

Intervening at the Intersection of Poverty and the Legal System

**Final Report of the Justice Sector Constellation of the Calgary
Poverty Reduction Initiative**

March 19, 2013

Table of Contents

Executive Summary	ii
Background	ii
The Justice Sector Constellation	iv
Key Issues Identified by the Constellation	iv
Goals and Vision Statements Developed by the Constellation	iv
Recommendations of the Constellation	v
Implementation of the Recommendations	viii
Background	1
Legal Issues Generally Do Not Occur in Isolation	1
People Lack Knowledge about Legal Issues and Where to Find Legal Information	2
Some People Lack Confidence in the Legal System	3
The Legal System Is Complex and Difficult to Access for Some	4
Legal Advice May Be Difficult to Access for Some	4
The Cost of Legal Services Is an Issue, Even for Middle-income Earners	5
Justice Sector Initiatives to Improve Access to Justice	6
The Justice Sector Constellation	7
Composition of the Constellation	7
Definitions of Terminology Used by the Constellation	8
Key Issues Identified by the Constellation	8
Goals and Vision Statements Developed by the Constellation	9
Recommendations of the Constellation	10
Recommendations, Implementation Roles and Timeframes Developed by the Constellation	10
Alignment of Constellation Goals to Common Goals of the Calgary Poverty Reduction Initiative	12
Implementation of the Recommendations	25
Appendix 1 Issues Identified by the Justice Sector Constellation with Supporting References	28
Appendix 2 Recommendations of the Justice Sector Constellation with Supporting References	38
Appendix 3 Recommendations of the Justice Sector Constellation by Implementation Timeframe	58
References	67

INTERVENING AT THE INTERSECTION OF POVERTY AND THE LEGAL SYSTEM

REPORT OF THE JUSTICE SECTOR CONSTELLATION OF THE CALGARY POVERTY REDUCTION INITIATIVE

“Access to justice is not the same as access to legal advice and services either through traditional channels or by means such as online advice. Access to justice means ensuring a decent level (not a poor man’s law) of legal advice and representation for those who cannot afford it on housing issues, on children and family issues and on issues arising from alleged criminal activity. Access to justice is not capable of a crude market solution.”¹

“[T]o be effective and accessible for Albertans, legal services must be delivered as part of a coordinated and holistic response to local social conditions and needs.”²

Executive Summary

Background

The participants in the Justice Sector Constellation of the Calgary Poverty Reduction Initiative (the “CPRI”) came together knowing that poverty and the legal system intersect, and wanting to intervene at that intersection.

Legal issues generally do not occur in isolation. Research conducted in various jurisdictions, including Alberta in general and Calgary in particular, shows that:

- low-income people are more susceptible to legal issues;
- some legal issues “cluster”, so that some people who face a legal issue often face more than one such issue; and
- legal issues often occur in the context of and may create or exacerbate other problems, such as health issues, financial pressures and relationship breakdown.³

¹ Robert Heslet, cited in “Completing the Personal Injury Jigsaw”, presentation by Darren Werth, Sentinel Alliance.

² Mary Stratton, *Alberta Legal Services Mapping Project: An Overview of Findings from the Eleven Judicial Districts* (Canadian Forum on Civil Justice, July 2011) 17, retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2011/mapping-final-en.pdf> on October 16, 2012.

³ Stratton “Mapping” 29-31.

Glynnis Lieb, Stephanie Abel, Mary Stratton and Diana Lowe, *The Alberta Legal Services Mapping Project, Final Report for the Calgary Judicial District* (Edmonton, Alberta: Canadian Forum on Civil Justice, December 2009) 43-45, retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2009/mapping-calgary-en.pdf> on October 16, 2012.

Melina Buckley, *Moving Forward on Legal Aid: Research on Needs and Innovative Approaches* (Ottawa, Ontario: Canadian Bar Association, June 2010) 38-41, retrieved from <http://www.cba.org/CBA/Advocacy/PDF/CBA%20Legal%20Aid%20Renewal%20Paper.pdf> on October 16, 2012.

Ontario Civil Legal Needs Project, *Listening to Ontarians: Report of the Ontario Civil Legal Needs Project* (Toronto, Ontario: Ontario Civil Legal Needs Project Steering Committee, May 2010) 10-13, 21-22, retrieved from http://www.lsuc.on.ca/media/may3110_oclnreport_final.pdf on October 16, 2012.

For example, those with mental health issues, cognitive issues or addictions are over-represented in criminal justice matters in particular,⁴ which mirrors the situation with the homeless.⁵ Aboriginal peoples are disproportionately involved in criminal and quasi-criminal actions in the Canadian criminal system and in child protection actions.⁶

Research shows that low-income people are more susceptible to legal issues.

People lack knowledge about legal issues and where to find legal information. People often do not know where to go for help because they cannot identify the nature of their crisis, either because they do not recognize their problem as having a legal component or they do not know where to go for help.⁷ Many are not aware of available resources services, and there is no central repository of available information and resources. Even service providers are not always aware of other resources and services.⁸

The legal system is complex and difficult to understand and navigate for those untrained in law.⁹ The legal system has been designed by a group of people who speak a certain language, using specific terminology, in terms and a format that makes sense to them and that they can understand, even though the system is to be accessed by another group of people who often lack language skills and formal training, are not familiar with the terminology and are in crisis.

Help may be difficult to find. There are not enough lawyers practising in the areas of law in which those with low incomes have needs.¹⁰ The cost of legal advice is also an issue, even for middle-income earners.¹¹

However, there are a number of justice sector initiatives seeking to improve access to justice for Calgarians. For example, the Calgary Drug Treatment Court helps assist those facing certain legal and other issues in a more holistic manner.

A group of justice sector service providers is working together in the 1000 Voices community and human services area at the Genesis Centre in northeast Calgary, in an attempt to bring services to where the people are, allow the needs of the community to shape the service, and develop a new cooperative model for the delivery of legal information and services.

The Alberta Legal Information Society is a partnership including the Calgary Public Library, Alberta Law Libraries and the Centre for Public Legal Education Alberta, which is developing an online portal to provide a single entry point to legal information and resources.

⁴ Stratton “Mapping” 99-101.

⁵ Mary Stratton, “Access to Justice? The View from the Street”, *LawNow* (November/December 2010) 8, retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2010/stratton-viewfromthestreets-en.pdf> on October 16, 2012.

⁶ Lieb 56; Stratton “Mapping” 94.

⁷ National Action Committee on Access to Justice in Civil & Family Matters Prevention, Triage and Referral Working Group, *Consultation Paper on Prevention, Triage and Referral Processes: Description of Key Issues and Recommendations for Action* (August 24, 2012) 6, retrieved from <http://www.justiceeducation.ca/sites/default/files/ptr-report.pdf> on October 16, 2012.

⁸ Lieb 22, 24-26.

⁹ Canadian Bar Association, Task Force on Systems of Civil Justice, *Report of the Canadian Bar Association Task Force on Systems of Civil Justice* (Ottawa, Ontario: Canadian Bar Association, August 1996) 16, retrieved from http://www.cba.org/cba/pubs/pdf/systemscivil_tfreport.pdf on October 16, 2012.

¹⁰ Buckley 68-69.

¹¹ Stratton “Mapping” 43.

Finally, the Justice Sector Constellation of the Calgary Poverty Reduction Initiative has developed recommendations to address the ways in which poverty and the legal system intersect. It is hoped that the recommendations of the Constellation will be implemented timely and will intervene in a meaningful way on that intersection.

The Justice Sector Constellation

The Justice Sector Constellation is comprised of 16 organizations or agencies representing a wide variety of government departments and non-governmental agencies active in the justice sector in Calgary. It appears that the Calgary Poverty Reduction Initiative is unique among poverty-reduction initiatives being undertaken by other Canadian municipalities and provinces, in including a justice sector component in its work.

Key Issues Identified by the Constellation

The Constellation identified a number of issues within the legal system faced by those with low income and the access to justice issues faced by such people. These issues were grouped into the following five categories of key issues:

- Legal issues generally do not occur in isolation.
- Diverse populations have specific legal issues.
- People lack knowledge about legal issues and where to find legal information.
- The legal system is complex and difficult for some to access and navigate.
- The culture and functioning of the legal system may produce unintended results.

Each issue identified by the Justice Sector Constellation has previously been identified as an issue in other reports regarding the legal system and the justice sector.

It is significant that each issue identified by the Justice Sector Constellation has previously been identified as an issue in other reports regarding the legal system and the justice sector. Appendix 1 sets out a detailed listing of all of the issues identified by the Justice Sector Constellation together with references to these other reports.

Goals and Vision Statements Developed by the Constellation

The Constellation developed the following goals and related vision statements for a Calgary with a successful poverty-reduction strategy:

- Diversity and Community Integration: There is an integrated concept of Calgary with broad-based socio-economic integration. Ethnic communities experience full participation and we are able to tap into the resources and expertise of all communities.
- Education: Education is a priority and includes appropriate emphasis on life skills. All Calgarians have access to educational opportunities.
- Values: Calgary is a place where people care about their community. Calgarians value, support and respect addressing social concerns. Decisions are made with the interests of the community in mind and without fear.

- Integrated, Community-based Services: Calgary provides a range of services that are integrated, embedded in communities, and reflective of the needs and uniqueness of communities. Services are easy to access and are based on personal relationships that facilitate that access.
- Opportunity: Barriers are removed to create opportunities for everyone to maximize their full potential.

Recommendations of the Constellation

Finally, the Justice Sector Constellation developed recommendations to address each of the issues it identified, all in light of the goals it developed. These recommendations were consolidated into three categories: education, service enhancement, and systemic change. The general themes or sub-categories of the recommendations are described below:

- Education:
 - Enhance public legal education
 - Increase awareness among sectors
 - Increase awareness in the justice sector
- Service Enhancement:
 - Enhance form literacy
 - Facilitate courthouse navigation
 - Enhance access to legal services
 - Accommodate diverse populations and complex needs
 - Facilitate reintegration of those convicted of an offence
 - Maximize utilization of existing resources and services
 - Coordinate services between the justice sector and other social service sectors
- Systemic Change:
 - Promote legal health and build in prevention and early intervention
 - Make the justice sector more accessible
 - Expand the options available in the justice sector
 - Expand services to those with low income
 - Expand services to individuals with complex needs
 - Expand the options available in the criminal justice system
 - Policy change
 - Enhance program delivery

Over 90 percent of the recommendations developed by the Justice Sector Constellation have previously been made, directly or indirectly, in other reports regarding the legal system and the justice sector.

It is significant that over 90 percent (47 of 52) of the recommendations developed by the Justice Sector Constellation have previously been made, directly or indirectly, in other reports regarding the legal system and the justice sector. The detailed list of Justice Sector Constellation recommendations together with the recommendations from these other reports are set out in Appendix 2.

As a result of meetings among all of the constellations of the Calgary Poverty Reduction Initiative, five common goals were developed: supports, assets, cohesion, systems and aboriginal. Set out below are general themes or sub-categories of the recommendations developed by the Justice Sector Constellation that would help address each common goal, together with examples of the specific recommendations:

- Supports: Everyone in Calgary can easily access the right supports, services and resources.
 - Enhance public legal education; for example, educate the public regarding the legal system and options to resolve legal issues, including by establishing a comprehensive, online database of justice sector resources and services.
 - Increase awareness among sectors; for example, educate service providers outside of the justice sector regarding available justice sector resources and services.
 - Enhance form literacy; for example, provide courses on form filling and make justice sector forms easier to understand and complete.
 - Facilitate courthouse navigation; for example, improve courthouse mapping and employ courthouse greeters.
 - Enhance access to legal services; for example, embed justice sector services and legal information in the community, and enhance justice sector service provider websites.
 - Maximize utilization of existing resources and services; for example, reach those who do not know how to access services using innovative access points such as transit stops, pawn shops and credit lenders.
 - Coordinate services; for example, develop a cross-sectoral assessment tool and client database, facilitate cross-referrals between health care and social service providers and justice sector resources and services, and develop integrated, community-based services and joint programming.
- Assets: Everyone in Calgary has the income and assets needed to thrive.
 - Enhance public legal education; for example, educate the public regarding vulnerability to legal issues.
 - Promote legal health and build in prevention and early intervention; for example, take as a starting point the recommendations of the Integrated Justice Services Project, especially regarding the Safe Communities Opportunity and Resource Centre.
- Cohesion: All Calgary communities are strong, supportive and inclusive.
 - Enhance public legal education; for example, educate the public regarding accommodation of diverse populations and complex needs within the legal system, and the challenges faced by those convicted of a crime.
 - Accommodate diverse populations and complex needs; for example, train justice sector service providers to identify and address complex needs, and expand information and services in languages other than English.
 - Facilitate reintegration of those convicted of an offence; for example, encourage use of alternative measures and develop an integration plan for those released from custody.

- Expand services to individuals with complex needs; for example, fully integrate mental health and addiction services within the justice sector, and provide mental health workers in the courthouse.
- Expand the options available in the criminal justice system; for example, increase diversion of those charged with minor, poverty-related offences to community-based supports rather than incarceration, and expand restorative justice programs.
- Systems: Policies and systems (both public and private) enable participation in society.
 - Increase awareness among sectors; for example, educate service providers outside of the justice sector regarding vulnerability to legal issues and how to assist the courts.
 - Increase awareness in the justice sector; for example, raise awareness in the justice sector regarding diversity, poverty, and the justice sector and other resources and services available for the public in general and for those who are vulnerable to legal issues in particular.
 - Maximize utilization of existing resources and services; for example, build on existing systems and resources such as 311 and 211, and educate justice sector service providers regarding dispute resolution options.
 - Coordinate services; for example, by creating opportunities for increased collaboration between justice service providers, and developing and supporting networks of service providers.
 - Make the justice sector more accessible; for example, by using plain language materials for the public wherever possible.
 - Expand the options available in the justice sector; for example, expand the capacity to resolve disputes outside of court, and address resource and service gaps in the justice sector.
 - Expand services to those with low income; for example, fund organizations serving those with low income and develop common eligibility criteria for use within the justice sector.
 - Policy change; for example, reconsider the policy underlying infractions that have a disproportionate impact on those with low income, and develop programs to address the underlying causes for common infractions.
 - Enhance program delivery; for example, develop uniform service standards for the delivery of justice sector and social services and for providers of justice sector and social services.

- Aboriginal: All of the above goals are actualized in meaningful ways for urban Aboriginal persons.¹²
 - Enhance public legal education; for example, educate the public, with special focus on the aboriginal community, regarding the legal system and the justice sector resources and services available within the legal system, especially those for diverse populations and individuals with complex needs, including aboriginals.
 - Increase awareness in the justice sector; for example, raise awareness in the justice sector regarding diversity, with particular emphasis on the aboriginal community.
 - Accommodate diverse populations and complex needs; for example, train justice sector service providers to identify and address complex needs; expand information and services in languages other than English; and establish communications between the justice sector and service providers outside of the justice sector that serve diverse populations, including aboriginals, to enhance understanding and make better use of existing resources.
 - Expand services to individuals with complex needs; for example, fully integrate mental health and addiction services within the justice sector, and provide mental health workers in the courthouse.

Implementation of the Recommendations

The stated purpose of the Calgary Poverty Reduction Initiative is to develop a long-term community-based strategy to significantly reduce poverty in Calgary; not merely a report on poverty, but a strategy to significantly reduce poverty. The cost of doing nothing is high: the total estimated cost of crime attributable to poverty in Alberta is \$560 million.¹³ These costs include costs to government such as policing, the criminal justice system and victim services, and the costs to society such as stolen and damaged property, lost productivity, pain and suffering, and loss of life.

The cost of doing nothing is high: the total estimated cost of crime attributable to poverty in Alberta is \$560 million.

So as to facilitate implementation of the Justice Sector Constellation recommendations, Appendix 3 sets out the recommendations organized by implementation timeframe, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation, other parties the Constellation thought should be involved in implementing each recommendation, and other potential implementation partners and funders identified by the Constellation.

It is hoped that the recommendations of the Justice Sector Constellation will be implemented timely and will intervene in a meaningful way on the intersection between poverty and the legal system.

¹² Implementing all of the recommendations would help address this common goal; those listed here specifically contemplate this common goal.

¹³ Alexa Briggs and Cecelia R. Lee, *Poverty Costs: An Economic Case for a Preventative Poverty Reduction Strategy in Alberta* (Calgary, Alberta: Vibrant Communities Calgary and Action to End Poverty in Alberta, 2012) 28, retrieved from http://www.vibrantcalgary.com/uploads/pdfs/Poverty_Costs.pdf on December 21, 2012.

INTERVENING AT THE INTERSECTION OF POVERTY AND THE LEGAL SYSTEM

REPORT OF THE JUSTICE SECTOR CONSTELLATION OF THE CALGARY POVERTY REDUCTION INITIATIVE

Background

The participants in the Justice Sector Constellation of the Calgary Poverty Reduction Initiative came together knowing that poverty and the legal system intersect, and wanting to intervene at that intersection. An Issues Brief prepared early on in the work of the Justice Sector Constellation was revised as the work of the Justice Sector Constellation progressed, to provide a context for discussion. The Issues Brief is set out below, to provide a context for this report.

Legal Issues Generally Do Not Occur in Isolation

“There is a strong link between multiple unresolved legal problems and social exclusion, poverty and disadvantage”.¹⁴ Research conducted in various jurisdictions, including Alberta in general and Calgary in particular, shows that:

- low-income people are more susceptible to legal issues;
- some legal issues “cluster”, so that some people who face a legal issue often face more than one such issue; and
- legal issues often occur in the context of and may create or exacerbate other problems, such as health issues, financial pressures and relationship breakdown.¹⁵

“There is a strong link between multiple unresolved legal problems and social exclusion, poverty and disadvantage”.

The Alberta Legal Services Mapping Project for Calgary identified the following kinds of problem clusters some groups were more likely to experience:¹⁶

- Family disputes lead to divorce, child custody/protection and child/spousal support, all of which result from or can result in foreclosure/eviction, bankruptcy, substance abuse, employment and health issues. Legal issues involving family matters are the third most frequently reported legal problem in Alberta.¹⁷
- New Canadians (immigrants, refugees and temporary foreign workers) are likely to have immigration problems that cluster with accommodation, employment rights and workplace safety issues.
- Youth in the juvenile system likely experienced sexual exploitation or abuse and have substance abuse problems. They also are highly likely to have been the subject of earlier child protection cases.

¹⁴ Buckley 39.

¹⁵ Stratton “Mapping” 29-31; Lieb 43-45; Buckley 38-41; OCLNP 10-13, 21-22.

¹⁶ Lieb 81.

¹⁷ Lieb 45.

In addition, those with mental health issues, cognitive issues or addictions are over-represented in criminal justice matters in particular,¹⁸ which mirrors the situation with the homeless.¹⁹ The Alberta Legal Services Mapping Project reported a lack of specialized staff knowledge or training to assist those with special needs, including knowledge of the laws relating to such groups and understanding of cultural and social contexts.²⁰ It seems that in some cases, the necessary resources are only available in prison.

Aboriginal peoples are disproportionately involved in criminal and quasi-criminal actions in the Canadian criminal justice system and in child protection actions.²¹

Lack of proper identification documents is often cited as a problem, particularly by the homeless.²² Calgary Legal Guidance offers clinics at which participants can receive sufficient documentation to re-acquire the necessary papers.

New issues around language and culture arise with the growing immigrant population in Calgary. Domestic violence is also a problem within some groups.²³ Diversity in the legal profession is increasing, but not as quickly as in the population at large. This can disadvantage those looking for legal assistance from someone who speaks the language and understands the culture of the client.

Literacy in the context of legal forms and applications for government assistance is low, particularly among immigrants and more so for men than women. This is exacerbated by the fact that there is an increasing number of and complexity in forms to be completed for court processes and social service applications. Ensuring that people understand and are provided the relevant information can be problematic for justice sector service providers in this context.

