

# THE ALBERTA LEGAL SERVICES MAPPING PROJECT

Report for the

MEDICINE HAT JUDICIAL DISTRICT

February 2010



Glynnis Lieb PhD (cand.)  
Stephanie Abel MA

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

## **Acknowledgements**

The Alberta Legal Services Mapping Project is a collaborative undertaking made possible by the generous contributions of many Albertans. We are grateful to the Alberta Law Foundation and Alberta Justice for the funding that makes this project possible. The project is guided by Research Directors representing the Alberta Law Foundation, Alberta Justice, Calgary Legal Guidance, the Canadian Forum on Civil Justice, Edmonton Community Legal Centre, Legal Aid Alberta, and the Alberta Ministry of Solicitor General and Public Security. We are also indebted to our Advisory Committee which is made up of a wide group of stakeholders, and to the Medicine Hat Community Working Group for their valuable input and support. We also thank all members of the Research Team and everyone who has dedicated their time as a research participant in order to make this report possible.

**Disclaimer**

This report and its appendices have been prepared by the Canadian Forum on Civil Justice and the Alberta Legal Services Mapping Team and represents 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.

## TABLE OF CONTENTS

1.0 INTRODUCTION.....	6
1.1 Outline of the Report.....	7
1.2 Strengths and Limitations of the Research .....	7
1.3 Database .....	8
2.0 ABOUT THE MEDICINE HAT JUDICIAL DISTRICT.....	8
2.1 Population.....	9
2.2 Education.....	10
2.3 Employment & Industry.....	10
2.4 Cost of Living .....	11
3.0 EXISTING LEGAL AND RELATED SERVICES IN MEDICINE HAT .....	12
3.1 Identification of Legal and Related Services.....	13
3.2 Geographic Location of Services .....	15
3.3 Capacity of Existing Services.....	16
3.4 Key Services in the Medicine Hat Judicial District .....	16
3.4.1 Legal Aid (LAA) .....	17
3.4.2 Lawyers.....	18
3.4.3 Court House Services .....	20
3.4.4 The John Howard Society of Alberta (JHS).....	21
3.5 Barriers to Accessing Existing Legal Services .....	22
3.5.1 Lack of Public Knowledge about How to Address Legal Needs.....	22
3.5.2 Delays in Legal Processes .....	24
3.5.3 Direct and Indirect Costs of Engaging in Legal Processes.....	25
3.5.4 Referrals.....	26
4.0 UNDERSTANDING LEGAL NEEDS IN MEDICINE HAT .....	27
4.1 Statistics .....	27
4.1.1 National Prevalence .....	27
4.1.2 Service Statistics.....	29
4.2 Eligibility Criteria .....	29
4.2.1 Financial Criteria .....	31
4.2.2 Identification .....	31
4.3 Specialized Services for Particular Groups and/or Specific Legal Needs .....	32
4.3.1 New Canadians.....	34
4.3.2 Domestic Violence .....	36
4.3.3 Self-Represented Litigants (SRLs).....	36
4.4 Consequences of Not Accessing Legal Services.....	38
5.0 GAPS AND PRIORITIES IN MEETING LEGAL NEEDS.....	40
5.1 Gaps in Legal Services.....	40
5.1.1 Community Legal Clinic .....	40
5.1.2 Services for Children and Youth.....	41

5.1.3 Services for New Canadians .....	43
5.1.4 Legal Services with a Mental Health Focus.....	43
5.2 Challenges in Filling the Gaps .....	44
5.2.1 Lack of Funding and Resources.....	44
6.0 IMPROVING LEGAL SERVICE DELIVERY .....	46
6.1 Good Practices to Build On .....	46
6.1.1 Public Legal Education and Information (PLEI).....	46
6.1.2 Service Providers' Relationships.....	49
6.2 Creative Approaches to Meeting Needs .....	51
6.2.1 The Support for Elder Abuse Networking .....	51
6.2.2 Housing First and the Damp Mat Project .....	52
6.2.3 Citizen Advocacy.....	52
6.3 Creating Affordable Legal Advice & Representation.....	53
6.3.1 Increased Access to Affordable Legal Services .....	53
6.3.2 Unbundling Legal Services.....	54
6.3.3 Paralegals .....	54
6.3.4 Law Information Centre (LInC).....	55
7.0 RELATED LEGAL, SOCIAL, HEALTH AND INFRASTRUCTURE NEEDS .....	56
7.1 Addictions .....	56
7.2 Mental Health.....	57
7.3 Homelessness .....	58
8.0 RECOMMENDATIONS .....	59
9.0 CONCLUSIONS .....	62
9.1 Where to Begin: Suggestions for Legal Service Funders .....	63
9.1.1 Recommendations for ALF to Consider .....	63
9.1.2 Recommendations for Alberta Justice to Consider .....	63
9.1.3 Recommendations for LAA to Consider .....	64
9.1.4 Recommendations for the Solicitor General of Alberta to Consider .....	64
References.....	65

## **LIST OF FIGURES**

Figure 1 – Map of the Medicine Hat Judicial District .....	8
--	---

## **LIST OF TABLES**

Table 1 – Educational Attainment for Medicine Hat and Brooks .....	10
Table 2 – Services Available within the Medicine Hat District by Area of Law & Service Type .....	14
Table 3 – Physical Locations of Legal and Related Services .....	15
Table 4 – Lawyers who are Practicing in the Medicine Hat District .....	19
Table 5 – Service Providers’ Experiences with Referrals .....	26
Table 6 – Prevalence of Legal Problems in Canada and Alberta .....	28
Table 7 – Eligibility Criteria .....	30
Table 8 – Specialization of Legal and Related Services.....	33
Table 9 – Services That Offer PLEI by Area of Law .....	47
Table 10 – Recommendations for the Medicine Hat Judicial District.....	59

## **LIST OF APPENDICES**

Appendix A - List of Services from which Representatives were Interviewed .....	67
Appendix B - Legal Services in the Medicine Hat Judicial District .....	69
Appendix C - Legal Services that provide PLEI in the Medicine Hat Judicial District ....	75

# THE ALBERTA LEGAL SERVICES MAPPING PROJECT: Report for the MEDICINE HAT JUDICIAL DISTRICT

## 1.0 INTRODUCTION

The Medicine Hat Judicial District is the fourth of eleven Alberta Judicial Districts to be mapped as part of the *Alberta Legal Services Mapping Project (ALSMP)*. The ALSMP is a large-scale, multi-year endeavour, designed to gain an understanding of the legal needs of Albertans and of the legal services available in Alberta.<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>. A combined and condensed version of the original Legal Services I and II and the Brief Legal Questionnaires was used in the Medicine Hat Judicial District (Appendix A). This instrument was created after we reviewed our experiences in the pilot District and were able to condense the questionnaire to those questions that best elicit the information we require.

Team members travelled to the Medicine Hat Judicial District between January 18 and 21, 2010. We held a community working group meeting, which was arranged by a representative from Medicine Hat Community Services. We also conducted interviews with legal and related social and health service providers. We scheduled a public focus group meeting and service providers circulated flyers announcing it, however, only one person attended. This participant was speaking on behalf of the public, but in fact is a legal service provider. One member of the public was referred to us by a legal service provider after the initial draft of this report had already been circulated to project partners for review. The interview was conducted via telephone and the participant's feedback has been incorporated into this report.

---

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

## **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 the Medicine Hat Judicial District. 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 based on input from the Community Working Group members and interviewees. 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 valuable 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:

- The perspectives of members of the public are extremely valuable but we were unable to include them to the degree we would have liked due lack of time

available to actively recruit participants and lack of attendance at the scheduled focus group.

- It was not possible to interview representatives from all of the legal and related services due to time and budgetary constraints, although we did succeed in including most of the key legal and related service providers.

### 1.3 Database

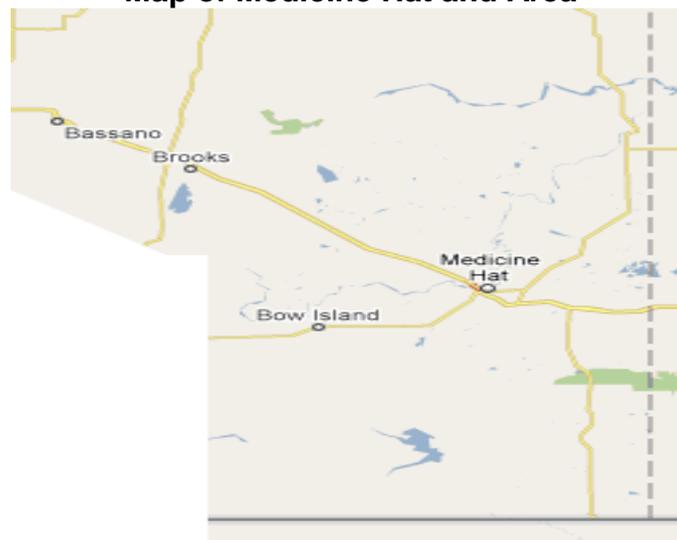
One of the primary deliverables of this Project is the creation of a database that provides information about all of the mapped legal and related services in Alberta. The database contains basic information about services such as mandates, as well as details about location, eligibility criteria, required 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 “mappingdata” 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 to 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 MEDICINE HAT JUDICIAL DISTRICT

The City of Medicine Hat is only 146 kilometers from the United States border. The Judicial District extends from the US border, north to Bassano, east to the Saskatchewan border and west to Tilley, Alberta.

**Figure 1 –  
Map of Medicine Hat and Area**



## **2.1 Population**

There are relatively few communities in this Judicial District. These include Bassano, Brooks, Medicine Hat, Redcliff and Tilley. Based on estimates using data from the Alberta Health Authority (this District's boundaries are fairly similar to those of the Palliser Health Region), this District has a total population of approximately 97,250.

The urban centre is the City of Medicine Hat, which currently has a population of approximately 61,097 (City of Medicine Hat, 2009). Average population growth rates are stated to be 2.2% but, rather than see a steady and consistent increase like Lethbridge, community growth here tends to vacillate between little to no increases (eg. 0% in both 2004 and 2006) and large increases (eg. 9% in 2005 and 6% in 2008; Statistics Canada, 2009).

Brooks, the second largest community in this District, has a population of 12,498 (Statistics Canada, 2007). Because Medicine Hat and Brooks differ significantly in their population demographics and there are so few communities in this District, we will frequently refer specifically to each of the two communities throughout the report.

### **2.1.1 Aboriginals**

Medicine Hat is the only Judicial District in the province that has no First Nations Reserves or Métis communities located within its boundaries. There are some Aboriginal peoples living in urban centres. Approximately 2,130 Aboriginals (First Nations, Métis or Inuit) live in the City of Medicine Hat. Interestingly, the City's symbol is "the world's largest Teepee" (City of Medicine Hat, 2007).

The majority of Aboriginals living in Medicine Hat are Métis (1,400). Approximately 610 are of First Nations descent and 45 are of Inuit descent. The remaining 75 self-identified as having multiple Aboriginal origins (Statistics Canada, 2007). The median age of Aboriginals in this city is 24.7 (as compared to 38.8 for the total population).

There are approximately 310 Aboriginals living in Brooks. Of these, 155 are of First Nations descent, 135 are Métis and 10 are Inuit. The median age of Aboriginals here is 27.5 as compared to 31.9 for the general population (Statistics Canada, 2007).

### **2.1.2 New Canadians**

There are approximately 4,335 immigrants and 260 non-permanent residents living in the City of Medicine Hat (Statistics Canada, 2007). This immigrant community is largely Caucasian: there are only about 1,825 people who are considered visible minorities. The main countries of origin of the New Canadians who are living and working in Medicine Hat are:

- Latin America (540 people).
- China (410 people).
- South Asia (265 people).

People are also immigrating to this area from Korea, Africa, the West Indies, Japan and other parts of Asia.

Brooks, however, attracts a relatively large number of immigrants and Temporary Foreign Workers (TFWs). Approximately 2,080 people are immigrants and an additional 125 are non-permanent residents for a total of 18% of this community's population (Statistics Canada, 2007). The main countries of origin of the New Canadians who are living and working in Brooks are:

- Africa and the West Indies (1,110).
- Southeast Asia (265).
- China (195).

People are also immigrating to Brooks from the Philippines, Latin America, South Asia, West Asia, Korea and Japan; many having been recruited to work at the Lakeside Packers Plant.

## 2.2 Education

We were unable to find educational attainment statistics for the District as a whole, so have profiled the two major urban centres in Table 1.

**Table 1 -  
Educational Attainment for Medicine Hat and Brooks**

Education	Alberta		Medicine Hat		Brooks	
	Total %	Aboriginals %	Total %	Aboriginals %	Total %	Aboriginals %
Less Than High School	14	26	19	39	30	30
High School	24	25	28	29	33	36
Trade	12	18	14	10	12	23
University/College	48	27	39	23	25	11

Sources: Alberta First (2008); Statistics Canada (2006; 2008)

Educational attainment in these communities is lower than provincial averages. One notable exception is the relatively high proportion of Aboriginals in Brooks who have earned trade certifications and diplomas.

## 2.3 Employment & Industry

This District's economic base is enhanced by ongoing oil and gas extraction (ranked as the fourth largest industry in terms of numbers of employees) as well as the Canadian Forces Base Suffield, which is located 50km northwest of the City of Medicine Hat. This base brings in a steady stream of army personnel from Canada and the United Kingdom to live and/or train.

Agriculture is another primary contributor to the economy here. Wheat and cattle are the two main products. This District is also known for its clay deposits and the production of stoneware and dinnerware has been a consistent revenue source for this area for over 100 years (Alberta First, 2008).

### **2.3.1 The City of Medicine Hat**

The employment participation rate in Medicine Hat is 66% compared to a 72% provincial average. The unemployment rate is 7.7% compared to a 7.2% provincial average (Alberta First, 2008). The average income in Medicine Hat is \$67,975, which is higher than the provincial average of \$64,199 (Statistics Canada, 2007).

