

# THE ALBERTA LEGAL SERVICES MAPPING PROJECT

Report for the

RED DEER JUDICIAL DISTRICT

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Glynnis Lieb PhD

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

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**Disclaimer**

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

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

## **1.0 INTRODUCTION**

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

The goals of this project are to:

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

The report for the Calgary Judicial District, the pilot region for the ALSMP research, includes a detailed introduction to the project and details of the research methodology and can be accessed from the Canadian Forum on Civil Justice (the Forum) website at <http://cfcj-fcjc.org/docs/2009/mapping-calgary-en.pdf>.

Team members travelled to the Red Deer Judicial District on June 4<sup>th</sup> and 5<sup>th</sup>, 2010. We held two Community Focus Group meetings in Red Deer. We also received written responses to the main focus group questions from two service providers who were unable to attend.<sup>1</sup>

### **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?

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<sup>1</sup> Due to the fact that all the participants were from services that are located in the city of Red Deer and there are few staff in most of these services, we have not attached a list of participating organizations in order to protect the participants' confidentiality.

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 Red Deer. 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. We will conclude by making recommendations designed to support good practices, remove barriers and fill identified gaps in needed services. These recommendations have been prioritized in collaboration with Community Focus Group members. Suggestions for how they might best be achieved are also provided.

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

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

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

That said, there are always limitations when conducting research:

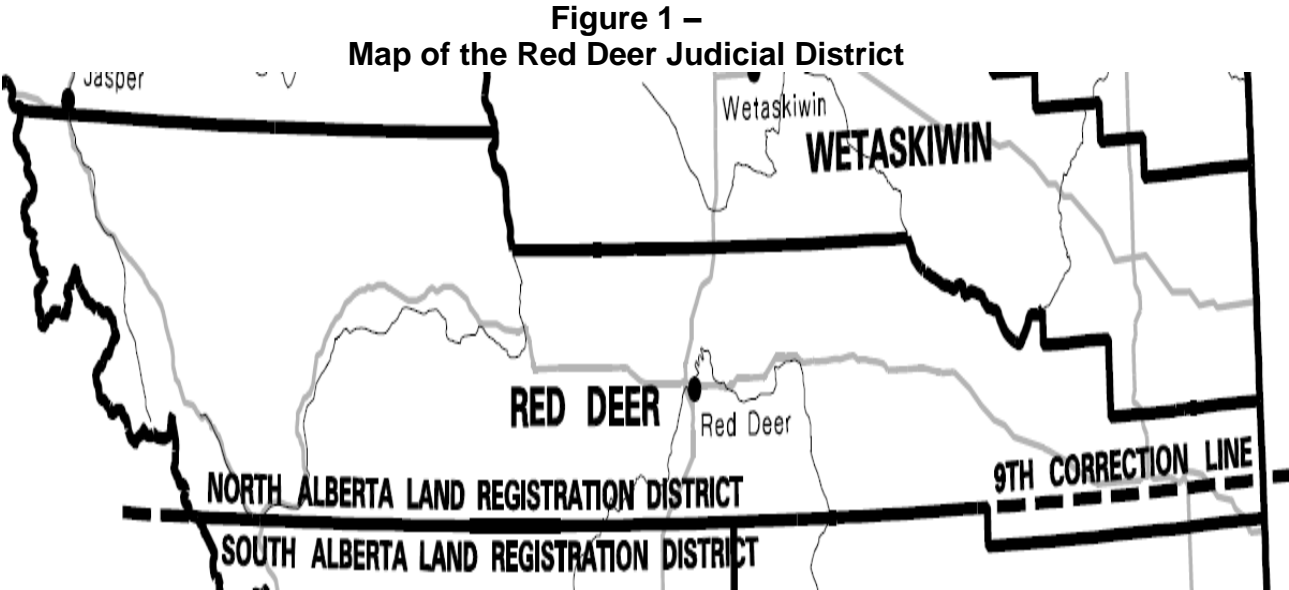
- We were unable to travel to rural communities due to time and budgetary restraints.
- We were unable to include members of the public from this District for the same reasons.
- We were also unable to involve representatives from every legal and related service in the city of Red Deer.

## **1.3 Database**

One of the deliverables of this Project is the creation of a database that provides information about all of the mapped legal and related services in Alberta. In an effort to achieve Goal 1, 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 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 RED DEER JUDICIAL DISTRICT



### 2.1 Population

The City of Red Deer currently has a population of 90,084. Focus group participants confirmed a very sharp increase in population in Red Deer since 2006, however, its growth rate has slowed to near non-existent in the past year. In fact, the past year has seen the lowest growth rate in 14 years. After averaging a 4% annual growth rate from 2004-2006, it slowed to 2.4% between 2008 and 2009 and then to 0.2% in the past year (Michelin, 2010).

According to the 2006 Census (Statistics Canada, 2006), immigrants accounted for 9.4% of Red Deer’s population and non-permanent residents accounted for another 1%. Based on trends witnessed in other urban centres (Citizenship & Immigration Canada, 2010; Merrill Cooper, 2006) in Alberta and local Service Providers’ experiences, it is likely that the proportion of both groups of new Canadians have grown since 2006.

Participants noted that the proportion of people who are visible minorities has become much higher since the mid-2000s. Filipino, African (particularly Sudanese) and Latin Americans were observed to be the groups that have the largest representation in this community.



*When I came to Red Deer ten years ago it was hard to see someone [non-Caucasian]. But today it's a lot. The diversity has definitely increased.*  
[Social Service Provider]

Statistics Canada's (2006) data confirm these observations. People who self-identified as belonging to visible minority groups accounted for 7% of Red Deer's population. The groups that account for the largest proportions of this group are:

- Latin American (25%),
- Filipino (22%),
- Chinese (15%), and
- Black<sup>2</sup> (12%).

Participants also observed that the languages other than English that they most frequently encounter are Spanish, Arabic, Tagalog and Swahili. These reports differ somewhat from the 2006 Census findings, which reported that the most commonly spoken languages after English were:

- Spanish (1.7%),
- French (1.6%),
- Tagalog (1.1%),
- German (1.0%),
- Chinese dialects (0.8%),
- Dutch (0.6%),
- Ukrainian (0.4%), and
- Vietnamese (0.3%).

There are seven Reserves surrounding Red Deer, and many small communities nearby (eg. Lacombe and Ponoka). Thus, a 'strong rural influence' on service demands is noted.

*There's a strong influence from rural people. This includes Aboriginal people. We have seven reserves that surround Red Deer and they have some different needs that might have to be addressed in different ways ... Red Deer is kind of a hub of a huge geographical region so it gets to be a centre of services, but some of those people have to travel a long way to access those services. If you're living way out on the Saskatchewan border you'll have to make quite the trip. For someone closer to Drumheller it's an hour and a half and they'll tend to come here instead of Calgary because it's a smaller centre and therefore easier to get to. [F01]*

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<sup>2</sup> This is the term used by Statistics Canada.

When examining the population of this Judicial District, it becomes apparent why service providers perceive such a strong rural influence within the city itself. The estimated rural population is in excess of 84,722, which is 49% of the total population of the District.

- Clearwater County (11,826)
- County of Paintearth (2,126)
- County of Stettler (5,216)
  - Town of Stettler (5,418)
- Lacombe County (10,451)
  - Town of Lacombe (10,742)
- Municipal District of Provost (2,547)
  - Village of Provost (2,072)
- Ponoka County (8,640)
  - Town of Ponoka (6,576)
- Red Deer County (19,108)

## 2.2 Education

As can be seen in Table 1, educational attainment rates are generally lower than provincial averages (with the exception of the proportion of the total population that has completed a trade certificate or diploma).

**Table 1 –  
Educational Attainment for Red Deer Judicial District**

Education	Alberta		Red Deer	
	Total %	Aboriginals %	Total %	Aboriginals %
Less Than High School	14	26	24	33
High School	24	25	30	30
Trade	12	18	12	12
University/College	48	27	34	25

Sources: Statistics Canada (2006)

## 2.3 Employment & Industry

Participants described Red Deer as a largely working class city with a strong rural influence. According to Statistics Canada (2006), the types of industry that employ the highest percentages of people who are participating in the work force are:

- Business services (14%),
- Agriculture and other resource-based industries (13%), and
- Retail (13%).

The employment participation rate (77%) is higher than the provincial average (74%). The unemployment rate (4.4%) is on par with the provincial average (4.2%) (Statistics Canada, 2006). The occupations that are held by the largest percentages of residents are:

- Sales and Service Industry (25%),
- Trades and Transportation (18%), and
- Business and Finance (17%).

## 2.4 Cost of Living

Red Deer, like many of the larger communities in Alberta, experienced a drastic increase in cost of living between 2001 and 2007. Housing prices, for example, increased by more than 41% during that time. Since 2007, again like most of the larger communities, Red Deer experienced a slight decrease in housing costs.

Table 2 compares Red Deer’s current shelter costs to those in Edmonton and Calgary (Canada Mortgage and Housing Corporation, 2009; Red Deer Regional Economic Development, 2010) in order to provide perspective about the cost of living in this city.

**Table 2 –  
Average Housing Costs in Edmonton and Calgary**

<b>Average Cost</b>	<b>Red Deer</b>	<b>Edmonton</b>	<b>Calgary</b>
2 BR Apartment (monthly)	\$1,000	\$1,059	\$1,099
Bungalow	\$259,000	\$311,500	\$419,400

## 3.0 EXISTING LEGAL AND RELATED SERVICES IN RED DEER

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

- **Advice** – individualized answers about how the law will apply to a person’s particular case, what outcome is likely, or what option the person should pursue. Legal advice can only be given by a lawyer or a law student.
- **Enforcement** – the application or regulation of a law, carrying out of an executive or judicial order or ensuring observance of or obedience to laws.
- **Legal Information** – the provision of one-on-one information concerning procedural and substantive law that directly pertain to the individual’s personal legal needs. Legal information can only be provided by a lawyer or law student.

- **Representation** – a lawyer, law student or paralegal recognized by the Court, preparing legal documents (pleadings, Affidavit, etc.) or appearing on behalf of a client. Legal representation includes duty counsel and unbundled legal services, a possible example of which includes drafting of pleadings.
- **Support** – services that offer court support programs or any other support/help finding or talking to legal and related services on behalf of clients needing legal assistance.
- **Public Legal Information and Education (PLEI)** – the provision of ‘one-to-many’ general information about the law, about the options that are available and about basic court processes. The information can be in the form of written materials (pamphlets, brochures, websites), educational programs, or telephone/in-person services.

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

Seven representatives from legal and related services participated in two Community Focus Group meetings that were held in the town of Red Deer, and an additional two representatives responded to the focus group questions on their own. These participants were clearly very eager to talk and express their views. The pattern of their feedback and conversations during the meeting suggest that opportunities for them to share their experiences and feedback are rare. Of these: five were sole-purpose<sup>3</sup> legal services; two were cross-over legal and social/health services; and two were sole-purpose social services. This is a small number of services compared to participation we have experienced in previous Districts. However, these were key services that are established in the community and deal with large numbers of clients who fall within the groups we are focusing on: people with legal needs who are also members of groups that experience additional complexities such as new Canadians, Aboriginals, victims of violence, people living in poverty, and people with mental health or addictions concerns.

As with previous Districts, the Team endeavored to include key legal service providers (ie. well-known services, province-wide services and/or services that Project Partners identified as being important in the District), as well as social/health services that have regular contact with legal services and/or large numbers of clients who also have legal needs. We have an obligation to preserve confidentiality of our participants, and so with the small number of service providers who were able to participate combined with the fact that most services in Red Deer have very small numbers of staff, we have not attached a list of services that participated.

### 3.1 Identification of Legal and Related Services

The Team mapped 88 organizations that offer a total of 240 legal and related services in the Red Deer Judicial District (Table 3).

