

# Expanding Access to Legal Services in Alberta through E-Learning

A research report prepared by  
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# **Expanding Access to Legal Services in Alberta through E-Learning**

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## **Report to the Alberta Law Foundation**

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### ***Executive Summary***

The central focus of this project was to develop recommendations to the Alberta Law Foundation based upon three objectives:

- (1) To conduct a needs assessment to determine unmet demand for legal services in rural remote and Aboriginal communities in Northern Alberta;
- (2) To identify the information and communication technology (ICT) infrastructure available to assist with delivering such services and the capabilities and interest of Northern Albertans to use the available infrastructure; and
- (3) To investigate how unmet demand can be responded to through targeted legal education and legal service delivery, particularly through e-learning.

Information was obtained from Focus Groups, Town Hall Meetings, and online and written questionnaires in culturally and geographically diverse communities located throughout the four judicial districts in Northern Alberta. The study attempted to attain a balance of perspectives by contacting both rural and urban participants in diverse communities, approximately half of which were primarily Indigenous communities. However, the survey

was not conducted through random sampling of a representative proportion of Northern Alberta residents, so these results cannot be extrapolated to the wider community. They should be read as merely a “snapshot” of the experiences and preferences of the residents who responded.

The study parallels similar studies conducted in other Canadian jurisdictions and internationally. Results and themes from these external studies are discussed in the literature review and are then connected back to the data collected in this study. The Report discusses: Northern Albertan’s access to technology; their familiarity with various technologies and the frequency with which they use them; the percentage of participants who had encountered legal problems and whether they were able to obtain legal assistance, deal with matters on their own, or simply chose to do nothing; barriers for those who wanted to obtain legal assistance but could not obtain it; and, the preferred methods for obtaining legal assistance, i.e. face to face, by telephone, email, Skype or through other internet technologies.

The Report concludes with thirteen recommendations directed towards:

- raising legal awareness and empowerment of the public;
- the development of a one-stop public advice network to address both emergency and non-emergency legal advice and assistance which would provide cross-professional information and access to all legal service providers;
- connecting these services through the Alberta SuperNet and employing a range of technologies including toll-free numbers, Skype and other emerging mobile and communications technology;
- the need for a concerted advertising campaign directed at increasing awareness of the one-stop network including an ongoing series of justice community visits and talks by judges, lawyers, law students and other related justice professionals;
- internet facilitated peer to peer education and cross-professional support and training; and,
- the expansion of clinical law programs and continuing professional development programs directed towards building lawyers’ capacity and interest in conducting legal practice in Northern Alberta or through virtual law offices.

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### ***Introduction***

Athabasca University proposed to the Alberta Law Foundation (ALF) to investigate the use of e-learning to deliver legal services to Albertans. The proposal was accepted and funds were granted to conduct research focussed on the situation of Northern Albertans.

This research builds upon a project which mapped the legal services available to Albertans (Canadian Forum on Civil Justice 2012). That investigation principally surveyed providers of



legal services while the present study targeted members of the public and community leaders as “consumers” of legal services. Our objectives were to:

- Investigate the needs of Northern Albertans for legal services
- Ascertain the ICT infrastructure available to assist with delivering such services
- Investigate the capabilities of Northern Albertans to make use of such infrastructure
- Consider the possibilities of e-learning to assist with legal service delivery
- Formulate recommendations to ALF based upon these findings

## ***Literature Review and Recent Developments***

### ***Legal Needs and Legal Awareness***

The incidence of problems with a legal dimension experienced by members of the public has been investigated over several decades in numerous jurisdictions. Research in this area has usually taken the form of surveys conducted orally or in writing with target groups ranging from whole populations (Pleasence et al 2004c; Department of Justice 2008) to those with low or moderate income (Barton et al. 2004), and sometimes to specific groups within society such as Aboriginal persons (Locke 2005), residents of disadvantaged geographical areas (Coumarelos et al. 2006; Reid & Malcolmson 2008), or small and medium sized businesses (Department of Justice 2008).

Although the figures vary, all of these surveys have found significant numbers of the target populations have experienced problems with a legal element over the recent past (usually from one to three years). Percentages of respondents reporting one or more such problems range from a high of 83% (Legal Services Society 2008) to a minimum of 23% (Genn & Paterson 1999), and these substantial numbers remain persistent over time and across jurisdictions from Australia (Coumarelos et al. 2006) to Hong Kong (Department of Justice 2008), Canada (Legal Services Society 2008; Sossin 2010), the United Kingdom (Pleasence et al. 2011), and the United States (Barton et al. 2004).