Fear of authority or consequences, and esteem issues, make people unwilling or unable to look for help or ask questions. Some factors that may affect this include mental health issues, cultural barriers, age, gender and literacy.

People in poverty often lack a healthy support system of family and friends to start with, which decreases their ability to find the right, and sometimes any, legal and other professional supports. Living in poverty is exhausting; some living on the street may want to be in jail where they will have a bed, food and a degree of safety.

The foregoing reinforces the need for a coordinated approach to poverty and related legal issues.²⁴ However, confidentiality issues and legal requirements regarding personal information create problems in developing multi-disciplinary service delivery involving legal professionals. In addition, justice sector providers do not have systems to share information regarding clients.

People Lack Knowledge about Legal Issues and Where to Find Legal Information

People often do not know where to go for help because they cannot identify the nature of their crisis. “[T]here is a large proportion of citizens who either do not recognize their problem as having a legal component or don’t know where to go for help”.²⁵

¹⁸ Stratton “Mapping” 99-101.

¹⁹ Stratton “Access” 8.

²⁰ Stratton “Mapping” 88.

²¹ Lieb 56; Stratton “Mapping” 94.

²² Stratton “Access” 8.

²³ Lieb 81.

²⁴ Stratton “Mapping” 6.

²⁵ NAC 6.

People may be able to identify their issue, but do not know what to do about it. Many are not aware of available resources and services. Even the location of the Law Information Centre at the Calgary courthouse is not easy to find. The Ipsos Reid survey conducted for the Law Society of Alberta and the Alberta Legal Services Mapping Project for Calgary both confirmed that many people do not know where to look for legal information or advice.²⁶

If people are able to find relevant information, there are insufficient resources to help them understand or access that information. For example, the Law Information Centre at the Calgary courthouse can give only legal information (“this is what the law says regarding your situation”), not legal advice (“and this is what you should do about your situation”). In addition, the public tends to have misconceptions as to what legal service providers can do, expecting that service providers will be able to immediately fix their legal problems.²⁷

“[T]here is a large proportion of citizens who either do not recognize their problem as having a legal component or don’t know where to go for help”.

There is no central repository of available information and resources. Even service providers are not always aware of other resources and services. The Alberta Legal Services Mapping Project for Calgary reported that legal and social service providers in Calgary are not always aware of other services available or do not understand what services are offered by providers.²⁸ Referrals made by one legal service provider to another are not always accurate, and some legal service providers are not aware of all services offered by their own organization. This is not surprising, since it is difficult to keep current information on other service providers and the services they offer.

Most legal issues do not go to court, although many justice-related programs centre on courts. Education is especially important in addressing such issues.²⁹ However, studies have suggested that the information must be put in front of people, or they will not find it.

Some People Lack Confidence in the Legal System

While the results of a survey recently conducted for the Law Society of Alberta showed that people are generally satisfied with the legal advice they receive from lawyers,³⁰ a British Columbia study reported that polls taken of Canadians and others show a lower level of confidence in the justice system than in the health care or education systems.³¹ Significantly, Albertans have one of the lowest levels of confidence in the justice system. Canada-wide polls suggest higher confidence in police, varying levels of confidence in the courts, and low to very low confidence in the prison system and parole and youth justice systems, respectively.

²⁶ Law Society of Alberta, “Most Albertans Satisfied with Their Lawyers: Ipsos Reid Poll Shows”, *The Advisory* (Volume 8, Issue 3, June 2010), retrieved from http://www.lawsociety.ab.ca/advisory_2010/advisory_volume_8_issue_3_Jun2010/features/poll.aspx on October 16, 2012; Ipsos Reid, “Albertans Satisfied with Their Lawyers” (May 18, 2010) 2, retrieved from http://www.lawsociety.ab.ca/files/home/Ipsos_Reid_Release_18May2010.pdf on June 7, 2012; Lieb 48-49.

²⁷ Lieb 25.

²⁸ Lieb 22, 26, 35-39.

²⁹ Rick Craig, “PLEI as part of the Legal Services Spectrum in a Changing World”, *News & Views on Civil Justice Reform* (Issue 12, Spring 2009) 9, retrieved from <http://cfcj-fcjc.org/docs/2009/newsviews12-en.pdf#page=9> on June 7, 2012.

³⁰ LSA “Satisfied”; Ipsos Reid 1.

³¹ Neil Boyd, *Confidence in the Justice System in British Columbia: The Problem, Consequences and Potential Remedies* (Vancouver, British Columbia: Canadian Bar Association, British Columbia Branch, January 2010) 5-6, retrieved from http://www.cba.org/bc/Initiatives/pdf/boyd_report.pdf on June 7, 2012.

The Legal System Is Complex and Difficult to Access for Some

The legal system is complex and difficult to navigate. “Many aspects of the civil justice system are difficult to understand for those untrained in the law. Without assistance it is difficult, if not impossible, to gain access to a system one does not comprehend.”³² Most people are not familiar with the legal system or connected with people in it, so everything about it is new. The legal system also changes over time, which may be a challenge even for those who work in the legal system.

People are expected to access the legal system on its terms and where it is located, which can be a barrier for some. The legal system has been designed by a group of people who speak a certain language, using specific terminology, in terms and a format that makes sense to them and that they can understand, even though the system is to be accessed by another group of people who often lack language skills and formal training, are not familiar with the terminology and are in crisis.

“Many aspects of the civil justice system are difficult to understand for those untrained in the law. Without assistance it is difficult, if not impossible, to gain access to a system one does not comprehend.”

Despite these issues, people appear to be more willing than ever before to pursue legal action as a means of dispute resolution and, perhaps because of a lack of confidence in the legal system, people facing legal issues are more willing than they have been historically to take matters into their own hands and represent themselves in their legal disputes. Some of these people have the skills and resources to handle their own legal issues and have chosen not to hire a lawyer even though they may be able to afford one. However, some of these people lack the skills to represent themselves and may not have the resources to hire a lawyer to represent them.

These self-represented or unrepresented litigants are creating real delays in court proceedings and increasing costs for other parties who have retained legal counsel, as judges make the extra effort to try to ensure a fair process. This is a growing phenomenon, which may be attributed to a greater amount of legal information available (including on the internet) and perhaps because of the reduction in legal aid funding.

Legal Advice May Be Difficult to Access for Some

Only lawyers can give legal advice, so the question arises as to whether there are enough lawyers in Calgary. There has been no new law school in Alberta since the University of Calgary law school opened in 1976, while the population of Calgary has increased dramatically. Moreover, the average age of lawyers in Alberta is relatively high: in 2009, 58 percent were between 41 and 70, 25 percent were between 31 and 40, and less than 10 percent were under 30.³³ The average age of rural practitioners is even higher, so this may be less of an issue in Calgary. However, women leave the profession at a much higher rate than men, resulting in gender imbalances in the profession.

Lawyers are coming to Calgary from foreign jurisdictions, but not all are able or willing to successfully complete the required accreditation process. However, lawyers from elsewhere in Canada are now able to move to another Canadian jurisdiction more readily than was previously the case.

³² CBA “Systems” 16.

³³ Sarah King-D’Souza, “The Three ‘R’s’: Rural, Regional and Remote”, *The Law Society of Alberta 2010 Annual Accountability Report* (Calgary, Alberta: Law Society of Alberta, 2011) 9, retrieved from http://www.lawsociety.ab.ca/files/financial/Annual_Report_2010.pdf on June 7, 2012.

Even if there are enough lawyers overall, there are not enough lawyers practising in the areas of law in which those with low incomes have needs.³⁴ Another factor contributing to self-representation may be the shortage of lawyers in certain legal practice areas, particularly family law. Even private practise law firms are having difficulty finding family law lawyers.

The Cost of Legal Services Is an Issue, Even for Middle-income Earners

Costs are often cited as an issue in accessing legal services, including by lawyers.³⁵ “Middle income Canadians cannot afford legal advice or representation for more than the most routine matter”.³⁶ There are several interrelated factors at play here.

The recent economic downturn has had a direct impact on funding for legal aid. As a result of this and a review of its service delivery model released in 2009, Legal Aid Alberta has changed its eligibility criteria and accelerated its move toward more of a legal clinic approach rather than assigning individual lawyers to each client. Legal Aid Alberta now offers a spectrum of legal services to meet the individual needs of each client. Ironically, the recent increase in monthly funding for those on Assured Income for the Severely Handicapped puts them outside of the eligibility criteria for individual lawyer representation from Legal Aid Alberta, although not from receiving legal information and possibly other services.

While legal aid eligibility has tightened, legal fees have continued to increase. Many lawyers in private practice offer legal services pro bono (for free) or at reduced rates.³⁷ However, the prevailing view among lawyers is that the availability of legal services should not ultimately be dependent on the largesse of the legal profession, and that pro bono legal services are no substitute for a properly funded legal aid program. There is a real tension here, with lawyers wanting to fulfil their obligation as a profession to help those in need, but not wanting to take on responsibility that more properly belongs to government. There have been calls in some quarters for legal aid funding to be considered an essential service, like health care.³⁸

“Middle income Canadians cannot afford legal advice or representation for more than the most routine matter”.

The Law Society of Alberta recently completed a study looking at what it called the alternative delivery of legal services – being legal services delivered by persons who are not lawyers – with a view to determine if that could increase the supply of legal services and make them more generally available to Albertans.³⁹ The findings were that Alberta has the highest per-capita level of independent non-lawyer

³⁴ Buckley 68-69.

³⁵ Law Society of Alberta, “Trending Data on Lawyers in Alberta Today”, *The Advisory* (Volume 9, Issue 1, March 2011), retrieved from http://www.lawsociety.ab.ca/advisory_2011/advisory_volume_9_issue_1_Mar2011/feature/trending.aspx on June 7, 2012.

³⁶ Stratton “Mapping” 6.

³⁷ LSA “Trending”.

³⁸ Alison Brewin and Kasari Govender, *Rights-based Legal Aid: Rebuilding BC’s Broken System* (Vancouver, British Columbia: Canadian Centre for Policy Alternatives, BC Office and West Coast Leaf, November 2010) 5-6, retrieved from http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2010/11/CCPA_Legal_Aid_web.pdf on June 7, 2012.

³⁹ Doug Mah, “Committee Recommends Exploring Models to Enhance Legal Services Delivery to Low-income Albertans”, *The Advisory* (Volume 9, Issue 2, August 2011), retrieved from http://www.lawsociety.ab.ca/advisory_2011/advisory_volume_9_issue_2_Aug2011/news/adls.aspx on June 7, 2012. See also Law Society of Alberta, Alternative Delivery of Legal Services Committee, *Alternative Delivery of Legal*

legal service providers in the country. Concerns with this include that such persons are generally not regulated or insured, and often are not subject to specific educational or training requirements.⁴⁰ Examples include paralegals working without supervision by a lawyer, retired police officers addressing traffic offences, and real estate agents negotiating contracts. The Law Society of Alberta concluded that further expansion of this market was not warranted, other than potentially through a greater role for paralegals under the supervision of a lawyer.⁴¹

To address the issue of legal costs and in response to the influx of self-represented litigants, justice sector service providers (including Legal Aid Alberta) are experimenting with limited scope retainers, also referred to as unbundling of legal services. This is where a lawyer helps a client with one part of a legal issue, rather than taking on the entire legal issue as has been the case historically. This helps to manage legal costs and includes client in the process, which empowers them. This is relatively new concept in Alberta that has not been widely adopted by the legal profession, perhaps because there is sufficient regular legal work available.

Legal insurance and prepaid legal service plans are touted by some as a way to increase access to justice. Legal insurance is basically legal accident insurance, although it may provide a legal advice helpline. Such insurance is not new, but it has yet to make significant inroads in Canada.⁴² Prepaid legal service plans offer some form of benefits, and may include free or flat-rates for wills, real estate transactions and basic legal work. At this point, they are primarily an employee benefit for unionized employees, but some credit cards apparently offer such programs. However, both options are likely outside of the realm of the target population in the Calgary Poverty Reduction Initiative.

Justice Sector Initiatives to Improve Access to Justice

A number of justice sector initiatives are seeking to improve access to justice.

The Calgary Police Service is working with community partners to develop comprehensive strategies that are applied progressively along a crime prevention and reduction continuum, with the ultimate goal of keeping individuals out of the formal justice system when appropriate, and treating the underlying causes of their criminal behavior.⁴³

Specialty courts such as the Calgary Drug Treatment Court have helped assist those facing certain legal and other issues in a more holistic manner. Those involved in family law disputes must now participate in a program involving education and mediation, which is smoothing the process in such matters.

Similarly, reforms have been introduced to help expedite court proceedings, although as indicated above, most legal issues are not resolved in court.

The Alberta Law Foundation recently announced projects to expand immigration law services in Calgary and Edmonton for individuals facing low income and other barriers.⁴⁴

Services Final Report (Calgary, Alberta: Law Society of Alberta, February 2012), retrieved from http://www.lawsociety.ab.ca/files/adls/ADLS_Final_Report.pdf on December 21, 2012.

⁴⁰ LSA “ADLS” 15-16.

⁴¹ LSA “ADLS” 26-27.

⁴² Buckley 114.

⁴³ Calgary Police Service, Crime Prevention and Reduction Continuum, April 2012, retrieved from <http://www.calgarypolice.ca/continuum-crimePrevRedContinuum.html> on January 10, 2013.

⁴⁴ Alberta Law Foundation, “Expanded Immigration Law Services in Edmonton and Calgary”, Friday, December 16, 2011, retrieved from <http://www.albertalawfoundation.org/about-us/news/2011/12/16/expanded-immigration-law-services-in-edmonton-and-calgary/> on June 7, 2012.

Legal Aid Alberta has developed a new service delivery model with a view to providing a continuum of services, working in partnership with other social services agencies to coordinate services provided to clients.

In response to the influx of self-represented litigants, legal service providers (including Legal Aid Alberta) are experimenting with limited scope retainers.

There is a move within the legal profession to offer legal services with more creative use of technology, which theoretically could reduce legal costs and increase access to legal services. For example, lawyers are creating virtual law firms, enabling lawyers to work remotely to eliminate the need for physical office space. Websites offer free or low-cost standard-form legal documents for download; one website offers a free estimate of severance payable for those who have been fired without cause, with the option to purchase some legal advice. However, given the current issues with self-represented litigants and the lack of knowledge and training of those preparing their own legal documents, one might wonder whether such steps are increasing only access, not justice.

A group of justice sector service providers is working together in the 1000 Voices community and human services area at the Genesis Centre in northeast Calgary, in an attempt to bring services to where the people are, allow the needs of the community to shape the service, and develop a new cooperative model for the delivery of legal information and services.

The Alberta Legal Information Society is a partnership including Calgary Public Library, Alberta Law Libraries and Centre for Public Legal Education Alberta, which is developing an online portal to provide a single entry point to legal information and resources.

Finally, the Justice Sector Constellation of the Calgary Poverty Reduction Initiative has developed recommendations to address the ways in which poverty and the legal system intersect. It is hoped that the recommendations of the Constellation will be implemented timely and will intervene in a meaningful way on that intersection.

The Justice Sector Constellation

Composition of the Constellation

The Justice Sector Constellation of the Calgary Poverty Reduction Initiative is comprised of a wide variety of representatives of government departments and non-governmental agencies active in the justice sector in Calgary. Members represent legislators and policy-makers, the court system, public legal education, the criminal justice system, and agencies serving specific populations such as those in poverty, women, children, youth and aboriginals.

It appears that the Calgary Poverty Reduction Initiative is unique among poverty-reduction initiatives being undertaken by other Canadian municipalities and provinces, in including a justice sector component in its work.

It appears that the Calgary Poverty Reduction Initiative is unique among poverty-reduction initiatives being undertaken by other Canadian municipalities and provinces, in including a justice sector component in its work.

Definitions of Terminology Used by the Constellation

Early on, the Justice Sector Constellation agreed on the need to define certain terminology, to ensure that everyone had the same understanding of terms being used. As a result, the following working definitions were developed for use by the Constellation in its work, which apply throughout this report:

“Access to justice” includes timely, targeted, affordable access to legal information, legal advice, legal services and the legal system.

“Criminal justice system” includes all aspects of the legal system related to crime.

“Justice sector” includes all organizations and individuals involved in the legal system as well as all organizations and individuals involved in serving people who are in need or at risk of accessing the legal system or who are navigating the legal system.

“Legal issues” include any matter as a result of which people either choose to take action or are required to respond in the legal system. Examples of legal issues include receiving a ticket for an offence (including municipal tickets), initiating or responding to proceedings involving divorce or child custody, initiating or responding to a civil law suit as a result of an accident, and laying criminal charges or being charged with a crime.

“Legal system” includes all aspects of legal information, advice and procedures, and all organizations and individuals involved in that. Examples of legal information, advice and procedures include legal information provided on the internet, legal advice provided and recommendations made by a lawyer, and the process followed in a law court. Examples of organizations and individuals involved in legal information, advice and procedures include law courts, lawyers and paralegals, and police and correctional services.

Key Issues Identified by the Constellation

The Justice Sector Constellation identified a number of issues within the legal system faced by those with low income and the access to justice issues faced by such people. These issues were grouped into the following five categories of key issues:

- Legal issues generally do not occur in isolation; for example, those with mental health issues, cognitive issues or addictions are over-represented in the criminal justice system in particular.
- Diverse populations have specific legal issues; for example, the aboriginal community faces unique challenges, and is over-represented in the legal system.
- People lack knowledge about legal issues and where to find legal information; for example, people often do not know where to go for help because they cannot identify the nature of their crisis.
- The legal system is complex and difficult for some to access and navigate; for example, people may have functional literacy that enables them to survive in society, but lack ‘form literacy’, being the ability to understand and complete legal and other forms.

Each issue identified by the Justice Sector Constellation has previously been identified as an issue in other reports regarding the legal system and the justice sector.

- The culture and functioning of the legal system may produce unintended results; for example, the application of laws may disproportionately impact those living in poverty even if the laws are not necessarily aimed at such people.

It is significant that each issue identified by the Justice Sector Constellation has previously been identified as an issue in other reports regarding the legal system and the justice sector. Appendix 1 sets out a detailed listing of all of the issues identified by the Justice Sector Constellation together with references to these other reports.

Goals and Vision Statements Developed by the Constellation

The Justice Sector Constellation developed the following goals and related vision statements for a Calgary with a successful poverty-reduction strategy:

- **Diversity and Community Integration:** There is an integrated concept of Calgary with broad-based socio-economic integration. Ethnic communities experience full participation and we are able to tap into the resources and expertise of all communities.
- **Education:** Education is a priority and includes appropriate emphasis on life skills. All Calgarians have access to educational opportunities.
- **Values:** Calgary is a place where people care about their community. Calgarians value, support and respect addressing social concerns. Decisions are made with the interests of the community in mind and without fear.
- **Integrated, Community-based Services:** Calgary provides a range of services that are integrated, embedded in communities, and reflective of the needs and uniqueness of communities. Services are easy to access and are based on personal relationships that facilitate that access.
- **Opportunity:** Barriers are removed to create opportunities for everyone to maximize their full potential.

These goals were generally correlated to the key issues identified by the Constellation as follows.