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<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 3 –  
Services Available within the Red Deer District  
by Area of Law & Service Type<sup>4</sup>**

<b>AVAILABLE LEGAL SERVICES<sup>5</sup></b>	<b>City of Red Deer</b>	<b>Other Communities</b>	<b>Outside Judicial District</b>
	<b>Database</b>	<b>Database</b>	<b>Database</b>
<b>Administrative Law</b>			
<i>Advice</i>	-	-	2
<i>Enforcement</i>	1	-	8
<i>Representation</i>	-	-	-
<i>Support</i>	5	1	-
<i>PLEI</i>	48	11	-
<b>Civil Law</b>			
<i>Advice</i>	4	-	1
<i>Enforcement</i>	5	4	3
<i>Representation</i>	2	-	-
<i>Support</i>	10	4	-
<i>PLEI</i>	23	16	25
<b>Criminal Law</b>			
<i>Advice</i>	13	5	-
<i>Enforcement</i>	13	12	-
<i>Representation</i>	8	2	-
<i>Support</i>	54	18	-
<i>PLEI</i>	57	33	6
<b>Family Law</b>			
<i>Advice</i>	5	-	1
<i>Enforcement</i>	3	2	-
<i>Representation</i>	3	-	-
<i>Support</i>	35	10	-
<i>PLEI</i>	41	24	13

Of the services mapped:

- 88 are sole-purpose legal services,
- 70 are cross-over legal and social/health services and
- 82 are sole-purpose social/health services.

<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.

There are significantly more PLEI providers than every other type of service in this District. By contrast, there are very few legal advice providers, except in the area of criminal law.

### 3.2 Geographic Location of Services

Services are physically dispersed throughout the communities in this District (Table 4). There are only two villages without services of any kind. A large number of services are also physically located outside this District, which is to be expected as the organizations that offer province-wide services, particularly PLEI, tend to be located in either Edmonton or Calgary.

**Table 4 –  
Physical Locations of Legal and Related Services**

Location	Legal Services		Social/Health Services
	Sole Purpose	Legal & Social/Health	
Bentley	-	1	3
Blackfalds	-	1	1
Condor	-	-	-
Coronation	7	2	2
Innisfail	5	5	5
Lacombe	3	2	11
Penhold	3	2	2
Red Deer	43	43	40
Rocky Mountain House	11	8	14
Stettler	8	8	10
Sunchild	-	-	1
Sylvan Lake	1	6	9
Tees	-	-	-
<b>TOTAL Service LOCATIONS in District</b>	<b>81</b>	<b>78</b>	<b>176</b>
<b>TOTAL Service Locations Outside District</b>	<b>39</b>	<b>14</b>	<b>8</b>
<b>TOTAL PHYSICAL LOCATIONS</b>	<b>120</b>	<b>92</b>	<b>184</b>

### 3.3 Capacity of Existing Services

Despite the addition of the Law Information Centre, increased services from the Central Alberta Law Office, and a new immigrant serving agency, participants all pointed to a lack of capacity to meet legal needs in a largely rural District.

*Central Alberta Law Office is my godsend. Can you imagine the walk-in there? I send at least 30-40 people there in a week. [FG2]*

At least one important community legal service dealing with Landlord & Tenant issues has been lost since the Forum conducted the Self-Represented Litigants Mapping Project (SRLMP) in 2006.

Providers reported a high turnover of workers and fear they will not be replaced. Everyone reported the need for more staff and funding for programs. Most legal and social services reported that they have experienced cutbacks. Participants feared that the recent LAA changes would overwhelm other services, especially FJS, Family Court Counsellors and all Duty Counsel.

*Don't know how the guy doing Duty Counsel manages it. It's quite busy .... He's an awesome guy, very passionate about what he does. [F01, Legal Service Provider]*

*Yeah there can definitely be a wait. Sometimes you can't find a private lawyer to take you on [a Legal Aid certificate]. [F01, Legal Service Provider]*

*What if there's an issue where people aren't indicted, and thus who can't use legal aid – where do they go? Either to [the community legal clinic] or to the Duty Counsel guy (as long as they're pleading guilty for the latter). If the client has to wait for more than 3 weeks to get their initial consultation we'll use the staff lawyer to do it instead of the volunteer lawyers. There's definitely way more demand than we can service. [F01, Social service provider to Legal Service Provider]P2:*

*[Legal Aid is] in a funding crisis, and that makes a barrier for us because we're supposed to cover the holes [LAA] can't. It's not clear anymore what I should refer. Navigating this muddy system at the moment is a challenge. We're trying to be very fluid about serving people who may supposed to be served at Legal Aid. When Legal Aid has more answers [other services] will have more answers, but right now [other services] are trying to reduce the confusion at the client level. [F01, Legal Service Provider]*

*Legal Aid has now got a policy where when it comes to child support and spousal support – they are punting them all to Family Justice Services - to those poor counsellors. They want them to go there first since that's a free service. They're booking them two months down the road. These people need child support right away but they're not going to court for four months or so. Why can't Legal Aid do the intake and see if they qualify? [F02, Legal Service Provider]*

One area of legal needs that participants specifically identified as being in need of more service due to lack of capacity across not only legal, but social/health services as well, is domestic violence. This is an area that was of particular concern to participants as they reported that rates of domestic violence are very high and rising in this District.

### **3.4 Key Services in the Red Deer Judicial District**

Some of the most widely known about and utilized legal services in the city of Red Deer are:

- Legal Aid Alberta
- Lawyers
- Court House Services
- Law Information Centre (LInC)
- Royal Canadian Mounted Police (RCMP)
- Native Counselling Services of Alberta
- Central Alberta Community Legal Clinic (CACLC)
- Central Alberta Women's Outreach Society (CAWOS)
- Family and Community Support Services (FCSS)

Major services that primarily offer Public Legal Information and Education (eg. PLENA) will be discussed in Section 6.2.1.

In the rural communities, social services tend to serve as the gateways to accessing all services, including legal. The most prominent organization in the rural communities in this District, aside from the RCMP, was FCSS. For that reason we will include a brief description of FCSS at the end of this Section.

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

LAA is funded by the Government of Alberta, Alberta Law Foundation and Government of Canada to provide legal advice and representation to low-income individuals. As of April 2010, very significant changes have been made to the Legal Aid Alberta (LAA) service delivery model that affects all areas of Alberta, but in differing ways. These changes are recent and complex, with pilot Legal Service Centres located in Edmonton and Calgary currently offering services not yet available elsewhere in the province. For



these reasons, we consider it appropriate to provide a detailed overview of LAA services and as much clarity as possible about eligibility guidelines and access processes.

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

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

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

At the Legal Services Centres (LSCs) there will now be access to brief legal advice in person and by telephone.<sup>7</sup> Telephone intake will be available across the province. Expansion of the Duty Counsel program is planned as soon as fiscally possible, and LAA want to go ahead with the Review recommendation to pilot civil assistance, especially for debt. It is also recognized that a staff office is needed in Wetaskiwin. However, funding is not yet in place to support these initiatives and it is unclear when, or if, these plans will go ahead.

### **Regional Offices**

LAA has divided the province into eleven regions, each with a Regional Office. Regional staff travel on circuits to many surrounding communities. Due to the recent changes, some circuiting will be reduced. Regional Officers will now be able to do intake over the phone. This will improve the ability to make a LAA application for those Albertans who live in remote areas and are still eligible under the revised financial guidelines. Prospective clients may make first contact either with Regional Offices or with Duty

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<sup>6</sup> For a more detailed summary of the recent changes to LAA, refer to the ALSMP Report for the Edmonton Judicial District.

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

Counsel at courthouses where this service exists. The basic eligibility guidelines are listed in Table 5.

**Table 5 –  
LAA Basic Income Eligibility Guidelines**

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

These guidelines may be increased somewhat within the ranges below if the applicant makes a contribution to the cost (Table 6).<sup>8</sup> If net income falls within the following ranges, legal aid coverage may be granted on the condition that payments are made (eg. down payment, monthly payments). Clients may be asked to start making small payments right away, or provide some kind of security agreement even before a lawyer is assigned to their case:

**Table 6 –  
LAA Income Guidelines if Clients Pay a Portion**

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

### **Legal Services Centres**

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

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

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

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

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

The eligibility guidelines provided above apply for the issue of a certificate for legal representation. There are, however, different eligibility guidelines for other programs available through the LSCs (Table 7).

**Table 7 –  
Income Guidelines to Receive Referrals Only**

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

If income falls within the guidelines in Table 8, clients will be eligible for legal advice by LAA staff lawyers, brief services (such as assistance with court forms), information that will help them resolve their issue and better navigate the justice system, and referrals to other agencies that may be able to assist. These clients will not be eligible for full representation by a lawyer in court, but LAA staff lawyers will be able to provide advice to assist clients in knowing what steps to take.

**Table 8 – Income Guidelines to Receive Legal Advice, Brief Services,  
Information and Referrals Only**

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

### **The Central Alberta Law Office (CALO)**

Located in Red Deer, the Central Alberta Law Office provides civil law (and some criminal) legal services to Albertans with legal matters within the Judicial District of Red Deer as follows:

- Duty Counsel services in Youth Criminal Court (LAA's Duty Counsel services will be further discussed under Courthouse Services).
- Representing claimants at Emergency Protection Order reviews.
- Conducting review hearings on behalf of youth detained at protective safe houses under the *Protection of Children Abusing Drugs Act*.
- Assisting inmates at the Bowden Federal Correctional Institution before an internal penitentiary tribunal.
- Providing community members with legal advice at a free weekly walk-in legal clinic.
- Free Walk-in Clinic – Tuesday 1:30pm. This operates as 'first come first served' with each individual getting 20 minutes with a lawyer. There is no eligibility criteria.

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

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

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

### **Concerns About the Recent Changes to LAA**

Participants in Red Deer were quite concerned about the LAA changes. Even LAA staff in the area seem uncertain as to what will happen and there is a suggestion that guidelines and process will be changing again in the Fall. The changes to LAA services are generally perceived by service providers as further reducing access to affordable legal services and increasing the strain on other existing service providers. Service providers who also provide services in rural communities reported fears of exacerbated repercussions due to the lack of alternative options there.

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

### 3.4.2 Lawyers

There are lawyers in private practice located throughout this District (Table 9). Given the challenges that service providers reported that members of the public have finding lawyers, there is actually an unexpectedly high number of lawyers in practice throughout the District.

**Table 9 –  
Lawyers who are Practicing in the Red Deer District**

Location	Bar Members		
	Registered <sup>10</sup>	Government	Private
Bently	-	-	-
Blackfalds	1	-	1
Condor	-	-	-
Coronation	1	-	1
Innisfail	6	-	6
Lacombe	7	-	6
Penhold	-	-	-
Red Deer	122	11	108
Rocky Mountain House	5	-	5
Stettler	7	-	7
Sunchild	-	-	-
Sylvan Lake	8	-	8
Tees	-	-	-
<b>TOTAL</b>	<b>156</b>	<b>11</b>	<b>137</b>

Understandably, some of the difficulty is related to finding low-cost representation. There was very little said about lawyers apart from a general shortage of lawyers, especially;

- those who will take legal aid certificates,
- those who take family law cases, and
- those who practice immigration law.

*Even people who do have money can't find a lawyer to help them. I had one guy who said "I have money but I can't find a lawyer". I get a lot of free referrals from lawyers who say people can do it on their own. They're so busy that they can't take care of that stuff. [F02, Legal Service Provider]*

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

- P1: *I wonder about the service availability too. I'm looking at it from a different angle, but maybe there's a long wait time to access a lawyer? It must be quite demanding to serve a lot of people like that*  
....
- P2: *Yeah there can definitely be a wait. Sometimes you can't find a private lawyer to take you on, etc. [Social and Legal Service providers]*

### **Experiences with Lawyers**

A recent poll conducted by Ipsos-Reid for the Law Society of Alberta (<http://www.lawsocietyalberta.com/#survey>), reported that most Albertans were satisfied with the services of lawyers in meeting everyday legal needs such as matters concerning real estate and Wills and estates. However, public participants that have been included in the ALSMP (Edmonton and Calgary Judicial Districts) and previously in the SRLMP and *Civil Justice System and the Public* (<http://cfjc-fcjc.org/publications/cjsp-en.php>) were generally not satisfied. These participants tended to be involved in contentious civil and family court cases or criminal matters, though. These represent a small minority, and the most complex of legal needs which can have serious financial and other personal consequences. Clearly, such cases are more likely to generate dissatisfaction.

#### **3.4.3 Court House Services**

The primary court house services that participants referred to were the Law Library, Duty Counsel, Family Justice Services, and the LInC (to be discussed separately in the next Section).

##### **1) Alberta Law Library**

A key Courthouse Service is the **Law Library** which provides important resources to members of the public as well as members of the Bar and Judiciary. Service providers and members of the public spoke positively about this service. The only complaint was that members of the public cannot sign out materials, so they must complete their reviews of information at the library or copy all the material they may need. This Service will be described further in Section 6.1.2, in the discussion about PLEI providers.