Although there are a small number of Aboriginals living in Medicine Hat, their labour force participation (83%) is high relative to both the total population average for this City and the provincial average for Aboriginals (68%). The unemployment rate for Aboriginals in Medicine Hat is 7.2%, compared to a provincial average of 11.1% (Statistics Canada, 2007).

The three largest employers by industry are:

- retail,
- health care and social assistance, and
- construction.

### **2.3.2 Brooks**

The employment participation rate in Brooks is 78% and the unemployment rate is only 3% (Statistics Canada, 2006). The employment participation rate for Aboriginals is 85% and the unemployment rate is 0% (Statistics Canada, 2006). These low unemployment rates could be due, at least in part, to the large immigrant population that has moved here to work and *Lakeside Packers*; a beef producer that is the largest employer in this community. Approximately 2,500 people work at this plant ([www.profilescanada.com](http://www.profilescanada.com)). The three largest employers by industry in Brooks are;

- sales and service occupations,
- processing and manufacturing, and
- trades and transport.

## **2.4 Cost of Living**

A report on housing and homelessness in Medicine Hat (Medicine Hat Community Housing Society, 2010) found that housing costs and homelessness are concerns in this City and that there is a general perception that this area is overlooked when issues related to the cost of living in Alberta are addressed. There is a lack of affordable housing options for people on fixed incomes. There is also a lack of transitional housing for people who are being discharged from hospital, mental health and addictions treatment programs, as well as those awaiting placement in treatment programs.

The average vacancy rate for rental housing in Medicine Hat is currently 9.3%. This rate, along with vacancy rates across the province, has more than doubled since 2008. The current average apartment rental rate (including all sizes) is \$655/month, which is the lowest of all the major metropolitan centres in Alberta (provincial average is \$949/month). The average price of a newly built home in Medicine Hat as of November 2009 is approximately \$325,000.00 (Housing Alberta, 2009). The Medicine Hat Community Housing Society (2010) cited additional facts on housing and homelessness in Medicine Hat:

1. As of 2007, it is estimated that 1,617 individuals and families are at risk of homelessness in the City of Medicine Hat. Increasing utility rates and the rising cost of food and shelter are placing many families at risk of homelessness.
2. In 2007-08 the Salvation Army Family Support Centre admitted 1,938 individuals into the shelter for an average of 7.3 nights per person.
3. Approximately one-quarter of the people who stay at the Salvation Army Family Support Centre are from Medicine Hat, but they were unable to maintain the housing they had.
4. From Fall 2003 to Fall 2007, the rental vacancy rate dropped 65% to an overall vacancy rate of 1.7%.
5. Changes to rent supplement programs have reduced waiting lists for social housing to 71 as of July 2008 with the average wait time approximately 6 months.
6. Average monthly rent for a 1-bedroom is \$560; for a 2-bedroom is \$670 and for a 3-bedroom is \$766 in the City.
7. CMHC and Statistics Canada report an annual growth rate of 2.2% for Medicine Hat since the year 2000. Although this figure is often not acknowledged, the rate rivals Calgary at 2.3% and definitely places a strain on housing and social resources.
8. The gap between the rich and poor in Medicine Hat is widening. In 2005, those families in the top 10% income earners made at least \$139,000 (an increase of 22.5% since 2001). Those in the bottom 10% income bracket made at most \$24,400 (an increase of 17.5% since 2001). The top bracket made almost 6 times the lowest, and that gap increased by almost 4% between 2001 and 2005.

### **3.0 EXISTING LEGAL AND RELATED SERVICES IN MEDICINE HAT**

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

- **Advice** – individualized answers about how the law will apply to a person’s particular case, what outcome is likely, or what option the person should pursue. Legal advice can only be given by a lawyer 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.

Eleven representatives from legal and related services participated in a Community Working Group meeting. A selection of legal and related social and health services were chosen for in-depth interviews<sup>2</sup>, and the Team conducted interviews with representatives from eight legal and related services (Appendix B). Of these, five were sole purpose<sup>3</sup> legal services and three were cross-over legal and social/health services.

### 3.1 Identification of Legal and Related Services

Through searching the Internet, telephone directories and lists of legal resources, the Team has thus far mapped 71 organizations that offer a total of 181 legal and related services in the Medicine Hat Judicial District. Of these services;

- 65 are sole-purpose legal services,
- 59 are cross over legal and social/health services and
- 57 are sole purpose social/health services.

---

<sup>2</sup> The Team has developed a prioritization process, which has been described in detail in the methodology discussion of the Calgary Judicial District Report at page 13, footnote 16. <http://cfcj-fcjc.org/docs/2009/mapping-calgary-en.pdf>

<sup>3</sup> "Sole purpose" is a term used for the purposes of this Project, to differentiate legal services that do not have any social or health service components and social or health services that do not have any legal service components.

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

<b>AVAILABLE LEGAL SERVICES<sup>5</sup></b>	<b>City of Medicine Hat #</b>	<b>Other Communities #</b>	<b>Outside Judicial District #</b>
<b>Administrative Law</b>			
<i>Advice</i>	-	-	2
<i>Enforcement</i>	1	-	8
<i>Representation</i>	-	-	-
<i>Support</i>	13	3	3
<i>PLEI</i>	11	4	22
<b>Civil Law</b>			
<i>Advice</i>	-	-	1
<i>Enforcement</i>	4	2	4
<i>Representation</i>	1	-	-
<i>Support</i>	12	3	1
<i>PLEI</i>	12	6	17
<b>Criminal Law</b>			
<i>Advice</i>	1	2	1
<i>Enforcement</i>	19	11	-
<i>Representation</i>	2	-	-
<i>Support</i>	35	13	1
<i>PLEI</i>	30	16	2
<b>Family Law</b>			
<i>Advice</i>	1	-	1
<i>Enforcement</i>	4	2	1
<i>Representation</i>	1	-	-
<i>Support</i>	28	6	3
<i>PLEI</i>	17	8	31

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

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

Of the 65 sole purpose legal services, 36 have one or more physical locations in this District and 29 are physically located outside the District (mostly in Calgary). Of the 59 cross-over services, 52 have one or more physical locations in this District and 7 are located outside of the District. Of the 57 sole purpose social/health services, 34 are physically located in this District and 23 are located outside.

### 3.2 Geographic Location of Services

There is some degree of dispersment of legal and related services among smaller communities in this District (Table 3). Service providers did not express concern about lack of services or their locations, however most of the participants were based out of the City of Medicine Hat so it should be noted that perspectives may differ in other communities.

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

Location	Legal Services		Social/Health Services
	Sole Purpose	Legal & Social/Health	
Bassano	1	2	2
Bow Island	4	2	1
Brooks	11	8	14
Duchess	-	-	-
Dunmore	-	-	-
Fox Lake	1	1	-
Jenner	-	-	-
Medicine Hat	28	42	37
Rainer	-	-	-
Ralston	-	-	-
Redcliff	1	2	-
Rosemary	-	-	-
Tilley	-	-	-
<b>TOTAL Service LOCATIONS in District</b>	<b>46</b>	<b>57</b>	<b>54</b>
<b>TOTAL Service Locations Outside District</b>	<b>29</b>	<b>7</b>	<b>23</b>

### 3.3 Capacity of Existing Services

Service providers did not speak extensively about the capacity of existing services. They focused more on the need for coordination of services, changes in priorities and philosophies in justice services – particularly related to criminal law issues and children and youth – and the need for new approaches to serving the public. That said, the feedback received from participants indicates that community based services are working at capacity and some existing services are being taxed by filling gaps that are actually beyond their mandates. The JHS (Section 3.4.4) is an example of this, as is the Housing First Program:

*The Housing First program has been absolutely fabulous but they are tapped out. There is a waiting list and they need more resources - and I say that loudly - it impacts the shelter in that regard because our families aren't housed quickly - coming out of shelter we are mandated for 21 days and we are having to keep people much longer, particularly the women with four or more children, very difficult. And these are families that want to start getting on with their lives. They just need that to be available - it's hard enough within twenty one days to turn it around but most ... the resources aren't there. [Community Working Group Member]*

The Team also encountered cross-over legal-social services which offer vital services that are very beneficial to the community, but are not widely known about and are currently underfunded. Examples of these include Citizen Advocacy (Section 6.1.4) and the Sexual Assault Response Centre (SARC). SARC provides support, referrals and guidance to victims of sexual assault. This service coordinates other legal and related services to provide holistic support to clients. However, there is currently only one staff person.

### 3.4 Key Services in the Medicine Hat Judicial District

We are unable to state definitively which services the public are most likely to use as entry points in the Medicine Hat District both because we were only able to conduct one public interview (with two participants), and due to the low number of social service providers who were able to speak on the public's behalf. The following section provides descriptions of the services that typically serve as entry points for the public in the Districts we have mapped. These include:

- Legal Aid Alberta,
- Lawyers, and
- Services in the Courthouse.

The John Howard Society was identified by Community Working Group Members as being a key entry point in this District, so it will be discussed here as well.

### 3.4.1 Legal Aid (LAA)

The Legal Aid office in Medicine Hat has two staff members who provide screening for the legal aid certificate program. Staff complete applications at the office in Medicine Hat as well as at the courthouses in Medicine Hat and Brooks (on specific days). Duty Counsel services are available on docket days in both Medicine Hat and Brooks. All Service providers reported referring to LAA but they generally had very little to say about the service. Some service providers did have questions about how Legal Aid was administered in Alberta and how that impacts people:

*[W]e have noticed a number of situations ... when we go through the debt loads [of clients]. A lot of people with virtually no income have sizable Legal Aid debt and have no way of dealing with that debt so it keeps them down. I'm not sure if that's the same in all provinces [but] it's an area that I have concern in this province. [Community Working Group Member]*

*There seems to be a situation [with] Legal Aid where if the matter isn't in front of the courts in the immediate future - a month or six weeks - basically they don't qualify. And it's a long process [to qualify for Legal Aid] ... [Community Working Group Member]*

*One of the things that I've noticed to do with the Legal Aid appointment [is] it doesn't happen quick enough ... and it delays court for two to three months .... [It would be helpful] if the Legal Aid appointment could happen before court is scheduled. [Community Working Group Member]*

There were reports that funding cuts are continuing to result in reduced services, despite the increase in the financial cutoff guidelines for certificate services that came into effect in September 2008. Furthermore, LAA reportedly does not offer assistance with small claims, most family, residential tenancy and criminal cases that involve only brief incarcerations. The latter of these was considered of particular concern as criminal convictions “follow” individuals and negatively impact all areas of their lives. It was unclear whether these limitations were due to mandate or lack of funding and resources, or a combination of factors.

A few service providers mentioned concern that lawyers working for LAA are not always able to represent clients effectively:

*The [LAA] lawyer is wonderful but gets overwhelmed; takes on too much and then can't get the results. [Social/Legal Service Provider]*

*I think it's a crap shoot in terms of what kind of legal assistance that you're going through LAA .... [S]o you may not get a lawyer that knows anything about your issues. You are just going to get whoever is on rotation and they are going to be overloaded. [Community Working Group Member]*

Participants mentioned that it would be helpful for other service providers to know which lawyer was going to be the Duty Counsel prior to their arrival. It was also mentioned that it would increase accessibility for members of the public if Duty Counsel arrived when the courthouse opens rather than right when court starts, which they reported is now the common practice:

*We direct self-represented litigants to LAA and Duty Counsel. Duty Counsel are only at court on docket days and we are never told who they are. We only know when they [arrive at court] It would be helpful [to know] in advance ... 8:15 a.m. is when the courthouse opens and if you knew who it was you could at least give a name [as a lot] of Duty Counsel don't come until court starts and people are sent to a door to wait and Duty Counsel doesn't show up [at their office] .... Not everybody who comes for first appearance has a lawyer and often make a first appearance for criminal court on their own. A lot of times it is the judge letting them know they can go to Legal Aid to get a lawyer or they are going to need a lawyer. Or a lot of times it will be the Duty Counsel lawyer that will assist them in court for what they need. [Legal Service Provider]*

*[M]ost offenders' encounters with LAA happen in the court room. There is a court appointed [lawyer] who takes them out and explains their rights and then the case is postponed until another sitting of the court. That is Duty Counsel. I'd like to discuss [the fact] that justice delayed is justice denied. [Social/Legal Service Provider]*

### **3.4.2 Lawyers**

Service providers reported that there is an adequate number of lawyers practicing in this District (Table 4). However, they did not believe that lawyers are financially accessible for the majority of the members of the public. As with previously mapped Districts, the need for more lawyers who practice family law was also identified.

**Table 4 –  
Lawyers who are Practicing in the Medicine Hat District**

Location	Bar Members		
	Registered	Government	Private
Bassano	-	-	-
Bow Island	1	-	1
Brooks	6	-	6
Duchess	-	-	-
Dunmore	-	-	-
Fox Lake	-	-	-
Jenner	-	-	-
Medicine Hat	72 <sup>6</sup>	9	59
Ralston	-	-	-
Rainer	-	-	-
Redcliff	-	-	-
Rosemary	-	-	-
Tilley	-	-	-
<b>TOTAL</b>	<b>79</b>	<b>9</b>	<b>66</b>

Several service providers expressed concern about the cost of retaining private lawyers. Participants were concerned that the inability to afford private representation interfered with access to justice. Some also felt that private lawyers increased adversarial approaches; for example, encouraging people to sue when accidents were involved. Some offered alternative ideas for delivering legal representation:

*We have a Crown Prosecutor that is paid for by the state. When a person becomes involved in criminal justice arena they are required to utilize their own resources to defend. Therein lies an imbalance just in the process of fair and equitable access to justice. If I'm required to mortgage my home or cash in RRSP's if I have any to defend myself from a legal matter, to me that it is not very public anymore it is a little more personal and resource driven. We have a Crown Prosecutor, let's have a public defender. [Legal/Social Service Provider]*

<sup>6</sup> The total number of registered lawyers is larger than the other totals combined because some are registered but not practicing.