Key Issues	Goal
Legal issues generally do not occur in isolation	Values Opportunity
Diverse populations have specific legal issues	Diversity and Community Integration
People lack knowledge about legal issues and where to find legal information	Education
The legal system is complex and difficult for some to access and navigate	Integrated, Community-based Services
The culture and functioning of the legal system may produce unintended results	Opportunity

Recommendations of the Constellation

Recommendations, Implementation Roles and Timeframes Developed by the Constellation

The Justice Sector Constellation developed recommendations to address each of the issues it identified, all in light of the goals it developed. These recommendations were consolidated into three categories: education, service enhancement, and systemic change. The general themes or sub-categories of the recommendations, together with examples of the specific recommendations, are described below:

- Education:
 - Enhance public legal education; for example, educate the public regarding the legal system and options to resolve legal issues, including by establishing a comprehensive, online database of justice sector resources and services.
 - Increase awareness among sectors; for example, educate service providers outside of the justice sector regarding vulnerability to legal issues, and available justice sector resources and services.
 - Increase awareness in the justice sector; for example, raise awareness in the justice sector regarding diversity, poverty, and the justice sector and other resources and services available for the public in general and for those who are vulnerable to legal issues in particular.
- Service Enhancement:
 - Enhance form literacy; for example, provide courses on form filling and make justice sector forms easier to understand and complete.
 - Facilitate courthouse navigation; for example, improve courthouse mapping and employ courthouse greeters.
 - Enhance access to legal services; for example, embed justice sector services and legal information in the community, and enhance justice sector service provider websites.
 - Accommodate diverse populations and complex needs; for example, train justice sector service providers to identify and address complex needs, and expand information and services in languages other than English.
 - Facilitate reintegration of those convicted of an offence; for example, encourage use of alternative measures and develop an integration plan for those released from custody.
 - Maximize utilization of existing resources and services; for example, build on existing systems and resources such as 311 and 211, and educate justice sector service providers regarding dispute resolution options.
 - Coordinate services; for example, develop a cross-sectoral assessment tool and client database, facilitate cross-referrals between health care and social service providers and justice sector resources and services, and develop integrated, community-based services and joint programming.

- Systemic Change:
 - Promote legal health and build in prevention and early intervention; for example, take as a starting point the recommendations of the Integrated Justice Services Project, especially regarding the Safe Communities Opportunity and Resource Centre.
 - Make the justice sector more accessible; for example, by using plain language materials for the public wherever possible
 - Expand the options available in the justice sector; for example, expand the capacity to resolve disputes outside of court, and address resource and service gaps in the justice sector.
 - Expand services to those with low income; for example, fund organizations serving those with low income and develop common eligibility criteria for use within the justice sector.
 - Expand services to individuals with complex needs; for example, fully integrate mental health and addiction services within the justice sector, and provide mental health workers in the courthouse.
 - Expand the options available in the criminal justice system; for example, increase diversion of those charged with minor, poverty-related offences to community-based supports rather than incarceration, and expand restorative justice programs.
 - Policy change; for example, reconsider the policy underlying infractions that have a disproportionate impact on those with low income, and develop programs to address the underlying causes for common infractions.
 - Enhance program delivery; for example, develop uniform service standards for the delivery of justice sector and social services and for providers of justice sector and social services.

It is significant that over 90 percent (47 of 52) of the recommendations developed by the Justice Sector Constellation have previously been made, directly or indirectly, in other reports regarding the legal system and the justice sector. The detailed list of Justice Sector Constellation recommendations together with the recommendations from these other reports are set out in Appendix 2.

The Justice Sector Constellation identified the party or parties it thought could play a leadership role in implementing each recommendation, other parties it thought should be involved in implementing each recommendation, and other potential implementation partners and funders.

A timeframe for implementation of each recommendation was also identified: short term (e.g., within one year), medium term (e.g., within five years) and long term (e.g., within ten years). Note, however, that the assignment of a longer implementation period assumed that steps toward implementation would begin in the short term.

Over 90 percent of the recommendations developed by the Justice Sector Constellation have previously been made, directly or indirectly, in other reports regarding the legal system and the justice sector.

Alignment of Constellation Goals to Common Goals of the Calgary Poverty Reduction Initiative

As a result of meetings among all of the constellations of the Calgary Poverty Reduction Initiative, the following five common goals were developed:

1. Supports: Everyone in Calgary can easily access the right supports, services and resources.
2. Assets: Everyone in Calgary has the income and assets needed to thrive.
3. Cohesion: All Calgary communities are strong, supportive and inclusive.
4. Systems: Policies and systems (both public and private) enable participation in society.
5. Aboriginal: All of the above goals are actualized in meaningful ways for urban Aboriginal persons.

The goals developed by the Justice Sector Constellation are broadly aligned with the five common goals of the Calgary Poverty Reduction Initiative as follows:

CPRI Common Goal	Justice Sector Goal(s)
Supports: Everyone in Calgary can easily access the right supports, services and resources	Education Integrated, Community-based Services
Assets: Everyone in Calgary has the income and assets needed to thrive	Education Opportunity
Cohesion: All Calgary communities are strong, supportive and inclusive	Diversity and Community Integration Education Values
Systems: Policies and systems (both public and private) enable participation in society	Education Integrated, Community-based Services
Aboriginal: All of the above goals are actualized in meaningful ways for urban Aboriginal persons.	Diversity and Community Integration Education Integrated, Community-based Services Opportunity

Common Goal 1: Supports - Everyone in Calgary can easily access the right supports, services and resources

“Education” and “Integrated, Community-based Services” are the Justice Sector Constellation goals broadly aligned to this common goal.

Set out below are the recommendations developed by the Justice Sector Constellation that would help address this common goal, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation (potential leaders), other parties the Constellation thought should be involved in implementing the recommendation (key participants), other potential implementation partners and funders identified by the Constellation, and the implementation timeframe identified by the Constellation. The recommendations are organized by implementation timeframe.

Recommendation ⁴⁵	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.3.1 Increase Use of Limited-scope Retainers	Potential leader: -Limited Scope Retainers Working Group Key participants: -Alberta Justice and Solicitor General -Law Society of Alberta -Legal Aid Alberta	Short term
Recommendation 2.3.5 Create Opportunities for Pro Bono Legal Services	Potential leader: -Pro Bono Law Alberta	Short term
Recommendation 2.2.1 Improve Courthouse Mapping Recommendation 2.2.2 Employ Courthouse Greeters	Potential leader: -Elizabeth Fry Society of Calgary, via an expansion of the Adult Court Program Key participants: -Alberta Justice and Solicitor General, Court Administration -Alberta Law Foundation -Family Justice Services	Short term, subject to funding
Recommendation 1.2.2 Educate Service Providers Regarding Justice Sector Resources and Services	Potential leader: -Calgary Legal Guidance Key participants: -211 Alberta -Alberta Legal Information Society -CPRI Justice Sector Constellation members -United Way of Calgary and Area	Short term (1-2 years)
Recommendation 2.1.1 Provide Courses on Form Filling Recommendation 2.1.2 Make Forms Accessible Recommendation 2.1.3 Expand Form Services	Potential leader: -Legal Aid Alberta for Recommendation 2.1.3 Key participants: -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Law Libraries -Calgary Public Library -Family Justice Services -immigrant-serving agencies -Legal Aid Alberta -Literacy Alberta -school boards -Student Legal Assistance Society (Calgary)	Short term to medium term (1-3 years)

⁴⁵ The detailed list of Justice Sector Constellation recommendations is set out in Appendix 2.

Recommendation⁴⁵	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.3.2 Increase Use of Lawyer-supervised Paralegals	Potential leader: -Access to Legal Services Steering Committee Key participants: -Alberta Justice and Solicitor General -Calgary Legal Guidance -Law Society of Alberta -Legal Aid Alberta	Short term to medium term
Recommendation 2.3.3 Encourage Provision of Legal Information	Potential leader: -Access to Legal Services Steering Committee Key participants: -Alberta Justice and Solicitor General, Court Administration -Alberta Law Libraries -Alberta Legal Information Society -Calgary Legal Guidance -Calgary Public Library -Centre for Public Legal Education of Alberta -Family Justice Services -Family Law Information Centre -Law Information Centre -Pro Bono Law Alberta	Short term to medium term
Recommendation 2.3.4 Embed Justice Sector Services and Legal Information in Community	Key participants: -Alberta Justice and Solicitor General, Court Administration -Alberta Law Libraries -Alberta Legal Information Society -Calgary Legal Guidance -Calgary Public Library -Centre for Public Legal Education of Alberta -Family Justice Services -Family Law Information Centre -Law Information Centre -Pro Bono Law Alberta	Short term to medium term
Recommendation 2.3.6 Enhance Justice Sector Service Provider Websites	Key participants: -Alberta Law Foundation -Alberta Law Libraries -Alberta Legal Information Society	Short term to medium term

Recommendation⁴⁵	Potential Leaders and Participants	Implementation Timeframe
<p>Recommendation 1.1.2 Educate the Public Regarding the Legal System</p> <p>Recommendation 1.1.3 Educate the Public Regarding Options to Resolve Legal Issues</p>	<p>Potential leaders: -Alberta Health Services, Public Health -Calgary Public Library -United Way of Calgary and Area</p> <p>Key participants: -Alberta Justice and Solicitor General -Alberta Law Foundation -Alberta Law Libraries -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Centre for Public Legal Education of Alberta -Elizabeth Fry Society of Calgary -Legal Aid Alberta -school boards, universities, colleges and technical schools</p> <p>Potential corporate partners: banks</p> <p>Working group: -Alberta Law Libraries -Calgary Legal Guidance -Calgary Public Library</p>	Medium term
<p>Recommendation 2.6.1 Reach Those Who Do Not Know How to Access Services</p>	<p>Key participants: -Alberta Legal Information Society -Centre for Public Legal Education of Alberta -City of Calgary -Government of Alberta -Government of Canada</p>	Medium term
<p>Recommendation 2.7.1 Develop a Cross-sectoral Assessment Tool and Client Database</p>	<p>Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative</p> <p>Key participants: -Government of Alberta</p>	Medium term
<p>Recommendation 2.7.2 Ensure That Everyone Receives Services</p>	<p>Potential leader: -CPRI Justice Sector Constellation members</p> <p>Key participants: -Canadian Bar Association -Law Society of Alberta -universities, colleges and technical schools</p>	Medium term

Recommendation⁴⁵	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.7.3 Facilitate Cross-referrals	Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative Key participants: -Alberta Health Services -Calgary Policy Service -City of Calgary	Medium term
Recommendation 2.7.6 Develop Joint Programming	Potential leader: -Alberta Education Key participants: -Alberta Justice and Solicitor General -Momentum	Medium term
Recommendation 2.7.4 Develop Integrated, Community-based Services	Potential leaders: -City of Calgary -Government of Alberta -Government of Canada Key participants: -community associations -CPRI Justice Sector Constellation members -school boards Other potential funder: -Calgary Homeless Foundation	Long term

Common Goal 2: Assets - Everyone in Calgary has the income and assets needed to thrive

“Education” and “Opportunity” are the Justice Sector Constellation goals broadly aligned to this common goal.

Set out below are the recommendations developed by the Justice Sector Constellation that would help address this common goal, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation (potential leaders), other parties the Constellation thought should be involved in implementing the recommendation (key participants), other potential implementation partners and funders identified by the Constellation, and the implementation timeframe identified by the Constellation. The recommendations are organized by implementation timeframe.

Recommendation ⁴⁶	Potential Leaders and Participants	Implementation Timeframe
Recommendation 1.1.1 Educate the Public Regarding Vulnerability to Legal Issues	Potential leaders: -Alberta Health Services, Public Health -Calgary Public Library -United Way of Calgary and Area Key participants: -Alberta Justice and Solicitor General -Alberta Law Foundation -Alberta Law Libraries -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Centre for Public Legal Education of Alberta -Elizabeth Fry Society of Calgary -Legal Aid Alberta -school boards, universities, colleges and technical schools Potential corporate partners: banks Working group: -Alberta Law Libraries -Calgary Legal Guidance -Calgary Public Library	Medium term
Recommendation 3.1.1 Promote Legal Health and Build in Prevention and Early Intervention	Key participants: -City of Calgary -Government of Alberta -Government of Canada Other potential funders: -Alberta Law Foundation -Calgary Foundation -United Way of Calgary and Area	Long term

Common Goal 3: Cohesion - All Calgary communities are strong, supportive and inclusive

“Diversity and Community Integration”, “Education” and “Values” are the Justice Sector Constellation goals broadly aligned to this common goal.

Set out below are the recommendations developed by the Justice Sector Constellation that would help address this common goal, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation (potential leaders), other parties the Constellation thought should be involved in implementing the recommendation (key participants), other potential

⁴⁶ The detailed list of Justice Sector Constellation recommendations is set out in Appendix 2.

implementation partners and funders identified by the Constellation, and the implementation timeframe identified by the Constellation. The recommendations are organized by implementation timeframe.

Recommendation⁴⁷	Potential Leaders and Participants	Implementation Timeframe
<p>Recommendation 2.4.4 Add Justice Sector Representation to the Calgary Mental Health and Addictions Strategy Team</p> <p>Recommendation 2.4.5 Communicate with Those Serving Diverse Populations</p>	<p>Key participants:</p> <ul style="list-style-type: none"> -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta 	Short term
<p>Recommendation 2.4.1 Train to Identify Complex Needs</p> <p>Recommendation 2.4.2 Train to Address Complex Needs</p>	<p>Key participants:</p> <ul style="list-style-type: none"> -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta 	Short term to medium term
<p>Recommendation 2.5.1 Encourage Use of Alternative Measures</p> <p>Recommendation 2.5.2 Develop an Integration Plan for Those Released from Custody</p>	<p>Potential leaders:</p> <ul style="list-style-type: none"> -Alberta Justice and Solicitor General -Corrections Canada -Discharge Planning for Homeless Albertans Cross-Government Committee <p>Key participants:</p> <ul style="list-style-type: none"> -Alberta Health Services -Alberta Housing and Urban Affairs -Alberta Works -Boys and Girls Clubs of Calgary -Calgary Chamber of Commerce -Calgary John Howard Society, Roofs for Youth -Corrections Canada -Elizabeth Fry Society of Calgary 	Short term to medium term

⁴⁷ The detailed list of Justice Sector Constellation recommendations is set out in Appendix 2.

Recommendation⁴⁷	Potential Leaders and Participants	Implementation Timeframe
<p>Recommendation 1.1.4 Educate the Public Regarding Accommodation within the Legal System</p> <p>Recommendation 1.1.5 Educate the Public Regarding Those Convicted of a Crime</p>	<p>Potential leaders: -Alberta Health Services, Public Health -Calgary Public Library -United Way of Calgary and Area</p> <p>Key participants: -Alberta Justice and Solicitor General -Alberta Law Foundation -Alberta Law Libraries -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Centre for Public Legal Education of Alberta -Elizabeth Fry Society of Calgary -Legal Aid Alberta -school boards, universities, colleges and technical schools</p> <p>Potential corporate partners: banks</p> <p>Working group: -Alberta Law Libraries -Calgary Legal Guidance -Calgary Public Library</p>	Medium term
<p>Recommendation 3.5.1 Integrate Mental Health and Addiction Services within the Justice Sector</p>	<p>Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative</p>	Medium term
<p>Recommendation 3.6.1 Increase Diversion</p> <p>Recommendation 3.6.2 Expand Restorative Justice Programs</p>	<p>Key participants: -City of Calgary -Government of Alberta -Government of Canada</p>	Medium term
<p>Recommendation 2.4.3 Expand Information and Services in Languages Other Than English</p>	<p>Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta</p>	Medium term to long term

Common Goal 4: Systems - Policies and systems (both public and private) enable participation in society

“Education” and “Integrated, Community-based Services” are the Justice Sector Constellation goals broadly aligned to this common goal.

Set out below are the recommendations developed by the Justice Sector Constellation that would help address this common goal, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation (potential leaders), other parties the Constellation thought should be involved in implementing the recommendation (key participants), other potential implementation partners and funders identified by the Constellation, and the implementation timeframe identified by the Constellation. The recommendations are organized by implementation timeframe.

Recommendation⁴⁸	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.6.3 Educate the Justice Sector Regarding Dispute Resolution Options	Key participants: -Alberta Justice and Solicitor General -Canadian Bar Association -Law Society of Alberta	Short term
Recommendation 3.3.2 Expand Alternatives to Address Legal Issues	Potential leaders: -Access to Legal Services Steering Committee -Alberta Justice and Solicitor General Key participants: -Alberta Legal Information Society -Pro Bono Law Alberta	Short term
Recommendation 3.4.1 Fund Organizations Serving Those with Low Income	Key participants: -City of Calgary -Government of Alberta -Government of Canada -other funders such as Calgary Foundation and United Way of Calgary and Area	Short term
Recommendation 1.2.1 Educate Service Providers Regarding Vulnerability to Legal Issues Recommendation 1.2.3 Educate Service Providers Regarding How to Assist the Courts	Potential leader: -Calgary Legal Guidance Key participants: -211 Alberta -Alberta Legal Information Society -CPRI Justice Sector Constellation members -United Way of Calgary and Area	Short term (1-2 years)
Recommendation 2.6.2 Build on Existing Systems and Resources	Key participants: -City of Calgary -Government of Alberta	Medium term

⁴⁸ The detailed list of Justice Sector Constellation recommendations is set out in Appendix 2.

Recommendation⁴⁸	Potential Leaders and Participants	Implementation Timeframe
Recommendation 3.2.1 Use Plain Language	Potential leader: -Alberta Justice and Solicitor General, working with communications experts Key participants: -Canadian Bar Association -Law Society of Alberta -universities, colleges and technical schools	Medium term
Recommendation 3.3.1 Expand Dispute Resolution Options	Potential leader: -Alberta Justice and Solicitor General	Medium term
Recommendation 3.4.2 Encourage the Provision of Legal Advice to Those with Low Income	Key participants: -City of Calgary -Government of Alberta -Government of Canada -other funders such as Calgary Foundation and United Way of Calgary and Area	Medium term
Recommendation 3.4.3 Develop Common Eligibility Criteria	Key participants: -Canadian Bar Association -City of Calgary -Government of Alberta -Government of Canada -Law Society of Alberta -Legal Aid Alberta -other funders such as Calgary Foundation and United Way of Calgary and Area -Pro Bono Law Alberta	Medium term
Recommendation 3.7.1 Reconsider Policies with Disproportionate Impact on Those with Low Income	Key participants: -City of Calgary -Government of Alberta -Government of Canada	Medium term

Recommendation ⁴⁸	Potential Leaders and Participants	Implementation Timeframe
<p>Recommendation 1.3.1 Educate the Justice Sector Regarding Vulnerability to Legal Issues</p> <p>Recommendation 1.3.2 Educate the Justice Sector Regarding Diversity</p> <p>Recommendation 1.3.3 Educate the Justice Sector Regarding Poverty</p> <p>Recommendation 1.3.4 Educate the Justice Sector Regarding the Need for Lawyers for Those with Low Income</p>	<p>Potential leader: -Pro Bono Law Alberta</p> <p>Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Calgary Police Service -City of Calgary Youth Probation -Correctional Services Canada -Elizabeth Fry Society of Calgary -Legal Education Society of Alberta -universities, law schools and Bow Valley College</p>	<p>Medium term (3-5 years; full implementation 5+ years)</p>
<p>Recommendation 2.7.5 Create Opportunities for Increased Collaboration</p>	<p>Key participants: -Alberta Legal Information Society -City of Calgary -CPRI Justice Sector Constellation members -Government of Alberta -Government of Canada</p> <p>Other potential funders: -Calgary Foundation -United Way of Calgary and Area</p>	<p>Long term</p>
<p>Recommendation 3.3.3 Address Resource and Service Gaps</p>	<p>Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative</p>	<p>Long term</p>
<p>Recommendation 3.8.1 Develop Service Standards</p>	<p>Key participants: -City of Calgary -Government of Alberta -Government of Canada -other funders such as Calgary Foundation and United Way of Calgary and Area</p>	<p>Long term</p>

Common Goal 5: Aboriginal - All of the above goals are actualized in meaningful ways for urban Aboriginal persons

“Diversity and Community Integration”, “Education”, “Integrated, Community-based Services” and “Opportunity” are the Justice Sector Constellation goals broadly aligned to this common goal.

