Worker Program  
Family Court Worker Program  
Family Group Conferencing  
Youth Court Worker

Nistawoyou Association Friendship Centre  
Youth Development Program

Provincial Court  
Criminal Court  
Domestic Violence Court  
Family Court  
Family Court Counsellor  
Youth Court

RCMP  
Aboriginal Policing Services  
Auxiliary Police Program  
Community Advisory Committee  
Community Policing Services  
Crime Stoppers  
Court Liaison Program  
Project KARE  
School Liaison Program

Some Other Solutions (SOS)  
Crisis Line and Rural Crisis Line

YMCA  
Immigrant Settlement Services  
Temporary Foreign Worker Program

Solicitor General and Public Security  
Victim's Services

**FORT CHIPEWYAN:**

Native Counselling Services of Alberta  
Court Workers

Nunee Health Authority  
Community Based Sexual Intervention and Healing Program

Provincial Court  
Criminal Court  
Domestic Violence Court

Family Court

RCMP

Aboriginal Policing Services  
Community Policing Services

Wood Buffalo RCMP

Victim Services

**SERVICES LOCATED OUTSIDE OF WOOD BUFFALO:**

Alberta Appeals Secretariat

Appeals Panels  
Information and Assistance

Alberta Arbitration and Mediation Society

Services

Alberta Children and Youth Services

Adoption Records  
Appeal Panels

Alberta Conflict Transformation Society (ACTS)

Conflict Resolution Services  
Restorative Justice Workshops

Alberta Law Society

Services  
Library Services

Association des juristes d'expression française de l'Alberta

Services

Finance and Enterprise

Alberta Superintendent of Pensions

Legal Aid Alberta

Alberta Law Line  
Brydges Line

Municipal Affairs

Municipal Government Board

Native Counselling Services of Alberta (NCSA)

Bearpaw Mediation Services

Provincial Court

Civil Court  
Traffic Court

Seniors and Community Support Services  
Office of the Public Guardian  
Protection for Persons in Care

Service Alberta  
Consumer Complaints  
Queen's Printer  
Registry Agents – Land Titles  
Registry Agents – Personal Property Registry  
Utilities Consumer Advocate

Solicitor General and Public Security  
Probation Services