*First of all I want to speak to the medical clinics where there is a walk-in clinic, and they are funded through Alberta Health Care, whether there's a similar kind of system set up for legal aid right where there's a fee schedule set up similar to what the medical association has .... I think you've hit upon something really important because the way to avoid the abuse of the high price lawyer who is so adept at pulling up the obscure points of law that can drag things on and over and above. If you have that kind of system in place you would have a suite of lawyers that would deal with this kind problem and you could have a choice in that suite and another kind of use or problem would be this kind of lawyer and you would have a choice in that kind of suite as well but you would have lawyers working on a schedule just exactly as in the medical system where you have a doctor who looks after diabetes and cardiac problems and they are all on a schedule. [Community Working Group Member]*

Community Working Group members suggested that *pro bono* services would be helpful in this District:

*I have been talking to Pro Bono Law in Calgary they were interested in opening up an office in Medicine Hat possibly at the Volunteer and Community Information Centre but I kind of lost track with all the moving we've done in the last year. They have shown interest but that would mean the lawyers and the legal assistance and paralegals all those have to buy in to volunteering at that Pro Bono Office and then again come up with criteria about who can go see this lawyer and you know I think it should just be you have a question you walk in it doesn't matter if you're a millionaire or you've got two pennies in the pocket. [Community Working Group Member]*

It should be noted that several service providers spoke very positively about the Crown in Medicine Hat.

### **3.4.3 Court House Services**

In Medicine Hat there is both Provincial Court and the Court of Queen's Bench. In provincial court there are three resident judges. There are additional judges who sit in court in this District who come from the southern region of Alberta, primarily from Lethbridge. In addition, the Provincial Court has a circuit point in Brooks on Wednesdays. The Court of Queen's Bench currently has no resident judges in Medicine Hat and must rely on justices who travel to Medicine Hat from all over the province.

The courts are supported by 16 judicial clerks: 12 are with the Provincial Court and 4 are with the Court of Queen's Bench. The judicial clerks provide services to the public and help both the public and lawyers with applications to court and with tickets. They also provide information about the paperwork for the legal processes people are involved in.

There is a *Family Justice Services* office in Medicine Hat, which answers questions around family issues and helps people get their court paperwork ready for filing. There is also an *Alberta Law Society Library* that provides assistance in various areas of law to lawyers, judiciary and members of the public.

In addition to the services that are permanently based in the courthouse, some area service providers will go to Court to support their clients. Victim's services, Citizen Advocacy and the John Howard Society's Immigration Legal Education Service are examples of such services:

*I have gone and sat with clients or gone to mediation and taken notes. I go with clients to appeals as an advocate. The first time I went was very intimidating. I had no idea what I was walking into. But I have learned!*  
[Social/Legal Service Provider]

#### **3.4.4 The John Howard Society of Alberta (JHS)**

When asked which services we should be sure to include among the interviews in this District, the Community Working Group immediately identified the JHS as *the* legal organization to talk to in Medicine Hat. JHS appears to be the place that service providers refer members of the public to when they are unsure how to help them address their legal needs. While the main focus of JHS is on criminal justice matters, in Medicine Hat they try to address the legal needs of the general public, regardless of the area of law.

The local branch of the JHS offers two PLE based programs that are delivered in local schools:

- 1) The *Criminal Justice Education Program* teaches youth about the law as it applies to them. This program is offered to students in Kindergarten through Grade 12.
- 2) The *Bullying Awareness and Prevention Program* teaches youth about issues related to bullying. This program aims to help students understand what bullying is and what it is not and provides them with evidence-based strategies that they can utilize to more effectively respond when they encounter bullying situations. This program is offered to student in Kindergarten through Grade 9.

The *Immigration Legal Education Service* is offered to Immigrants with intent of assisting to increase their awareness about the law. This program also identifies the barriers that New Canadians may face and assists them with navigating through the justice system.

The *Restorative Justice Project* provides supports to youth who have been referred from the Crown Prosecutor or police for extra-judicial sanctions. There is also an *Aftercare Support Program for Men* who have been violent with their intimate partners.

The JHS also has been contracted by the Correctional Service of Canada to provide supervision and community assessments for people who have been released on parole in this District. The JHS also provides basic services to people in the Remand Centre such as filling requests for money to be taken out of inmates' bank accounts.

### 3.5 Barriers to Accessing Existing Legal Services

*We are a long way from what we could call a "just society" and sometimes I wonder if we are making progress but that doesn't mean we should stop trying and using the resources we have. [Legal Service Provider]*

Service providers identified some barriers that they are aware members of the public are experiencing. Most identified lack of public knowledge about services that are available, or where to begin accessing them. Delays and lengthy legal processes were also identified as hampering access to justice. Finally, the manner in which children and youth are handled by legal services was also viewed by participants as being extremely problematic.

#### 3.5.1 Lack of Public Knowledge about How to Address Legal Needs

Seeking legal advice can be overwhelming and difficult for people. It was adamantly stated by members of the Community Working Group that people in the Medicine Hat Judicial District do not know where to go to find legal services and resources:

*Most of the people I talk to are in highly emotionally charged states and they have this idea that the system is going to get them. And [this] is not even always the criminal cases. The majority of the people are intimidated and confused and they feel trapped and they don't have any place they feel comfortable where they can go and get help. I spend a lot of time calming [people] down. [Legal Service Provider]*

*[R: Where do people tend to go first in this community if they have a legal problem?] ... [T]o family support or housing, or a community worker, Salvation Army, [or they] phone the Mayor's Office .... It's probably a criminal issue ... [and they have to be redirected]. [Community Working Group Member]*

In addition, it was noted that people often had a lack of knowledge about the law and what is a legal problem and that there is a need for information about legal procedures:

*Often I get [requests for assistance to clarify] what is a legal issue and what is not a legal issue. [I talk] with the complainant and trying to understand what their story is and often refer to the appropriate places the best I can. [Community Working Group Member]*

*We provide the services that we can the best we can. It would be better if individuals or public were more understanding that we can't provide ... legal advice. We really try for the most part here to give as much information as we can and be as helpful as we can. [Legal Service Provider]*

*Generally I think there is a really low understanding of the legal system. The general population has very little knowledge of how it works. When people go online to find information the information has to be paid for. I think a lot of these issues go to accountability if something is misunderstood. Why don't we make the system a little more forgiving? Why can't we go back and fix that mistake if someone makes a mistake and paid \$200 to file? The person can't afford to pay it again - why can't that first filing fee be sufficient? Why can't you make a mistake and still go forward if you have a real issue that needs to be decided? [Legal Service Provider]*

Not knowing about the law and your legal rights can have devastating effects:

*There are a lot of people falling between the cracks and there a lot of people who are unaware of the services they can access or what exists. For example, a couple of years ago there was a couple sleeping in their truck in a seniors center parking lot. They had no idea that the male partner was able to able apply for CPP and OAS. It turns out that they were eligible for back pay. We helped them apply and got them set up in housing. A lot of times people just need someone to look at their situation and see what they could be eligible for. [Social/Legal Service Provider]*

Some people have difficulty understanding the length of time the legal process takes:

*I think when people come here they think we can get them whatever they are looking for. If they are looking to get someone out of a house, they think it can happen today. They don't understand that there is a process that has to be followed and it takes some time, it is not automatic. This is the same for everything. If someone comes looking for a peace bond or something like that, everyone expects that it is going to happen today ... Not everybody when they go into the courtroom knows what is going to happen, they often think it is my day to explain my charge. You go in and make your plea and go over to another date and a lot of people don't understand it and they get frustrated. [Legal Service Provider]*

Service providers reported that sometimes people's sense of being overwhelmed, fear and lack of legal knowledge can preclude accessing appropriate legal services and can exacerbate their legal issues:

*Case in point: labour laws. Kids, workers are being abused in restaurants. [They are] working split shifts for two or three hours. [But they] don't want to make a fuss because [employers] won't hire [them] or they won't keep [them on]. They are intimidated by employers.*  
[Community Working Group Member]

*One of the aspects that I've observed from other clients I've dealt with is that they seem to have the [idea that], if they avoid it, it will go away. I've dealt with numerous people [who] have fifteen, seventy five, eighty outstanding charges. If you're really going to help those individuals [you have to] do a search, get every last charge they have all brought in front of a judge at one time and have them dealt with. But they will only deal with those charges as they get called up and, well, here's an outstanding warrant so they get called up in front of a judge for that one outstanding warrant then six months later here's another outstanding warrant. They don't deal with them all and usually, even if there's jail time, it will be jail time that's concurrent and you do away with it and get it behind you [but] that's not told to people. And any time I've appeared in court at least ten to twenty percent of the cases are failures to appear; they don't even show up. If we ignore it it'll go away ... but it doesn't. [And] it costs the legal system a fortune.* [Community Working Group Member]

A further complicating factor is that the same organizations may have differing capacities to offer services from one District or even one community to the next. This adds to the confusion of members of the public as well as other service providers who are making referrals:

*An individual ... when they contact our service, often there is a lack of clarity about specific service and the reason I suspect is because [each location of this organization] offers a range of distinct services that are dependent on their community and their ability to acquire resources to deliver services. The challenge is the issues may be the same from community to community but the ability to meet those as a result of resources might not be the same.*  
[Legal/Social Service Provider]

### **3.5.2 Delays in Legal Processes**

Community Working Group members expressed frustration with the perceived slowness of legal processes that involve going to Court in this District. Delays in accessing services such as LAA and mediators further delay Court processes. Participants spoke

specifically about child custody and said that often the process is very slow and, in the meantime, one parent is losing out on spending time with their children. This is particularly relevant when there are allegations of domestic violence. The negative impact that prolonged legal processes have on victims of crimes was also noted:

*I'm just thinking in terms of getting child custody, temporary custody settled in a timely matter that sometimes it just confines women and their children to shelters unnecessarily and it's denying fathers visitation with their children. [Community Working Group Member]*

*The person that was violated in some way [seeks] justice [and] they become victims of the criminal justice system as well, so they are violated [a second time] by the system. [Social/Legal Service Provider]*

*One instance a woman was beaten who came to the [service]. We have helped her just about every step of the way and then going with her. She didn't have supports to go to Court with her. That's really not part of my job. I will do it. I just take that hour and go but the sickening part is that it's still remanded since July and every time that I attend with her, which could be every two weeks or every month depending on the docket, it gets remanded because he hasn't gotten a lawyer yet and I'll be going February 1 and you know this is torturing this woman. She has to relive this situation over and over again - you don't want to think about restitution again. She said "I can't do this again" and I said "I'll go for you" and went by myself last time. [Community Working Group Member]*

### **3.5.3 Direct and Indirect Costs of Engaging in Legal Processes**

In addition to the obvious expenses associated with legal problems, such as retaining lawyers, there are also indirect costs. Such costs are factors for people who have legal needs, regardless of Judicial District:

*You can't represent yourself very effectively in court. We have a huge dichotomy between the haves and the have nots as to the types of services they can access simply by virtue of resources. We have the deserving or non-deserving as a result of that process which is actually resource driven. The previous comment that people could purchase the parts of legal advice or representation that they need therein lies my problem is the problem that they could purchase. The law is a public institution and people have an obligation and responsibility to be part of, when you start purchasing now we start marginalizing those with limited resources. I simply find that whole process to be very concerning. [Legal/Social Service Provider]*

Service providers in this District emphasized that even seemingly tiny expenses can be crippling for people with low incomes:

*There's those things that you take for granted but not everybody can afford the 35 cents for a phone call, or even the bus, much less a meal. And once they get into the system it's time they have to take off work to go back constantly. You know we talk about the women - so they're out there trying to work and then all of a sudden they have a court case and it's not during the night. It's not after hours it's during the day and it's, "I have to take time off work again." You know at some point I'm going to lose my job. [Community Working Group Member]*

### 3.5.4 Referrals

Community Working Group members reported making and receiving referrals regularly, as did all interview participants (Table 5). Service providers reported that they know about what services exist in this area and usually know where to refer members of the public. They also reported that the referrals they receive are appropriate most of the time.

**Table 5 -  
Service Providers' Experiences with Referrals**

(N=8)	<b>Always</b> %	<b>Often</b> %	<b>Sometimes</b> %	<b>Never</b> %	<b>N/A</b> %	<b>No Answer</b>
<b>Make Referrals</b>	25	38	25	-	-	13
<b>Receive Referrals</b>	13	25	38	-	13	13
<b>Receive Appropriate Referrals</b>	38	-	38	-	13	13

Interviewees' responses to the referral scenarios in the questionnaires indicated that they all had suggestions for referrals they would make in all five scenarios. Some responses were very thorough and participants even offered detailed reasoning for how they would support and refer members of the public in each scenario. However, there was evidence of the need for increased understanding among legal and social/health service providers:

- Few of the interviewees seemed aware of Citizen Advocacy although they described clients with problems that this organization assists with (eg. AISH appeals). This is an organization that has been in Medicine Hat for 20 years.
- Social services have a need for increased information about existing legal services, especially the Court system, and legal services need an increased understanding of existing social and health services. This was exemplified by responses to the hypothetical referral scenarios that were inaccurate:

*If we had on-line information that is more accessible for us to find to give out to people or tell them, because a lot of the times we are guessing or using the word on the street that you can get service at this place. If someone is at the counter and we can't help them here and we are trying to refer them somewhere else and if we call that agency they are not quick to give us that information even though we know that is where the person needs to go. An online service and a checklist that we could go through and say "Oh yeah this is the place." [Legal Service Provider]*

The ALSMP Database will help respond to the need for improved awareness of services across disciplines and their mandates.

## **4.0 UNDERSTANDING LEGAL NEEDS IN MEDICINE HAT**

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

### **4.1 Statistics**

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

#### **4.1.1 National Prevalence**

National statistics on the prevalence of legal problems among Canadians paint a picture of vast everyday need (Currie, 2006, 2007, 2009). These surveys have repeatedly found that, 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>7</sup>

This is evidence of a need to effectively address prevalent legal problems. Table 6 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.