Implementing the recommendations set out above would help address this common goal. Set out below are the recommendations developed by the Justice Sector Constellation that specifically contemplate this common goal, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation (potential leaders), other parties the Constellation thought should be involved in implementing the recommendation (key participants), other potential implementation partners and funders identified by the Constellation, and the implementation timeframe identified by the Constellation. The recommendations are organized by implementation timeframe.

Recommendation⁴⁹	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.4.4 Add Justice Sector Representation to the Calgary Mental Health and Addictions Strategy Team Recommendation 2.4.5 Communicate with Those Serving Diverse Populations	Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta	Short term
Recommendation 2.4.1 Train to Identify Complex Needs Recommendation 2.4.2 Train to Address Complex Needs	Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta	Short term to medium term

⁴⁹ The detailed list of Justice Sector Constellation recommendations is set out in Appendix 2.

Recommendation ⁴⁹	Potential Leaders and Participants	Implementation Timeframe
<p>Recommendation 1.1.2 Educate the Public Regarding the Legal System</p> <p>Recommendation 1.1.4 Educate the Public Regarding Accommodation within the Legal System</p>	<p>Potential leaders: -Alberta Health Services, Public Health -Calgary Public Library -United Way of Calgary and Area</p> <p>Key participants: -Alberta Justice and Solicitor General -Alberta Law Foundation -Alberta Law Libraries -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Centre for Public Legal Education of Alberta -Elizabeth Fry Society of Calgary -Legal Aid Alberta -school boards, universities, colleges and technical schools</p> <p>Potential corporate partners: banks</p> <p>Working group: -Alberta Law Libraries -Calgary Legal Guidance -Calgary Public Library</p>	Medium term
<p>Recommendation 3.5.1 Integrate Mental Health and Addiction Services within the Justice Sector</p>	<p>Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative</p>	Medium term
<p>Recommendation 1.3.2 Educate the Justice Sector Regarding Diversity</p>	<p>Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Calgary Police Service -City of Calgary Youth Probation -Correctional Services Canada -Elizabeth Fry Society of Calgary -Legal Education Society of Alberta -Pro Bono Law Alberta -universities, law schools and Bow Valley College</p>	Medium term (3-5 years; full implementation 5+ years)

Recommendation ⁴⁹	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.4.3 Expand Information and Services in Languages Other Than English	Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta	Medium term to long term

Implementation of the Recommendations

The stated purpose of the Calgary Poverty Reduction Initiative is to develop a long-term community-based strategy to significantly reduce poverty in Calgary; not merely a report on poverty, but a strategy to significantly reduce poverty. The cost of doing nothing is high: the total estimated cost of crime attributable to poverty in Alberta is \$560 million.⁵⁰ These costs include costs to government such as policing, the criminal justice system and victim services, and the costs to society such as stolen and damaged property, lost productivity, pain and suffering, and loss of life.

So as to facilitate implementation of the Justice Sector Constellation recommendations, Appendix 3 sets out the recommendations organized by implementation timeframe, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation, other parties the Constellation thought should be involved in implementing each recommendation, and other potential implementation partners and funders identified by the Constellation.

The Justice Sector Constellation identified sources of information that may inform the implementation of its recommendations. These include Canadian innovations in service provision and other mechanisms for enhancing access to legal information and services such as:⁵¹

- British Columbia Legal Services Society LawLINE call centre triage model, which directs clients to the most appropriate legal aid service and provides legal advice to those with low-income. Interpreters are available for languages other than English.⁵²
- British Columbia Legal Services Society LawLINK to help find legal information on the internet, with kiosks in various locations.⁵³
- Legal Aid Alberta bail representation by telephone.⁵⁴

The cost of doing nothing is high: the total estimated cost of crime attributable to poverty in Alberta is \$560 million.

⁵⁰ Briggs 28.

⁵¹ Buckley 77-107.

⁵² Buckley 81. See also OCLNP 55-56.

⁵³ Buckley 81. See also OCLNP 58-60.

⁵⁴ Buckley 81.

- Legal Aid Ontario video technology to take legal aid applications for those in custody, expanded locations where the public may apply for a legal aid certificate, and a Simplified Online Application Portal for those whose applications are very likely to be approved.⁵⁵
- Ontario Law Help offers an automated document assembly program on its website and at its walk-in centre, where litigants may complete their court forms.⁵⁶

Consideration should also be given to other potential means to enhance access to legal services for those with low income such as:⁵⁷

- Access to justice communities formed to create a single point of entry for low-income clients, integrate institutional and individual providers and partners, allocate resources among providers to ensure that representation for all low-income persons can occur in all forums, and provide access to a range of clients for all eligible clients regardless of where they live, the language they speak or the ethnic or cultural groups of which they are members. Such communities have been formed in most states of the United States of America among governmental and non-governmental legal service providers, pro bono programs and initiatives, other service providers (including social service providers), legal clinics, the legal profession and the judicial system. This approach makes permanent collaborative structures that have been developed in some Canadian jurisdictions, including Alberta.⁵⁸
- Greater integration among legal aid providers, pro bono schemes and individual law firms, and the formation of multi-tiered ongoing partnerships among such entities. This requires addressing the “tension at the border of legal aid and *pro bono* [legal services]” and the need for a sounder working relationship between them.⁵⁹
- Governments and the legal profession developing innovative approaches to funding legal services, such as prepaid legal services plans or legal expense insurance, contingency legal aid funds, contingency fees and tax deductions for legal expenses, as well as innovative approaches to the provision of legal services such as unbundling of legal services.⁶⁰

In the context of education and communication between the justice sector on the one hand and the public and other sectors on the other hand, a report by the Canadian Forum on Civil Justice offers nine principles of good communication and associated recommendations, based on the results from a survey of the justice sector and the public on communications between the two.⁶¹

⁵⁵ Buckley 82. See also OCLNP 58-59.

⁵⁶ OCLNP 58-59.

⁵⁷ Buckley 109-115.

⁵⁸ Buckley 109-111.

⁵⁹ Buckley 111-113. See also OCLNP 55-56, 60-61. For a discussion of the “tension at the border”, see Canadian Bar Association, Standing Committee on Access to Justice, “*Tension at the Border*”: *Pro Bono and Legal Aid* (Ottawa, Ontario: Canadian Bar Association, October 2012), retrieved from http://www.cba.org/cba/secure_pdf/ProBonoPaper_Eng.pdf on December 5, 2012.

⁶⁰ Buckley 113-114. See also OCLNP 56-58.

⁶¹ Mary Stratton, *Some Facts and Figures from the Civil Justice System and the Public* (Edmonton, Alberta: Canadian Forum on Civil Justice, 2010) 35-41, retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2010/cjsp-ff-en.pdf> on October 16, 2012.

Finally, the *Integrated Justice Services Project: Implementing Problem-Solving Justice* includes detailed information regarding successful project implementation strategy, and outlines the following steps for successful project implementation:⁶²

- use best practices in treatment, service provision and supervision;
- implement and use technology;
- commit to staff training and development;
- conduct research and evaluation;
- collaborate and integrate with existing systems and community services;
- be accountable and transparent;
- create a positive work environment; and
- implement with integrity.⁶³

In addition, the report identifies two other elements critical to the success of projects:

- accreditation to ensure a sound project design; and
- audit to ensure that a project continues to operate to the highest standards by having proper resources, staff training, staff skill supervision, adherence to program curricula and fidelity, delivery of high-quality interventions, and achieving positive outcomes.⁶⁴

⁶² Pam Thompson and John Schutte, *Integrated Justice Services Project: Implementing Problem-Solving Justice* (Alberta: Government of Alberta, Safe Communities and Strategic Policy, 2010) 127-146.

⁶³ Thompson 127-131.

⁶⁴ Thompson 132-145.

APPENDIX 1

ISSUES IDENTIFIED BY THE JUSTICE SECTOR CONSTELLATION WITH SUPPORTING REFERENCES

The Justice Sector Constellation of the Calgary Poverty Reduction Initiative identified the following issues within the legal system faced by those with low income and the access to justice issues faced by such people. The issues are grouped into categories of key issues.

It is significant that each issue identified by the Justice Sector Constellation has previously been identified as an issue in other reports regarding the legal system and the justice sector. The following is a detailed listing of all of the issues identified by the Justice Sector Constellation together with references to these other reports.

Legal issues generally do not occur in isolation

Research conducted in various jurisdictions, including Alberta in general and Calgary in particular, shows that:

- low-income people are more susceptible to legal problems;
- some legal issues “cluster”, so that some people who face a legal issue often face more than one such issue; and
- legal issues often occur in the context of and may create or exacerbate other problems, such as health issues, financial pressures and relationship breakdown.⁶⁵

Low-income people are more susceptible to legal issues.

“There is a strong link between multiple unresolved legal problems and social exclusion, poverty and disadvantage”.⁶⁶

Legal service providers in the Calgary judicial district survey conducted by the Canadian Forum on Civil Justice in the Alberta Legal Services Mapping Project most often identified people with low income, immigrants and women/mothers as frequent users of their services. In addition, those with frequent and often unsuccessfully met legal needs included self-represented litigants; First Nations, Métis and Inuit peoples; New Canadians (defined as including immigrants, refugees and temporary foreign workers); people living with disabilities, seniors and the homeless.⁶⁷

Some legal issues “cluster”, so that some people who face a legal issue often face more than one such issue.

Most public respondents to the Calgary judicial district survey conducted by the Canadian Forum on Civil Justice in the Alberta Legal Services Mapping Project reported more than one legal problem and 15 to 18 percent had three or more legal problems.⁶⁸

There is a strong tendency for those with low income to experience multiple legal problems rather than individual ones, which can be grouped into recognizable patterns or clusters.⁶⁹

⁶⁵ Stratton “Mapping” 29-31; Lieb 43-45; Buckley 38-41; OCLNP 10-13, 21-22.

⁶⁶ Buckley 39.

⁶⁷ Lieb 53-54, 56-58.

⁶⁸ Lieb 45.

The Canadian Forum on Civil Justice used data from the Alberta Legal Services Mapping Project together with other research to identify the kinds of clusters of legal issues some groups were more likely to experience:

- “Acrimonious family disputes are the most frequent cluster, especially when criminal charges for domestic violence are part of the mix. Divorce, child custody or protection, child and/or spousal support are almost inevitable. Foreclosure, eviction, bankruptcy, substance abuse, employment and health issues frequently are either part of the initial problems or develop when legal matters remain unresolved (Stratton & Anderson, 2008a).
- New Canadians, especially Temporary Foreign Workers, are likely to experience immigration problems that cluster with accommodation, employment rights and workplace safety. Domestic violence is also quite common.
- Youth in the juvenile system are likely to have experienced sexual exploitation or abuse and have substance abuse problems. It is well documented that these youth are also highly likely to have been the subject of earlier child protection cases (Select Standing Committee on Children and Youth, 2009).”⁷⁰

Legal issues often occur in the context of and may create or exacerbate other problems, such as health issues, financial pressures and relationship breakdown.

“Unresolved legal problems have a momentum and tend to cluster with other health and social consequences and the more legal problems present, the greater the incidence of health and social problems”.⁷¹

“If legal needs are not resolved promptly, overall social problems tend to increase, leading to additional legal issues which form a ‘cluster’... Also typical of clustering problems is the interaction between criminal, civil and administrative areas of law that become coupled with health and economic issues, all of which serve to spiral additional individual consequences and costs to legal and other social systems.”⁷²

“Legal rulings sometimes precipitate homelessness. With a lack of available alternatives this can be unavoidable, especially where domestic violence is involved.”⁷³

Those with mental health issues, cognitive issues or addictions are over-represented in the criminal justice system in particular.

Legal service providers in the Calgary judicial district survey conducted by the Canadian Forum on Civil Justice in the Alberta Legal Services Mapping Project identified “mental illness, Fetal Alcohol Spectrum Disorder (FASD) and addictions as pervasive problems that precipitate legal problems and create barriers both to accessing legal services and reaching successful resolutions.”⁷⁴

⁶⁹ Buckley 40; Stratton “Mapping” 29-30.

⁷⁰ Lieb 81. See also Buckley 39.

⁷¹ Lieb 45. See also Stratton “Mapping” 29-31.

⁷² Lieb 80. See also Stratton “Mapping” 29-31.

⁷³ Stratton “Access” 9-10.

⁷⁴ Stratton “Mapping” 48.

Domestic violence is a significant problem that gives rise to legal issues. Family dysfunction also may give rise to legal issues.

Legal issues involving family matters are the third most frequently reported legal problem in Alberta.⁷⁵

“There is a tendency for problems to escalate and become harder to resolve, most especially when family matters are involved – including for people seeking, but not gaining, timely resolution through the courts.”⁷⁶

Those with a criminal record face challenges with reintegrating into society.

“People released from prison or from half-way housing often receive minimal assistance to obtain income support, housing, or employment. The odds are against them doing so unaided.”⁷⁷

The impact of receiving a fine for by-law and other infractions is more significant for those living in poverty.

In the Calgary urban area, 639,278 tickets were issued in 2009/2010, an increase of 29 percent since 2005/2006. Many of the tickets issued are for traffic offences, but homeless people often receive multiple tickets for violations such as loitering, jay walking, transit offences, and public consumption of alcohol, even though they have no means to pay such tickets.^{78, 79}

Of the 48 public participants in the Alberta Legal Services Mapping Project from three Alberta cities, seventeen were homeless. “Almost all of the homeless participants... complained of police harassment in the form of issuing violation tickets”. “Front-line police officers expressed frustration at having to deal with dangerous situations without any real resources to change the conditions behind the problems”.⁸⁰

Based on a 2000 National Council of Welfare report, among Canadian provinces in 1997-1998, Alberta had the highest rate of charges and incarcerations for failure to pay a fine at 60.7 incarcerations per 10,000 adults. The next highest rate was Quebec at 26 per 10,000 adults. This compared with 0.8 and 1.0 per 10,000 adults in Ontario and British Columbia, respectively. The National Council of Welfare report states that there is very little recent information on who goes to prison for non-payment of fines and what offences they committed, but nevertheless concluded that “[t]he vast majority of the people admitted to prison because of fines are there because they have no money to pay, and a disproportionate number are Aboriginal people.”⁸¹

⁷⁵ Lieb 45.

⁷⁶ Stratton “Mapping” 30.

⁷⁷ Stratton “Access” 7.

⁷⁸ Stratton “Mapping” 25, 37.

⁷⁹ Some of the increase in the number of tickets issues may be attributable to the Public Behaviour Bylaw enacted by the City of Calgary in November 2006, which makes it an offence to participate in a fight in a public place; spit, urinate or defecate on a public place or in public on a private property; loiter in a public place so as to obstruct another person; or stand or put feet on a table, bench, planter or sculpture in a public place. The Bylaw specifies penalties of between \$50 and \$300 for these offences. City of Calgary, Bylaw Number 54M2006, cited as the Public Behaviour Bylaw, retrieved from <http://www.calgary.ca/CA/city-clerks/Documents/Legislative-services/Bylaws/54m2006-PublicBehaviour.pdf> on January 10, 2013.

⁸⁰ Stratton “Access” 8-10.

⁸¹ Poverty Reduction Coalition, *Crimes of Desperation: The truth about poverty-related crime* (Calgary, Alberta: United Way of Calgary and Area, March 2008) 6, retrieved from

Fear of authority or consequences, and esteem issues, make people unwilling or unable to look for help or ask questions regarding their legal issues. Some factors that may affect this include mental health issues, cultural barriers, age, gender and literacy.

“Previous negative experiences with a very ‘white’ social and justice system they have encountered, discourages First Nations, Métis, and Inuit peoples from approaching services for assistance.”⁸²

People who lack a healthy support system of family and friends are less able to find the legal and other professional help they need.

“[Self-represented litigants] with an overall lack of social resources have low income, low education, and low levels of literacy and are therefore likely to have poor communication skills and not readily understand their social and legal rights or the court process. They may be eligible for legal aid or other assistance but not know how to access available services without help.”⁸³

The results of an Ipsos Reid poll conducted on behalf of the Law Society of Alberta reported that factors most often considered by Albertans in selecting a lawyer include reputation, referral from another person and knowing the lawyer personally, among others.⁸⁴ This suggests that those who either do not know a lawyer personally or know someone who does know a lawyer are less able to find a lawyer.

Living in poverty is stressful, and it is difficult for someone to think clearly when they are in crisis. This and the other circumstances of poverty make it more difficult to deal with legal issues.

“People are typically under stress - and often in crisis - when seeking information about legal problems.”⁸⁵

Diverse populations have specific legal issues

The aboriginal community faces unique challenges, and is over-represented in the legal system.

Vulnerable groups such as aboriginals are more prone to have multiple legal problems.⁸⁶

Legal service providers in the Calgary judicial district survey conducted by the Canadian Forum on Civil Justice in the Alberta Legal Services Mapping Project identify people with low income, immigrants and women/mothers as frequent users of their services. In addition, those with frequent and often unsuccessfully met legal needs include First Nations, Métis and Inuit peoples, among others.⁸⁷

<http://www.calgaryunitedway.org/main/sites/default/files/Crimes%20of%20Desperation%20Final%20mar08.pdf> on October 30, 2012. See also National Council of Welfare, *Justice and the Poor* (Ottawa, Ontario: National Council of Welfare, Spring 2000), no page numbers, retrieved from http://www.oaith.ca/assets/files/Publications/justice_andthe_poor.pdf on October 30, 2012.

⁸² Lieb 58.

⁸³ Stratton “Mapping” 89.

⁸⁴ LSA “Satisfied”; Ipsos Reid 2.

⁸⁵ Stratton “Mapping” 6.

⁸⁶ Lieb 45.

⁸⁷ Lieb 53-54.

Aboriginal peoples are disproportionately involved in criminal and quasi-criminal actions in the Canadian criminal system and in child protection actions.⁸⁸

The growing ethnic population in Calgary faces issues with language and cultural barriers, which may exacerbate their legal issues.

Vulnerable groups such as immigrants are more prone to have multiple legal problems.⁸⁹

Legal service providers in the Calgary judicial district survey conducted by the Canadian Forum on Civil Justice in the Alberta Legal Services Mapping Project identify people with low income, immigrants and women/mothers as frequent users of their services. In addition, those with frequent and often unsuccessfully met legal needs include New Canadians (defined as including immigrants, refugees and temporary foreign workers), among others.⁹⁰

The different legal status of those who are immigrants, refugees or temporary foreign workers makes them more vulnerable to legal issues while making it more difficult to understand and address related legal needs for both them and service providers.⁹¹

There is a lack in Alberta of legal information and legal services in languages other than English.⁹²

People lack knowledge about legal issues and where to find legal information

People often do not know where to go for help because they cannot identify the nature of their crisis. Even if they are able to identify their problem as a legal issue, they do not know what to do about it.

“[T]here is a large proportion of citizens who either do not recognize their problem as having a legal component or don’t know where to go for help”.⁹³

Members of the public do not understand the legal process and do not know where to begin when they need information about it. People have little awareness of the legal system until they have a legal issue.⁹⁴

Legal service providers in the Calgary judicial district survey conducted by the Canadian Forum on Civil Justice in the Alberta Legal Services Mapping Project identified a lack of public understanding about legal rights and responsibilities as a “significant barrier to accessing appropriate services (legal or social) in a timely manner.”⁹⁵

The results of an Ipsos Reid poll conducted on behalf of the Law Society of Alberta reported that difficulties cited by most people in trying to resolve their legal issues included being uncertain of

⁸⁸ Lieb 56; Stratton “Mapping” 94.

⁸⁹ Lieb 45.

⁹⁰ Lieb 53-54.

⁹¹ Lieb 58.

⁹² Lieb 59.

⁹³ NAC 6.

⁹⁴ Lieb 48-49.

⁹⁵ Lieb 25.

their rights, not knowing what to do, feeling overwhelmed by a complex problem, and thinking that nothing could be done.⁹⁶

People are not aware of available legal services. Even legal service providers are not always aware of other services available.