##### **2) Duty Counsel**

Criminal and Family Court Duty Counsel can be accessed at the courthouse. There is no financial eligibility testing for assistance through this program. Duty Counsel provide free legal advice and assistance to people making their initial criminal court appearance unrepresented by counsel.

Currently Edmonton, Calgary, Red Deer and Lethbridge have staff Duty counsel available to deliver the new service model in which Duty Counsel will have expanded hours with availability to also meet and assist clients once court has concluded sitting for the day. The goal is to achieve better outcomes for clients.

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

Duty Counsel services are provided in:

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

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

Participants spoke highly of at least one Duty Counsel in this District, but reported that Duty Counsel, in general, do not have the capacity to deal with the volume of clients needing assistance. They also feel that this will only become more of a gap as the repercussions of the changes to LAA begin to be felt.

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

FJS/FLIC was launched in 2005 and is a group of programs and services that are offered by Alberta Justice and the Alberta Courts. They focus on providing free or low-cost services to members of the public with family law needs. There are currently eight programs that are offered in Red Deer.

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

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

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

The **FLIC** provides information about:

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

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

**Family Mediation Services** offers free information and assistance with bringing applications concerning guardianship, parenting or contact, mediation services to assist families in resolving parenting issues, courses to improve parenting skills and communication between parents who are living apart, and other court-directed services intended to aid in resolving parenting disputes. In order to qualify for this service, at least one party must earn less than \$40,000 annually.

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

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

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

Other FJS services available in Red Deer include:

- Brief Conflict Intervention (where mediation is unsuccessful);



- Child Protection mediation;
- Child Support Recalculation (this is different from the Child Support Resolution Program);
- Open Parenting Assessments;
- Parental Conflict Intervention (where mediation is unsuccessful); and
- Parenting/Contact evaluations.

Again, participants expressed concern for the FJS/FLIC staff because of the added burden the LAA changes are expected to bring. Participants also mentioned that both of the current Family Court Counsellors are leaving their positions in the near future. Until they are replaced, there will be an even greater gap for people with family law needs.

*There are only two Family Court Counsellors right now and we're losing both of them in the next two months. FLIC is also working hard but there's only so much they can do. [ F02, Legal Service Provider]*

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

The LInC was launched in Red Deer in 2007 as an effort by the Government of Alberta to provide a “gateway” into the justice system for the public to begin finding out how to address their legal needs.<sup>11</sup> The LInC mandate is to help people understand the Alberta court system.

The Alberta Justice website describes the LInC as being able to help individuals get the information they need for all civil and criminal matters. Staff members will help members of the public understand Alberta’s legal system. They will help individuals:

- learn about general court procedures,
- locate and explain court forms,
- learn about legal advice options, and
- find out about alternatives to court.

LInC can:

- provide information about civil and criminal matters,
- explain what court forms can be used,
- explain the steps to take in making a legal application, and
- refer individuals to legal and other resources in the community.

LInC cannot:

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<sup>11</sup> LInCs were also established in Edmonton and Grande Prairie that year, and in Calgary in 2009.

- give legal advice,
- help choose how to solve your legal problem,
- help make legal applications, or
- tell people what to say in their court forms.

Staff cannot provide legal advice or representation, but will provide information about general court procedures, legal advice options and alternatives to court. Individuals can also access public legal information and education (PLEI resources), particularly about civil and criminal law. Staff will facilitate access to legal forms.

Since April, 2007 the LInC has also had a dedicated legal advice line to LAA. This service was developed jointly by LAA and Alberta Justice, and is available for all LInC offices. As part of this development, Alberta Justice ensured that a private room with a dedicated phone was available for the provision of legal advice in most of the LInCs. LInC staff triage the clients and only the ones they direct are able to access this service. In return, the service was designed so that these callers have priority over regular Legal Services Centre callers. LAA provided legal advice to almost 900 LInC clients through this partnership in 2009-2010.

The LInC staff also provide in-person, telephone and Internet services to various rural communities in this District.

*[LInC] travels to Rocky, Ponoka and Stettler on a regular basis<sup>12</sup>.... [W]hoever comes in comes in. It could be any stage of legal, from Traffic Court to Court of Appeal. [Staff] try to help them find resources or forms. Anything legal really, [staff] try to get them in the right direction. That could be getting a lawyer or finding them legal advice. Lots of people don't know where to start, they're intimidated and scared. [Staff] get them more comfortable in there. Court of QB and Court of Appeal are especially intimidating. [LInC] deals with youth too. [F01, Legal Service Provider]*

As with previous Districts, the Red Deer LInC was praised by other service providers as an effective service that also helps to alleviate workloads for other organizations.

### **3.4.5 Native Counselling Services of Alberta (NCSA)**

NCSA was launched in 1970 by the Government of Alberta, with a mandate to promote fair and equitable treatment of Aboriginal peoples. NCSA is primarily funded by Provincial, Federal and local governments and the Alberta Law Foundation, and strives to plan and deliver culturally sensitive programming and public education about legal needs as well as rights and responsibilities as they apply to Aboriginal peoples.

<sup>12</sup> Staff from the LInC office in Red Deer also travel to Wetaskiwin regularly.

NCSA has offices throughout Alberta with the head office located in the city of Edmonton. NCSA offers more than 20 programs and services that are aimed at providing support to people who are going to court with criminal or family matters, as well as people who are facing parole or probation orders. NCSA also prioritizes the prevention of legal needs by offering educational services about the Canadian legal system. Additionally, healing and strengthening family and community relationships are the focus of multiple programs.

NCSA is probably most well known for the **Courtworker Programs** offered across Alberta. There are Criminal, Youth and Family Courtworker Programs. They offer clients in- and out-of-court support and advocacy. Courtworkers cannot provide advice or representation but will help prepare cases, assist with LAA applications and facilitate inter-service transitions or referrals as well as translation/interpreter services.

NCSA also offers public legal education and information (PLEI) through a new program called the **Bearpaw Legal Education and Resource Centre**.

As was the case with the SRLMP, we were not able to obtain participation from NCSA or any other Aboriginal representatives in this District. The information provided here is based on NCSA's website and general information provided by NCSA staff in the Edmonton Judicial District. For further detail, refer to Section 3.4.7 of the Edmonton Report.

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

The Red Deer RCMP Detachment is organized into 12 sections and units. These units work together to promote public safety and awareness, enforce Federal, Provincial and Municipal laws and provide an overall sense of security to residents.

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

The RCMP also appointed a Diversity Officer in December 2009, who is tasked with improving relations with Red Deer and area's African and gay, lesbian and transgendered communities, as well as other minority groups ([http://www.albertalocalnews.com/reddeeradvocate/news/local/Diversity\\_officer\\_hopes\\_to\\_foster\\_trust\\_in\\_RCMP\\_83244902.html](http://www.albertalocalnews.com/reddeeradvocate/news/local/Diversity_officer_hopes_to_foster_trust_in_RCMP_83244902.html)).

Participants expressed some concerns about the police response to domestic violence and sexual assault (and to a lesser extent mental health) in Red Deer and area. This is a theme that has emerged in other rural regions. The following examples illustrate these concerns.

*When the EPOs came out the RCMP had the hardest time dealing with them. The RCMP's favourite saying is "go to the court and get a restraining order" .... I'd say 50% of them don't even get to talk to someone at the RCMP. They just get sent right over. [F02, Legal Service Provider]*

*P1 People experience that police don't believe them. Police are very inexperienced in sexual assault. We have a hospital team that goes out. There was one woman who requested a rape kit and there were two policemen. One was training the other. The one who was doing the training said "Oh I don't like doing these. I try to avoid them. I've been lucky and haven't done many." And he was the one training them! It says something about our system .... If I called in and reported my quad stolen I'd get more attention than if I had reported a sexual assault. A quad is a big thing in central Alberta! Sexual assault is too often ignored. It's a huge barrier for people and it's often why people don't want to report.*

*P2 I flag some ... people with the RCMP. RCMP will deal with people differently if they know there's an issue like FASD or Bipolar. [F02, Legal and Health/Social Service Providers]*

### **3.4.7 Central Alberta Community Legal Clinic (CACLC)**

CACLC offers free legal advice to those who do not qualify for Legal Aid and who cannot afford a lawyer. If individuals' legal and financial situation fits CACLC guidelines, staff will schedule an appointment in one of the evening or afternoon clinics to obtain free legal advice. If they qualify for the Follow-Up Program, services could include document preparation and representation in court.

The CACLC provides needed legal advice regarding:

- Separation
- Divorce
- Common Law relationships
- Maintenance
- Custody and Access
- Small Claims
- Debt
- Non-domestic common assault
- Theft
- Landlord/tenant matters

- Wills (strict financial guidelines apply for Will services)
- Guardianship/Trusteeship
- Summary Criminal Offences

Volunteer lawyers donate their time to meet with clients to provide advice and direction to resolve legal issues. Clients must fill out an intake form in person or by phone to ensure they qualify for service before an appointment is booked.

Evening clinics are held every Tuesday and Wednesday evening from 5:00 to 7:00 pm by appointment only. However, CACLC does not currently have enough volunteer Criminal Lawyers to meet demand and can only offer very limited help in this area of law. Additional Family Law Clinics are held every other Thursday from 1:30 to 3:30pm. Appointments are 30 minutes in length.

After attending the Clinic Program, it may be determined that individuals qualify for additional services in the Follow-Up Program with the Staff Lawyer. Additional guidelines for this service apply and they may be required to provide additional information. Filing fees, disbursements and other costs are not covered by the CACLC.

In October 2008, the CACLC took over coordinating the Loaves and Fishes Project from the group of volunteer lawyers who had been providing *pro bono* services through the People's Place Homeless Shelter for over 8 years. A lawyer attends the Loaves and Fishes evening meal service every second Monday to provide free legal information and advice to those in need. No appointment is necessary and service is on a first come, first served basis.

The CACLC also offers photo ID clinics, in which they provide Affidavits of Identification. This program is intended to help people to replace government ID and enable them to access other services until they replace their proper ID.

The CACLC is also working to increase remote access to legal clinics. They have partnered with Family and Community Support Services (FCSS) in Lacombe to provide clinics two Wednesdays per month and, as of September 2010, will be providing clinics via video conferencing in Stettler and Rocky Mountain House. Access to these clinics will be facilitated by local partners. The CACLC plans to begin offering clinics via video conferencing in Olds and Drumheller in the near future as well.

#### **3.4.8 Central Alberta Women's Outreach Society (CAWOS)**

The CAWOS' (<http://www.womensoutreach.ca/>) mission is to help "women who have chosen to pursue a safer, healthier and more secure life for themselves and their families. The CAWOS provides basic needs and emotional support for individuals as well as providing education and support in specific areas such as domestic violence, family law, the effects of crisis on families " (from website).

A drop-in centre (including drop-in support) is also available and includes; referral services, individual support, programs, education and support groups, advocacy and

public education to help women who have chosen to pursue a safer, healthier and more secure life for themselves and their families.

The CAWOS offers a variety of legal services, including:

### 1. A **Legal Program**.

For this service, an Outreach Worker will assist with:

- Legal information.
- Court preparation and court accompaniment.
- Referrals (ie. mediation, RCMP, Victim Services).
- Government Services Appeals.
- Social Services Information.
- Custody/Access Information.
- Completing Emergency Protection Order Forms & Victim Impact Statements.

Staff help women who are facing a legal situation to know what to expect and provide the opportunity for them to talk about concerns and make decisions for themselves and their children. Staff help women to explore the available options and choices specific to their individual situations. The CAWOS works in partnership with the Domestic Relationship Initiative Committee, including the RCMP, the Crown Prosecutor, LAA, the Central Alberta Women's Emergency Shelter, the SPCA, the Crisis Centre, and Alberta Health Services (formerly AADAC), to insure coordination of services.

Staff cannot offer legal advice. However, the CAWOS does offer a one-a-month lunch (Law and Order Lunch) to provide information about legal issues to frontline service providers and community members.

### 2. A **Court Preparation** Program.

The CAWOS provides "Court Prep" sessions through which women can:

- visit the inside of a real courtroom,
- have a lawyer explain basic legal terms to them,
- understand court rules and expectations, and
- be informed of what supports they can access throughout their legal processes.

This program is provided in partnership with the CACLC.

### 3. A **Monitored Exchange** Service for high-risk families.

The Monitored Exchange Service monitors children's movement between their custodial and non-custodial parents immediately before and after unsupervised visitation. Monitored exchange programs provide a safe, neutral setting for the exchange for

families experiencing family violence. The program is intended to benefit families experiencing:

- Alleged domestic abuse and/or an ongoing threat of domestic abuse between custodial and non-custodial adults.
- Prohibited contact between parents.