---

<sup>7</sup> Refer to the ALSMP report on the Calgary Judicial District for a more detailed discussion of this research.

**Table 6 -  
Prevalence of Legal Problems in Canada and Alberta**

Type of legal Problem	Respondents with Problem <sup>8</sup>	
	National % (N = 8873)	Alberta % (N = 600)
Consumer	22.0	25.4
Debt	20.4	27.0
Employment	17.8	19.0
Wills & Powers 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 6, the general patterns for incidence of problems in Alberta are very similar to the national pattern.<sup>9</sup> It should be noted that family law problems are divided between relationship-related and other matters. When combined, family matters at 7% are the fourth most frequently reported problem in Alberta. When both disability benefits and other social assistance are combined, benefits rank eighth in Alberta, accounting for 2.9% of reported legal 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>10</sup>

<sup>8</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>9</sup> The small percentage differences that occur cannot be considered significant because the sample sizes are not comparable. While 600 respondents is a sufficient number to make the Alberta results reliable within the province, it is a mere fraction of the total national sample. Percentages were also provided for the number of each type of problem reported by Alberta respondents (a total of 938). While this changes the numbers within each category, the overall frequency pattern is very similar.

<sup>10</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.

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, three services in this Judicial District have provided information about what statistics they keep. Two provided actual numbers. The third provided a list of the types of statistics 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 Medicine Hat. These data are supplemented by the national data and researcher observations.

The statistics that were submitted were all similar in that they focus on collection demographics about individuals who make contact with the services and they collect information about the actions taken (eg. if referrals were made). All three services use the statistics they collect to learn about who tends to use their services and to standardize procedures and track referrals made to other agencies.

The national research concerning the prevalence of justiciable<sup>11</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.

## **4.2 Eligibility Criteria**

Four of the eight service providers who were interviewed reported that there are eligibility criteria for their services (Table 7). Three of these four reported making exceptions to their eligibility criteria on occasion.

---

<sup>11</sup> Justiciable is defined as "capable of being decided by a court".

**Table 7 –  
Eligibility Criteria**

<b>Eligibility Criteria (N=10)</b>	<b>Yes %</b>	<b>No %</b>	<b>N/A %</b>	<b>Not Answered %</b>
Age <sup>12</sup>	13	50	25	13
Agency Referral	-	63	25	13
Child Welfare Involvement	13	50	25	13
Citizenship	-	63	25	13
Criminal History	13	50	25	13
Crisis	-	63	25	13
Ethnicity/Culture	-	63	25	13
Gender	-	63	25	13
Health	25	38	25	13
Immigration Status	-	50	25	13
Income	25	38	25	25
Justice System Involvement	13	50	25	13
Legal Action Initiated	-	50	25	15
Marital Status	13	50	25	13
Non-Legal Considerations	13	50	25	13
Parental Consent	-	63	25	13
Parental Status	-	63	25	13
Religion	-	63	25	13
Residence	13	50	25	13
Type of Legal Need	25	38	25	13
Victim of Crime	-	50	25	25
Other	-	63	25	13

Only one service provider reported that there was a priority system for accessing their services. One also reported that life style may be a barrier. More specifically, if individuals are under the influence of substances when they present at the office they will be asked to return when they are sober. No other barriers or restrictions to accessing services were identified.

<sup>12</sup> This criterion may have been under-reported because participants may not immediately think of adult services as having an official criterion of age 18+.

#### **4.2.1 Financial Criteria**

The services of three organizations reported that financial eligibility is considered. LAA considers income for certificate services. The JHS and Citizen Advocacy consider income only when members of the public request free income tax services from either organization as this service is provided for low income clients. However, both typically request proof of income to ensure the tax returns are filed correctly rather than to ensure that participants qualify for their services.

#### **4.2.2 Identification**

Identification is required for many services and lack of ID can create barriers to accessing legal services:

*You need picture ID to stay in a homeless shelter. If a person has outstanding fines, unpaid tickets or in arrears for child support they cannot acquire picture ID from a license Registry in the province of Alberta. So now you need legal identification and you cannot get legal identification. So, in fact, we are going to bar you from participation in the community as a result of our construction that says you cannot get what you need to participate in the game that we want you to participate in. It is a bit of a crazy circumstance. [Legal/Social Service Provider]*

Service providers stated that people have a right to have identification, but it can be a challenge to get if there is no proof that an individual is who they claim they are:

*Every Albertan should have the right to photo ID. You can go to the Motor Vehicle Branch and say I wish to have ID, that's not a license and they are obligated to give photo ID. Even if you owe fines they have to override the system but, yes, you can go down and ask for a photo ID because it's a right of every Albertan. Not everyone knows about that, though. [Y]ou have got to pay for it. That's an issue [and] people haven't gone because they know they can't pay. I just think the whole thing is lacking ... common sense ... [Community Working Group Member]*

There is one service available for inmates in Medicine Hat to obtain their primary identification and some organizations will provide non-government identification to people but one service provider explains that is not the answer:

*[It is] satisfactory for some ... services, [but] it is kind of like putting a bandage on a broken arm. I've never opted to go that route. [Legal/Social Service Provider]*

*Medicine Hat Remand Centre has a verbal agreement that they will assist in acquiring ID for Alberta-born ... offenders who don't have identification. They use the Inmate Welfare Fund for the \$35.50 for a birth certificate. It is a strict service and I've [only] been aware that it has been applied in two occasions since August 2003. [Legal/Social Service Provider]*

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

Participants generally indicated that there is an adequate range of services in this District (Table 8) but there is a need for more development with regards to their capacity. However, Medicine Hat and area was described as still being a traditional, rural community, despite the growth in population and the increased diversity of residents in recent years.

There has been a dominant Christian religious influence in this District, and it was noted that this atmosphere can hinder open discussion about important issues like sexual violence and sexuality. One glaring omission is in services that specialize in services for gay, lesbian, bisexual and transgendered people. There are not even any social or health services that offer specialized support for this group, let alone legal supports. The need for more services that specialize in working with this population was identified by three service providers who participated in interviews.

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

Specialization	Legal Services		Social/Health Services
	Sole Purpose	Legal & Social/Health	
Aboriginal	3	4	2
Accidents/Injuries	-	1	-
Addictions	1	5	9
Alternatives to Court	5	5	-
Children	7	9	8
Consumer Issues	1	2	1
Crisis Intervention	1	11	11
Debt Management	-	1	-
Disabilities	2	1	4
Employment	-	2	6
Families	10	16	21
Family Violence/Abuse	4	22	7
Gay, Lesbian, Bisexual & Transgendered	-	-	-
Housing & Tenancy	6	13	12
Human Rights & Citizenship	12	3	1
Immigrants	1	4	4
Low Income/Poverty	2	4	5
Men	-	6	4
Mental Health	2	13	23
Pensions & Benefits	4	6	4
Seniors	6	4	4
Taxes & Finances	4	4	2
Victims & Offenders	19	24	6
Wills & Estate Planning	1	2	-
Women	-	10	4
Youth	-	14	17

### 4.3.1 New Canadians

Recently in Brooks there has been an influx of New Canadians to work at the Lakeside Packers plant. It was recognized that there are some barriers for these New Canadians. One of the main barriers identified was the lack of knowledge New Canadians have about Canadian laws and the consequences of illegal actions in this country. In addition to the legal problems in Canada, some New Canadians bring social and cultural issues from their former homes which can cause problems in Canada and affect the ways in which service agencies can assist them:

*I'd say some New Canadians [get in trouble with the law] because they don't understand the law. Others came here to work ... but realized they could make more money in the drug trade. ... When new groups of immigrants come to Canada, we actually ... do a 2 hour session about laws, etc. They also get to ask questions .... Immigration [Canada] does nothing ... so the only way [New Canadians] learn is when they do something wrong and get charged .... A lot of different cultures a lot of court users there don't speak English. When they come to Court they only know "yes" or "no", and you can see that they have no idea what is going on. [Legal Service Provider]*

*There's another group of women coming through the shelters in large numbers and that the immigrant population and very often they'll have legal barriers to do with immigration in terms of accepting public resources. [Community Working Group Member]*

Some programs offer support for New Canadians. In Brooks, *RCMP* Officers go to Lakeside Packers when a new group of workers come in and spend time explaining Canadian criminal law and matters in which the police can assist them and answer questions. This is a proactive approach intended to prevent people from encountering legal problems. The *Saamis Immigration Global Information and Friendship Service* also provides basic information about getting settled in this area.

In Medicine Hat the John Howard Society offers the *Immigration Legal Education Service*. This service aims to help people who are newcomers to Canada understand the legal system and assist them when they have difficulties. It also works to increase their awareness of the law. Community Working Group members also reported that an elementary school in Medicine Hat is well known for its ESL program. There is a Community Worker based at this school who specializes in immigration.

#### *Languages*

Participants indicated that in Medicine Hat itself they sometimes encountered situations where members of the public required service provision in languages other than English. The main language that anyone mentioned needing to access to was Spanish, and there is reportedly one professional in the City who speaks Spanish. Service

Providers reported seeking this person out when they required assistance communicating with clients in Spanish.

In Brooks, however there is a wide range of languages being spoken and service providers in Medicine Hat do come into contact with people from Brooks. One participant reported that, two years ago, a survey was conducted that identified 35 to 40 languages and approximately 85 dialects that were being spoken by residents of that community. In Medicine Hat, no formal on-site additional language services were reported, however in Brooks, interpreter services were reportedly accessed from a national organization via telephone, when required:

*Brooks is a very unique community. This is the first [place] I have ever worked at where you call upon interpreters on a regular basis. You are phoning 1-900 numbers late at night to get interpreters. [Legal Service Provider]*

There is a need in this District to provide services in more languages and some service providers are finding ways to approach this issue, but the expense of providing for formal interpreters was beyond the means of most services:

*We look for volunteer interpreters. We are SORRILY funded. We do not have the resources to pay for interpreters. In Brooks this is a HUGE struggle but here [city] it is relevant, too. For instance there are a lot of TFWs in Radcliff. There is a lady here who speaks Spanish, though. That is mostly the language we have needed in this city. [Social/Legal Service Provider]*

*For Court Services, with notice, they will provide translators. For in-office needs, it is [trickier]. I have access to ESL instructors at the College if needed. Or I can run across the street for a woman who speaks Spanish and the ESL. Sometimes we can link via phone to a third party .... We don't have funding to pay for interpreters officially but maybe, if it were the case that the situation were extremely onerous, we could perhaps find funds within our budget somewhere .... In one case a person didn't speak English and wanted to get a driver's license. I found a place in Calgary that offered Spanish driver's training manuals. [Legal Service Provider]*

*I would like to see resources that are translated into different languages and FREE translation/interpreter services. We frequently have people who don't speak English and are illiterate in their own languages ... this is a big problem in Brooks. There is CANTALK but it is very expensive. [Social/Legal Service Provider]*

### **4.3.2 Domestic Violence**

Domestic violence and the ways it is dealt with in the justice system was both praised and criticized. Community Working Group members viewed the Domestic Violence Court as helpful:

*Medicine Hat is making a really good attempt at the justice system - they've designated a Domestic Violence Court so that all the cases are heard at one time; they have a Prosecutor who is dedicated to their Domestic Violence Court docket; they have predisposition meetings prior to Court where if the interagency kind of group, children's services, shelter etc. get together and advise the Our Family Crime Unit is however only two people so we need more resources .... Offenders that have come through Domestic Violence Court and one of the outcomes might be the courage to attend groups. Another outcome might be addictions and interventions, psychiatric interventions. [Community Working Group Member]*

However, concern was expressed that domestic violence is not taken as seriously in court, as a stranger assault:

*Something too - maybe it's just Medicine Hat but I think there's still, for a lack of a better term, a different standard for family violence versus violence ... if I was to get in a fight with [other participant's name] ... I would probably have a more severe penalty ... then I would if I physically assaulted my partner. It's about the legal system and what's tolerated implicitly. ... If I'm a perpetrator of family violence then unless I murder somebody I'm probably not going to get anywhere near the same kind of punishment than if I just did a random act of violence. And so there's an inherent inequity within the system and so it's about violence towards women. And it's about if I beat my child I get a lesser penalty than if I beat [someone else's] son. [Community Working Group Member]*

During the discussion of sexual and intimate violence, Community Working Group members spoke of the limited use of Emergency Protection Orders (EPOs). Service providers perceive local law enforcement to be overly hesitant to issue EPOs and are unsure why that is. There was a general consensus however, that philosophies about EPOs must change, for the safety and well-being of victims of domestic violence.

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

The *Self Represented Litigants Mapping Project* (SRLMP) focused on this group of service users, and developed a typology of reasons people self-represent (for full details see the SRLMP Report at <http://cfcj-fcjc.org/publications/mapping-en.php#srl>). These seven basic categories were utilized by the ALSMP to ask service providers their perceptions of why their service users were representing themselves:

1. People who have an overall lack of resources (eg. low income, education, literacy).
2. People who have low income but some social resources (eg. education, communication skills).
3. People who have low income and are living with additional social barriers (eg. disabilities, language).
4. People who could afford a lawyer but are unable to find one.
5. People who were previously represented by a lawyer but are no longer (eg. ran out of money).
6. People involved in cases where representation is supposed to be unnecessary (eg. small claims, administrative tribunals).
7. People who could retain a lawyer but prefer to self-represent.

The factors that service providers identified correspond with these seven groups. They indicate that poverty, lack of resources (eg. education and social supports), social barriers (eg. mental illnesses and criminal histories) and unsuccessful experiences with legal representation, are all key factors that cause people to self-represent.

The data collected in this District made it clear that people represent themselves for various reasons including;

- not knowing they can get a lawyer,
- youth,
- complexity of cases,
- people previously involved in conflict with the criminal justice system,
- people with mental health and people with addictions issues, and
- those who do not qualify for LAA but cannot afford to hire lawyers.