While Calgary offers a number of legal services, “lack of knowledge or misinformation about these services is a barrier to effective public access.”⁹⁷

In addition, legal and social service providers in Calgary are not always aware of other services available or do not understand what services are offered by providers. Referrals made by one legal service provider to another are not always accurate, and some legal service providers are not aware of all services offered by their own organization. Keeping information on other service providers and the services they offer is difficult.⁹⁸

If people are able to find relevant legal information, there are insufficient resources to help people understand or access that information.

The Alberta Legal Services Mapping Project for Calgary reported that legal services are difficult to find, and websites for legal service providers are poorly organized and seldom up-to-date.⁹⁹

Transportation is a major barrier to accessing legal services in Calgary.¹⁰⁰

Most legal issues do not go to court, although many programs to assist people in accessing and navigating the legal system centre on courts.

Those facing indictable criminal charges, youth criminal charges, domestic violence proceedings, or family or civil court proceedings (excluding solving such matters outside the court process), as well as matters that can be resolved with only legal information, are more likely to find appropriate services.¹⁰¹

Legal service delivery needs to move from a narrow focus on litigation in the courts to an early socio-legal intervention model that prevents problems from occurring and resolves problems that do occur at an early stage.¹⁰²

“People with legal problems tend to turn to courthouse counters for assistance”.¹⁰³

⁹⁶ LSA “Satisfied”; Ipsos Reid 2.

⁹⁷ Lieb 22.

⁹⁸ Lieb 22, 35-39.

⁹⁹ Lieb 26.

¹⁰⁰ Lieb 27, 52-53, 110-111.

¹⁰¹ Lieb 53.

¹⁰² Lieb 46.

¹⁰³ Lieb 28.

The legal system is complex and difficult for some to access and navigate

The legal system is designed using specific terminology and a format that are familiar to legal service providers. However, most of those accessing the legal system are not familiar with the terminology, some lack language skills, and many are in crisis, which makes the system difficult to access and navigate.

Both the public and lawyers identified the three areas of the civil court system most needing improvement as delay (the speed at which disputes are resolved), affordability of dispute resolution in civil courts, and public understanding of the work of the courts and the system as a whole.¹⁰⁴

“Many aspects of the civil justice system are difficult to understand for those untrained in the law. Without assistance it is difficult, if not impossible, to gain access to a system one does not comprehend. Barriers to understanding include:

- unavailability and inaccessibility of legal information;
- complexity of the law, its vocabulary, procedures and institutions; and
- linguistic, cultural and communication barriers.”¹⁰⁵

The public tends to have misconceptions as to what legal service providers can do, expecting that service providers will be able to immediately fix their legal problems. “Public understanding is particularly confused about the distinctions between general information, legal information and legal advice.”¹⁰⁶

The legal system is even more challenging to navigate for those simultaneously accessing several parts of the legal system (e.g., parole and the court system).

“Also typical of clustering problems is the interaction between criminal, civil and administrative areas of law that become coupled with health and economic issues, all of which serve to spiral additional individual consequences and costs to legal and other social systems.”¹⁰⁷

People may have functional literacy that enables them to survive in society, but lack ‘form literacy’, being the ability to understand and complete legal and other forms.

“Literacy was traditionally defined as being able to read and write. Today, the definition of literacy includes many other skills, known as the ‘essential skills’: reading, writing, document use, numeracy, computer use, thinking, oral communication, working with others, continuous learning. Studies show that 40 percent of adult Albertans and 35 percent of working age Albertans do not have the basic literacy skills they need to get ahead in today’s demanding society and economy.”¹⁰⁸

¹⁰⁴ CBA “Systems” 12.

¹⁰⁵ CBA “Systems” 16.

¹⁰⁶ Lieb 25.

¹⁰⁷ Lieb 80.

¹⁰⁸ Literacy Alberta website, retrieved from <http://literacyalberta.ca/what-les> on October 16, 2012, citing *International Adult Literacy & Skills Survey-IALSS* (Statistics Canada, 2003).

“[M]any citizens are reluctant to enter the unfamiliar, imposing and complicated environment of the courts. This is particularly so for members of minority and disadvantaged groups, as well as for those with limited education and those who are required by circumstances to represent themselves.”¹⁰⁹

There are not enough lawyers practising in the areas of law in which those with low income have needs.

Many Canadian legal aid organizations, including Legal Aid Alberta, have identified a diminishing availability of private practice lawyers engaged in legal aid work as a priority issue. Surveys conducted by Legal Aid Alberta of legal aid lawyers and lawyers who practice in areas of law covered by legal aid but have not recently taken on a legal aid matter, disclose a general decline in the willingness of lawyers to do legal aid work.¹¹⁰

The cost of legal advice and representation is an issue, especially for low- and middle-income earners who do not qualify for free or subsidized services.

Both the public and lawyers identified the three areas of the civil court system most needing improvement as delay (the speed at which disputes are resolved), affordability of dispute resolution in civil courts, and public understanding of the work of the courts and the system as a whole. “[A]ccess to the civil justice system is often denied to parties with just causes primarily, but not exclusively, because of high costs. Denial of access in this context is usually a function of a party's lack of sufficient financial resources to fund the costs of litigation; and more and more Canadians fall into the category of people unable to gain access to the civil justice system because of the cost.”¹¹¹

“Middle income Canadians cannot afford legal advice or representation for more than the most routine matter”.¹¹²

“Middle income Albertans are most underserved as they can neither access low-income options such as legal aid nor afford to retain a private lawyer beyond a very minimal period of time. Even for Albertans meeting low-income criteria, with the exception of serious criminal charges, the scope and/or depth of advice and representation available is extremely limited.”¹¹³

Eligibility criteria reduce the number of legal services generally available to the public. “Most of the advice and representation services are tied to financial criteria considered low or very low by the City of Calgary” and some services are directly only at specific populations, e.g., youth, victims of violence and women.¹¹⁴

The existence of eligibility criteria means that finding a legal service provider is not a guarantee that services will be obtained. Moreover, eligibility criteria differ among service providers, which can be confusing for someone looking for assistance.¹¹⁵ In addition, “interpretation in applying eligibility criteria is complex and variable, posing potential barriers to accurate referrals from other services and clear understanding from clients.”¹¹⁶

¹⁰⁹ CBA “Systems” 17.

¹¹⁰ Buckley 68-69.

¹¹¹ CBA “Systems” 12, 15-16.

¹¹² Stratton “Mapping” 6.

¹¹³ Lieb 89.

¹¹⁴ Lieb 22.

¹¹⁵ Lieb 29.

¹¹⁶ Lieb 32.

The culture and functioning of the legal system may produce unintended results

The application of laws may disproportionately impact those living in poverty even if the laws are not necessarily aimed at such people.

Access to Justice? The View from the Street records the story of a homeless man who relieved himself outside in a park after trying unsuccessfully to find a washroom inside public buildings. He was given a \$300 ticket for exposing himself in front of children, although he claimed that it was in January and cold, and there was no one in the park.¹¹⁷

The legal system is intended to treat everyone equally, which makes it difficult to accommodate diverse populations and individuals with complex needs. There is a lack of specialized knowledge and training within the legal system to assist such people.

There is a lack of legal services in the Calgary Judicial District directed at the needs of vulnerable groups.¹¹⁸

“Few services incorporate specialized knowledge or training to assist groups who are socially vulnerable and have special needs. This includes knowledge of laws that relate to these groups, as well as understanding of cultural and social contexts.”¹¹⁹

More options are available in the criminal justice system for youth than for adults, such as alternative measures and restorative justice programs.

A small but significant group of criminal services in Calgary is aimed specifically at youth.¹²⁰

Those facing indictable criminal charges, youth criminal charges, domestic violence proceedings, or family or civil court proceedings (excluding solving such matters outside the court process), as well as matters that can be resolved with only legal information, are more likely to find appropriate services.¹²¹

Justice sector service providers and government representatives may have discretion, but be limited in their ability to exercise it.

“[W]ith the exception of small claims procedures and the simplified or expedited procedures available in some provinces, procedures are applied uniformly to most cases. This reflects a lack of procedural flexibility and an inability to match procedures to disputes. In consequence, some cases get too much procedural management and others too little.”¹²²

Most resources in the criminal justice system centre on enforcement and punishment rather than restorative justice.

“The lack of alternative resolutions to criminal records and/or incarceration for minor poverty-driven violations intensifies problems.”¹²³

¹¹⁷ Stratton “Access” 9.

¹¹⁸ Lieb 45.

¹¹⁹ Stratton “Mapping” 88.

¹²⁰ Lieb 30.

¹²¹ Lieb 53.

¹²² CBA “Systems” 18.

¹²³ Stratton “Access” 10.

“The need for increased preventative and alternative restorative services for at risk youth and young offenders was repeatedly raised in multiple jurisdictions [within Alberta]”.¹²⁴

Information and resources are not integrated within the justice sector.

“Service providers have historically operated in silos. This approach must change if legal and related services are to be made effective.”¹²⁵

“Protocols around confidentiality are important for clients, but they make communication between organizations about individual client circumstances and needs more difficult. They also require clients to keep repeating their stories with each new referral, unless protocols and waivers are developed to permit transmission of information under specific conditions.”¹²⁶

Information and resources are not integrated between the justice sector and the human services and other sectors.

According to the Canadian Forum on Civil Justice, “to be effective and accessible for Albertans, legal services must be delivered as part of a coordinated and holistic response to local social conditions and needs.”¹²⁷

Both service providers and the public mentioned the need for improved working alliances among service providers to meet people’s needs holistically. “Participants involved in service delivery alliances were more aware of clients’ interrelated legal and social needs and the necessity of working collaboratively to meet these.”¹²⁸

¹²⁴ Stratton “Mapping” 65.

¹²⁵ Lieb 112.

¹²⁶ NAC 5.

¹²⁷ Stratton “Mapping” 17.

¹²⁸ Lieb 40-41.

APPENDIX 2
RECOMMENDATIONS OF THE JUSTICE SECTOR CONSTELLATION
WITH SUPPORTING REFERENCES

The Justice Sector Constellation of the Calgary Poverty Reduction Initiative made the recommendations set out below in light of the issues it identified within the legal system faced by those with low income and the access to justice issues faced by such people. The recommendations were grouped into three categories: education, service enhancement, and systemic change.

It is significant that over 90 percent (47 of 52) of the recommendations developed by the Justice Sector Constellation have previously been made, directly or indirectly, in other reports regarding the legal system and the justice sector. The Justice Sector Constellation recommendations together with the recommendations from these other reports are set out below.

1. Education

Recommendation 1.1: Enhance Public Legal Education

- 1.1.1 **Educate the Public Regarding Vulnerability to Legal Issues:** Develop and implement a program to educate the public regarding the susceptibility of low-income people and families with serious relationship issues to have legal issues; the increased risk of low-income people to face multiple legal issues; and the need for lawyers in the areas of law in which those with low income have needs.
- 1.1.2 **Educate the Public Regarding the Legal System:** Develop and implement a program to educate the public regarding the legal system designed in such a way that people do not feel intimidated or stigmatized in accessing it. This should include education regarding the resources and services available for the public in the justice sector and the appropriate use of service providers such as lawyers and paralegals. Special focus should be placed on the aboriginal community and ethnic populations, who should be engaged in developing and implementing the strategy. Ensure that the message is taken directly to those populations. Such public education should be presented in simple, plain language and in formats that make it accessible to all. This could include videos and should include online information, to ensure a consistent message and broader accessibility to materials. Specifically, establish, maintain and make available to the public, the justice sector and other service providers a comprehensive, online database of legal information and resources, such as the portal being developed by the Alberta Legal Information Society.

“It is understood that the hierarchical organization of the justice system and the traditions of legal culture do construct barriers to communication that require conscious and specific action to surmount.”¹²⁹

Form and fund a collaborative alliance of public legal education and information providers to: develop an internet-based catalogue of existing PLEI [public legal education and information]; pro-actively educate

¹²⁹ Stratton “Facts” 37. The report sets out the results of a survey of the justice sector and the public on communications between the two, including the accessibility and usefulness of public legal education and information. The report concludes with nine principles of good communication and recommendations as to how to effect these in the justice sector (35-41).

service providers about PLEI resources; develop resources in languages other than English; and develop a coordinated plan for new PLEI that fills identified gaps.¹³⁰

“That a National Access to Justice Portal or a national, decentralized and linked system of provincial/territorial portals be created that would give people easy access to the various sources of information and assistance for dealing with legal problems. This would require the collaboration of all provinces and territories. This recommendation should be acted on by PLEAC [the Public Legal Education Association of Canada] and the Association of Legal Aid Plans of Canada (ALAPC) together, working where possible with provincial pro bono organizations. This project would build on the existing portals to ensure that people find accurate information, but would not ignore those functional portals already operational in many provinces.”¹³¹

“Effort is made to meaningfully involve representatives from vulnerable groups in service design and delivery.”¹³²

- 1.1.3 Educate the Public Regarding Options to Resolve Legal Issues:** Develop and implement a program to educate the public regarding available options for resolving legal issues, particularly infractions. This should include education regarding legal rights and responsibilities, the role of the legal system and players in the legal system in dispute resolution, and dispute resolution options such as mediation and arbitration, to facilitate effective resolution of legal issues and disputes.

“The CBA enter into discussions with provincial and territorial ministries of education or their equivalents to facilitate the teaching of dispute resolution skills and the operation of the civil justice system in Canadian elementary and secondary schools; and these efforts be undertaken in consultation with law societies, law schools, members of the judiciary, and governments.”¹³³

“Every court provide point-of-entry advice to members of the public on dispute resolution options in the civil justice system and available community services.”¹³⁴

- 1.1.4 Educate the Public Regarding Accommodation within the Legal System:** Develop and implement a program to educate the public regarding diverse populations and individuals with complex needs, the need to accommodate such persons within the legal system, and the justice sector resources and services (including translation services) available for such persons.

- 1.1.5 Educate the Public Regarding Those Convicted of a Crime:** Develop and implement a program to educate the public regarding the importance of and need for alternative measures and restorative justice programs in the criminal justice system; and to remove the stigma applied to those with a criminal record and the barriers to reintegration for such people. In particular:

- Develop and implement an awareness and education program directed at human resource departments and employers regarding the employability of those in alternative measures programs and those with criminal records.

¹³⁰ Stratton “Mapping” 87.

¹³¹ NAC 16. The Consultation Paper includes possible recommendations on which the working group solicits feedback.

¹³² Lieb 98.

¹³³ CBA “Systems” vi.

¹³⁴ CBA “Systems” vi.

- Develop and implement an awareness and education program directed at landlords and home owners regarding the importance of housing for those with a criminal record.

“Develop a community advisory committee attached to each IJSP [Integrated Justice Services Project] site that is made up of a diverse cross-section of professionals and members of the local community. The community advisory committee will function to provide input to the IJSP from the community and disseminate information from the IJSP to the community.”¹³⁵

Recommendation 1.2: Increase Awareness among Sectors

1.2.1 Educate Service Providers Regarding Vulnerability to Legal Issues: Educate service providers outside of the justice sector regarding the susceptibility of low-income people and families with serious relationship issues to have legal issues, the increased risk of low-income people to face multiple legal issues, and the challenges faced by those trying to navigate more than one part of the legal system simultaneously.

1.2.2 Educate Service Providers Regarding Justice Sector Resources and Services: Educate service providers outside of the justice sector regarding resources and services for the public within the justice sector, including sources of legal information; for example, using the online database contemplated by Recommendation 1.1.2.

“Support and facilitate opportunities, internal and external, for service providers to keep informed about their own and related legal and support services. a) Provide internal service information in ways that keep it current, accessible and usable. b) Encourage and facilitate effective networking among a broad range of legal and related services in the Calgary Judicial District and elsewhere in Alberta, as is useful. c) Consult with management and frontline staff to determine the most effective ways to achieve information-sharing and ensure appropriate referrals.”¹³⁶

“Parent organizations and local Calgary management take equal proactive responsibility to communicate about PLEI [public legal education and information] they produce, working together to ensure: a) local services know about and are supplied with all available materials relevant to their service and relevant areas of law, and to other services of the parent organization; b) responsibility is assigned, throughout the relevant hierarchy, for informing, supplying, displaying and replenishing PLEI materials; c) that services with outreach components take the initiative in providing available PLEI to local services that are pivotal information points for Calgary Judicial District communities.”¹³⁷

“Local organizations of all types are proactive in asking legal services to which they refer or receive referrals, to provide to them available PLEI [public legal education and information] materials so that these can be made available to clients.”¹³⁸

“Enhance advertising of services that are available through the community clinics, the LInCs [Law Information Centres], FJS/FLICs [Family Justice Services/Family Law Information Centres], and Alberta Law Line to other legal and social service providers, as well as the public.”¹³⁹

“Legal Service managers are pro-active in identifying local Housing First programs and ensuring sponsoring organizations are aware of available legal information and assistance.”¹⁴⁰

¹³⁵ Thompson 116.

¹³⁶ Lieb 85.

¹³⁷ Lieb 89.

¹³⁸ Lieb 89.

¹³⁹ Lieb 94.

- 1.2.3 **Educate Service Providers Regarding How to Assist the Courts:** Educate service providers outside of the justice sector (for example, immigrant-serving organizations and women’s shelters) regarding how they can help the courts; for example, provide in-service training for such service providers in problem-solving for court information, and how to understand and complete legal and other forms.

Recommendation 1.3: Increase Awareness in the Justice Sector

- 1.3.1 **Educate the Justice Sector Regarding Vulnerability to Legal Issues:** Raise awareness in the justice sector regarding the susceptibility of those with low income and families with serious relationship issues to have legal issues, and the legal and other resources and services available for the public generally and such people in particular.

“Support and facilitate opportunities, internal and external, for service providers to keep informed about their own and related legal and support services. a) Provide internal service information in ways that keep it current, accessible and usable. b) Encourage and facilitate effective networking among a broad range of legal and related services in the Calgary Judicial District and elsewhere in Alberta, as is useful. c) Consult with management and frontline staff to determine the most effective ways to achieve information-sharing and ensure appropriate referrals.”¹⁴¹

The Edmonton Community Legal Centre report *Family Law Services in Edmonton: A Review of Current Services and Emerging Needs* includes a number of specific recommendations regarding family law services and resources, including that a user-friendly information package in multiple languages to inform the public of available family law resources should be developed, distributed and regularly updated to help cut through referral fatigue and provide a single point of entry for family law information.¹⁴²

- 1.3.2 **Educate the Justice Sector Regarding Diversity:** Raise awareness in the justice sector (including the courts) regarding diversity, culture and social barriers; the challenges faced by those trying to access and navigate the legal system; and the need to ensure clients know at each stage in the process what occurred and what to do next. Special attention should be paid to the needs of those who are unwilling or unable to look for help or ask questions due to mental health issues, cultural barriers, age, gender, literacy or other factors, including how to identify such clients by getting background information on them. Particular emphasis should be placed on strategies focussed on the aboriginal community and ethnic populations. This should include education regarding the importance of translation services, including the need in some cultures for a relationship with the interpreter before the service is provided.

“It be made a priority to provide information and training to legal service providers, lawyers and the judiciary that will enhance and increase: a) cultural sensitivity; b) awareness of the social circumstances and physical and mental needs of vulnerable people; c) awareness of the interrelation of legal and social issues.”¹⁴³

“Members of the judiciary (with special attention to new appointments and circuiting judges) be provided with additional information about: a) The cognitive, social, and justice impacts of FASD [fetal alcohol

¹⁴⁰ Stratton “Mapping” 103.

¹⁴¹ Lieb 85.

¹⁴² Edmonton Community Legal Centre, *Family Law Services in Edmonton: A Review of Current Services and Emerging Needs* (Edmonton, Alberta: Edmonton Community Legal Centre, November 2011) 4, retrieved from <http://www.eclc.ca/> on December 5, 2012.