#### 4. A **Safe Visitation** Program.

The Safe Visitation program began serving families at risk of continued violence in Red Deer and area on October 1, 2007. Referrals are made to the Safe Visitation program at CAWOS by the Central Alberta Child and Family Services Authorities (CFSA) so children can maintain positive contact with both parents. Families participating in this program are considered high risk for domestic abuse. High risk is based on identified risk factors and assessment that a child(ren) will be harmed and or impacted by another exposure to further incidents of family violence between adult intimate partners. These families are referred through partnerships with CFSA, the judicial system and the RCMP.

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

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

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

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

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

### 3.5 Barriers to Accessing Existing Legal Services

One legal service provider who stated that the primary barriers were not only local to Red Deer, but were Alberta province-wide concerns, summarized the following barriers to accessing legal services:

- Accessibility – living in rural/remote areas
- Low literacy
- Poverty
- Transportation
- Time – lack of time
- Language & translated resources
- Cultural sensitivity
- Problem of plain language in the provision of legal information

The themes that emerged from the ALSMP focus groups support as well as add to this list.

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

As with all previous Districts, service providers spoke of a general low level of public understanding about legal processes as well as about what services exist. However, this group of service providers also suggested that people are not typically motivated to learn about the justice system until they have a problem and, even then, many are hesitant to take initiative.

*A bit of a barrier we have is that getting from point A to point B. If a client is in court and they need Duty Counsel or need legal aid they may not know how to get that support even if the judge tells them. They may not understand, or they may get the legal clinic confused with [the LAA Office]. [F01, Legal Service Provider]*

*I would add apathy and education to the list of barriers .... [T]he client – some people just don't want to work that hard for themselves. [F1, Social-Legal Service Provider]*

Low functional and legal literacy as well as language barriers further prevent individuals from actively seeking out information and trying to understand the legal system and its processes. Service providers stated that low legal literacy is a common barrier for all people but low English literacy as also a problem, and not just for people for whom English is an additional language. Spanish, Arabic, Tagalog and Swahili were the languages other than English that service providers encounter most frequently, and it is always helpful to have legal material and information printed in these languages.



However, not everyone is functionally literate in their first language. Thus, the need for very plain English language materials was again emphasized in this District.

Service providers identified frequently encountered legal needs, which provide a guideline for what legal topics need to be available in easy-to-understand formats. These common legal needs are related to;

- child support/maintenance,
- child welfare divorce,
- domestic violence,
- landlord/tenant,
- parenting,
- shoplifting, and
- substance use/abuse.

### **3.5.2 Geography of the District**

Participants spoke of a lack of rural access to services, meaning that most services are based in the city of Red Deer and travel on circuits. As a result there is only limited access in any of the rural communities that are served in this manner.

*P1: I think in the rural areas, the gaps are massive. Not enough lawyers, there are no LInC centers, it's just much more limited in terms of what's available.*

*P2: We might have people in Rocky only twice a month, for instance, as opposed to here where it's every day. [F01, Legal Service Providers]*

### **3.5.3 Transportation**

As with the SRLMP, transportation barriers were highlighted due to the limited public transit in the city, but mostly due to the many people who are living in Red Deer as well as outside of the city who simply cannot afford to own or borrow vehicles.

*I know that legal aid goes into the Remand but I wish that there was more of that – an outreach kind of thing would be great. Most of my individuals there's no money for transport. If it's not brought to them it won't occur. An individual to just go and provide them with something would be so useful. If they have to go to the courthouse or to legal aid it won't happen. Maybe that's not realistic, but there's a large part of our population that just doesn't have access to transport. [F02, Social Service Provider]*

As with Districts such as St. Paul and Fort McMurray, participants stated that there is a need for organized and dedicated public transit for people who have court and other important legal dates in the city.

### **3.5.4 Poverty**

Poverty is a predominant factor when it comes to legal problems. It is not only linked to reduced options for services but also leads to legal problems. Obvious examples include debt and petty crimes such as theft.

*What we get a lot of, and what I was surprised by, is the shoplifting of food. That's what I've seen lately for sure. That's also considered a low risk minor offense, and would more naturally come to us, but from a personal perspective it was quite shocking. [F01, Social-Legal Services Provider]*

However, poverty is also linked to (untreated) mental illness, family violence and other major crimes such as drug use and trafficking. Participants identified poverty as a factor that cannot be ignored.

## **4.0 UNDERSTANDING LEGAL NEEDS IN RED DEER**

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**

By referring to statistics provided by services in Red Deer, and to national and provincial statistics about the prevalence of legal problems, coupled with the observations of the service providers and researchers, we are able to provide some insight into the primary legal needs in this District.

#### **4.1.1 National Prevalence**

National statistics on the prevalence of legal problems among Canadians paint a picture of vast everyday need (Currie, 2006, 2007, 2009). These surveys have repeatedly found that approximately 47% (11.6 million) of Canadians have a legal problem with potentially negative consequences for their everyday lives (Table 10). Analysis of the data specific to Alberta places incidence at 52%. This is evidence of a need to effectively address prevalent legal problems.

**Table 10 –  
Prevalence of Legal Problems in Canada and Alberta**

Type of legal Problem	Frequency of Problem <sup>13</sup>	
	National % (N = 8873)	Alberta % (N = 600)
Consumer	22.0	25.4
Debt	20.4	27.0
Employment	17.8	19.0
Wills & Power of Attorney	5.2	6.7
Family: Relationship breakdown	3.6	5.0
Personal Injury	2.9	4.2
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

Table 10 provides a breakdown of legal problems by frequency according to type of problem and compares national and Alberta rates. Participants tended to report more than one legal problem with the average in Alberta and nationally being around three.

As can be seen in Table 10, the general patterns for incidence of problems in Alberta are very similar to the national pattern.<sup>14</sup> It should be noted that family law problems are divided between relationship-related and other matters. When combined, family matters at 7% are the fourth most frequently reported problem in Alberta. When both disability benefits and other social assistance are combined, benefits rank eighth in Alberta, accounting for 2.9% of reported problems. 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>15</sup>

<sup>13</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>14</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>15</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

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

The national research concerning the prevalence of justiciable<sup>16</sup> legal problems (Currie, 2007), provides a foundation of both national and Alberta-specific data within which to consider the ALSMP findings for all Alberta Judicial Districts. These findings indicate a much greater need for legal services than has traditionally been understood.

#### **4.1.2 Service Statistics**

The Team requested statistics from all services where representatives were interviewed. To date, only Court Services has provided statistics (Table 11).

**Table 11 –  
Red Deer Provincial Court Volumes**

<b>Area of Law</b>	<b>2004/05 Volume</b>	<b>2005/06 Volume</b>	<b>2006/07 Volume</b>	<b>2007/08 Volume</b>	<b>2008/09 Volume</b>	<b>Average Annual Volume (2004-2009)</b>
<b>Civil</b>						
Claims Filed	1,097	872	721	774	842	861
<b>Family</b>						
Actions Commenced	351	268	557	832	937	589
Child Welfare Actions Commenced	606	758	784	766	726	728
<b>Criminal</b>						
Charges Commenced – Adult	43,310	44,085	45,629	54,881	56,456	48,872
Charges Concluded – Adult	42,218	44,224	45,061	53,032	54,970	47,901
Charges Commenced – Youth	46,441	47,738	50,116	60,432	62,095	53,364
Charges Concluded – Youth	2,955	2,473	4,037	4,819	5,198	3,896
<b>Other</b>						
Average Preliminary Hearings per Month	25	44	43	43	66	44
Average Courtroom Time (hours)	2,684	2,842	2,963	3,142	3,599	3,046

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

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suggest that debt is seen as manageable until it precipitates or combines with other problems, such as family breakdown, loss of job, foreclosure, etc.

<sup>16</sup> Justiciable is defined as "capable of being decided by a court."

about the public's legal and related needs in Red Deer. These data are supplemented by the available statistics, national data and researcher observations.

The numbers of family cases being commenced in Red Deer have increased significantly since 2004/05. Some of the service providers observed that as more new Canadians move to the area, they are seeing a pattern of people starting up relationships with residents in the area and then trying to obtain divorces from their spouses who still live in their home countries. However, family problems come with economic booms and busts as well, which is another contributing factor.

As seen in other Districts, criminal charges have jumped since 2007/08. This again could be attributed to the influx of people – especially young, single males – due to job opportunities.

## **4.2 Specific Populations and Specialized Legal Needs**

Participants spoke of needs that local residents commonly experience. Table 12 helps to provide perspective as to the resources available to meet these needs.

**Table 12 –  
Specialization of Legal and Related Services**

Specialization	Legal Services		Social/Health Services
	Sole Purpose	Legal & Social/Health	
Aboriginal	3	4	13
Accidents/Injuries	-	-	-
Addictions	-	4	10
Alternatives to Court	4	3	-
Children	7	18	17
Consumer Issues	1	1	-
Crisis Intervention	1	11	5
Debt Management	-	1	-
Disabilities	-	1	4
Employment	-	2	1
Families	10	27	30
Family Violence/Abuse	9	32	11
FASD	-	-	2
Gay, Lesbian, Bisexual & Transgendered	-	-	-
Housing & Tenancy	6	7	20
Human Rights & Citizenship	12	9	2
Immigrants	1	9	6
Low Income/Poverty	4	-	6
Men	-	-	10
Mental Health	1	5	12
Pensions & Benefits	3	1	1
Seniors	4	7	9
Taxes & Finances	-	2	-
Victims & Offenders	24	24	3
Wills & Estate Planning	2	-	-
Women	2	17	16
Youth	12	19	16

Participants reported that domestic violence and sexual assaults are a growing concern (Section 4.2.4). There are dedicated services for people who have been the victims of either of these crimes, however there is still a need for increased awareness among legal service providers who do not offer specialized services but come into contact with victims during their legal processes.

Participants also spoke of the need for seniors to be better educated about legal matters that are particular to their circumstances. Many seniors do not understand their rights or the importance of attending to legal matters such as Wills. There are services available to provide assistance regarding matters such as elder abuse and estate planning, as well as support with more general needs such as filing income tax and finding affordable housing. The barrier that participants identified is not a lack of services so much as a lack of awareness. However, participants still identified the need for more legal supports for financial matters such as debt management, for all users.

Mental health and addictions will be discussed in Section 4.2.3 but it is important to highlight the lack of specialized legal services for this population. Participants identified mental health and drug-related problems as matters of concern, noting in particular the need for services to deal with symptoms, a lack of specialized services and a need to improve service provider understanding of the issues.

#### **4.2.1 New Canadians**

Consistent with the previous Judicial Districts that we have mapped, service providers in the Red Deer District reported that new Canadians are particularly vulnerable to experiencing legal problems and suffering the hardships that flow from not addressing these problems in a timely and efficient manner.

*Most of our clients are lower income population and immigrant population. Most of the issues actually are related to court cases which are coming in. We make a lot of referrals to the legal clinic or legal aid. Lots of times in court clients feel things are unfair because of the language barrier. The message communicated between a client and a judge may not be accurate. There are also things people just don't understand because of it .... We're not lawyers but we run into lots of legal issues – things like marital issues. The man and wife might not understand the legal system and when the women find out they have all these rights, there's a higher chance of divorce. People feel like victims because information about the law isn't really provided to them when they arrive. [F01, Social Service Provider]*

*One of the major barriers when it comes to the immigrant population is the language: especially people who are not good at English. I've noticed that several times. Accessing help is difficult. They can of course have a difficult time in making their problems understood. When someone needs help with detailed issues they will have more difficulty in having their problems understood. People will abandon legal issues sometimes because they don't understand the consequences – if someone goes off to work in Calgary for instance and then a warrant gets issued in Red Deer they'll run into trouble when they come back. A lawyer here may then refuse to help them based on their lack of action in the matter. [F01, Social Service Provider]*

*Another one of the barriers, given the immigrant background we serve, is a lack of information. People are not getting the right information. If there was a way for people to receive the information in their language it would be a great help. That's a part of what we're trying to do. If someone doesn't understand his or her rights or where to go, it leads to more confusion. [F01, Social Service Provider]*

*[African people] are a minority but in the court cases [they're] over-represented. We've tried to assess why that is. Landlord issues happen a lot. [F01, Social Service Provider]*

New Canadians in this District are struggling with even everyday consumer legal needs. As one service provider stated, “that even goes to something as simple as signing a lease for a vehicle or a phone.” As well, the need to have interpretation at hand was expressed.