*Mostly it is income or it is [complexity]. We had a woman whose case was so complex the lawyers gave up, so she ended up doing it on her own.*  
[Social/Legal Service Provider]

One service provider observed that it isn't always the cost of lawyers that is the primary problem for some people:

*A small percentage of people are resistant to hire a lawyer and it isn't necessarily a monetary issue, but is often based on a bad experience in the past.* [Legal Service Provider]

Service providers felt that self-representing in Court is generally not beneficial:

*If a person is coming here and is asking targeted questions pertaining to legal matters and if they disclosed they are going to attempt to self-represent I would do my darndest not to provide that information aside from a referral that they need legal counsel. [People who are more likely to try to self-represent are] youth, newcomers, persons who have previously been involved in conflict with criminal justice system, persons with mental health issues, persons with addictions issues. Perhaps the rationale behind some of those persons attempting to represent themselves without a lawyer is lack of information and lack of resources. Sometimes it is low income, low education, low literacy so sometimes it is the lack of education and lack of literacy that is responsible for lack of information and to some degree lack of capacity or lack wherewithal how to take the steps to acquire information. [Legal/Social Service Provider]*

The two public participants decided to self-represented after their lawyer advised them that the cost of retaining his services would likely negate any financial gains they would make, and because they believed after an initial hearing that they were going to win their small claims case. They reported that, in retrospect, the decision to self-represent hurt their case because they were unaware of some aspects of proceeding that may have ultimately led to their losing the case.

One project partner pointed out that SRLs can face additional challenges when accessing the Court of Queen's Bench in this District. There is a Provincial Family Court counsellor who can sometimes help SRLs in that Court, however, these services do not extend to SRLs with matters in the Court of Queen's Bench. While there are services offered in Edmonton and Calgary that can offer supports to SRLs in the Court of Queen's Bench or in non-family matters in the Provincial Court (eg. Calgary Legal Guidance and Family Law Duty Counsel), these are not available in the regional courts.

#### **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 the Medicine Hat Judicial District confirms this tendency.

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

- Poverty and lack of understanding of the justice system with all types of legal problems,

- addictions and criminal charges,
- mental illness and criminal charges,
- general health and all types of legal problems, and
- homelessness and all types of legal problems.

#### **4.4.1 Clustering of Legal and Social and Health Problems**

Poverty, mental health and addictions are social issues that were said to often impact people’s legal needs in this District (to be discussed further in Section 7.0). Service Providers identified poverty, mental health and addictions as often coexisting, and relating to increased legal problems:

*Poverty, addictions, abuse, neglect, malnutrition, inappropriate nutrition, literacy concerns, employment issues, under-employment, mental health concerns and everything seems to cycle back to life stressors due to poverty. [Legal/Social Service Provider]*

*I see a lot of individuals that have mental health issues that are not getting treated. I’ve even taken a few to the hospital to admit them but then they’re out the next day without meds, with “there’s nothing wrong with you”. Those things that start way back like Fetal Alcohol Syndrome, I mean there’s very few resources ... five years ago no one knew what FAS was. So looking at the very beginnings more of a judicial piece there’s a lot of gaps that I see with regards to if the person could get a diagnosis and meds then possibly he wouldn’t be caught shoplifting. This just happened by the way. Two men both homeless or almost homeless went to the IGA and they had this great idea, they bought exactly the same stuff and put them in two carts, they would pay for one cart and try to leave with two carts. When one got stopped he said “Oh! My buddy’s got the receipt”. Okay – this was caused by hunger so now he’s in jail. The economy has something to do with that too cause I know it’s an easy thing to say that but in the last year in the area that I work in you can tell that people that have had money in the past are now having to pay for things they still have and big costs but they have no money so then what that creates. [Community Working Group Member]*

*Poverty begets crime, begets more poverty. I'd like there to be less poverty in this community. There is poverty here, even if we may be more fortunate than some. There are people living in inadequate housing or taking drugs to deal with bad feelings. Where you get on the wheel doesn't matter ... whether it is due to abuse, drugs, etc. ... it becomes a vicious circle. One leads to the other. Somebody becomes desperate. The circle continues. [Legal Service Provider]*

Service providers also mentioned that criminal and family legal needs often arise in conjunction:

*If you have your domestic violence case - we have both criminal and family court and we have both if the person needs it. [Legal Service Provider]*

*Quite often family law and criminal law matters are pending at that same time. [Legal Service Provider]*

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

In addition to the barriers that make it difficult for members of the public to access 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 the Medicine Hat Judicial District, and will also note the challenges in filling these gaps.

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

Based on service providers' feedback, we identified five gaps in legal services that warrant attention.

#### **5.1.1 Community Legal Clinic**

There was consensus among the Community Working Group members that the most glaring gap in this District is the absence of a central access point for legal services. In the Community Working Group meeting it was very apparent that what service providers felt was missing was a place to turn to for legal advice. In fact, this was the gap that they were most emphatic about:

*But what I do hear from staff on a regular basis, is that we've tried to be creative in finding our own legal answers, so we've got a number of board members or past board members that are lawyers and so we just phone directly for a quick answer. I think that what staff - that one of the biggest things is they just need a quick answer to help guide the client rather than the client having to get to legal aid do all that sort of nonsense and the length of time it takes where ... in terms of quality service provision is what we need for quick answers to very fundamental basic questions or sometimes not so very fundamental basic questions - unique situations. [Community Working Group Member]*

*We need quick access to answers and that ends up being one of the primary reasons that we need a justice or legal system is for safety. Child custody and access is a huge issue and tends not to be very timely in terms of our access to that system. [Community Working Group Member]*

*What we really don't have is access to legal advisement or even consultation. Even with the things that are offered by telephone they tend to not be really adequate. It's about getting a real consultation from a lawyer. There is nowhere to send that person to once you get that information saying "okay to connect so here's the number" ... and you are assuming a level of functionality which a lot of people we deal with they just go "I think I'll just have a drink." [Community Working Group Member]*

We need someone who would do a desk divorce (didn't qualify [with the organization] for divorce) someone to assist them to do the forms. We would like to have more resources here, student legal services, stronger *pro bono* services. [Legal Service Provider]

Service Providers reported that there is currently no clear point of entry for people who have legal needs. Organizations such as the John Howard Society and Citizen Advocacy are currently helping to fill this gap. However, it is often beyond their mandates and capacity to fully do so.

It was suggested that a legal clinic would be very helpful. This could be accomplished by establishing a clinic that is similar to Calgary Legal Guidance, the Edmonton Community Legal Centre or Lethbridge Legal Guidance. It could also perhaps be accomplished by expanding the capacity and use of the Court House Library or even expanding and adding legal services to Citizen Advocacy.

### **5.1.2 Services for Children and Youth**

Service providers reported that supports for children and youth are lacking in this District:

*Problems for/with children and youth are pervasive - it's where the system breaks down and the concept of funding/running the system is also there so it's much easier to put a person on probation than to concentrate a portion of time ... [Community Working Group Member]*

*I think you would concur that the real gap is with these people under the age of eighteen where they are not an adult and the parent is still suppose to be in legal responsibility. [There is] the youth emergency shelter but it's a combined kind of group home with children services - so it's not like it's a block house that kids can come and sleep in a safe place whether they're drug impacted or not. [Community Working Group Member]*

Service providers stated that there needs to be more services that have the capacity to work closely with children and youth who are in conflict or at risk of coming in contact with the law. There also is the need for supports for families of these children and youth:

*We have John Howard Society and, sometimes, through Children's Service and Mental Health services will work with offenders once they have gone through their process (eg. court hearings). But it is so hard to access services for offenders and their families, especially if the offender is a child. The services for children are VERY limited. The only option is Children's Services and the specialist only comes once a month and then you have to wait for the assessment and so on. In the mean time, the family suffers. There are no supports for families now and they may be expected to provide 24 hour supervision of their child. Right now it can get to the point where families are considering placing their child in foster care because they cannot manage to provide the supports and supervision the child requires. Yet they love the child. It is very difficult. [Social/Legal Service Provider]*

Attendees of the Community Working Group meeting spoke extensively about how children and youth are dealt with by the justice system. They also reported gaps in services (Section 5.1.2). The strongly held opinion was that the current philosophies and legislation regarding children and youth who are in conflict with the law, are ineffective. They acknowledged that this is not a problem that is localized to the Medicine Hat District but stressed that it is very important to address. They reported that children and youth do not currently have any fear of legal repercussions or respect for the law.

Community Working Group members suggested that there needs to be more of a focus on restorative justice for children and youth. They suggested that it would be beneficial if, prior to going to court, people from the community as well as appropriate social and legal service providers could collaborate in attempt to address the offenses committed by children and youth and offer alternative methods by which young offenders could make amends for their actions:

*For the Restorative Justice approach the recidivism rate is about 16% but for court it is 40-50%. But, in all fairness the most serious cases go to courts. But restorative justice does seem to have far superior outcomes. [Legal Service Provider]*

### Life-Span Interactions with Legal Issues and Services

Community Working Group participants spoke of the life-span involvement people have with the justice system when they do not receive adequate supports, including prevention, intervention and rehabilitative services. Children and youth are at increased risk when they have parents who are incarcerated.

Parents' divorces or separations are also traumatic for children. This trauma is heightened when legal processes are delayed or prolonged. Service providers also reported lengthy waits and delays in legal processes regarding child custody and protection.

Additionally, the lack of intensive prevention and treatment for mental illnesses and addictions can exacerbate other social and legal problems for individuals and for any children and youth who are involved. All these factors culminate to significantly increase the chances that children and youth will experience dysfunction in their lives without having adequate supports and education to allow them to cope effectively. They are at risk of continuing the cycle – having legal problems that impact the next generation of children, and so on. Working Group members suggested that an increased focus on restorative justice for children and youth would be helpful.

### **5.1.3 Services for New Canadians**

Participants also spoke of the need for increased services for New Canadians in Brooks. It was noted that increased capacity is required to both educate New Canadians about their legal rights and responsibilities, and about how to properly address legal problems:

*We have people who will call 911 because somebody has parked in their parking spot. [Legal Service Provider]*

*I worked with this woman who thought her son was being sued. She could not understand why he had to go to Court. When I looked at the documents, I found out he was actually facing criminal charges. [Legal/Social Service Provider]*

### **5.1.4 Legal Services with a Mental Health Focus**

Participants reported that people with mental health concerns are currently “being treated in courts rather than in hospitals.” Although they felt that Alberta Health has a responsibility to enhance services and resources, the Community Working Group members stated that establishing a Mental Health Court in Medicine Hat would be of benefit in that District:

*[W]e only have one floor at a hospital [for psychiatric patients and] they tend to shuffle them in and out and it doesn't really resolve anything so we need more mental health care. In Ontario they have now developed a system of mental health court dates where they actually only deal with mental health and they are looking at helping those individuals through the mental health system and I think that's very appropriate to take them off the main street and actually look at the needs. [Community Working Group Member]*

### **5.1.5 Services for Victims of Sexualized Violence**

Service providers identified gaps in legal and related supports for victims of sexual assault in this District. Some even expressed concern that victims are choosing not to

report assaults because of the lack of options for support and the traditional nature of this community. They stated that people have to be educated about sexual assault and have to be given the opportunity to seek help without feeling further shame or victimization:

*I'd like a sexual assault centre so we could better case manage clients ... like the Connect Centre in Calgary. That would be wonderful. We do not have a crisis line here that is dedicated to sexual assault. We are working on a provincial crisis line. That would be so wonderful to have a provincial 24 hour line. Right now such calls go to the women's center and they are great but we need a dedicated line. This would be SO good! [Social/Legal Service Provider]*

Service providers stated that there also needs to be enhancements made to social and health services in order to support legal service provision for victims of sexual assaults:

*I'd love to see ... nurses who understand what people are going through. There is nobody that has specialized training about sexual assault. How victims get treated at hospital depends on which doctor treats them. I would also like to have access to a computer such as TeleHealth so victims could use technology for specific services regardless of where they were physically located. [Social/Legal Service Provider]*

## **5.2 Challenges in Filling the Gaps**

In this section we will discuss the challenges that hamper the elimination of the identified gaps.

### **5.2.1 Lack of Funding and Resources**

In both the interviews and the Community Working Group meeting it was emphasized that additional funding is needed to enhance services; but there was also an understanding of constraints in this regard, and consensus that standards of service and public expectations about access to justice became eroded as a result:

*Our main job is to provide access to justice. The level of access is always changing according to what resources/funding is available to provide that and that is in a state of flux especially in these times. Certain expectations are changing ... when I first started we didn't provide coverage for divorces unless there was an urgent need. At that time there was almost an expectation that coverage would be provided for divorces in general and as years went by there seems to be lowering of expectation of members of the public, and the pendulum seems to swing. Funding is the back drop to everything we do. [Legal Service Provider]*

### **5.2.2 Philosophies and Approaches to Criminal Law**

During the Community Working Group discussion there were concerns expressed about violations of the Charter and UN treaties. While service providers described the community as a largely white, Christian, middle class community, these concerns belie an awareness and sensitivity to the needs and rights of others. The concerns were indicative of an approach which service providers took generally when analyzing legal service provision, and provide some very valuable insights into how the justice system as a whole, needs to improve:

*The culture is to add more police, add more jail space, and add more stuff on the back end as opposed to the front end. [The belief tends to be if] people require these sorts of supports [it is] pretty much their own fault and they have a significant character flaw in them that their down and out and committing crimes and whatever. [Community Working Group Member]*

*There's also a problem with prosecution and federal drug cases. They can't find Prosecutors because it takes up too much of their time and it doesn't pay enough. So we just had a case where two boys walked out of Court cause the Court case was delayed for two years, so the judge said justice delayed – in [another] case ... it was a year and a half before [the] case came to trial after the first arrest. [Community Working Group Member]*

*You know one of the things the province is really going down the road on for as agencies is outcome-based, performance-based contracting. They're not going to contract us unless we can prove the money we are spending is having an impact, and I say [this] is great but do it to yourself as well. I think the government department needs to be evaluating their own outcomes and their own practices rather than self-perpetuating things that take money and don't necessarily work. [Community Working Group Member]*

*The irony in that situation too is they have closed our local jail cells. Incarceration is in Calgary now. No family support or limited, difficult family support. I tried to see an individual who is incarcerated right now and they only allow three people on a Saturday or Sunday max per visit and that astounded me. [Community Working Group Member]*

## 6.0 IMPROVING LEGAL SERVICE DELIVERY

In this section we will discuss means of improving legal service delivery in the Medicine Hat Judicial District. As a starting point, we want to recognize:

- 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 this District appear to prioritize offering proactive legal and related information to community members and supporting them to access the services and supports they need. However, the legal system is vast and complicated, and both legal and social service providers indicated that they struggle to understand legal processes themselves:

*I think a lot of people are totally confused in fact I admit I am as well. I'm trying to guide people and refer them and I need that quick phone call because I do not want to blind refer someone. Most of the people we see are not from pillar to post here and there all over the city and it could be as simple as letting them use your phone. [Community Working Group]*

*As workers, we kind of know the system, but sometimes we'd like a little clarification and we'd like to know who is out there and who the heads of departments are, because they change so frequently. [Legal/Social Service Provider]*

*I will advocate for them and make referrals. If I don't know where to send them I will get on the phone and make calls. [Legal Service Provider]*

#### 6.1.1 Public Legal Education and Information (PLEI)

The Team mapped a variety of services that offer PLEI in all four areas of law (Table 9).