¹⁴³ Lieb 98.

spectrum disorder]. b) Local social contexts and service capacities that impinge on sentencing options and/or the ability to comply with orders.”¹⁴⁴

“In collaboration with Aboriginal representatives and in association with [other] Recommendations..., it is recommended that all legal service providers receive: a) information about Aboriginal cultures and Aboriginal people in their service locale; b) PLEI [public legal education and information] to assist them in helping clients with matters related to Aboriginal law; c) specific training in cultural sensitivity and understanding Aboriginal specific laws.”¹⁴⁵

“Enhanced training is developed to assist police to understand and deal safely, effectively, and constructively with special needs populations. This training must recognize the circumstances in which police are expected to interact with these groups.”¹⁴⁶

- 1.3.3 **Educate the Justice Sector Regarding Poverty:** Raise awareness in the justice sector regarding the disproportionate impact of the application of laws on those living in poverty and the use of discretion in the application of laws and policies to those living in poverty. This should include education regarding the root causes of poverty, the relationship between poverty and crime, and the susceptibility of low-income people to having multiple legal issues. Special focus should be placed on the impact of receiving infraction fines for those with low income, and the use of discretion in giving and resolving infraction fines.

“Sheriffs are provided with additional training to increase understanding: a) Of the situations of people surviving homelessness and mental illness. b) About the legal process and costs related to unpaid tickets.”¹⁴⁷

“Members of the judiciary (with special attention to new appointments and circuiting judges) be provided with additional information about: a) The cognitive, social, and justice impacts of FASD [fetal alcohol spectrum disorder]. b) Local social contexts and service capacities that impinge on sentencing options and/or the ability to comply with orders.”¹⁴⁸

- 1.3.4 **Educate the Justice Sector Regarding the Need for Lawyers for Those with Low Income:** Raise awareness in the justice sector regarding the need for lawyers in the areas of law in which those with low income have needs. Promote to the justice sector the concept of professional obligation to those with low income.

Law schools and bar training courses should educate students about areas of law relevant to both legal aid and pro bono practice.¹⁴⁹

2. Service Enhancement

Recommendation 2.1: Enhance Form Literacy

- 2.1.1 **Provide Courses on Form Filling:** Integrate courses on form filling and writing into the school curriculum to ensure the public is acquiring the literacy necessary to understand and complete legal forms.

¹⁴⁴ Stratton “Mapping” 57.

¹⁴⁵ Stratton “Mapping” 96.

¹⁴⁶ Lieb 105.

¹⁴⁷ Stratton “Mapping” 69.

¹⁴⁸ Stratton “Mapping” 57.

¹⁴⁹ CBA “Tension” 16.

“PLEI [public legal education and information] and legal service providers connect with Community Adult Learning Associations (CALCs) across Alberta for the purposes of: a) Gaining a stronger understanding of literacy barriers and facilitators. b) Finding collaborative opportunities for programs promoting language, computer and legal literacy.”¹⁵⁰

- 2.1.2 **Make Forms Accessible:** Review justice sector forms and make them easier for the public to understand and complete. Ensure such forms are written at a level that makes them accessible to the public. Develop easy-to-read information documents for the public addressing what forms are required, how to complete forms, the order of filing, the process including deadlines, and other relevant information.

Availability and ease of access of public legal education and information on how to fill out forms are “considerably lower than the ideal for both the public and justice community. There remains considerable room for improvement”. One area of improvement is attempts to redesign legal forms to improve accessibility.¹⁵¹

- 2.1.3 **Expand Form Services:** Expand form services offered to the public by Legal Aid and build capacity within community organizations and service providers outside of the justice sector to support the public in completing forms. This could include satellite, community-based offices.

“PLEI [public legal education and information] and legal service providers connect with Community Adult Learning Associations (CALCs) across Alberta for the purposes of: a) Gaining a stronger understanding of literacy barriers and facilitators. b) Finding collaborative opportunities for programs promoting language, computer and legal literacy.”¹⁵²

Recommendation 2.2: Facilitate Courthouse Navigation

- 2.2.1 **Improve Courthouse Mapping:** Improve the ability of the public to navigate the courthouse by redesigning signage to provide clearer mapping, especially to the Law Information Centre, Family Justice Services and other resources. One possible approach is to place in the courthouse before security a large welcome sign and pamphlets written in multiple languages with a list of courthouse resources and a map of where they are located. Another possible approach is to add capacity to existing courthouse kiosks to enable people to find the location of services and departments in the courthouse, and install such a kiosk at the desk before security in the courthouse.

“While access obviously requires that we know an information source exists, knowledge of availability and ease of access do not necessarily correlate. Some very basic information needs provide examples of low availability, but easy access if available:

- 100% of the public who found a map of the courthouse said it was easy to access, but only 22% had found one available.

¹⁵⁰ Stratton “Mapping” 47.

¹⁵¹ Stratton “Facts” 22-23. The report presents the results of a survey of the justice sector and the public on communications between the two. Attempts to redesign legal forms to improve accessibility are mentioned as one common area of reform (23). However, the report notes that some areas of reform have been more successful than others. For example, “changes to Family Court forms in several provinces have been roundly criticized by lay people and front-line justice workers” (23). The report also notes that “Some promising efforts [at improvements] have been halted due to lack of funding” (23).

¹⁵² Stratton “Mapping” 47.

- 45% reported directions to the courthouse available of which 89% found them easy to access.
- Of the 56% who found courthouse hours and contact information, 87% accessed them easily.

Common sense tells us that the kind of basic information in the above examples should be readily available and easy to find.”¹⁵³

2.2.2 Employ Courthouse Greeters: Employ courthouse greeters trained in helping people, to direct people where to go. This should include someone at the desk before security in the courthouse to act as an information provider for the public. Consider also employing existing justice sector service providers to direct people where to go after they have gone through security.

“[P]eople going to court found basic information about how to get to and around the courthouse highly useful, again underlining the importance of ensuring such information is available and easy to get.”¹⁵⁴

Recommendation 2.3: Enhance Access to Legal Services

2.3.1 Increase Use of Limited-scope Retainers: Reduce financial barriers to the provision of legal services to the public through the increased use of limited-scope retainers.

“Ongoing evaluation of current ‘unbundled’ or limited scope retainer approaches be put in place to assess their effectiveness for clients versus the effectiveness of self-representing with no legal assistance.”¹⁵⁵

“Agreed definitions, endorsed by the Law Society of Alberta, be reached concerning the supervision and scope of paralegal services and limited scope retainer options.”¹⁵⁶

“The Law Society of Alberta find ways to change practice rules to allow the ethical and effective provision of limited scope retainers in appropriate contexts, and in combination with Alberta Justice and the Alberta Association of Professional Paralegals, to determine responsible roles and regulations for paralegal services.”¹⁵⁷

2.3.2 Increase Use of Lawyer-supervised Paralegals: Expand the provision of legal services to the public by justice sector service providers by increased use of lawyer-supervised paralegals.

“Alberta Justice develop policies and staffing to incorporate assessment and triage for partial advice and representation into current LInCs [Law Information Centres] and FJS/FLICs [Family Justice Services/Family Law Information Centres] that also develops the role of supervised paralegals within these services. *Pro Bono Law Alberta* work with its members, the Law Society and all stakeholders currently providing partial advice or representation services, to effectively and responsibly enhance and expand this service option.”¹⁵⁸

¹⁵³ Stratton “Facts” 22.

¹⁵⁴ Stratton “Facts” 25.

¹⁵⁵ Stratton “Mapping” 56.

¹⁵⁶ Stratton “Mapping” 56.

¹⁵⁷ Lieb 94.

¹⁵⁸ Lieb 94. Italics in the original.

“The knowledge of members of the Alberta Association of Professional Paralegals is sought and included in the development of limited scope and paralegal services.”¹⁵⁹

- 2.3.3 **Encourage Provision of Legal Information:** Encourage service providers that are authorized to provide only legal information to the public, to provide as much assistance as possible within the limits of what they are authorized to do.

“The Law Society of Alberta find ways to change practice rules to allow the ethical and effective provision of limited scope retainers in appropriate contexts, and in combination with Alberta Justice and the Alberta Association of Professional Paralegals, to determine responsible roles and regulations for paralegal services.”¹⁶⁰

“Current services that are evaluated as providing effective and affordable advice and representation alternatives, are expanded. Most particularly, outreach is established for vulnerable groups and to the Judicial District [of Calgary] communities.”¹⁶¹

“Agreed definitions, endorsed by the Law Society of Alberta, be reached concerning the supervision and scope of paralegal services and limited scope retainer options.”¹⁶²

- 2.3.4 **Embed Justice Sector Services and Legal Information in Community:** Embed justice sector services and legal information for the public in the community; for example, in libraries, banks, shelters, government offices, employment offices and health care offices. This could include placing 211 kiosks in community access points and 311 kiosks in public spaces.

“Consideration be given to the possibility of establishing LInC [Law Information Centre] services outside of the courthouse setting and to providing some service hours beyond the regular court hours.”¹⁶³

Extend the hours in which Family Justice Services are open to allow more unrepresented parties to access these services.¹⁶⁴

- 2.3.5 **Create Opportunities for Pro Bono Legal Services:** Create opportunities for lawyers to provide pro bono legal services to the public.

“Existing strengths of *pro bono* contributions be built upon and expanded.”¹⁶⁵

“The CBA develop a program to monitor, promote and publicize *pro bono* work carried out by lawyers and notaries.”¹⁶⁶

- 2.3.6 **Enhance Justice Sector Service Provider Websites:** Enhance the websites of justice sector service providers to make them easier for the public to navigate.

¹⁵⁹ Lieb 94.

¹⁶⁰ Lieb 94.

¹⁶¹ Lieb 94.

¹⁶² Stratton “Mapping” 56.

¹⁶³ Stratton “Mapping” 61.

¹⁶⁴ ECLC 5.

¹⁶⁵ Stratton “Mapping” 56. Italics in the original.

¹⁶⁶ CBA “Systems” vii. Italics in the original.

“Enhance the websites of current services to ensure that the site and related services within it: a) can be readily identified in broad searches for related legal information (e.g. via Google); b) are easy to navigate; c) have up-to-date, clear, accurate, service information that sufficiently explains what the service does, who is eligible to receive it, and how they can do so. d) to facilitate the above, create templates and guidelines for the content of legal service web pages.”¹⁶⁷

Recommendation 2.4: Accommodate Diverse Populations and Complex Needs

2.4.1 Train to Identify Complex Needs: Develop an assessment tool for justice sector service providers to use to recognize the diverse backgrounds and complex needs of clients, and identify all the legal issues that a client may face, such as that contemplated by Recommendation 2.7.1. Encourage such service providers to get the background information on clients necessary to identify such needs and legal issues.

Upfront triage (assessing and prioritizing needs) is important to identify the level of service a client needs.¹⁶⁸

“Use assessment instruments [for those convicted of an offence] that have been found to be reliable and valid for diverse populations (e.g., women, immigrant, Aboriginal offenders, etc.)”¹⁶⁹

2.4.2 Train to Address Complex Needs: Train justice sector service providers in how to assist those with complex needs, and to consider what action is appropriate in each case. In particular, fund and provide training and skills development for justice sector service providers to identify and assist those in crisis. Such training should include crisis intervention, suicide prevention and motivational interviewing.

“Resources are found to increase the current capacity and training level of NCSA [Native Counselling Services Association] Court Workers to meet identified need, especially in the area of family support.”¹⁷⁰

“All Legal services explore ways in which they might add Aboriginal focussed components to existing programs.”¹⁷¹

“Provide culturally competent and sensitive treatment services.”¹⁷²

2.4.3 Expand Information and Services in Languages Other Than English: Develop more legal information and resources for the public in languages other than English, as well as translation/interpreter services.

“PLEI [public legal education and information] specific Recommendations 8 [collaboration of PLEI providers to coordinate and share existing PLEI resources with legal, health and social service providers], 9 [PLEI and legal service providers work with Community Adult Learning Associations to gain understanding of literacy barriers and promote language, computer and legal literacy] and 41 [collaborative alliance of PLEI providers to catalogue resources, develop resources in multiple languages,

¹⁶⁷ Lieb 85.

¹⁶⁸ OCLNP 56.

¹⁶⁹ Thompson 52.

¹⁷⁰ Stratton “Mapping” 81.

¹⁷¹ Stratton “Mapping” 96.

¹⁷² Thompson 52.

fill identified gaps, and pro-actively outreach] are applied to identifying and sharing resources in languages other than English.”¹⁷³

“In collaboration with provincial, and where appropriate national PLEI [public legal education and information] producers, efforts should be made to identify or create resources in languages that correspond to the ethnic diversity in the Calgary area.”¹⁷⁴

Increased funding for interpreters in the courtroom as well as other Family Justice Services such as the Family Law Information Centre and the Law Information Centre.¹⁷⁵

“Federal, Provincial and Municipal governments, and the Alberta Law Foundation work together to provide a pool of funding specifically designated to pay for legal service interpretation.”¹⁷⁶

2.4.4 Add Justice Sector Representation to the Calgary Mental Health and Addictions Strategy Team: Add justice sector representatives to the Calgary Mental Health and Addictions Strategy Team.

2.4.5 Communicate with Those Serving Diverse Populations: Establish communication between the justice sector and service providers outside of the justice sector that serve diverse populations (for example, the Calgary Urban Aboriginal Initiative) with a view to enhancing understanding and making better use of existing resources; for example, by creating opportunities for secondments between organizations.

“Opportunities are pursued by legal services and supported by funders within the Calgary Judicial District, to establish multi-sector collaborations that jointly address the social and legal problems of people who are homeless and/or have mental health and addictions challenges.”¹⁷⁷

Recommendation 2.5: Facilitate Reintegration of Those Convicted of an Offence

2.5.1 Encourage Use of Alternative Measures: Encourage utilization of alternative measures for those convicted of an offence and expand options within alternative measures programs. This should include a program to encourage employers to offer alternative measures opportunities and developing more places where alternative measures requirements can be fulfilled. Facilitate successful completion of alternative measures programs by providing necessary supports to those in such programs.

“Increase the use of alternatives to incarceration for offenders deemed safe to be in the community by using treatment and support services provided through the SORCe [Safe Communities Opportunity and Resource Centre].”¹⁷⁸

“Expand the use of restorative justice practices, such as community service, victim restitution, and community impact panels, and allocate greater resources to support victim services.”¹⁷⁹

¹⁷³ Stratton “Mapping” 47.

¹⁷⁴ Lieb 89.

¹⁷⁵ ECLC 4.

¹⁷⁶ Stratton “Mapping” 47.

¹⁷⁷ Lieb 110.

¹⁷⁸ Thompson 114.

¹⁷⁹ Thompson 114.

- 2.5.2 **Develop an Integration Plan for Those Released from Custody:** Ensure that each person released from custody has an integration plan that includes a service provider to help with the transition, an identification document and an Alberta Health Care card. Develop housing options for more complicated cases.

“Allocate resources to build a true trans-disciplinary program able to effectively provide direct supervision, treatment, and support services to target all primary and secondary criminogenic needs”.¹⁸⁰

“Provide incentives for NGOs [non-governmental organizations] and other community organizations to partner with the SORCe [Safe Communities Opportunity and Resource Centre] and to provide onsite services at the SORCe and/or develop a streamlined referral process.”¹⁸¹

“Allocate greater resources to treatment and support services [for those convicted of an offence] targeting substance use, anger and aggression, employment, and parenting.”¹⁸²

“Allocate greater resources to programs and organizations that specifically target offenders in order to decrease the wait for services.”¹⁸³

“Develop policies and practices that allow offenders to apply for income assistance and medical coverage prior to discharge from incarceration.”¹⁸⁴

“Access resources through Housing and Urban Affairs to assist offenders supported through the SORCe [Safe Communities Opportunity and Resource Centre] treatment teams to access housing subsidies, programs, and resources in order to obtain stable, independent housing.”¹⁸⁵

Recommendation 2.6: Maximize Utilization of Existing Resources and Services

- 2.6.1 **Reach Those Who Do Not Know How to Access Services:** Develop and implement a strategy to reach members of the public who do not know how to access services; for example, using innovative access points such as transit stops, pawn shops and credit lenders.

“Current services at existing community legal clinics be maintained and expanded to address identified lack of capacity and unmet areas of relevant legal need and outreach service.”¹⁸⁶

“Current services that are evaluated as providing effective and affordable advice and representation alternatives, are expanded. Most particularly, outreach is established for vulnerable groups and to the Judicial District [of Calgary] communities.”¹⁸⁷

- 2.6.2 **Build on Existing Systems and Resources:** Build on existing systems and resources for the public and service providers such as 311 and 211, by: adding legal information to 211; linking websites of justice sector resources and services (including the resources database contemplated by Recommendation 1.1.2) to 211 services; and ensuring a high level of information is available within 211 regarding all service providers. Make such systems and

¹⁸⁰ Thompson 114.

¹⁸¹ Thompson 116.

¹⁸² Thompson 39.

¹⁸³ Thompson 39.

¹⁸⁴ Thompson 39.

¹⁸⁵ Thompson 39.

¹⁸⁶ Stratton “Mapping” 81.

¹⁸⁷ Lieb 94.

resources user-focussed to increase the ability to use them and access services, while avoiding information overload. This could include working with taxonomy specialists regarding search norms. Consider using an avatar approach to walk the public through a particular process in the legal system. Ensure funding to maintain the data and promote information sharing.

“That agencies currently delivering 211 and other law-related telephone advice and information services in their province or territory meet to discuss how their services can more specifically contribute to the building of legal capacity within the public, and quality control issues that need to be addressed in relation to this orientation. That key decisions or reports resulting from these meetings be shared with other jurisdictions across the country and discussions be organized to standardize this type of service delivery wherever possible.”¹⁸⁸

2.6.3 Educate the Justice Sector Regarding Dispute Resolution Options: Educate justice sector service providers regarding options for resolution of disputes outside of court by alternative means such as mediation and arbitration, and encourage use of such options.

“Local and provincial stakeholders continue to work together to identify ways to reduce legal costs and delays and to improve the enforcement of legal orders with attention to: a) initiatives that divert family matters from acrimonious and lengthy court proceedings to alternative means of permanent, enforceable resolutions; b) careful evaluation of the impact of reforms intended to reduce costs and/or delays in legal process; c) national and international collaborations that can forward the above goals.”¹⁸⁹

“Lawyer knowledge be increased about available dispute resolution options and the importance of offering these alternatives to clients.”¹⁹⁰

“Law schools, Bar admission course educators and continuing legal education providers offer education and training on dispute resolution options and on the means by which they can be integrated into legal practice, and such courses be mandatory in Canadian law schools and Bar admission course programs.”¹⁹¹

“Every jurisdiction specify in its rules of professional conduct an obligation on lawyers to explore fully the prospects of settlement with their clients and an obligation to explain available dispute resolution options to clients in relation to litigation matters.”¹⁹²

Recommendation 2.7: Coordinate Services

2.7.1 Develop a Cross-sectoral Assessment Tool and Client Database: Coordinate services provided to the public by justice sector and other service providers, in particular to relieve clients from having to repeatedly relate their story. This will require addressing barriers to information sharing arising from compliance or attempted compliance with the *Freedom of Information and Protection of Privacy Act* (Alberta), and developing best practices for such compliance. In addition, the following are recommended to improve information sharing among service providers: developing and implementing protocols to share information; developing and maintaining information and referral databases; and using technology to support information sharing and referrals (for example, a centralized access portal). Specifically, develop a cross-sectoral community service identifier (assessment tool), to

¹⁸⁸ NAC 13.

¹⁸⁹ Lieb 108.

¹⁹⁰ Stratton “Mapping” 56.

¹⁹¹ CBA “Systems” vii.