*Because of the diversity in Red Deer we’ve found it necessary to set up a program over the phone where we can get an interpreter for them right away and have a three-way meeting. [F01, Legal Service Provider]*

### **Temporary Foreign Workers (TFW)**

Consistent again with previous Judicial Districts, service providers expressed particular concern about TFWs. The stories told were familiar: examples of TFWs being vulnerable to labour law violations or simply trapped in job contracts that they are unhappy with. Their housing is often provided by employers, so job loss also means losing their home.

*... [T]heir housing is dependent upon that employer but then something falls apart or there’s a work shortage or whatever. Now they have no income and no place to stay because their housing was a part of the job package. They may also not understand that they’re being taken advantage of in terms of employment and feel they have no recourse because they don’t understand their rights. Some of these cases get quite complicated and they don’t do anything about it until they actually lose their housing – at that point they’re forced to do it. I can’t imagine living in that fear: being jobless and homeless in a country where you don’t speak the language. People get to the point where they have nothing other than their clothes in a bag, and they have no idea what services are available to them or what they do. How do you deal with that? They think they’ll be deported and it’s quite tragic. [F01, Social and Legal Service Providers]*

There is a general lack of understanding about basic legal rights in Canada, so too often these individuals do not exercise any recourse when they face inappropriate or illegal job demands, dismissal and/or housing contracts or evictions.

When new Canadians, especially TFWs, come into contact with the criminal justice system they, like other vulnerable groups (ie. transient/homeless people, Aboriginal peoples), are prone to unnecessary convictions and sentences due to lack of resources, time and information. TFWs in Alberta are often working in jobs related to oil production that results in travel to different work locations and living in different communities than they work in. This adds to their anxiety and eagerness to resolve court related matters as quickly as possible, often without understanding the consequences of their decisions.



*P1: When you get a charge it has to be seen in the place where it happened, and for that reason a lot of people will plead guilty only to get it transferred to the locale in which they live. They somehow prioritize the location more than the criminal record.*

*P2: I see that a lot too. Someone will say 'I didn't do it but I'm gonna plead guilty because I have to get to work'. [F01]*

On a positive note, participants reported that there is a new initiative being developed to facilitate networking between relevant services in the hopes of circumventing some of the barriers that new Canadians are facing.

*Alberta Employment Immigration is working on a networking group which [addresses the needs] of Temporary Foreign Workers, which includes the diversity officer at the RCMP. [F01, Social and Legal Service Providers]*

#### **4.2.2 Aboriginal Peoples**

It was difficult to ascertain what the experiences are of Aboriginal peoples living in this District. This was due, in part, to the lack of participation of service providers who specialize in working with Aboriginal peoples, which was also the Forum's experience when conducting the SRLMP. The Team's inability to travel to rural communities in this District may have contributed to the lack of participation by Aboriginal services.

We did observe that Aboriginal peoples were not in the forefront of the discussions among urban service providers during the focus groups, which was very different from other Districts (eg. St Paul, Fort McMurray, Edmonton). This could possibly be a function of the degree of interaction between Aboriginal serving organizations and other organizations, as well as the reluctance of Aboriginal community members to seek out services. When asked by Team members, it was once again confirmed by multiple stakeholders that Aboriginal peoples are under-represented among service users, even though this population is over-represented in the justice system and has a disproportionately high rate of legal needs.

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

Service providers emphasized the role that undiagnosed/untreated mental illnesses and addictions play in causing and exacerbating legal problems. The following quote illustrates the link between court/legal services, mental health and addictions, and underlines the importance of providing meaningful access to legal services, with understanding of the social context, and efforts that are underway in Red Deer to accomplish this.

*The goal of the Mental Health Diversion program is to develop and implement effective strategies that link the Mental Health and Justice system; to appropriately address the needs of and improve outcomes for individuals with mental illness, who come into conflict with the law. Individuals with a mental illness or co-occurring substance abuse disorder who have been charged with a minor, low risk offense can be re-directed to community-based treatment and services with the intention of reducing criminal activity and improving psychiatric status. Referrals must be approved by Crown Prosecutors and in cases where individuals have made effective changes, the Crown may decide to withdraw charges. [F01, Social-Legal Service Provider]*

Participants observed the difficulty of assessing and diagnosing mental health issues, and making referrals to the diversion program. The complexity of dealing with growing numbers of people who are mentally ill, and suffer with addictions and other health problems, was also discussed.

*There are people who may benefit from mental health services who never get connected because of stigma issues or a general perception that support is unwarranted. Beliefs that anxiety isn't a real mental illness or perceptions that lead to labels such as "drunk" or "thief" create barriers and limit opportunities for positive change. [F01, Social-Legal Service Provider]*

The following exchange flows from the same point, and illustrates the significant concern among service providers in this community about mental health and addiction issues. The discussion comes full circle as the participants underline the importance of quick and effective connections to both social and legal services.

- P1: I would have to say that in the last year the mental health issues that we're seeing are far more severe. It used to be when I first started working here that you could tell something was a little off, but now people are profoundly schizophrenic or bipolar and are really suffering with what they have. There seems to be more extreme cases - people who actually scare you.*
- P2: I'm not sure it's any more severe but possibly untreated. A lot of who we've seen have had medications, but if there are legal issues they may go untreated for longer periods of time.*
- P3: I guess that's the point I was making, because what do you do? I'm not a doctor and I don't have mental health expertise. You just know there's something not quite right and you finally get to the root of the problem and set an appointment, but they walk out the door and never come back. I can't label them and tell them where to go. You just hope they come back but maybe they don't.*

*P1: Yeah we do our best to connect them with services but we can't really make those diagnoses.*

*P2: But that's a stigma thing though isn't it? If they fell on the floor because of a diabetic issue your response would be different. But because there's a mental word associated with it people are less likely to make those connections ....*

*P1: Trying to connect them to a person is vital, as opposed to an organization. It's important to get their mental health issues looked at because they often can't deal with legal issues at those times.*

### **The Access to Justice Project**

The CACLC, in partnership with the Canadian Mental Health Association - Red Deer Office, is looking at ways to improve the way that mental health clients interact with the justice system. The project hopes to bring together a number of stakeholders to develop a better understanding of mental health issues, in an attempt to improve the outcomes for people with mental health concerns when they interact with the justice system.

### **The FASD Network in Central Alberta**

A FASD Network in Central Alberta was developed in 2007 when they started being developed across the province. This services provides diagnostic and assessment services, as well as outreach supports.

#### **4.2.4 Domestic Violence**

Participants reported that incidents of domestic violence that come to their attention are on the rise. Several participants reported a perceived reluctance on the part of the RCMP to handle requests related to domestic violence, such as for EPOs.

*Family violence is just insane. They come in, they want a restraining order, a protection order, it's constant. I get at least five or six a day. [F02, Legal Service Provider]*

They reported that, instead of addressing such needs, the RCMP are sending complainants to information services such as the LInC.

The RCMP detachment in the City of Red Deer has a dedicated Domestic Violence Unit that is comprised of three members: two social workers and a Victim Services liaison. This team works directly with the Domestic Violence Court.

Some discouragement was expressed related to effectively dealing with domestic violence. Participants identified the recent economic recession as a possible factor that is impacting domestic violence rates, but are unsure what other factors may be playing a role. They are frustrated about the perceived lack of responsiveness to people who

are experiencing domestic violence, and the effectiveness of the options that are available.

*But ultimately EPOs don't help as much as people think. I can hold the paper up and ask them 'will this piece of paper protect you?' and the answer is usually no. I don't know what the solution is though. I won't turn them away. [F02, Legal Service Provider]*

Services such as the LInC and the Sexual Assault Centre are using social media, especially Facebook, to circulate PLE and information related to domestic violence. Victims need help to fill out the EPO applications and other restraining options, however assistance with completing these forms is believed to constitute legal advice, and there are currently no free or low-cost options available for this needed service.

*I can't direct them not to do something if I know it's going to get turfed by the judge. I ask them "do you feel this is an emergency, can you prove it to the judge?" They say yes and then they go into the courtroom and then they fall apart and don't say half of what they're supposed to. [F02, Legal Service Provider]*

As described in Section 3.4.8, the CAWOS provides a variety of legal (as well as social) programs for female victims of domestic violence. Also, a *Domestic Relationship Violence Initiative Committee* (<http://www.drivicreddeer.ca/>) has been established in Red Deer that included members from a vast array of legal, social and health services. The mission of this Committee is to "work together to support a proactive, coordinated and effective response to domestic violence. We will focus on providing education, a good community crisis response, as well as lobbying for systemic change to support a better future response." They provide information and resources to service providers and members of the public. The Committee meets the first Wednesday of every second month.

### **Sexual Assault**

Participants also expressed concern over the volume of sex crimes in Red Deer and area. They reported that young females are particularly vulnerable and are frequently being lured by perpetrators with the promise of access to drugs and alcohol, then victimized. To further complicate the problem, these girls often will not report their attackers because they want continued access to these substances. In fact, focus group members reported that there are some males in the city who are widely known to be victimizing young girls but nobody will file a complaint against them. Service providers expressed helplessness in protecting these girls.

Service providers reported that Aboriginal peoples and male victims of all ethnicities are not accessing appropriate services, even though incidence rates suggest they should.

This is the first District in which rates of sex crimes perpetrated against young males was specifically mentioned as a cause for concern.

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

As stated in the previous Section, service providers reported that very young girls are being sexually assaulted in this District. For those who do come forward, limited resources mean that there is an average of three to four weeks' wait to see a child therapist. Also related is concern with the prevalence of drug use in this District, and with the incidence of young children who are using and abusing substances.

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

As we also observed in the St. Paul District, service providers did not discuss SRLs as an issue, appearing to simply expect that their clients are not to be able to afford a lawyer. Some commented that even if they can afford assistance, there seem to be few available lawyers in the high demand legal areas.

*Being able to get good legal advice and even retaining lawyers – they can't afford it. Some of the people in the legal system need help so bad because it's so complicated. They're trying to do it on their own without legal counsel. I feel sorry for them. [F02, Legal Service Provider]*

Service providers assumed that the numbers of SRLs will continue to increase due to cutbacks in other services such as LAA. They did not have give a lot of feedback about SRLs but definitely felt that it was cost of obtaining legal representation that was the primary reason for choosing to self-represent.

They also felt that people who are self-representing often do not fully understand the processes they are involved in or their legal rights and responsibilities. This puts them at added risk of not receiving the best outcomes that they could.

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

Participants shared concern about the need for integration of services to address clustered needs, but they also recognize the challenges in trying to accomplish this.

*It sounds like some of the research you're doing is about integrating services. I think it's quite difficult but the intention is to better serve the community. People aren't ill just between 8 and 4:30. There have been improvements, branching out to provide evening services, but even more would be useful. I come from a perspective of trying to treat the whole person, not only mental, but housing or legal. There are all kinds of social stressors out there. When I'm in a position to prioritize an addiction compared to being employed, you may be tempted to say you have to get your addiction under control first. But I'd like to be able to value the whole package – to say let's keep you working while we address your addiction issue. But where to do that is an example of a barrier. A more holistic approach is a great goal but it's hard to get there. [F01, Legal-Social Service Provider]*

As this Report illustrates, it is the most vulnerable groups of people – new Canadians, people living in poverty, victims of abuse/assault – who are least likely to have their legal needs effectively addressed in a timely manner. Service providers emphasized even more strongly in this District than others that social, health and legal problems are deeply intertwined and cannot be addressed without an effective holistic approach that involves the collaboration of service providers from all three professions.

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

In this Section we will discuss the missing services as identified by the Team's mapping process and prioritized by local service providers. We will also speak to the challenges in filling the gaps.

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

Service providers in the Red Deer District identified the following as key areas of missing services that require immediate focus and response:

- Housing
- Low Income
- Men
- New Canadians
- People with Family Law Needs

#### **5.1.1 Housing**

The housing gap was mentioned frequently in the focus groups. The Team did find housing services when mapping in this District but most offer only temporary shelter rather than permanent housing solutions. The municipal government, Métis Urban Housing Corporation and Lacombe Foundation were the only services we found that provide support with subsidized housing. While not a legal need directly, homelessness is a barrier to dealing with legal problems and may itself lead to and exacerbate legal problems.

Landlord and tenant problems emerged again in this District as a problem with a lack of dedicated services. In addition, there is a low public understanding of landlord and tenant rights and responsibilities, and a corresponding need for education.