**Table 9 -  
Services That Offer PLEI by Area of Law**

<b>PLEI Topics</b>	<b>Urban</b>	<b>Rural</b>	<b>Outside District</b>
Administrative			
Information	11	4	22
Education	4	1	2
Civil			
Information	12	6	17
Education	5	2	2
Criminal			
Information	30	16	2
Education	14	6	3
Family			
Information	17	8	31
Education	6	3	-

Medicine Hat College offers a PLE program that includes in-class and on-line courses. Service providers from key legal services sometimes take part in these courses:

*I have done presentations at the college about increasing law vocabulary, debts and fines, landlord tenant issues. [Legal Service Provider]*

*Legal education in the schools*

The John Howard Society in Medicine Hat has two public legal education programs that are delivered in the schools (see Section 3.4.4). The Criminal Justice Education Program teaches youth the law as it applies to them and the Bullying Awareness and Prevention Program teaches youth about the issues of bullying and provides them with evidence-based strategies that they can utilize to help them more effectively navigate through circumstances they encounter. They also have the Immigrant Legal Education Service. This service has a legal education focus but offers legal assistance as well.

There was a suggestion that information about the legal system be incorporated into the educational system:

*I just came back from BC. One of the things we talk about at the university level is first year university students doing a very basics civics class. So maybe one of the areas is the legal end is advocating to the education system, schools, universities that are doing the training of teachers when they start looking at curriculum, civics everything from law to basic law through the whole curriculum is built in as an educative, preventative factor. [Community Working Group Member]*

*Responding to Legal Needs with PLEI*

What service providers did report as lacking was a coordinated approach to making PLEI publicly accessible and a specific place that they could refer people for PLEI. They also stated that there is a need for accessible help with legal forms:

*Legal needs – the majority of the questions I get are procedural and forms – they want to know how to get from where they are... not so much now for family because of Family Justice Services (FJS)... other categories are pretty evenly mixed .... I buy material for the lay person – people don't come in for general information (which is what most of this material is) and they want answers to a specific problem and most go out unhappy because can't get it. I try to work with the court clerks to get what forms they need, and clerks have the same problems and it is very difficult. [Legal Service Provider]*

*Major need for information on procedure and forms ... you can put forms on computers and allow people to fill in the form and not actually change the format of the forms. Some sort of flow charts and something visual for someone to see where they are in the process. Generally I think there is a really low understanding of the legal system. The general population has very little knowledge of how it works. [Legal Service Provider]*

*Legal Language*

Service providers pointed out a need for more public legal education and information, including assistance with legal language.

*As soon as lawyers start using their big word talk and it frustrates people and they don't understand and get scared looks on their face because they don't what it means. [Legal Service Provider]*

There are some plain language materials available in the Medicine Hat Judicial District. Examples include:

- Provincial Court – The Civil Claims Booklet is written in plain language, as are the instructions that come with family applications.
- LAA – The Client Guide (<http://www.legalaid.ab.ca/clients/Pages/WorkingWithYourLawyer.aspx>) and brochures are written in plain language.

It is difficult for people to understand legal processes and to even figure out where to begin when they have a legal need. One service provider creates packages to assist people who they work with:

*What we have started to do is create our own packages. For every 60 minutes you talk to someone in crisis they remember 10 minutes of the conversation. We have one for women who have recently experienced sexual assault. There should be info packs with good, accurate, solid information that are supportive for families as well. The current packages are good but they are a little impersonal. [Social/Legal Service Provider]*

It was suggested that it would be helpful to be able to provide members of the public with similar packages containing resources and general information for different types of legal needs.

The establishment of a LInC and/or a Community Legal Clinic could effectively address these challenges, if coordination of PLEI was identified as a priority.

### **6.1.2 Service Providers' Relationships**

Legal and related service providers in the Medicine Hat District appear to have a good general awareness of one another and to have a generally strong desire to hone good working relationships. Although there were some mixed opinions about the current quality of networking, their enthusiasm for networking and cooperative nature was exemplified by the initiative taken by one Service Provider to organize the Community Working Group for this District, and the strong attendance at that meeting:

*We have a strong network. All the others and individuals and stakeholder groups we are known to them and they are known to us. FJS office and ourselves have very strong networking because we exchange clients back and forth on a regular basis. [Legal Service Provider]*

There was a mostly positive response to the value of networking and this was evident in the Community Working Group meeting. Attendees seemed quite familiar and at ease with each other:

*I still work closely with [other service] here. I worked with [a staff person] who was a mentor of mine. We found this man who had struggled all his life. He had a learning disability and was being severely abused by his landlord. I don't know how he found his way to [other service] office, but he did and we got him out. [Other service] got everything for him; got him set up in this nice new apartment. He was so good. [Social/Legal Service Provider]*

There are a number of collaborations that service providers spoke about:

- The John Howard Society houses the *Restorative Justice Project*, which is a collaboration with police, the Crown, Corrections Services and other justice service providers.
- The John Howard Society also has the *Bullying Awareness Prevention Program*, which is a collaboration involving schools, community members and parent councils.
- The Regional Family Violence Response Committee and the Sexual Assault Response Committee address issues related to bullying.
- Homelessness Collaborations that are made up of non-government organizations and municipal government departments are working together to address homelessness (Section 7.3).
- The *Regional Family Violence Response Committee* provides support and legal information.
- There is also a *Domestic Violence Treatment Team* that provides social and health services as well as information about reporting and what to expect.
- The *Crisis Assistance Network* is an inter-agency organization made up of government and non-government organizations. It provides legal support and legal information.
- The *Regional Suicide Prevention Committee* provides information pertaining to suicide and the legal parameters that surround it.
- The RCMP hold community meetings in which members of the public are invited to speak about the issues of concern in their community. They engage groups such as senior citizens, youth, and healthcare providers; groups that tend to have a lot of knowledge and interest in what is happening in their communities.

*That's what [this service] is. We couldn't have made it this far without collaboration. For instance our "Walk a Mile in Our Shoes" campaign was accomplished by agencies working together .... We just need one more step; a little more info sharing and we will be where other communities, like Calgary, are. [Social/Legal Service Provider]*

Still, service providers did mention that there is room for improvement. Some felt that they do not have close enough working relationships with government services and

there were indications of some lack of understanding among service providers about each other's jobs and circumstances:

*I feel like if I have to call another agency for any information and I need them to fax me something and they aren't quick to do it. The responses you get back when it is so easy for them to just help you with I don't think are the greatest. Or if you are calling for a member of the public and say I'm going to send someone over to get some forms and they start to ask you who is it for and what do they want. I don't know and I'm not going to ask them it is almost as though they want me to be their intake person and I don't think that is fair .... Everything is out in the public and I don't think that is fair sometimes. [Legal Service Provider]*

*Many of the inter-agency committees and organizations meet on a regular basis, there is regular information exchange, sharing information, sharing information about new and existing services, opportunity for one-on-one follow up. Inter-agency committees are predominately comprised of non-government organizations, so certainly there is a deficit ... pertaining to government organizations. It would be better if government agencies could commit to attend certain meetings for the purpose of sharing their service and sharing more accurate information about their process so that, when people do make referrals, the referrals are more timely or better informed. [Legal/Social Service Provider]*

In Medicine Hat particularly, events would be helpful that give service providers the opportunity to better understand each other's services and roles, and especially increase the involvement of government services (preferably frontline staff who need to know about other services).

## **6.2 Creative Approaches to Meeting Needs**

Community Working Group members spoke very proudly of three initiatives in this District. While these programs focus largely on social factors, the nature of the services they provide help to prevent legal problems from occurring. These include;

- the Citizen Response to Abuse and Neglect of Elders (CRANE) collaboration,
- the Housing First Program and Damp Mat Program, and
- Citizen Advocacy.

### **6.2.1 The Support for Elder Abuse Networking**

Community Working Group members spoke of the success of the local Citizen Response to Abuse and Neglect of Elders (CRANE) program:

*We have something in Medicine Hat that we should boast about. We have a program in Medicine Hat called CRANE, and that particular program is now overwhelmed [because] it's been so successful in dealing with elder abuse .... It's certainly demonstrated [that] there is a need and it's just [been] overwhelmed; hundreds of phone calls a week. It's interesting that prior to CRANE existing [this issue] was underground. Once people were educated [this program has been] inundated .... The program has been so successful the danger is it's going to implode. [There is] not enough manpower to make it work. [Community Working Group Member]*

CRANE is a network of social and legal service providers that respond to reports of abuse and neglect that involve seniors.

### **6.2.2 Housing First and the Damp Mat Project**

The Housing First program has been a success in Medicine Hat but Community Working Group members reported that its resources are exhausted and it cannot meet the current need. This program has also assisted homeless people by working in conjunction with *Damp Mat Project*.

*Last year we ran the Damp Mat Project for a month and our damp mat - so it doesn't matter if you are an alcohol or drug user you just come and show up and sleep on a mat and get fed and leave in the morning. There are probably anywhere between twelve to seventeen homeless people, chronically homeless people. The majority of them are housed right now through the Housing First Initiative. We have so many social programs that are mandated, this one doesn't really matter what situation you are in, we're going to house you first and then we're going to deal with the way around supports and deal with your issues. Our numbers in the winter this year have been significantly lower because if they do come and the team identifies them early they are put in the Housing First program. [Community Working Group Member]*

### **6.2.3 Citizen Advocacy**

Citizen Advocacy is a not-for-profit organization located in Medicine Hat that advocates on behalf of individuals who have financial, legal or social needs. This organization has six services that are aimed at helping people who are vulnerable due to poverty, disabilities, social isolation or age (seniors). The services are described in the ALSMP database and include:

- Volunteer Advocate/Protégé.
- Community Advocacy.
- Office of the Public Guardian – Kit Completion.
- Art of Friendship.

- Guide at Your Side (a partnership with the Canadian Mental Health Association).
- Financial Administrator.

This organization has only an Executive Director and two part-time support staff, but they assist people who are disadvantaged and have problems with potential legal components. They cannot offer legal advice, however they will walk people through their legal processes, offering support and assistance along the way. They will help fill out benefits forms and register appeals, help resolve landlord/tenant issues and work closely with the local Housing Society. They will refer and even personally accompany people to the police, women's shelter or LAA. This service provides a terrific resource for members of the public which should both be more widely known and ideally will gain increased funding in order to expand their capacity to provide services.

### 6.3 Creating Affordable Legal Advice & Representation

Team members asked service providers for their opinions about unbundling of legal services and the increased use of supervised paralegals, as methods of increasing accessibility by offering more affordable options for obtaining legal advice and representation. Their feedback is discussed in this section. The need for a Law Information Centre (LInC) is also discussed here.