¹⁹² CBA “Systems” vii.

identify a client's strengths and needs, what resources and services the client is currently accessing, and what resources and services the client needs to access. With the consent of the client, this information would be added to a database of client information that may be accessed by other service providers, and the client would be given the option when accessing other resources or services to have this information accessed by the provider of those resources or services. The client information database should be connected to the online database of available resources and services contemplated by Recommendation 1.1.2. The assessment tool should enable service providers outside of the justice sector to recognize legal issues that a client may be facing, particularly clients with low income and families facing serious relationship issues. The Homeless Management Information System of the Calgary Homeless Foundation is a model of and could be the basis for this type of assessment tool and database.

A continuum of service or access to justice network approach would assist a wider range of people with a broader range of problems.¹⁹³

“A commitment is made to permanently establish and maintain a comprehensive, Internet accessible database of legal and related support services across Alberta that: a) Builds on the foundation of services identified and documented in the ALSMP [Alberta Legal Services Mapping Project] prototype database. b) Provides a range of search categories that include lay terms for finding the appropriate service information. c) Over time also connects to and assists in coordinating and sharing PLEI [public legal education and information] resources.”¹⁹⁴

“Commit resources to maintaining, expanding and enhancing the prototype database containing information collected by the ALSMP [Alberta Legal Services Mapping Project] and ensuring that it is readily accessible to all Albertans. An informative model is provided by BC Clicklaw.”¹⁹⁵

2.7.2 Ensure That Everyone Receives Services: Develop and implement a strategy to encourage justice sector service providers to view services as a right of the public and adopt a ‘no wrong door’ approach, so that no one fails to receive services and anyone seeking assistance either receives that assistance or is directed to a service provider who will provide the necessary assistance.

“That a National Access to Justice Portal or a national, decentralized and linked system of provincial/territorial portals be created that would give people easy access to the various sources of information and assistance for dealing with legal problems. This would require the collaboration of all provinces and territories. This recommendation should be acted on by PLEAC [the Public Legal Education Association of Canada] and the Association of Legal Aid Plans of Canada (ALAPC) together, working where possible with provincial pro bono organizations. This project would build on the existing portals to ensure that people find accurate information, but would not ignore those functional portals already operational in many provinces.”¹⁹⁶

“Design the SORCe [Safe Communities Opportunity and Resource Centre] to provide a ‘one stop shop’ approach which includes the following functions: 1) crisis and outreach, 2) intake, 3) triage, 4) screening

¹⁹³ Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians* (Canada: Department of Justice, 2009) 90, retrieved from http://www.justice.gc.ca/eng/pi/rs/rep-rap/2007/rr07_la1-rr07_aj1/rr07_la1.pdf on December 5, 2012.

¹⁹⁴ Stratton “Mapping” 46.

¹⁹⁵ Lieb 85. The Clicklaw website may be found at <http://www.clicklaw.bc.ca/>.

¹⁹⁶ NAC 16.

and assessment, 5) treatment services, 6) support services, 7) offender management, 8) legal services, and 9) program support services.”¹⁹⁷

- 2.7.3 **Facilitate Cross-referrals:** Establish linkages with and facilitate cross-referrals between health care and other social service providers and justice sector resources and services. Create opportunity for referrals and links to justice sector resources and services to be provided to the public by first responders such as fire, emergency medical services, by-law services and police. This could include mobile applications for first responders.

The connections between legal issues and problems related to health care and other aspects of social well-being suggest the need for a network of justice services linked by referrals to a full range of other services implicated in those inter-related problems.¹⁹⁸

“A collaboration of PLEI [public legal education and information] providers is formed to find ways to best coordinate and share existing PLEI resources with legal, health and social service providers across Alberta”.¹⁹⁹

“[S]pecial attention be paid to ensuring key contact points are aware of and can provide a wide range of available PLEI [public legal education and information] resources. In this regard, research indicates that courthouses are especially critical access points, and also that elected government officials and police services typically receive diverse inquiries but do not have the information they need to respond effectively.”²⁰⁰

- 2.7.4 **Develop Integrated, Community-based Services:** Develop integrated, community-based services for the public that provide access to multiple types of supports, such as the Multi-Agency School Support Team (MASST) program and the 1000 Voices community and human services area at the Genesis Centre. Make it easier for the public to connect with multiple service providers; for example, by co-locating services where possible and by service providers developing and implementing universal assessment protocols such as the assessment tool contemplated by Recommendation 2.7.1.

“The multi-sector, multi-ministry collaboration providing a holistic program agenda via the Safe Communities initiative, continue to be fully supported and developed throughout Alberta.”²⁰¹

“Place-based initiatives are developed in a particular location or group, and are better able to address local circumstances.”²⁰²

Establish a Safe Communities Opportunity and Resource Centre (SORCe) in which government services, non-governmental organizations and community programs are co-located as a one-stop shop to provide direct treatment, supervision and support services for those convicted of an offence through a holistic, wrap-around approach to meet their basic and criminogenic needs.²⁰³

¹⁹⁷ Thompson 116.

¹⁹⁸ Currie 90.

¹⁹⁹ Stratton “Mapping” 46.

²⁰⁰ Stratton “Facts” 40.

²⁰¹ Lieb 110.

²⁰² Action to End Poverty in Alberta, *In This Together: Ending Poverty in Alberta* (Edmonton, Alberta: Action to End Poverty in Alberta, November 2011) 7.

²⁰³ Thompson 14, 116.

- 2.7.5 **Create Opportunities for Increased Collaboration:** Create opportunities for increased collaboration between justice service providers, and develop and support networks of service providers. This will require funding programs and initiatives that promote collaboration among service providers and collective impact initiatives, and committing time and resources including dedicated human resources and technology. In particular, resources will be required to develop and maintain information and referral databases such as those contemplated by Recommendation 1.1.2 and Recommendation 2.7.1, respectively.

“Consistent overall coordination be established in order to better coordinate and collaborate in the delivery of services (especially pertaining to family matters).”²⁰⁴

“Government organizations and large NGOs [non-governmental organizations] make a strong commitment to support and participate in relative networks by: a) Ensuring community-based stakeholders are included in organizationally-led networks. b) Providing consistent representation and information to relevant community-based networks.”²⁰⁵

“Funders recognize the importance of network participation by providing financial support within grants, to make staff participation possible.”²⁰⁶

Action to End Poverty in Alberta calls for adequate, long-term funding for service providers and support for cooperative service delivery.²⁰⁷

“That an Access to Justice Committee (AJC) composed of major justice system stakeholders as well as public and NGO [non-governmental organization] non-legal organizations, be established in each province and territory in Canada. These AJCs will undertake to promote and coordinate the development and implementation of all access to justice initiatives in their respective jurisdictions, based on a broad view of access to justice. This includes prevention, triage and referral and associated PLEI [public legal education and information] activities, access to legal services, family law reforms and court reform.”²⁰⁸

- 2.7.6 **Develop Joint Programming:** Develop life-skills programs for the public that are offered in conjunction with justice sector services; for example, financial literacy programs in the same location as legal advice regarding debt. Consider early education/youth strategies as models.

“That representatives from relevant ministries in each province and territory meet in order to develop strategies to support the funding and development of educational resources required to support the creation of legal capability skills for adults. Ministries could include Justice/Attorney General, Education, Social Services/Human Resources/Family Services and departments serving Aboriginal peoples, immigrants and other potential target groups.”²⁰⁹

“The Safe Communities Secretariat, Alberta Justice and the Solicitor General investigate ways to improve community-based supports for children and youth at risk by: a) Reviewing existing related research and policy for good practices. b) Encouraging coordination of existing programs. c) Supporting new initiatives that address identified needs of children and youth.”²¹⁰

²⁰⁴ Stratton “Mapping” 61.

²⁰⁵ Stratton “Mapping” 50.

²⁰⁶ Stratton “Mapping” 50.

²⁰⁷ Action to End Poverty 7.

²⁰⁸ NAC 19.

²⁰⁹ NAC 11.

²¹⁰ Stratton “Mapping” 92.

3. Systemic Change

Recommendation 3.1: Promote Legal Health and Build in Prevention and Early Intervention

- 3.1.1 **Promote Legal Health and Build in Prevention and Early Intervention:** Develop and implement a strategy to promote legal health and to build prevention and early intervention into the justice sector. Take as a starting point the recommendations of the Integrated Justice Services Project, especially regarding the Safe Communities Opportunity and Resource Centre.

The need for early intervention and preventative strategies is suggested by the prevalence of multiple legal issues and the trigger events for such problems.²¹¹

“The CBA and the Canadian Council of Law Deans form a joint multi-disciplinary committee to consider and propose a comprehensive legal education plan to assist in civil justice reform for the twenty-first century, and the plan address the whole spectrum of service providers and the full range of educational opportunities.”²¹²

“That a meeting be held of key funders of intermediary services that provide prevention and triage services to specific client communities (immigrant, aboriginal, deaf, blind, etc.). The purpose would be to develop a coordinated approach to the training of intermediaries whom they fund so that they are able to provide their clients with the basic legal capability skills required by every citizen.”²¹³

Recommendation 3.2: Make the Justice Sector More Accessible

- 3.2.1 **Use Plain Language:** Use plain-language materials for the public wherever possible in the justice sector, including plain-language court orders and plain language probation for youth, at a literacy level appropriate for the general public. Develop such materials where they are not available. Educate the justice sector regarding the need for and importance of communicating with the public using plain language, and how to do so.

“Every court undertake initiatives to assist unrepresented litigants, including simplifying procedures and forms and using plain language.”²¹⁴

“Every court establish an advisory committee composed of members of the public and others involved in the civil justice system for the purpose of obtaining advice on (a) ways to improve the administration of civil justice, (b) reducing or removing barriers to access, and (c) implementing, evaluating and monitoring reform measures.”²¹⁵

Recommendation 3.3: Expand the Options Available in the Justice Sector

- 3.3.1 **Expand Dispute Resolution Options:** Expand capacity for resolution of disputes outside of court by alternative means such as mediation and arbitration, including by expanding existing programs and models. Support and maintain alternative dispute resolution services for the public outside of the courthouse. Establish community-based venues for hearing legal disputes, rather than just the courthouse.

²¹¹ Currie 90.

²¹² CBA “Systems” vii.

²¹³ NAC 12.

²¹⁴ CBA “Systems” vi.

²¹⁵ CBA “Systems” vi.

Add lawyers to the list of mediators for Family Justice Mediation Services to increase the number of mediators and increase the likelihood that the mediated agreement addresses any legal issues. This would enhance the usefulness of the service to those who do not qualify for legal aid and cannot afford to hire a lawyer.²¹⁶

“Local and provincial stakeholders continue to work together to identify ways to reduce legal costs and delays and to improve the enforcement of legal orders with attention to: a) initiatives that divert family matters from acrimonious and lengthy court proceedings to alternative means of permanent, enforceable resolutions; b) careful evaluation of the impact of reforms intended to reduce costs and/or delays in legal process; c) national and international collaborations that can forward the above goals.”²¹⁷

“Law schools, Bar admission course educators and continuing legal education providers offer education and training on dispute resolution options and on the means by which they can be integrated into legal practice, and such courses be mandatory in Canadian law schools and Bar admission course programs.”²¹⁸

3.3.2 Expand Alternatives to Address Legal Issues: Expand alternatives for the public to address legal issues outside of the traditional delivery of legal services; for example, public legal education, limited-scope retainers and increased use of lawyer-supervised paralegals.

“The duties of paralegals currently providing services supervised by a lawyer be built upon and expanded.”²¹⁹

Work with the Law Society of Alberta to promote legal service delivery by non-lawyers and limited scope retainers as a way to enhance access to justice.²²⁰

3.3.3 Address Resource and Service Gaps: Identify and address resource and service gaps in the justice sector. Take as a starting point the recommendations of the Alberta Legal Services Mapping Project for Calgary.

“Commit resources to maintaining, expanding and enhancing the prototype database containing information collected by the ALSMP [Alberta Legal Services Mapping Project] and ensuring that it is readily accessible to all Albertans. An informative model is provided by BC Clicklaw.”²²¹

“Task the CJI [Centre for Justice Innovation] to conduct regular gap analyses to identify service and program gaps in order to inform project planning and resource allocation.”²²²

Recommendation 3.4: Expand Services to Those with Low Income

3.4.1 Fund Organizations Serving Those with Low Income: Fund organizations currently providing legal advice in the areas of law in which those with low income have needs.

“It be made a priority to ensure that all Albertans with relevant family law needs have equitable and timely access to all Family Justice Service programs. The following steps are suggested: a) All currently vacant and previously proposed Family Court Worker positions are filled. b) New Family Court Worker

²¹⁶ ECLC 5.

²¹⁷ Lieb 108.

²¹⁸ CBA “Systems” vii.

²¹⁹ Stratton “Mapping” 56.

²²⁰ ECLC 5.

²²¹ Lieb 85. The Clicklaw website may be found at <http://www.clicklaw.bc.ca/>.

²²² Thompson 146.

positions are created to meet identified but currently unmet demand, including increased circuiting capacity. c) Ways are found to increase viable access to mediation services for Albertans outside of major Judicial Centres. This may include circuiting mediation or providing transportation to, and day care at, central service locations. d) FLIC [Family Law Information Centre] services are enhanced to: i. improve collaboration and coordination with LInC [Law Information Centre] services; ii. provide a uniform range of services in all FLICs across Alberta; iii. provide permanent FLIC services at all Alberta courthouses by whatever means is possible (such as circuit, additional training for registry staff, telephone, interactive web).^{”223}

“Current services at existing community legal clinics be maintained and expanded to address identified lack of capacity and unmet areas of relevant legal need and outreach service.”²²⁴

“LAA [Legal Aid Alberta] is supported with funding to allow enhancement and expansion of certificate coverage to allow: a) raising the income eligibility; b) broadening the scope of representation, especially for family, civil and administrative matters.”²²⁵

“Services offered by the Alberta Law Line be enhanced and expanded to: a) ensure this service is known and understood by service providers and public in the Calgary and all other Alberta Judicial Districts; b) provide service capacity that can meet demand in a timely way; c) develop dedicated lines that prioritize calls from legal services such as LInC [Law Information Centres], FJS/FLIC [Family Justice Services/Family Law Information Centre], community legal clinics and social services, so as to provide legal gateways in the absence of local legal services.”²²⁶

- 3.4.2 **Encourage the Provision of Legal Advice to Those with Low Income:** Create opportunities and provide financial incentives or funding for lawyers to practise in the areas of law in which those with low income have needs. This could include creating a fund for disbursements incurred by lawyers representing such clients.

“Current services that are evaluated as providing effective and affordable advice and representation alternatives, are expanded. Most particularly, outreach is established for vulnerable groups and to the Judicial District [of Calgary] communities.”²²⁷

“Incentives are provided to encourage lawyers to establish practices, or provide visiting services (including accepting LAA [Legal Aid Alberta] certificates), in communities where there is clearly a lack of practicing lawyers.”²²⁸

- 3.4.3 **Develop Common Eligibility Criteria:** Develop common eligibility criteria for use within the justice sector, and encourage lawyers to adopt sliding scale fees or flat fees.

“Simplify, clarify and coordinate eligibility criteria within and across legal services.”²²⁹

“All legal services with eligibility criteria review these with the aim of: a) Reducing barriers to service wherever feasible. b) Developing policies for eligibility that are clear and consistent, including about the

²²³ Stratton “Mapping” 62.

²²⁴ Stratton “Mapping” 81.

²²⁵ Lieb 103.

²²⁶ Lieb 103.

²²⁷ Lieb 94.

²²⁸ Lieb 94.

²²⁹ Lieb 85.

circumstances and process under which exceptions may occur. c) Ensuring that information concerning eligibility criteria is readily available to service providers and the general public.”²³⁰

“Lawyers use a variety of billing methods in determining fees for legal services, with an emphasis on the value and timeliness of the results achieved, rather than time spent.”²³¹

Recommendation 3.5: Expand Services to Individuals with Complex Needs

3.5.1 Integrate Mental Health and Addiction Services within the Justice Sector: Integrate mental health and addiction services within the justice sector at the operational level to parallel the integration at the strategic and policy level; for example, integrate the mental health and drug treatment courts. Provide mental health workers in the courthouse to assist the public and justice sector service providers.

“The ministries of Alberta Justice and the Solicitor General take the lead in forming a multi-sector advisory committee mandated to identify collaborative integrated responses to meeting the interrelated health, social and legal service needs of Albertans with mental health, FASD [fetal alcohol spectrum disorder], and/or addictions. An immediate focus should be on meeting established needs such as: a) Increased addiction treatment places and options. b) Increased capacity to diagnose FASD and provide caseworker support to those with this diagnosis. c) Prioritized diagnosis, intervention, and ongoing support to children diagnosed with FASD.”²³²

“Court Services and LAA [Legal Aid Alberta] support local efforts of management and staff to facilitate one-stop service points that bring together the legal and social supports needed for people with disabilities who are facing court appearances.”²³³

“Provincial health and social services managers support and facilitate local efforts to develop one-stop service points that bring together the legal and social supports to assist people with disabilities to avoid legal problems, or to reach early alternative resolutions when these arise.”²³⁴

Recommendation 3.6: Expand the Options Available in the Criminal Justice System

3.6.1 Increase Diversion: Increase diversion of those charged with minor, poverty-related offences to community-based supports rather than incarceration. This could build on existing programs offered by Alberta Health Services.

“Expand the use of restorative justice practices, such as community service, victim restitution, and community impact panels, and allocate greater resources to support victim services.”²³⁵

3.6.2 Expand Restorative Justice Programs: Expand existing restorative justice programs for those facing charges. Make available to adults alternative measures and restorative justice programs currently available only to youth, or implement such programs directed at adults.

“Expand the use of restorative justice practices, such as community service, victim restitution, and community impact panels, and allocate greater resources to support victim services.”²³⁶

²³⁰ Stratton “Mapping” 44.

²³¹ CBA “Systems” vii.

²³² Stratton “Mapping” 101.

²³³ Stratton “Mapping” 101.

²³⁴ Stratton “Mapping” 101.

²³⁵ Thompson 114.

Recommendation 3.7: Policy Change

- 3.7.1 **Reconsider Policies with Disproportionate Impact on Those with Low Income:** Reconsider the policy underlying infractions that have a disproportionate impact on those with low income. Develop programs to address the underlying causes for common infractions.

“Alberta Justice conduct a review of current practices in issuing and prosecuting tickets, with the goal of increasing benefits and reducing costs”.²³⁷

Recommendation 3.8: Enhance Program Delivery

- 3.8.1 **Develop Service Standards:** Develop uniform standards for delivery of justice sector and social services and for providers of justice sector and social services, like Leadership in Energy and Environmental Design (LEED) standards. Promote voluntary compliance and create incentives for participation and compliance, including through funding.

“The CBA develop and promote a model statement of client rights and responsibilities, provide analysis and information for the establishment of quality assurance programs and standards, and develop model quality assurance programs and standards for the legal profession.”²³⁸

Establish a Centre for Justice Innovation whose “primary function is to work with community justice projects to ensure the highest standards of project implementation and operation by supporting training, technology, research, evaluation, policy, and community engagement.”²³⁹

“Task the CJI [Centre for Justice Innovation] to work with the Practice Standards and Case Management Committee to develop accreditation audit standards and accreditation criteria for all projects it oversees.”²⁴⁰

“Develop standardized areas of competencies for each staff position and provide resources to assist staff to develop, learn, refresh, and master these skills”.²⁴¹

²³⁶ Thompson 114.

²³⁷ Stratton “Mapping” 41.

²³⁸ CBA “Systems” vii.

²³⁹ Thompson 57, 115.

²⁴⁰ Thompson 146.

²⁴¹ Thompson 114.

APPENDIX 3
RECOMMENDATIONS OF THE JUSTICE SECTOR CONSTELLATION
BY IMPLEMENTATION TIMEFRAME

The Justice Sector Constellation of the Calgary Poverty Reduction Initiative made the recommendations set out below in light of the issues it identified within the legal system faced by those with low income and the access to justice issues faced by such people. A timeframe for implementation of each recommendation was identified: short term (e.g., within one year), medium term (e.g., within five years) and long term (e.g., within ten years).