*Last year tenant and landlord was an outstanding issue. To my surprise a lot of people were being bounced around and people got left to their own devices. [F01, Social Services Provider]*

The Community Information Referral Society – Landlord and Tenant Services specialized in helping with landlord and tenant matters but lost its funding as of November 2009. Clients seeking access there are now referred to Service Alberta, and are often referred on to the CACLC. The person who was the advisor in the CIRS program for 10 years now works at the CACLC and helps clients with landlord and tenant issues when able to manage the workload (although this is done in addition to the role they were hired for). The CACLC is currently conducting an environmental scan with regards to landlord and tenant matters and will be engaging in a strategic planning session with their Board of Directors in October.

Additionally, People from the Red Deer District can also access the Residential Dispute Resolution Services. While these services are in place, service providers still perceived the available services as being inadequate to meet the actual need.

### **5.1.2 Lack of Affordable Legal Advice and Representation for People with Low Income**

As can be seen in Section 3.4.2, there are lawyers in private practice in most of the communities in this District. However, participants indicated that there are few lawyers who specialize in areas of law that relate to common legal needs such as immigration and poverty law.

There is also a lack of options for low-cost legal representation. This theme emerged from conversations about recent changes to LAA and the lack of alternative options. Participants felt that there is just nowhere to refer people for even brief legal advice. Although it is too soon to tell how accurate this perception is, participants did not view the LAA Legal Services Centre as accessible. They perceived it as difficult to get through to and indicated that most people are turned away. It should be noted that there is not a high level of awareness about the dedicated line to LAA that is available at the LInC. It should also be noted that both the CACLC and CALO provide free clinics that cover a range of legal topics, and a number of the participants were very familiar with these services.

Aside from the 30 minutes of advice, the CACLC has provided brief services since having a staff lawyer in 2007. The expressed gap in legal advice may be at least partially due to the fact that often people need more than a brief consultation; they need



ongoing guidance and representation, especially when going to court. Participants did recommend that Duty Counsel staff should be increased to help accommodate the real need.<sup>17</sup>

### **5.1.3 Lack of Services for Men**

Similar to reports in the St. Paul Judicial District, service providers pointed to a lack of options to support men who have legal and related needs. This gap spans from lack of temporary housing and shelters to supports for legal matters related to family conflict and breakdown.

*There's a tendency that in the population that we serve ... that women have lot of supports around while men do not have much supports. When there is an issue I'm making a referral for things like child maintenance – women have more referrals available to them. We do see a lot of men that don't have as many alternative resources. Even in terms of how things are handled – it's mostly to the advantage of women. Of course historically you may say men have an advantage but people coming in are finding the opposite. Most of the cases that have come to our office 90% are better supported by women. [F01, Social Service Provider, confirmed by multiple attendees]*

*Before we did photo ID [our clients] would have been 60% female and 40% male. Now that IDs there we find it's even given that men are more often homeless than women. [F01, Legal Service Provider]*

Service providers stated that there needs to be increased awareness about the needs of men and the challenges they experience when faced with legal problems. We, as a society, have to move away from viewing them as having power and advantage which makes them less in need of supports and legal information.

### **5.1.4 Services for New Canadians**

As stated in Section 4.2.1, there are services for new Canadians but a need for better awareness that these services exist. In order to get that far they have to know enough about the legal rights and responsibilities in Canada to recognize when they have a problem, that there is a solution, and that support might be available. Suggested types of legal needs that are particularly relevant are listed in Section 3.5.1.

More proactive effort is needed to get understandable information to new Canadians. Efforts need to be made to seek out this group and provide information that they can understand, and to make it available in venues that they will access (eg. libraries, community groups). There also needs to be education for service providers and a focus on recognizing and intervening when these individuals are identified as vulnerable and

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<sup>17</sup> For more information about the need for affordable legal services, see Chapter 5 of LAA's 2009 Review, entitled *Legal Needs of Low Income Albertans*.



in need of assistance. For instance, it is important that legal professionals be aware of contextual issues so that they may recognize when an individual is pleading guilty to an offence simply due to fear of the system, lack of understanding or a desire to deal quickly with the problem so it does not jeopardize a job.

As mentioned in Section 4.2.1, there is currently a Settlement Network Group that is chaired by Alberta Employment and Immigration. This group provides a forum for service providers to discuss issues and challenges that TFW's and immigrants face. The primary focus of the network is to look for gaps in service and exchange information about the programs and services offered to this population, to avoid duplication and support good referrals. Common topic areas include:

- English as a second language.
- Career, education and employment services.
- Support services – food, shelter, domestic abuse.

The new RCMP Diversity Coordinator has recently joined this group, and acted as a liaison for the African Centre to remove a barrier for their clients who were incarcerated into the Remand Centre. However, the focus of the committee is not on legal matters or legal services.<sup>18</sup>

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

Repeated references are made to the very high demand for every aspect of family law legal services in this Judicial District. For instance, it was mentioned that there is a specific need for a Maintenance Enforcement Office in the area.

*A while ago it was more criminal and less family. Today it's a lot more family than criminal. There could be different things involved in that. Duty Counsel may have played a part. But nevertheless, family issues appear to be on the rise. Everything within family – divorce, parenting, child welfare, maintenance. [F01, Legal Service Provider]*

*We've seen an increase in international divorces, where a resident worker or temporary foreign worker and gets their status and then wants to divorce the spouse back in the Philippines or whatever: an increase in that in the past year for sure. That's a bit of a challenge because we don't have the resources to serve people in foreign countries – or how do you even serve someone in a foreign country. We're getting it done but it's not the sort of thing you'd normally run into. [F01, Legal Service Provider]*

Participants clearly expressed their concerns over what they feel are rising family-related legal problems and a lack of certainty as to why this is so.

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<sup>18</sup> Information about this group was provided by a representative from Alberta Employment and Immigration.

## 5.2 Challenges in Filling the Gaps

Service providers identified lack of knowledge about existing services as a very serious challenge. However, staffing shortages, lack of funding and the resulting lack of time and ability to be proactive prevent professionals from focusing on increasing awareness.

### 5.2.1 Lack of Funding and Resource

As with all previous Districts, inadequate funding and staffing complements were identified as challenges to filling existing gaps and bridging barriers. While this will always be a reality in service provision, to varying degrees, these are especially difficult times due to the economic recession and resulting decreases in available funding and the government hiring freeze.

It is necessary, though, to recognize the patterns of needs in communities and make informed decisions about which services cannot be reduced. Following that, it is particularly important to recognize that the same reductions (or increases) do not necessarily have equal impact when applied to all communities.

## 6.0 IMPROVING LEGAL SERVICE DELIVERY

In order to improve legal service delivery in the Red Deer Judicial District it is necessary not only to focus on removing existing barriers and filling gaps in services, but to increase awareness about available services and resources. This will involve increasing awareness; sharing information about effective and innovative programs and initiatives; and encouraging collaboration.

### 6.1 Good Practices to Build On

Service providers identified some examples of services that are especially helpful and effective in Red Deer.

#### 6.1.1 Services that are Helping to Fill Gaps

The **Mental Health Diversion Program**

(<http://www.albertahealthservices.ca/services.asp?pid=service&rid=1036855>) was identified as a positive step towards effectively addressing mental illness and addictions in people who become involved with the criminal justice system.

*Being a new initiative for this city, it's going very well. Alberta Health Services and the justice system coming together and doing it well is a great step. [F01, Social-Legal Service Provider]*

This program is focused on “redirecting persons suffering from a mental health disorder or a mental health disorder with a concurrent substance abuse disorder who have been arrested for minor non-violent crimes, from the justice system to community-based mental health programs or community support services” (from website). It is available to anyone for whom

1. there is a reasonable belief that person is suffering from a mental disorder; a substantial disorder of thought, mood, perception, orientation or memory, and
2. has been charged with a minor, low risk offence.

The **Central Alberta Community Legal Clinic** (see Section 3.4.7) was also mentioned as a good resource for people who qualify for LAA.

*One of [the] programs is a clinic where lawyers will provide 30 minutes of advice to people who qualify. One of [the] criteria is that ... clients can't qualify for legal aid. The reasons why they wouldn't might be financial or that their problem is in an area of law legal aid doesn't handle. But legal aid's guidelines will change in the fall. So when they change [the CACLC will] change .... [CACLC] covers almost every area of law except immigration. Also [they] have a Photo ID program that [was] piloted last year. Affidavit identification for those notarized by a lawyer for those who don't have other forms of ID so they can use it to procure government ID. In Red Deer you can't get food for the food bank without photo ID .... It's just meant to eliminate some of those initial barriers until they can get their ID reinstated. [CACLC] just started a new initiative whereby [they]re starting clinics outside of Red Deer - Lacombe - and their clinic will be July 14<sup>th</sup> .... [They]re working on video conferencing, where if you can't get to Red Deer you could get the 30 minutes of legal advice. [F01, Legal Service Provider]*

There is, however, some uncertainty about what services the CACLC will still be able to offer once LAA changes come into effect in the fall of 2010.

The **Poverty Law Initiative** was launched at the June 2007 Poverty Law Symposium. It was formalized by the Public Legal Education Network of Alberta's Board as *Poverty Law: A PLENA Public Legal Education Practice Community*, and is currently led by Network member Suzanne Alexander-Smith of the Central Alberta Community Legal Clinic (Section 6.1.2 for more details re PLENA). It offers;

- a Pathfinder Project - print and web resources,
  - The work of Disabilities and Law: A PLENA Public Legal Education Practice Community and PLENA's Alberta Libraries Initiative. Both involve issues of accessibility and resource development. It has been well documented that disadvantaged Albertans have needs for information and resources that require adjustments to traditional methods of delivery, including information and resources provided in easily read or accessed formats, and distributed in culturally or linguistically sensitive styles.

- a Poverty Law Newsletter - available in print, and
- Library Pathfinder Presentations. Examples include:
  - Disabilities and Law Pathfinder Presentation.
  - Falling Through the Cracks and Addressing the Cost of Litigation.

This initiative is intended to provide opportunities to learn, promote inquiry, encourage debate, identify opportunities, communicate, collaborate, and share resources.

Participants also told the Team about an innovative solution to transportation barriers that is just coming into effect. The **Central Alberta African Centre** is now providing a shuttle service to new Canadians in the area who need to access services (legal as well as health, social and other) in Red Deer and surrounding communities.

*It was in the paper yesterday – [the African Centre] got some funding for [the transportation] need for the immigrant population – [To] provide a driver, and now have a four door serving central Alberta ... All you have to do is call the office in good time.*

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

There are a wealth of services that provide PLEI to the Red Deer District (Table 13). In this Section, we will provide a list of PLEI providers by area of law. We will also describe key services that are dedicated solely to PLEI provision.