#### 6.3.1 Increased Access to Affordable Legal Services

A barrier to dealing with legal needs is accessing affordable legal services. It was pointed out that in some cases if one party is wealthier than the other it can affect what happens in Court. Because they need a legal remedy, social and legal services providers who are not lawyers are not able to help them:

*I just want to make this one point - proceeds of crime - if you're a drug dealer and they can't track if you've done a good job of laundering money, you can afford high priced lawyers who can take you through two days of bail hearings - high priced specialists in drug cases. If you're just a poor little 'possession of narcotics' well it may be somebody who is drug addicted, all of a sudden you get that duty clerk and the person who has the proceeds of crime and the resources can for a high powered lawyer. [Community Working Group Member]*

*You are talking to someone here who believes that legal assistance should be provided all the way along ... like health care ... sometimes you are not getting the best service from low income services. For instance when you are fighting against a party that has more financial means than you and you cannot afford legal service, your hands are tied. All Canadians should have access to free legal services, just like health care. Justice should not depend on income status. For instance, if I was someone who had an abusive spouse and that spouse had a million dollar oil related job the abuse just continues once in the system because there is no way I can afford the same legal representation. [Social/Legal Service Provider]*

### **6.3.2 Unbundling Legal Services**

Service providers expressed general support for unbundling legal services:

*I've seen more people who want to do some of the work themselves and then hire a lawyer. In certain circumstances I think unbundling would be useful. In criminal cases I would be skeptical. Unbundling has some possibilities. [Legal Service Provider]*

However, there some concern was expressed that people might not know what components of their legal processes they should seek legal advice and representation for and might purchase the wrong services:

*Why would you do that? We are the [organization]. Why would you be able to now go and purchase a part of something what if it is the wrong part? You have just paid money for something that doesn't apply to you and now you have to start all over again. [Social/Legal Service Provider]*

*You can't represent yourself very effectively in Court. We have a huge dichotomy between the 'haves' and the 'have nots' as to the types of services they can access simply by virtue of resources. We have the deserving or non-deserving as a result of that process, which is actually resource driven. The previous comment that people could purchase the parts of legal advice or representation that they need therein lies my problem is the problem that they could purchase. The law is a public institution and people have an obligation and responsibility to be part of, when you start purchasing now we start marginalizing those with limited resources. I simply find that whole process to be very concerning .... When a person ... [is] required to utilize their own resources to defend, therein lies an imbalance just in the process of fair and equitable access to justice .... We have a Crown Prosecutor – let's have a Public Defender. [Social/Legal Service Provider]*

### **6.3.3 Paralegals**

Paralegals were seen as a good idea especially if they could help provide less expensive options for receiving legal support, such as helping prepare legal documents:

*Paralegals: Sort of like a nurse practitioner working under a doctor ... absolutely. Anything that makes services cheaper. [Social/Legal Service Provider]*

It was noted that paralegals were already practicing successfully in Medicine Hat:

*[The paralegal] assist[s] with any court case that he can and if you have an impaired he can help. He's often in small claims court and will act as your agent and get all your legal information and kind of acts like a lawyer so you don't really have to do anything and can appear on traffic court. [Legal Service Provider]*

One service provider mentioned that while it was a good idea to have regulated paralegals, there is concern that they could not be financially compensated accordingly for their services:

*My concern is that I see the lawyers giving the paralegals an awful lot of responsibility in their work and they are not being paid enough for the types of responsibilities they are being given .... Most lawyers, especially in small towns, work in their own office and they are not like the firms. They can't have one paralegal for themselves and pay them a fairly decent wage. I am a little concerned they will not be remunerated for the actual skills they learn. [Social/Legal Service Provider]*

#### **6.3.4 Law Information Centre (LInC)**

Alberta Justice has established LInCs in Calgary, Edmonton, Grande Prairie and Red Deer. These LInCs are located in the courthouses and provide general information about legal services as well as provide assistance with locating, completing and filing legal forms.

The two participants in the public interview reported that the courthouse staff were approachable and friendly, but nobody was able to help them find the forms that they needed for their case, particularly when they wanted to appeal a decision that had been made. If a LInC were established in Medicine Hat, it could help to avoid such confusion and provide court house staff with a place to consistently direct members of the public to.

A LInC could also take a role in creating more integrated legal and related service networking in this District. Participants in this District stated that there is a need for more accessibility or “visibility” of PLEI. This would be helpful for both the public and service providers to learn more about these resources. Service providers are collecting and sharing information with clients as they are able, but indicated that they do not always have access to the necessary information or know where 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

Some social, health and infrastructure factors in the Medicine Hat District were identified as impacting the legal needs and people's ability to address them: addictions, mental health and homelessness. These factors also impact whether or not people will access existing services and benefit from the services they do access, for example knowing what additional services to involve and how these factors may impact clients' abilities to understand, cooperate and follow through with plans. The ability of legal service providers to recognize these factors and tailor their approaches to service provision accordingly is essential to preventing some legal problems from occurring, providing effective service and alleviating at least some "repeat clients."

### 7.1 Addictions

Drugs and alcohol abuse were identified as issues in Brooks and Medicine Hat:

*For the size of our community, I'd say our drug problem is quite significant. ... For instance, one dealer was seen doing 60 deals in one evening before he went home to reload. We are also known to be a distributing point [for drugs]. [Legal Service Provider]*

*... and then the drug scene is there and the alcohol and all of that, again those people would still be the same whether the economy was good or not but that gives them the reason to [commit other crimes]. [Community Working Group Member]*

The lack of addictions services can put strain on other service agencies:

*And that impacts the emergency shelters - no detox means referrals for people with some pretty severe needs for addictions and people need to be in detox and emergency shelters. [Community Working Group Member]*

*[There are] no addictions treatment services available in the community. Medical - there are waitlists. Mental health - there are waitlists. Trauma Counseling - there is a need for immediacy and there are wait lists. Very much the issue is having the resources to actually afford the services, individuals having the resources to actual afford the services that are being recommended. [Legal/Social Service Provider]*

## 7.2 Mental Health

Service providers spoke of barriers that exist in the Medicine Hat District that exacerbate the legal problems experienced by people with mental health issues.

*In the courthouse I used to get quite a few more public clients than I do now. The change is they put in the security system and that reduced the number of people that come in. The majority of people who came in prior to the security system had mental health issues and were having conflicts with the law. Those I knew that had mental health problems never came back after security. The numbers are small enough to know who is coming in and who isn't. [Legal Service Provider]*

There are waitlists for mental health services and some service providers commented that people with mental health issues were being dealt with by the Courts rather than by health services:

*[There is a] Forensic Mental Health Board [here]. This is to ensure that - sometimes you'll have a mental health person who breaks the law ... and it always seems to be big, bigger than what others do - [this] Board [is] to ensure that they get filtered through to the hospital and that they are in the right facility .... Sometimes you just have to give them a little bit of patience and hear them, even if you can't help them. [Legal Service Provider]*

One health-related service gap that participants noted as impacting the legal problems of those with mental and physical illnesses, is the lack of doctors who are taking new patients and/or have time to complete the medical reports that are required to apply for benefits such as AISH and Canada Pension Plan Disability.

*There is a major problem in this city. People who are applying for AISH or CPP Disability and need a doctor's report, can't find a doctor in town to complete the reports so they are stuck in limbo. [R: So this is due to a lack of doctors?] Yes. This is due to a lack of doctors. Nobody is taking new patients. [R: So how are you helping these people right now?] We are pulling our hair out, as agencies. We will approach doctors and ask them but they are saying no. [Social/Legal Service Provider]*

## 7.3 Homelessness

Although average rent rates and housing prices are lower in this District than other areas of Alberta, service providers raised concern about homelessness rates and lack of subsidized housing. They reported that affordable housing is difficult to come by in Medicine Hat:

*Just to support what [others] are saying, the Medicine Hat Housing Society in the beginning of April had a wait list of a hundred and thirty families. People who were on the wait list for subsidized housing and as of December 31<sup>st</sup> it was two hundred and twenty. I don't know exactly - subsidized housing is everything from ten percent below cost to deep subsidy. I believe they froze the funding in April of last year. It's still a pretty significant chunk of the wait list. [Community Working Group Member]*

Community Working Group members reported that youth homelessness was an issue of particular concern:

*Homelessness with youth - What are homelessness rates like here? I couldn't tell you for sure but I know I come across it almost daily - couch surfing - to me they're not technically on the streets, and you wonder why they're in certain places. Then we do have - a lot of young people are getting caught up in drugs - they stay with someone who is older and can supply them with drugs. I think some prevention in there would be great. [Community Working Group Member]*

The *Salvation Army Family Support Centre* and the *Medicine Hat Regional Housing Agency* were named by service providers as being the most effective services for addressing housing and homelessness (Medicine Hat Community Housing Society, 2010). The Agencies in Medicine Hat that currently provide supports to people who are homeless or at risk of becoming homeless are:

- Canadian Mental Health Association – South East Region
- HIV Society of Southeastern Alberta
- McMan Youth, Family & Community Services
- Medicine Hat Women's Shelter Society
- Medicine Hat Community Housing Society Outreach Department
- Miywasin Society
- Saamis Immigration Services
- Salvation Army

The *Medicine Hat Community Housing Society* is the designated Community Based Organization (CBO) in Medicine Hat that administers funding for homelessness and

housing initiatives for both the provincial and federal governments. Current initiatives include:

- Homelessness Partnering Strategy – a federally funded initiative in which funds are designated to priority activities aimed at addressing the needs of people who are homeless or at risk of becoming homeless.
- Provincial Homelessness Initiative – a provincially funded initiative which provides funding to one-time or short term projects that provide housing and/or housing supports to people living in poverty.
- Outreach Initiative Pilot Projects (OIPP) – a provincially funded initiative that provides funding to new prevention and support initiatives along the continuum of independent living.<sup>13</sup>

A group of services in Medicine Hat has formed the *Crisis Assistance Network (CAN)*. This group includes housing organizations, furniture and appliance stores, and hotels. Other companies provide financial assistance by way of donations (Stephenson, 2003).

## 8.0 RECOMMENDATIONS

Based on data analysis and input from Community Working Group members, we have made fifteen recommendations for the enhancement of legal service provision in the Medicine Hat Judicial District.

**Table 10 –  
Recommendations for the Medicine Hat Judicial District**

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
<b>Improving Access to Legal Services</b>				
1. Create a point of entry to the justice system.	Establish a Community Legal Clinic, and utilize the data from the ALSMP to identify services.  Increase advertizing/promotion of the Law Line.	ALF, PBLA	CLG, ECLC and LLG	Fill gaps

<sup>13</sup> These facts were taken from the website. For more information visit: <http://www.mhchs.ca/Home/HomelessCommunityHousingDepartment/tabid/693/Default.aspx#homeless>.

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
2. Enhance networking opportunities between government and non-government legal and related services.	Provide front line government staff with the opportunity to participate in networking opportunities and initiatives.	Alberta Justice, LAA, Solicitor General of Alberta	Edmonton's Support Network meetings, JPAC subcommittee	Remove barriers
3. Facilitate easier access to PLEI and basic legal support (eg. Accessing legal forms).	Establish a LInC in this District.	Alberta Justice	LInCs in Calgary, Edmonton, Grande Prairie and Red Deer	Support good practices
4. Increase timely access to legal advice and representation.	Recruit law students to work in this District, especially those with interest in family law. This would be particularly effective if a legal clinic were established which they could work in.	PBLA	REAL Program in British Columbia	Fill gaps
5. Increase LAA's capacity to provide services in this District.	Provide funding for law students to gain experience by working for terms (eg. Summer) for LAA.	Alberta Justice, LAA		Remove barriers
6. Improve access to legal aid services in this District.	Address the cost-debt issues with LAA.	Alberta Justice, LAA		Remove barriers
7. Increase the capacity of Citizen Advocacy.	Provide funding for increased staffing and resources to provide support with legal needs; perhaps add a legal clinic component to this service.	ALF, Alberta Justice		Support good practices

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
8. Enhance Victims' Services.	This could be accomplished by increasing capacity of SARC, JHS or Citizen Advocacy, providing specialized training to key legal service providers about the impact that going through the justice system has on victims of crimes or provide dedicated docket days for cases that involve assault, sex crimes and robbery, etc.	ALF, Alberta Justice		Remove barriers
<b>Enhance Services for Children and Youth</b>				
9. Increase responsiveness of the justice system to children and youth who come into conflict with the law.	Prioritize proposals for restorative justice initiatives from existing legal services in this District.	Alberta Justice, Solicitor General of Alberta		Remove barriers
10. Increase capacity of existing services to offer legal interventions for families of children and youth who are in conflict or at risk of becoming involved with the legal system.	Consider proposals from existing organizations for funding staff positions for professionals who specialize in offering legal advice as well as support and counseling (or collaboration with counselors) to children and youth.	Alberta Justice, ALF		Fill Gaps
<b>Increased Services and Supports for New Canadians</b>				
11. Increase access to services in languages other than English.	Provide annual funding for tele-interpreter services to key organizations with a demonstrated need.	ALF, Federal Immigration Department		Remove barriers

Recommendations	How to Achieve the Recommendations	Justice Community Partners	Models	Category
<b>Services with Mental Health Focus</b>				
12. Provide legal services with mental health specialization.	Establish a Mental Health Court in this District.	Alberta Justice		Fill Gaps
<b>Enhanced Supports for Victims of Sex Crimes</b>				
13. Encourage female victims to report sex crimes.	Dedicate female police officers to receiving reports of sexual assaults and advertise this to the public.	Solicitor General of Alberta		
14. Reduce perceived threat and stigma of disclosing sex crimes for victims.	Establish a Sexual Assault Centre where specialized legal, health and social services are co-located and work in a collaborative, efficient manner.	ALF, Solicitor General of Alberta, Social and Health Service Funders	Sexual Assault Centre in Calgary	Remove barriers.
15. Increase accessibility of supports and legal advice for victims of sex crimes.	Establish a 24 hour local crisis line for victims of sex crimes.	Solicitor General of Alberta, Social and Health Service Funders		Fill gaps

## 9.0 CONCLUSIONS

Although there are certainly gaps in legal and related services in the Medicine Hat Judicial District, service providers reported that this District has a good range of services but they are operating at capacity. Networking also appears to be a strength among community-based service providers. What is missing is a dedicated access point(s) for the public. Currently legal and related service providers are going beyond their mandates to provide general information and guidance to individuals, but it is taxing their resources to do so.

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

Service providers indicated that establishing a Community Legal Clinic would have the most positive impact on their ability to provide legal services in this District. However, it is understood that this would require extensive funding. If it is within funders' financial capacity to do so, this should be the top priority. However, in recognition of varied funding capabilities, we will identify the order of priority for each of the justice community stakeholders that have been identified as potentially taking the lead in one of more recommendations.

### **9.1.1 Recommendations for ALF to Consider**

The order of priority for the recommendations that are relevant to ALF are:

1. Support the establishment of a Community Legal Clinic or of adding legal capacity to Citizen Advocacy.
2. Enhance victim's services by increasing capacity of Citizen Advocacy, SARC and/or JHS.
3. Consider proposals from existing organizations for funding staff positions for professionals who specialize in offering legal advice as well as support to children and youth who are in conflict with the law and their families.
4. Provide funding to key legal services for tele-translator services.