So as to facilitate implementation of the Justice Sector Constellation recommendations, set out below are the recommendations organized by implementation timeframe, together with the party or parties the Constellation thought could play a leadership role in implementing each recommendation (potential leaders), other parties the Constellation thought should be involved in implementing each recommendation (key participants), and other potential implementation partners and funders identified by the Constellation.

Note that the assignment of a longer implementation period assumed that steps toward implementation would begin in the short term.

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.3.1 Increase Use of Limited-scope Retainers	Potential leader: -Limited Scope Retainers Working Group Key participants: -Alberta Justice and Solicitor General -Law Society of Alberta -Legal Aid Alberta	Short term
Recommendation 2.3.5 Create Opportunities for Pro Bono Legal Services	Potential leader: -Pro Bono Law Alberta	Short term
Recommendation 2.4.4 Add Justice Sector Representation to the Calgary Mental Health and Addictions Strategy Team Recommendation 2.4.5 Communicate with Those Serving Diverse Populations	Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta	Short term

²⁴² The detailed list of Justice Sector Constellation recommendations is set out in Appendix 2.

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.6.3 Educate the Justice Sector Regarding Dispute Resolution Options	Key participants: -Alberta Justice and Solicitor General -Canadian Bar Association -Law Society of Alberta	Short term
Recommendation 3.3.2 Expand Alternatives to Address Legal Issues	Potential leaders: -Access to Legal Services Steering Committee -Alberta Justice and Solicitor General Key participants: -Alberta Legal Information Society -Pro Bono Law Alberta	Short term
Recommendation 3.4.1 Fund Organizations Serving Those with Low Income	Key participants: -City of Calgary -Government of Alberta -Government of Canada -other funders such as Calgary Foundation and United Way of Calgary and Area	Short term
Recommendation 2.2.1 Improve Courthouse Mapping Recommendation 2.2.2 Employ Courthouse Greeters	Potential leader: -Elizabeth Fry Society of Calgary, via an expansion of the Adult Court Program Key participants: -Alberta Justice and Solicitor General, Court Administration -Alberta Law Foundation -Family Justice Services	Short term, subject to funding

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
<p>Recommendation 1.2.1 Educate Service Providers Regarding Vulnerability to Legal Issues</p> <p>Recommendation 1.2.2 Educate Service Providers Regarding Justice Sector Resources and Services</p> <p>Recommendation 1.2.3 Educate Service Providers Regarding How to Assist the Courts</p>	<p>Potential leader: -Calgary Legal Guidance</p> <p>Key participants: -211 Alberta -Alberta Legal Information Society -CPRI Justice Sector Constellation members -United Way of Calgary and Area</p>	Short term (1-2 years)
<p>Recommendation 2.1.1 Provide Courses on Form Filling</p> <p>Recommendation 2.1.2 Make Forms Accessible</p> <p>Recommendation 2.1.3 Expand Form Services</p>	<p>Potential leader: -Legal Aid Alberta for Recommendation 2.1.3</p> <p>Key participants: -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Law Libraries -Calgary Public Library -Family Justice Services -immigrant-serving agencies -Legal Aid Alberta -Literacy Alberta -school boards -Student Legal Assistance Society (Calgary)</p>	Short term to medium term (1-3 years)
<p>Recommendation 2.3.2 Increase Use of Lawyer-supervised Paralegals</p>	<p>Potential leader: -Access to Legal Services Steering Committee</p> <p>Key participants: -Alberta Justice and Solicitor General -Calgary Legal Guidance -Law Society of Alberta -Legal Aid Alberta</p>	Short term to medium term

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.3.3 Encourage Provision of Legal Information	<p>Potential leader: -Access to Legal Services Steering Committee</p> <p>Key participants: -Alberta Justice and Solicitor General, Court Administration -Alberta Law Libraries -Alberta Legal Information Society -Calgary Legal Guidance -Calgary Public Library -Centre for Public Legal Education of Alberta -Family Justice Services -Family Law Information Centre -Law Information Centre -Pro Bono Law Alberta</p>	Short term to medium term
Recommendation 2.3.4 Embed Justice Sector Services and Legal Information in Community	<p>Key participants: -Alberta Justice and Solicitor General, Court Administration -Alberta Law Libraries -Alberta Legal Information Society -Calgary Legal Guidance -Calgary Public Library -Centre for Public Legal Education of Alberta -Family Justice Services -Family Law Information Centre -Law Information Centre -Pro Bono Law Alberta</p>	Short term to medium term
Recommendation 2.3.6 Enhance Justice Sector Service Provider Websites	<p>Key participants: -Alberta Law Foundation -Alberta Law Libraries -Alberta Legal Information Society</p>	Short term to medium term
<p>Recommendation 2.4.1 Train to Identify Complex Needs</p> <p>Recommendation 2.4.2 Train to Address Complex Needs</p>	<p>Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta</p>	Short term to medium term

Recommendation ²⁴²	Potential Leaders and Participants	Implementation Timeframe
<p>Recommendation 2.5.1 Encourage Use of Alternative Measures</p> <p>Recommendation 2.5.2 Develop an Integration Plan for Those Released from Custody</p>	<p>Potential leaders: -Alberta Justice and Solicitor General -Corrections Canada -Discharge Planning for Homeless Albertans Cross-Government Committee</p> <p>Key participants: -Alberta Health Services -Alberta Housing and Urban Affairs -Alberta Works -Boys and Girls Clubs of Calgary -Calgary Chamber of Commerce -Calgary John Howard Society, Roofs for Youth -Corrections Canada -Elizabeth Fry Society of Calgary</p>	Short term to medium term
<p>Recommendation 1.1.1 Educate the Public Regarding Vulnerability to Legal Issues</p> <p>Recommendation 1.1.2 Educate the Public Regarding the Legal System</p> <p>Recommendation 1.1.3 Educate the Public Regarding Options to Resolve Legal Issues</p> <p>Recommendation 1.1.4 Educate the Public Regarding Accommodation within the Legal System</p> <p>Recommendation 1.1.5 Educate the Public Regarding Those Convicted of a Crime</p>	<p>Potential leaders: -Alberta Health Services, Public Health -Calgary Public Library -United Way of Calgary and Area</p> <p>Key participants: -Alberta Justice and Solicitor General -Alberta Law Foundation -Alberta Law Libraries -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Centre for Public Legal Education of Alberta -Elizabeth Fry Society of Calgary -Legal Aid Alberta -school boards, universities, colleges and technical schools</p> <p>Potential corporate partners: banks</p> <p>Working group: -Alberta Law Libraries -Calgary Legal Guidance -Calgary Public Library</p>	Medium term

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.6.1 Reach Those Who Do Not Know How to Access Services	Key participants: -Alberta Legal Information Society -Centre for Public Legal Education of Alberta -City of Calgary -Government of Alberta -Government of Canada	Medium term
Recommendation 2.6.2 Build on Existing Systems and Resources	Key participants: -City of Calgary -Government of Alberta	Medium term
Recommendation 2.7.1 Develop a Cross-sectoral Assessment Tool and Client Database	Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative Key participants: -Government of Alberta	Medium term
Recommendation 2.7.2 Ensure That Everyone Receives Services	Potential leader: -CPRI Justice Sector Constellation members Key participants: -Canadian Bar Association -Law Society of Alberta -universities, colleges and technical schools	Medium term
Recommendation 2.7.3 Facilitate Cross-referrals	Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative Key participants: -Alberta Health Services -Calgary Policy Service -City of Calgary	Medium term
Recommendation 2.7.6 Develop Joint Programming	Potential leader: -Alberta Education Key participants: -Alberta Justice and Solicitor General -Momentum	Medium term

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
Recommendation 3.2.1 Use Plain Language	Potential leader: -Alberta Justice and Solicitor General, working with communications experts Key participants: -Canadian Bar Association -Law Society of Alberta -universities, colleges and technical schools	Medium term
Recommendation 3.3.1 Expand Dispute Resolution Options	Potential leader: -Alberta Justice and Solicitor General	Medium term
Recommendation 3.4.2 Encourage the Provision of Legal Advice to Those with Low Income	Key participants: -City of Calgary -Government of Alberta -Government of Canada -other funders such as Calgary Foundation and United Way of Calgary and Area	Medium term
Recommendation 3.4.3 Develop Common Eligibility Criteria	Key participants: -Canadian Bar Association -City of Calgary -Government of Alberta -Government of Canada -Law Society of Alberta -Legal Aid Alberta -other funders such as Calgary Foundation and United Way of Calgary and Area -Pro Bono Law Alberta	Medium term
Recommendation 3.5.1 Integrate Mental Health and Addiction Services within the Justice Sector	Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative	Medium term
Recommendation 3.6.1 Increase Diversion Recommendation 3.6.2 Expand Restorative Justice Programs	Key participants: -City of Calgary -Government of Alberta -Government of Canada	Medium term

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
Recommendation 3.7.1 Reconsider Policies with Disproportionate Impact on Those with Low Income	Key participants: -City of Calgary -Government of Alberta -Government of Canada	Medium term
<p>Recommendation 1.3.1 Educate the Justice Sector Regarding Vulnerability to Legal Issues</p> <p>Recommendation 1.3.2 Educate the Justice Sector Regarding Diversity</p> <p>Recommendation 1.3.3 Educate the Justice Sector Regarding Poverty</p> <p>Recommendation 1.3.4 Educate the Justice Sector Regarding the Need for Lawyers for Those with Low Income</p>	<p>Potential leader: -Pro Bono Law Alberta</p> <p>Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Calgary Homeless Foundation -Calgary John Howard Society -Calgary Legal Guidance -Calgary Police Service -City of Calgary Youth Probation -Correctional Services Canada -Elizabeth Fry Society of Calgary -Legal Education Society of Alberta -universities, law schools and Bow Valley College</p>	Medium term (3-5 years; full implementation 5+ years)
Recommendation 2.4.3 Expand Information and Services in Languages Other Than English	Key participants: -Alberta Health Services -Alberta Human Services -Alberta Justice and Solicitor General -Alberta Legal Information Society -Canadian Bar Association -Law Society of Alberta -Legal Education Society of Alberta	Medium term to long term

Recommendation²⁴²	Potential Leaders and Participants	Implementation Timeframe
Recommendation 2.7.4 Develop Integrated, Community-based Services	<p>Potential leaders: -City of Calgary -Government of Alberta -Government of Canada</p> <p>Key participants: -community associations -CPRI Justice Sector Constellation members -school boards</p> <p>Other potential funder: -Calgary Homeless Foundation</p>	Long term
Recommendation 2.7.5 Create Opportunities for Increased Collaboration	<p>Key participants: -Alberta Legal Information Society -City of Calgary -CPRI Justice Sector Constellation members -Government of Alberta -Government of Canada</p> <p>Other potential funders: -Calgary Foundation -United Way of Calgary and Area</p>	Long term
Recommendation 3.1.1 Promote Legal Health and Build in Prevention and Early Intervention	<p>Key participants: -City of Calgary -Government of Alberta -Government of Canada</p> <p>Other potential funders: -Alberta Law Foundation -Calgary Foundation -United Way of Calgary and Area</p>	Long term
Recommendation 3.3.3 Address Resource and Service Gaps	<p>Potential leader: -Alberta Justice and Solicitor General, Safe Communities initiative</p>	Long term
Recommendation 3.8.1 Develop Service Standards	<p>Key participants: -City of Calgary -Government of Alberta -Government of Canada -other funders such as Calgary Foundation and United Way of Calgary and Area</p>	Long term

REFERENCES

- Action to End Poverty in Alberta. *In This Together: Ending Poverty in Alberta*. Edmonton, Alberta: Action to End Poverty in Alberta, November 2011.
- Alberta Law Foundation. “Expanded Immigration Law Services in Edmonton and Calgary”. Friday, December 16, 2011. Retrieved from <http://www.albertalawfoundation.org/about-us/news/2011/12/16/expanded-immigration-law-services-in-edmonton-and-calgary/> on June 7, 2012.
- Boyd, Neil. *Confidence in the Justice System in British Columbia: The Problem, Consequences and Potential Remedies*. Vancouver, British Columbia: Canadian Bar Association, British Columbia Branch, January 2010. Retrieved from http://www.cba.org/bc/Initiatives/pdf/boyd_report.pdf on June 7, 2012.
- Brewin, Alison and Kasari Govender. *Rights-based Legal Aid: Rebuilding BC’s Broken System*. Vancouver, British Columbia: Canadian Centre for Policy Alternatives, BC Office and West Coast Leaf, November 2010. Retrieved from http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2010/11/CPA_Legal_Aid_web.pdf on June 7, 2012.
- Briggs, Alexa and Cecelia R. Lee. *Poverty Costs: An Economic Case for a Preventative Poverty Reduction Strategy in Alberta*. Calgary, Alberta: Vibrant Communities Calgary and Action to End Poverty in Alberta, 2012. Retrieved from http://www.vibrantcalgary.com/uploads/pdfs/Poverty_Costs.pdf on December 21, 2012.
- Buckley, Melina. *Moving Forward on Legal Aid: Research on Needs and Innovative Approaches*. Ottawa, Ontario: Canadian Bar Association, June 2010. Retrieved from <http://www.cba.org/CBA/Advocacy/PDF/CBA%20Legal%20Aid%20Renewal%20Paper.pdf> on October 16, 2012.
- Calgary Police Service. Crime Prevention and Reduction Continuum, April 2012. Retrieved from <http://www.calgarypolice.ca/continuum-crimePrevRedContinuum.html> on January 10, 2013.
- Canadian Bar Association, Standing Committee on Access to Justice. “*Tension at the Border*”: *Pro Bono and Legal Aid*. Ottawa, Ontario: Canadian Bar Association, October 2012. Retrieved from http://www.cba.org/cba/secure_pdf/ProBonoPaper_Eng.pdf on December 5, 2012.
- Canadian Bar Association, Task Force on Systems of Civil Justice. *Report of the Canadian Bar Association Task Force on Systems of Civil Justice*. Ottawa, Ontario: The Canadian Bar Association, August 1996. Retrieved from http://www.cba.org/cba/pubs/pdf/systemscivil_tfreport.pdf on October 16, 2012.
- City of Calgary. Bylaw Number 54M2006, cited as the Public Behaviour Bylaw. Retrieved from <http://www.calgary.ca/CA/city-clerks/Documents/Legislative-services/Bylaws/54m2006-PublicBehaviour.pdf> on January 10, 2013.
- Craig, Rick. “PLEI as part of the Legal Services Spectrum in a Changing World”, *News & Views on Civil Justice Reform*, Issue 12, Spring 2009. Retrieved from <http://cfej-fcjc.org/docs/2009/newsviews12-en.pdf#page=9> on June 7, 2012.

- Currie, Ab. *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*. Canada: Department of Justice, 2009. Retrieved from http://www.justice.gc.ca/eng/pi/rs/rep-rap/2007/rr07_la1-rr07_aj1/rr07_la1.pdf on December 5, 2012.
- Edmonton Community Legal Centre. *Family Law Services in Edmonton: A Review of Current Services and Emerging Needs*. Edmonton, Alberta: Edmonton Community Legal Centre, November 2011. Retrieved from <http://www.eclc.ca/> on December 5, 2012.
- Ipsos Reid. "Albertans Satisfied with Their Lawyers". May 18, 2010. Retrieved from http://www.lawsociety.ab.ca/files/home/Ipsos_Reid_Release_18May2010.pdf on June 7, 2012.
- King-D'Souza, Sarah. "The Three 'R's': Rural, Regional and Remote", *The Law Society of Alberta 2010 Annual Accountability Report*. Calgary, Alberta: Law Society of Alberta, 2011. Retrieved from http://www.lawsociety.ab.ca/files/financial/Annual_Report_2010.pdf on June 7, 2012.
- Law Society of Alberta, Alternative Delivery of Legal Services Committee. *Alternative Delivery of Legal Services Final Report*. Calgary, Alberta: Law Society of Alberta, February 2012. Retrieved from http://www.lawsociety.ab.ca/files/adls/ADLS_Final_Report.pdf on December 21, 2012.
- Law Society of Alberta. "Most Albertans Satisfied with Their Lawyers: Ipsos Reid Poll Shows", *The Advisory*, Volume 8, Issue 3, June 2010. Retrieved from http://www.lawsociety.ab.ca/advisory_2010/advisory_volume_8_issue_3_Jun2010/features/poll.aspx on October 16, 2012.
- Law Society of Alberta. "Trending Data on Lawyers in Alberta Today", *The Advisory*, Volume 9, Issue 1, March 2011. Retrieved from http://www.lawsociety.ab.ca/advisory_2011/advisory_volume_9_issue_1_Mar2011/feature/trending.aspx on June 7, 2012.
- Lieb, Glynnis, Stephanie Abel, Mary Stratton and Diana Lowe. *The Alberta Legal Services Mapping Project, Final Report for the Calgary Judicial District*. Edmonton, Alberta: Canadian Forum on Civil Justice, December 2009. Retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2009/mapping-calgary-en.pdf> on October 16, 2012.
- Literacy Alberta website. Retrieved from <http://literacyalberta.ca/what-les> on October 16, 2012.
- Mah, Doug. "Committee Recommends Exploring Models to Enhance Legal Services Delivery to Low-income Albertans", *The Advisory*, Volume 9, Issue 2, August 2011. Retrieved from http://www.lawsociety.ab.ca/advisory_2011/advisory_volume_9_issue_2_Aug2011/news/adls.aspx on June 7, 2012.
- National Action Committee on Access to Justice in Civil & Family Matters Prevention, Triage and Referral Working Group. *Consultation Paper on Prevention, Triage and Referral Processes: Description of Key Issues and Recommendations for Action*. August 24, 2012. Retrieved from <http://www.justiceeducation.ca/sites/default/files/ptr-report.pdf> on October 16, 2012.
- National Council of Welfare. *Justice and the Poor*. Ottawa, Ontario: National Council of Welfare, Spring 2000. Retrieved from http://www.oaith.ca/assets/files/Publications/justice_andthe_poor.pdf on October 30, 2012.

- Ontario Civil Legal Needs Project Steering Committee. *Listening to Ontarians: Report of the Ontario Civil Legal Needs Project*. Toronto, Ontario: Ontario Civil Legal Needs Project Steering Committee, May 2010. Retrieved from http://www.lsuc.on.ca/media/may3110_oclnreport_final.pdf on October 16, 2012.
- Poverty Reduction Coalition. *Crimes of Desperation: The truth about poverty-related crime*. Calgary, Alberta: United Way of Calgary and Area, March 2008. Retrieved from <http://www.calgaryunitedway.org/main/sites/default/files/Crimes%20of%20Desperation%20Final%20mar08.pdf> on October 30, 2012.
- Stratton, Mary. "Access to Justice? The View from the Street", *LawNow*, November/December 2010. Retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2010/stratton-viewfromthestreets-en.pdf> on October 16, 2012.
- Stratton, Mary. *Alberta Legal Services Mapping Project: An Overview of Findings from the Eleven Judicial Districts*. Canadian Forum on Civil Justice, July 2011. Retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2011/mapping-final-en.pdf> on October 16, 2012.
- Stratton, Mary. *Some Facts and Figures from the Civil Justice System and the Public*. Edmonton, Alberta: Canadian Forum on Civil Justice, 2010. Retrieved from <http://www.cfcj-fcjc.org/sites/default/files/docs/2010/cjsp-ff-en.pdf> on October 16, 2012.
- Thompson, Pam and John Schutte. *Integrated Justice Services Project: Implementing Problem-Solving Justice*. Alberta: Government of Alberta, Safe Communities and Strategic Policy, 2010.
- Werth, Darren. "Completing the Personal Injury Jigsaw" presentation. Sentinel Alliance.