**Table 13 –  
Services That Offer PLEI by Area of Law**

Areas of Law	PLEI Providers	Topics
Administrative	Alberta Appeals Secretariat Alberta Children and Youth Services Alberta Civil Liberties Research Centre (ACLRC) Alberta Law Libraries Association des juristes d'expression française de l'Alberta Bentley Municipal Library Blackfalds Public Library Canadian University College Central Alberta Refugee Effort (C.A.R.E.) Committee Coronation Memorial Library Environment Innisfail Public Library Justice and Attorney General Legal Resource Centre of Alberta Ltd. Mary C. Moore Public Library Native Counselling Services of Alberta Penhold & District Library	Civil liberties and human rights Financial benefits (appeals) Forms Immigration and settlement Legislation Licenses, registration and permits Pensions

	<p>Red Deer College  Red Deer Public Library  Rocky Mountain House Public Library  Seniors and Community Supports  Service Alberta  Stettler Public Library  Sylvan Lake Municipal Library  Sylvan Lake Senior Association</p>	
Civil	<p>Alberta Arbitration &amp; Mediation Society  Alberta Civil Liberties Research Centre (ACLRC)  Alberta Conflict Transformation Society (ACTS)  Alberta Health Services  Alberta Law Libraries  Alberta Workers Health Centre  Association des juristes d'expression française de l'Alberta  Bentley Municipal Library  Blackfalds Public Library  Calgary Legal Guidance  Canadian Mental Health Association (CMHA) Alberta Central Region  Canadian University College  Central Alberta Community Legal Clinic (CACLC)  Central Alberta Women's Outreach Society (CAWOS)  Community Information Referral Society (CiRS)  Coronation Memorial Library  Court Services  Innisfail Public Library  Justice and Attorney General  Law Information Centre (LInC)  Legal Aid Alberta through the Central Alberta Law Office (CALO)  Legal Resource Centre of Alberta Ltd.  Mary C. Moore Public Library  Native Counselling Services of Alberta  Penhold &amp; District Library  Provincial Court  Red Deer College  Red Deer Public Library  Red Deer Public Schools Community Program  Rocky Mountain House Public Library  Seniors and Community Supports  Stettler Public Library  Sylvan Lake Municipal Library  Sylvan Lake Senior Association</p>	<p>Civil liberties and human rights  Consumer law  Copyright  Debt  Employment law  Forms  Guardianship, power of attorney, trusteeship, personal directives  Homeless rights  Human rights  Landlord and tenant  Legislation  Mediation and arbitration  Protection for persons in care  Real estate law  Rights and citizenship  Self-representation  Seniors  Small claims  Wills and estates law</p>

	West Country Family Services Association	
Criminal	Alberta Children and Youth Services Alberta Conflict Transformation Society (ACTS) Alberta Elder Abuse Awareness Network Alberta Law Libraries Association des juristes d'expression française de l'Alberta Association of Communities Against Abuse Bentley Municipal Library Blackfalds Public Library Calgary Legal Guidance Canadian Red Cross Society Canadian University College Central Alberta African Centre Central Alberta Community Legal Clinic Central Alberta Immigrant Women's Association (CAIWA) Central Alberta Refugee Effort (C.A.R.E.) Committee Central Alberta Women's Emergency Shelter (C.A.W.E.S.) Central Alberta Women's Outreach Society (CAWOS) Coronation Memorial Library Correctional Services of Canada Court Services Crisis Centre Family & Community Support Services (FCSS) Innisfail Public Library Justice and Attorney General Law Information Centre (LInC) Legal Aid Alberta through the Central Alberta Law Office (CALO) Legal Resource Centre of Alberta Ltd. Mary C. Moore Public Library Mountain Rose Women's Shelter Association Native Counselling Services of Alberta Parkland Youth Homes Penhold & District Library Provincial Court Red Deer College Red Deer Public Library Rocky Mountain House Public Library Seniors and Community Supports Service Alberta Stettler Public Library Sylvan Lake Community Partners Association	Abuse laws Abuse of seniors Assault Breaches Controlled substances Court procedures and processes, terminology Crisis intervention Drug use and addictions Emergency housing Family violence Identity theft Immigrants and settlement Impaired driving Judicial interim release Mental health Monitored exchange Parole Pre-sentence release conditions Prostitution Protection for persons in care Restorative justice Rights and responsibilities Sentencing Sexual assault and abuse Sexual exploitation of children and youth Substance abuse Traffic violations Victims and offenders Victim support Youth appeals and reviews, youth records

	Sylvan Lake Municipal Library The John Howard Society of Red Deer	
Family	<p>Alberta Arbitration &amp; Mediation Society</p> <p>Alberta Children and Youth Services</p> <p>Alberta Conflict Transformation Society (ACTS)</p> <p>Alberta Health Services</p> <p>Alberta Law Libraries</p> <p>Association des juristes d'expression française de l'Alberta</p> <p>Association of Communities Against Abuse</p> <p>Bentley Municipal Library</p> <p>Blackfalds Public Library</p> <p>Calgary Legal Guidance</p> <p>Canadian Red Cross Society</p> <p>Canadian University College</p> <p>Central Alberta African Centre</p> <p>Central Alberta Community Legal Clinic</p> <p>Central Alberta Immigrant Women's Association (CAIWA)</p> <p>Central Alberta Refugee Effort (C.A.R.E.) Committee</p> <p>Central Alberta Women's Emergency Shelter (C.A.W.E.S.)</p> <p>Central Alberta Women's Outreach Society (CAWOS)</p> <p>Coronation Memorial Library</p> <p>Court Services</p> <p>Crisis Centre</p> <p>Family &amp; Community Support Services (FCSS)</p> <p>Family Justice Services</p> <p>Innisfail Public Library</p> <p>Justice and Attorney General</p> <p>Law Information Centre (LInC)</p> <p>Legal Aid Alberta through the Central Alberta Law Office (CALO)</p> <p>Legal Resource Centre of Alberta Ltd.</p> <p>Mary C. Moore Public Library</p> <p>Mountain Rose Women's Shelter Association</p> <p>Native Counselling Services of Alberta</p> <p>Parkland Youth Homes</p> <p>Penhold &amp; District Library</p> <p>Red Deer College</p> <p>Red Deer Public Library</p> <p>Red Deer Public Schools Community Program</p> <p>Rocky Mountain House Public Library</p> <p>Service Alberta</p> <p>Stettler Public Library</p>	<p>Access/contact</p> <p>Arbitration and mediation</p> <p>Child maintenance</p> <p>Child protection/welfare</p> <p>Common law</p> <p>Court orders</p> <p>Court process and procedures</p> <p>Custody and access</p> <p>Divorce</p> <p>Domestic/family violence</p> <p>Guardianship</p> <p>Legislation</p> <p>Maintenance (child support and spousal support)</p> <p>Opposing family law applications</p> <p>Parenting rights and responsibilities, parent education</p> <p>Self-representation</p> <p>Separation</p> <p>Variation of court orders</p>

	Sylvan Lake Community Partners Association Sylvan Lake Municipal Library West Country Family Services Association	
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Some of these services are physically located outside of the District and their resources can be accessed online or via telephone. Examples include:

- Alberta Civil Liberties Research Centre (ACLRC) – Calgary
- Alberta Conflict Transformation Society (ACTS) – Edmonton
- Calgary Legal Guidance - Calgary
- Association des juristes d’expression française de l’Alberta – Edmonton
- Legal Resource Centre of Alberta Ltd. – Edmonton
- Native Counselling Services of Alberta (NCSA)

Some of the major dedicated PLEI providers that have offices located in Red Deer include:

- Alberta Law Libraries
- Central Alberta Community Legal Clinic (CACLC)
- Central Alberta Women’s Outreach Society (CAWOS)
- Law Information Center (LInC)
- Public Legal Education Network of Alberta (PLENA)

We will provide brief descriptions of each of these services. The Government of Alberta also offers a wide variety of PLEI through its departmental websites. However, these sites can be complex to navigate. For a listing of PLEI that the Team has found on government websites refer to Section 6.1.2 of the Edmonton Judicial District Report (<http://cfcj-fcjc.org/docs/2010/mapping-edmonton-en.pdf>).

**The Alberta Law Libraries**

Alberta Law Libraries formed in 2009 through the amalgamation of Alberta Court Libraries with Alberta Law Society Libraries. Alberta Law Libraries provide services to the judiciary, members of the Bar, Crown Prosecutors, Justice Department employees, self-represented litigants and the public.

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

Banff	Fort Saskatchewan	Peace River
Calgary	Grande Prairie	Red Deer
Camrose	High Level	St. Albert
Canmore	High Prairie	St. Paul
Drumheller	Hinton	Sherwood Park
Edmonton	Leduc	Stony Plain



Edson  
Fort McMurray

Lethbridge  
Medicine Hat

Vermilion  
Wetaskiwin

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

The libraries are actively engaged in educating clients on the effective identification and use of reliable legal information sources, both print and electronic, as well as information on the Canadian justice system. In-person seminars, tours and library orientations are offered regularly and a number of research guides and online tutorials are being made available. Alberta Law Libraries also works with other organizations to provide legal information workshops and presentations to members of the public.

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

The Alberta Law Libraries were spoken about very favourably by other service providers. The only concern expressed was that members of the public cannot currently sign out materials, so they must complete their reviews of information at the library or copy all the material they may need. However, library staff are currently exploring the possibility of having a selection of resources that are targeted for the public and can actually be loaned out.

More information on Alberta Law Libraries' collections and services can be found on their website at [www.lawlibrary.ab.ca](http://www.lawlibrary.ab.ca).<sup>19</sup>

### **Central Alberta Community Legal Clinic (CACLC)**

In addition to the services described in Section 3.4.7, the CACLC offers a Court Preparation Program, which is a partnership between the CACLC and Women's Outreach to enable self-represented litigants to gain familiarity with court procedures and process. The program takes participants on a tour of a courtroom and provides information on protocol. The goal is to provide participants with familiarity of the court system and reduce anxiety when dealing with court matters on their own behalf.

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<sup>19</sup> The Alberta Law Libraries website is currently being updated and current information about the services offered was provided for this Report by representatives.

### **The Central Alberta Women's Outreach Society (CAWOS)**

As discussed in Section 3.4.8, the CAWOS provides a wide breadth of information and supports to women who are facing legal needs that involve domestic violence. Through its various programs, the CAWOS provides PLEI related to:

- Domestic Violence (what it is, reporting, etc.)
- Child Custody.
- Court Preparation.
- Social Services Information and Appeals.

Staff also make referrals to other services as appropriate, including mediation services, RCMP and Victim Services).

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

Detailed in Section 3.4.4, the LInC's primary objective is to provide PLEI, particularly about criminal and civil legal matters. While staff cannot give legal advice, they can distribute print PLEI and help individuals find online information and legal forms. They can also help individuals understand court processes.

### **The Public Legal Education Network of Alberta (PLENA)**

PLENA is a network of members and partners, united by a shared interest in law, justice and democracy. The PLENA Network's mission is to improve access to legal education and justice resources for all Albertans. PLENA's objective is to "create an informed citizenry that is knowledgeable about the rule of law, able to recognize and exercise their rights, fulfill their legal obligations, and live fully in democratic society" (from website). The work of PLENA and its network of members and partners endeavors to contribute to ensuring that Alberta has an accessible and responsive justice system that meets the needs of its citizenry and arms them with the tools they need to make informed decisions and maneuver the justice system effectively.

### **PLEI Provision in the Red Deer Judicial District**

Participants did not identify significant gaps in PLEI production in this District. However, they did identify some barriers to PLEI provision. One major barrier is lack of public as well as service provider awareness of what resources are available and where to look for them. There needs to be an easy way of searching for PLEI by topic and provider. A website such as the one the ALSMP Team is collecting data for would help significantly in this regard.

Service providers also emphasized that PLEI is not effective if it is not presented in a manner that maximizes accessibility and understandability for audiences. The same PLEI may need to be presented in multiple formats, languages and reading levels in order to reach different audiences. The key is to know who the PLEI is being distributed/presented to in any particular District and to ensure that the most appropriate method of delivery is selected for that population.

*Within these areas attention is paid to social and cultural norms that may require adjustments in format, language, or presentation in order to ensure ease of access. The method of delivery must also be considered when considering maximum access to a target population [Legal Service Provider].*

It should also be noted that, based on community consultations, PLENA is focusing on the following key areas for PLEI development in the Red Deer District as well as across Alberta:

- Aboriginal
- Children and youth
- Immigrants
- Low literacy
- People with disabilities
- Rural and remote areas
- Seniors
- Unemployed
- Working poor

## 6.2 Service Providers' Relationships

Like in St. Paul, there was a tendency for small groups of providers who know each other to stick together, so to speak. They are very supportive within this group, but as they stated, are not always very aware of what other services exist. It does seem, though, that with each district, the critical importance of the legal-social-health inter-relations becomes more and more heavily underlined.

### 6.2.1 Networking

Service providers who attended the focus groups appeared to be eager to get to know others and learn about the type of supports other services offer. One positive example of networking that participants gave was the **Access to Justice Action Committee**.

*That's really quite successful and was perfectly timed. Being able to put names to faces and connecting like that was great. [F01, Legal-Social Service Provider]*

*Keeping on top of it all is tough. We did an inquiry into what access to justice in our community means. We're still meeting as stakeholders in order to find out things like, for instance, what's happening with legal aid. It's great to have that pipeline. That's been really valuable for me. Knowing the person is a big deal, which helps with knowing about new programs. But it's hard to keep abreast of it all while you're serving clients. [F01, Legal Service Provider]*

This AJAC was initiated by the CACLC in October 2009, when they called stakeholders together to do an appreciative inquiry into access to justice in the Red Deer area. This is a local group that involves legal as well as related social and health service providers gathering for regular meetings to discuss issues that emerge that impact public access to justice in Red Deer and area.

This group already has a Domestic Violence Team as regular attendees. They also plan to increase their focus on PLE provision.

### **Referrals**

Service providers reported that they experience barriers when trying to refer clients to appropriate services.