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

The order of priority for the recommendations that are relevant to Alberta Justice are:

1. Establish a LLnC in this District.
2. Enhance networking opportunities for government and non-government services.
3. Provide funding for law students to gain experience by working for terms (eg. Summer) for LAA.
4. Address the cost-debt issues with LAA.
5. Enhance victim's services by increasing capacity of Citizen Advocacy, SARC and/or JHS.
5. Consider proposals from existing organizations for funding staff positions for professionals who specialize in offering legal advice as well as support to children and youth who are in conflict with the law and their families.
6. Prioritize proposals for restorative justice initiatives from existing legal services in this District.

### **Data that is Informative Specifically for the Safe Communities Initiative**

The feedback from Community Working Group members and interviewees in this District contained substance that would likely be helpful to the Safe Communities Initiative. It is beyond the scope of this report to include those in-depth discussions (which are also present in data from other Districts). This information could be made available in a separate report, if requested.

### **9.1.3 Recommendations for LAA to Consider**

As with all other Districts that have been mapped, service providers reported the need for increased access to LAA services; both certificate services and Duty Counsel. In this District the heavy workload of lawyers who take LAA clients was cited as major barrier. It was suggested that increased utilization of law students could be an affordable solution for help alleviating some of the existing lawyers' workloads, thus increasing access to LAA for members of the public.

### **9.1.4 Recommendations for the Solicitor General of Alberta to Consider**

The order of priority for the recommendations that are relevant to the Solicitor General of Alberta are:

1. Establish a 24-hour local crisis line for victims of sex crimes.
2. Dedicate female police officers to receiving reports of sexual assaults and advertize this to the public.
3. Establish a Sexual Assault Centre.

## References

- AlbertaFirst.com Ltd. (2008). *Medicine Hat: Community Profile*.  
<http://www.albertafirst.com/profiles/statspack/21298.html>.
- City of Medicine Hat. (2007). *Welcome to Medicine Hat*.
- Currie, A. (2006). A national survey of the civil justice problems of low- and moderate-income Canadians: incidence and patterns. *International Journal of the Legal Profession* 13 (3), 217-242.
- Currie, A. (2007). *The legal problems of everyday life: The nature, extent, and consequences of justiciable problems experienced by Canadians*. Ottawa: Justice Canada. [http://www.justice.gc.ca/eng/pi/rs/rep-rap/2007/rr07\\_la1-rr07\\_aj1/rr07\\_la1.pdf](http://www.justice.gc.ca/eng/pi/rs/rep-rap/2007/rr07_la1-rr07_aj1/rr07_la1.pdf)
- Currie, A. (2009). The legal problems of everyday life. In R. L. Sandefur (Ed.), *Sociology of Crime, Law and Deviance, Volume 12* (pp. 1-41). Bingley, UK: Emerald.
- Genn, H. (1999). *Paths to justice: What people think about going to law*. Oxford: Hart Publishing.
- Housing Alberta. (2009). *Housing Bulletin: Monthly Report*.
- Medicine Hat Community Housing Society. (2010). *Across the Housing Continuum: 2006-2010 Community Action Plan on Housing and Homelessness*.
- Pleasence, P., Balmer, N., & Buck, A. (2008). The health cost of civil-law problems: Further evidence of links between civil-law problems and morbidity, and the consequential use of health services. *Journal of Empirical Legal Studies*, 5, 351-373.
- Stratton, M. (2007). *Alberta self-represented litigants mapping project final report*. Edmonton, AB: Canadian Forum on Civil Justice. <http://cfcj-fcjc.org/publications/mapping-en.php#srl>
- Statistics Canada. (2007). *2006 Census*.  
[http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-594/details/page.cfm?Lang=E&Geo1=CMA&Code1=810\\_\\_&Geo2=PR&Code2=48&Data=Count&SearchText=Lethbridge&SearchType=Begins&SearchPR=01&B1=All&Custom=](http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-594/details/page.cfm?Lang=E&Geo1=CMA&Code1=810__&Geo2=PR&Code2=48&Data=Count&SearchText=Lethbridge&SearchType=Begins&SearchPR=01&B1=All&Custom=)
- Statistics Canada. (2009). *City of Medicine Hat 2009 Census: Final Report*.

Stratton, M. & Anderson, T. (2008). *Social, economic and health problems associated with a lack of access to the courts*. Edmonton, AB: Canadian Forum on Civil Justice. <http://cfcj-fcjc.org/publications/cjsp-en.php#21>

## Appendix A

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

Alberta Justice/ Court Services  
Provincial Court

Alberta Law Society Library  
Overview of all services

Citizen Advocacy  
Overview of all services

City of Medicine Hat  
Public Services Division

Family and Community Social Services (FCSS)  
Overview of all services

John Howard Society  
Immigration Legal Education Services  
Overview of all services

Legal Aid  
Overview of all services

McMan Youth, Family and Community Service Association  
Overview of all services

Medicine Hat College

Medicine Hat Family Services  
Overview of all services

Medicine Hat Women's Shelter Society  
Overview of all services

Royal Canadian Mounted Police (RCMP)  
Overview of all services

Salvation Army  
Overview of all services

Sexual Assault Response Center  
Overview of all services

Volunteer and Community Information Centre  
Overview of all services

## **Appendix B**

### **ALSMP: Legal Services in the Medicine Hat Judicial District**

Alberta Aboriginal Legal Education Centre  
Workshops for communities, schools and organizations

Alberta Appeals Secretariat  
Appeals Panel  
Information & Assistance

Alberta Arbitration & Mediation Society

Alberta Children and Youth Services  
Adoption & Guardianship  
Adoption Records  
Appeal Panels  
Foster Care  
Protection of Children Involved in Prostitution

Alberta Civil Liberties Research Centre (ACLRC)  
Education  
Human Rights Education Project  
Information/Referral  
Research  
Research and Education - Not Advocacy

Alberta Conflict Transformation Society (ACTS)  
Conflict Resolution  
Restorative Justice Workshops

Alberta Employment and Immigration  
Child Support Services

Alberta Health Services  
Sexual Offender Program

Alberta Justice  
Provincial Court  
Civil Court  
Civil Mediation Program  
Criminal Court  
Family & Youth Court  
Traffic Court

Association des juristes d'expression française de l'Alberta

Bassano Memorial Library  
Library Services

Bow Island Municipal Library  
Library Services

Brooks & District Seniors OutReach Society  
Government Forms  
Income Tax Program

Brooks & District Women's Safe Shelter Society  
Cantara Safe House

Brooks Public Library  
Library Services

Canadian Mental Health Association (CMHA) Alberta South East Region  
Social Action and Advocacy

CFB Suffield Military Family Resource Centre  
Prevention, Support & Intervention

City of Medicine Hat  
Community Worker Project

Community Corrections – Adult Programs  
Community Work Service Program  
Probation and Conditional Sentence Supervision

Community Corrections - Youth Programs  
Community Service  
Conditional and Community Supervision  
Fine Options  
Probation

CORE Association (Clients Ongoing Rehabilitation & Equality)  
Additional Services & Support

Correctional Services of Canada  
Parole Officer

Court of Queen's Bench

Environment

Authorization or Approval Viewer

Family Justice Services

Family Court Counsellors/Intake Assistance  
Parenting After Separation

Finance and Enterprise

Alberta Superintendent of Pensions

Global Friendship Immigration Center

Community Education Program  
Integrated Services  
Youth and Family Program

Help for Victims of Crime

Financial Benefits (Victim's of Violent Crime)

Justice and Attorney General

Crown Prosecutors  
Justice Education Speakers Centre

Law Society of Alberta

Alberta Law Society Libraries  
Lawyer Referral

Legal Aid Alberta

Duty Counsel (Criminal)  
Lawyer Appointment Program

Lifetalk Counselling Services

Free to Change

McMan Youth, Family and Community Service Association Southeast Region

Family Group Conferencing  
In Home Family Support

Medicine Hat and District Citizen Advocacy Society

Community Advocacy  
Community Involvement Program - Office of the Public Guardian"

Medicine Hat College

Public Legal Education  
Vera Bracken Library

Medicine Hat Community Housing Society  
Support for Landlords and Tenants  
Transitional Housing

Medicine Hat Family Service  
Courage to Change - A Group for Men  
Courage to Change - A Group for Women

Medicine Hat John Howard Society  
Client Service  
Community Assessments and Parole Supervision  
Criminal Justice Education (CJE) Program  
Immigrant Legal Education Services (ILES)  
Remand Visitation

Medicine Hat Police Service  
Family Crime Unit (FCU)  
Traffic Unit

Medicine Hat Police Service - Community Safety Unit  
D.A.R.E. Program (Drug Abuse Resistance Education)  
Safety and Crime Prevention  
School Resource Officers

Medicine Hat Police Service - Major Crimes Unit  
Family Crime Unit  
General Investigations  
Integrated Child Exploitation

Medicine Hat Public Library  
Research Services

Medicine Hat Restorative Justice Project  
Extrajudicial Sanctions  
Pre-Court Diversion  
Victim-Offender Mediation

Medicine Hat Women's Shelter Society  
24 Hour Crisis Line  
Musasa House 2nd Stage Program  
Outreach Program  
Phoenix Safe House Emergency Residential Program

Medicine Hat Youth Action Society  
Resiliency Facilitator

Miywasin Centre  
Counselling Program

Municipal Affairs  
Municipal Government Board

Native Counselling Services of Alberta (NCSA)  
Bearpaw Media Productions  
Criminal Courtwork Program  
Family Courtwork Program

Redcliff Public Library  
Library Services

Rehabilitation and Employment for Developing Independence (REDI)  
Community Support Services  
Fetal Alcohol Spectrum Team (FAST)

Royal Canadian Mounted Police (RCMP) - K Division  
Aboriginal Policing Services  
Auxiliary Police Program  
Community Policing Services  
Crime Stoppers

Salvation Army  
Corrections and Justice

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

Service Alberta  
Consumer Complaints  
FOIP Helpdesk  
Private Sector Privacy Information Line  
Queen's Printer  
Registry Agents - Land Titles  
Registry Agents - Motor Vehicles  
Registry Agents - Personal Property Registry  
Utilities Consumer Advocate

Solicitor General and Public Security  
Correctional and Remand Centres  
Youth Justice Committees

The Sexual Assault Response Committee (SARC)

Counseling  
Education  
Outreach Services  
Regional Coordinator's Office

Veiner Centre

Community Response to Abuse and Neglect of Elders (CRANE - Medicine Hat)  
Income Tax Facilitators  
Seniors Community Outreach  
Volunteer Information Officers

Victim Service Units

Victim Services

## Appendix C

### **ALSMP: Legal Services that provide PLEI in the Medicine Hat Judicial District**

Alberta Aboriginal Legal Education Centre  
Workshops for communities, schools and organizations

Alberta Appeals Secretariat  
Appeals Panel  
Information & Assistance

Alberta Arbitration & Mediation Society

Alberta Children and Youth Services  
Adoption & Guardianship  
Adoption Records  
Appeal Panels  
Foster Care  
Protection of Children Involved in Prostitution

Alberta Civil Liberties Research Centre (ACLRC)  
Education  
Human Rights Education Project  
Information/Referral  
Research  
Research and Education - Not Advocacy

Alberta Conflict Transformation Society (ACTS)  
Conflict Resolution  
Restorative Justice Workshops

Alberta Justice  
Provincial Court  
Civil Court  
Civil Mediation Program  
Criminal Court  
Family & Youth Court  
Traffic Court

Association des juristes d'expression française de l'Alberta

Bassano Memorial Library  
Library Services

Bow Island Municipal Library

Library Services

Brooks & District Women's Safe Shelter Society  
Cantara Safe House

Brooks Public Library  
Library Services

Community Corrections - Youth Programs  
Probation

CORE Association (Clients Ongoing Rehabilitation & Equality)  
Additional Services & Support

Correctional Services of Canada  
Parole Officer

Court of Queen's Bench

Family Justice Services  
Family Court Counsellors/Intake Assistance  
Parenting After Separation

Finance and Enterprise  
Alberta Superintendent of Pensions

Global Friendship Immigration Center  
Community Education Program  
Integrated Services  
Youth and Family Program

Justice and Attorney General  
Justice Education Speakers Centre

Law Society of Alberta  
Alberta Law Society Libraries

Legal Aid Alberta  
Duty Counsel (Criminal)  
Lawyer Appointment Program

Lifetalk Counselling Services  
Free to Change

Medicine Hat College  
Public Legal Education

Vera Bracken Library

Medicine Hat Community Housing Society  
Support for Landlords and Tenants

Medicine Hat John Howard Society  
Client Service  
Community Assessments and Parole Supervision  
Criminal Justice Education (CJE) Program  
Immigrant Legal Education Services (ILES)  
Remand Visitation

Medicine Hat Police Service - Community Safety Unit  
D.A.R.E. Program (Drug Abuse Resistance Education)  
Safety and Crime Prevention  
School Resource Officers

Medicine Hat Public Library  
Research Services

Medicine Hat Women's Shelter Society  
24 Hour Crisis Line  
Musasa House 2nd Stage Program  
Outreach Program  
Phoenix Safe House Emergency Residential Program

Medicine Hat Youth Action Society  
Resiliency Facilitator

Municipal Affairs  
Municipal Government Board

Native Counselling Services of Alberta (NCSA)  
Bearpaw Media Productions  
Criminal Courtwork Program  
Family Courtwork Program

Redcliff Public Library  
Library Services

Royal Canadian Mounted Police (RCMP) - K Division  
Aboriginal Policing Services  
Auxiliary Police Program  
Crime Stoppers

Salvation Army

Corrections and Justice

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

Service Alberta  
Consumer Complaints  
FOIP Helpdesk  
Private Sector Privacy Information Line  
Queen's Printer  
Registry Agents - Land Titles  
Registry Agents - Motor Vehicles  
Registry Agents - Personal Property Registry  
Utilities Consumer Advocate

The Sexual Assault Response Committee (SARC)  
Education  
Outreach Services

Veiner Centre  
Community Response to Abuse and Neglect of Elders (CRANE - Medicine Hat  
Volunteer Information Officers

Victim Service Units  
Victim Services