*We have a lot of people that phone in but who can't get in. We can't do it over the phone and so we really have no other place to refer them other than the Alberta Law Line. But if they need anything more than that basic advice, they're cooked. In a small town, if you're in a family issue, you may not be able to find someone who isn't conflicted.*

[F1, Legal Service Provider]

*It's really frustrating when you find something on the net but then call and it doesn't exist. And that's me, I'm educated and so on, but people who don't have that background face more of a challenge.* [F1, Legal Service Provider]

*Yes for me, a barrier is knowing where to refer people. For instance I didn't even know African Centre was our ... neighbor. It's hard to know about new organizations and who they serve and who we should be sending there.*

[F1, Legal Service Provider]

These difficulties were attributed to not knowing what services exist and not having time to search for available services. Also, service providers expressed frustration over not being about to keep up with changes such as service closures or mandate changes. Many of these service providers not only work in the city of Red Deer but travel to other communities in the District. Thus keeping up with what services there are and who they provide support to, is especially challenging.

Service providers stated that, if they cannot find appropriate services, it is even more difficult for the general public who do not know any players in the justice system. They felt that people often get “bounced around” or are over-referred to well-known services such as LInC and CACLC, even if their need does not fit into the mandate of those services.

## 7.0 RECOMMENDATIONS

The Recommendations which follow have been developed from a combination of evidence and analysis. They are based on the mapping of services; the perceptions and experiences of service providers; the observations of the Research Team; Focus Group Members; and the knowledge of other research and models of successful service delivery.

The nine recommendations provided in this Section have been listed according the primary funder to which they are being suggested and by order of priority, and are designed to enhance legal service provision in the Red Deer Judicial District. These recommendations are summarized in Table 14 and then detailed below.

**Table 14 –  
Recommendations for Improving Legal Service Delivery in Red Deer**

Recommendations	Reference Sections of the Report	How to Achieve the Recommendations	Justice Community Partners
<b>Alberta Law Foundation</b>			
1. Facilitate sharing of existing PLEI among legal as well as social and health service providers.	6.1.2	Create a Provincial Coordinator position to manage sharing and identify required PLEI.	LInC and/or the Legal Resource Centre (LRC)
2. Encourage public to engage in legal education.	3.5.1	Create a series of PLEI presentations with brief legal advice to be provided in public libraries.	LRC, Alberta Law Libraries and/or CACLC
3. Facilitate a more holistic approach to identifying legal as well as co-existing social and health needs.	4.3	Create a triage system in key legal services so that one person with a basic understanding of legal, health and social needs is assigned to conduct preliminary assessments.	LInC, CACLC, LAA
4. Offer enhanced supports for men with legal needs.	5.1.3	Offer regularly scheduled legal clinics dedicated to men that address topics they frequently face or need more awareness about.	CACLC or LAA
5. Help service providers keep informed about other existing legal services and their mandates.	6.2.1	Provide a user-friendly, well maintained website that offers information about legal and related services.	The Forum (data transfer), LInC, Alberta Libraries, LRC, PBLA

Recommendations	Reference Sections of the Report	How to Achieve the Recommendations	Justice Community Partners
<b>Alberta Justice</b>			
6. Increase service provider awareness of mental health and addiction issues.	6.1.1	Provide mental health “First Aid” training for front line staff in key legal services.	All front-line service providers
7. Fill some of the gap in family law services.	5.1.5	Prioritize filling and maintaining adequate Family Court Counsellor positions.	
<b>Legal Aid Alberta</b>			
8. Compensate for lack of ability to meet the need for certificate services.	5.1.2	Focus on increasing Duty Counsel services.	
<b>Solicitor General of Alberta</b>			
9. Facilitate communications and understanding about police processes regarding domestic violence.	4.2.4	Coordinate meetings between RCMP and relevant legal and social service providers to discuss needs and processes related to domestic violence.	

### **7.0.1 Recommendations for the Alberta Law Foundation (ALF) to Consider**

1. As discussed in Section 6.1.2, there is quality PLEI available in this District but there is a need to establish effective and consistent sharing of existing resources, especially in terms of different languages. The CACLC, for example, has brochures in 10 different languages – these resources should be shared, beginning with the other community clinics. The CAWOS also provides a lot of legal print material in office or online, as well as a Resource Guide (<http://www.womensoutreach.ca/resource.pdf>). However, it was not indicated to the Team that many of the service providers in this District know about these resources. The clinics are very busy so there would need to be support provided in order to oversee information-sharing and distribution to appropriate legal as well as social and health service providers.

Funding could be made available for a provincial PLEI Coordinator position with the task of cataloguing and widely distributing current PLEI materials and facilitating collaborative development of PLEI to meet identified gaps. This person(s) could be based out of any of the larger communities; perhaps as a position funded through the LInCs, LRC or Law Libraries. It could be this person’s task to identify what PLEI

would be valuable for existing services based on their clientele, identify what they already have and what they could benefit from having. Most importantly, this person could track updated PLEI as it is produced and ensure that outdated material is replaced and new material is thoroughly circulated.

2. Efforts need to be taken to encourage the public to engage in learning about laws and legal processes. As discussed in Section 3.5.1, there is low public awareness and a general apathy about the law. The same possible method for providing accessible PLE as we recommended for the Edmonton District could be effective in Red Deer as well. That is to facilitate a partnership between the public libraries and the Alberta Law Libraries and/or the Legal Resource Centre to provide presentations on popular legal topics/needs. Ideally, a volunteer lawyer (eg. from the CACLC) or law student could attend and provide brief legal advice (ie. 5 minutes per person) to attendees as well. Topics that were identified as priorities include;
  - basic human rights (Section 4.2.1)
  - consumer needs (Section 4.2.1) such as responsibilities associated with signing telephone contracts or vehicle leases,
  - labour laws (Section 4.2.1)
  - landlord and tenant rights and responsibilities (Sections 4.2.1 and 5.1.1),
  - consequences of getting a criminal record (Section 4.2.1),
  - mental health and the law (Section 4.2.3),
  - Emergency Protection Orders (EPOs) and Restraining Orders (Section 4.2.4), and
  - sexual assault (Section 4.2.4).

As project partners have identified, there are already some of these types of public seminars being conducted. The challenge – in addition to developing the seminars/presentations – is to ensure public awareness of them. It is difficult to reach people who are not already in legal crisis as they tend to pay little attention to the justice system and related services. In addition to ensuring widespread notification to legal services about upcoming public seminars, it may be effective for the organizing bodies to add key social and health services to their mailing lists and provide flyers to circulate among staff and post in waiting rooms.

3. Service providers spoke of the need to address legal, social and health needs in a holistic manner. This does not mean that legal service providers have to ensure that all their staff are experts in health and social needs. One much more manageable suggestion is to fund a staff position for a pro-active triage point – such as in the UK CABS project and as proposed for the BC JACs project where Triage is the first step with a paralegal or law student assigned to sort out where people need to go to address their needs. This will help to identify who needs the legal advice or representation immediately and who needs another service instead of or in addition to legal advice. It appears that the intent of the LAA Legal Services Centres is to move in that direction, but such a position would also be effective at

the CACLC and LInC. It may, however, be necessary to operate such a system outside of the actual organizations (LAA, LInC, etc.) to avoid it being a resource burden on any particular organization.

*From a holistic perspective, people have issues that come in packages. A support person who could just meet with them and find out what's going on with them this week without having it be in categories like abuse or addictions or so on. You get a support person if you have a severe mental illness, but you can't get a support person if you're just troubled or have complex needs. There needs to be a pool of helpers like that. [Legal-Social Service Provider]*

For those services that have dedicated “Intake staff,” perhaps providing some basic information about commonly accessed legal and key social/health services, and a formal referral route (eg. referral forms to send to identified contacts at those services, should the client agree to the referral) may help staff make informed referrals without requiring a lot of additional time commitment.

4. There is also a need for a dedicated legal service that offers support and advice for men (Section 5.1.3). Service providers indicated that they encounter men who are looking for support and guidance and feel that there is no place for them to turn where they feel safe to discuss their concerns/fears/questions without being judged. Service providers reported that many men – especially when dealing with matters related to family breakdown – assume that they will be seen as the “bad guys” and that they will not get any support other than the advice and representation that they pay for. Male members of the public who have participated in the ALSMP in Calgary and Edmonton have also strongly expressed this perspective.

One cost-effective and easily implemented option would be to offer weekly clinics for men that focus on common needs on a rotating basis. Examples include;

- divorce and separation,
- child custody and maintenance, and
- domestic violence (focusing on men as victims as well as perpetrators).

These clinics could be offered through the Central Alberta Community Legal Clinic, LAA’s Central Alberta Law Office or the LInC, should these services identify the need for specific clinics/supports for men.

5. In order to help service providers gain an up-to-date understanding of what other services exist and their mandates (Section 6.2.1), an up-to-date, comprehensive and easily accessible source of service information to use for referrals. Facilitating



the transformation of the ALSMP database to a website and its maintenance would help to address this need.

We recognize that this idea is already being explored by ALF as there are a number of online directories in Alberta already. But one neutral body/organization needs to be identified that is in a position to take a leadership role in creating, housing and maintaining one comprehensive database and accompanying website.

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

6. In order to address the gap in family law services (Section 5.1.5) Court Services could prioritize filling and maintaining Family Court Counsellor positions in Red Deer. As discussed in this Report, there are currently two, which service providers did not think was adequate – and both are leaving their positions. It is imperative that this resource be available in this District due to the incidence of family law-related needs and the reported lack of services.
7. "First Aid" Training regarding mental health for front-line legal service staff was recommended by one participant and thought brilliant by the other focus group members. The Access to Justice Action Committee (Section 6.1.1) might move towards an approach like this, and would be a fitting venue for fostering collaborations with the RCMP as well as other local organizations. It is a good idea to ensure that such training is provided.

*P1: Front line service providers, those are in direct contact with people needing assistance, should be open to education initiatives called mental health first aid. Just like we all take first aid, front line workers should have to take mental health first aid as a requirement.*

*P2: That is a brilliant idea. I would have my staff signed up in a minute.  
[F02, Social and Legal service providers]*

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

8. Service providers repeatedly emphasized that LAA needs less stringent eligibility criteria (Sections 3.4.1 and 5.1.2). However, LAA is operating with very limited resources. Rather than focusing on the need to be able to provide more certificate services which is not currently feasible, it may be more effective to focus on increasing Duty Counsel capacity. This would not replace retained lawyers but would at least provide some legal support for people without lawyers.

That said, the legal clinics were created with the intention of providing summary advice and brief legal services. It may be even more effective for LAA to focus its funding on expanding its ability to provide representation for those people who need it, even if it means reducing other services. This would, of course, impact the clinics' workloads,

and that would have to be considered. But these services are the clinics' specialties and LAA is currently faced with spreading money very thinly across multiple services.

#### **7.0.4 Recommendations for Solicitor General of Alberta to Consider**

9. In this District as with others such as Calgary and St. Paul, the perceptions about the priority that RCMP place on effectively addressing domestic violence do not fit with the efforts that the RCMP report they are making (Section 4.2.4). It is important to understand why this is so.

There appears to be a need for increased communication between the RCMP and other service providers so that these differences in perspectives can be investigated and any emerging need for changes can be addressed. Additionally, service providers can gain a better understanding of police processes and abilities as well as limitations, regarding addressing domestic violence. The facilitation of meetings – perhaps on an annual or semi-annual basis – could be one way of increasing communication and understanding between these parties.

## **8.0 CONCLUSIONS**

There are some shortages in services in this District: low cost legal advice providers, aside from in criminal law, are in short supply and there is a severe shortage of family law supports. However, there are an abundance of services in areas such as PLEI and private lawyers. The challenge with the existing private lawyers, aside from cost is that there are not enough who specialize in areas that are in high demand in vulnerable populations, such as immigration law.

The real barriers that service providers are facing are shortages of staffing, resources and time. They require the capacity to keep up with demand for services and allow them more time for attending training they deem valuable (such as mental health) and to engage in learning about other organizations in the area. They also need resources to help them keep abreast of existing services and to facilitate more effective referral making and holistic approaches to service provision. The service providers themselves stated that, in order to improve their ability to provide effective and efficient services, legal services providers need to work closely with social and health service providers.

This is a District that has rapidly changed from a rural prairie to a faster paced, ethnically diverse atmosphere. Service providers need to be properly equipped to be able to anticipate and respond to changing trends in needs that come with changing communities, rather than to be trapped in a cycle of being so over-taxed they cannot be proactive and are only able to react to problems.

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