Several themes concerning perceived and unperceived legal needs emerge from this body of research:

- *“Law” is perceived differently, and the degree of legal awareness varies, amongst different sectors of society.*

Some disadvantaged or “socially excluded” members of society experience “law” as a pervasive force that confronts them at every turn as embodied in government assistance programs and bureaucracies (Sarat 1990; Cowan 2004), or as represented by the police and the criminal legal system. People in such circumstances may be aware of the relevance of legal assistance but are often not capable of benefitting from it optimally due to the unfamiliar legal language and procedural intricacies involved. McEown (2009) and Engler (2010) note the need of people for assistance in administrative matters that rarely make it to court. It has also been observed that many people who are arrested do not know of their right to remain silent, and do not appreciate the adverse and continuing consequences of pleading guilty (Currie 2004). Currie’s study (2004:201) documented common mistakes of persons accused of crime that could form the basis of education efforts. Similarly, most people accessing government assistance or support programs in Canada are probably not aware of their rights to fundamental justice and fairness

when decisions are made that affect them (*Canada (Attorney General) v. Mavi* 2011; *Canada (Attorney General) v. PHS Community Services* 2011).

- *Many people experience legally related problems which they do not perceive as “legal” ones.*

Others in society experience many justiciable problems without recognizing that they may have civil legal rights and remedies in relation to them and that they could benefit from legal assistance. Problems in this category range from landlord and tenant disputes to loss of employment and debt issues. People experiencing these problems often conclude that nothing can be done to help them (Pleasence et al. 2004b: 224; Scotland 2010) and they therefore don't seek assistance of any kind. Macdonald (2005:29) puts the issue this way: “For many people, it is exactly the characterisation of a problem as a legal problem that is the most important barrier to access.”

- *Legal problems often lead to non-legal ones.*

Legal problems often result in adverse mental and physical health conditions and all of these acting together can “cascade” into a complex of interrelated legal, health and social problems such as homelessness and criminality (Causes 2005, LSS 2008; Pleasence et al. 2009). This finding highlights the need of legal service providers to be aware of the importance of other human services for the long term wellbeing of their clients and how those services may be accessed (Reid & Malcolmson 2008:10).

- *Non-legal problems often lead to legal ones.*

The reverse effect has also been observed in situations where ill health or injury may lead to legal problems (such as loss of a job) which in turn trigger other more serious problems (such as bankruptcy or removal of children). Such “trigger” problems include divorce, loss of employment, and disability (Pleasence et al. 2004b:222; Sossin 2010; Pleasence et al. 2011). This finding indicates that human services providers should also be aware of the possible legal needs of their clients (Coumarelos et al. 2006:225).

- *Legal problems of different kinds often come together.*

Distinct “clusters” of legal problems have been observed centred around: family and divorce; health and injury; homelessness and police involvement; money, debt and housing (Pleasence et al. 2004a:319-320; Coumarelos et al. 2006). These findings should be viewed in the context of the provision of legal services which are usually focussed on single issues, resulting in a patchwork of legal assistance opportunities rather than perhaps a more effective “holistic” or “joined-up” approach to clustered or associated problems (Pleasence et al. 2004a:326; Buck et al. 2005; Coumarelos et al. 2006; Sossin 2010).

- *Many people with legal problems don't seek any help.*

Large numbers of people experiencing problems with a legal dimension do not seek help of any kind and either try to do something themselves, or simply ignore the problem. For instance the percentage of self-helpers in the United States has been found to range from 30% (Barton et al. 2004) to 40% (USA 1994). An Australian

study found 16% of respondents handled things on their own. The same study found 33% of people experiencing a problem did nothing. In Hong Kong researchers found that 46% of people with a serious problem didn't plan to do anything or did not know what to do (Hong Kong 2008). In British Columbia it was found that 67% of people with a consumer problem and 58% of those with money or debt issues handled them on their own while 47% of respondents reporting a discrimination problem and 36% with housing issues took no action, although some of those believed it wasn't serious enough to warrant any action (LSS 2008). A survey in Washington State, found that "nearly half of all low income people with a legal problem *did not* seek legal assistance because they *did not know* that there were laws to protect them or that relief could be obtained from the justice system." (Task Force as quoted in McEown 2009: 8). A recent survey in the United Kingdom found that less than 10% of potentially justiciable problems reported were considered by the respondents to be "legal" in nature (Pleasence et al. 2011).

- *Most people with some types of legal problems seek legal help.*

In some problem areas legal assistance is widely understood to be appropriate and advisable (Kritzer 2010; Legal Services Research Centre 2011). These include divorce, accidental personal injuries, criminal or quasi-criminal charges, and wills or estates (American Bar Association 1994; Buck et al. 2004; Scotland 2010; Eisenberg 2010). The legal awareness of the public appears to be higher in relation to problems involving these areas of law. In other important legal situations such as accessing government programs and services (the realm of administrative law) and disputes over housing, employment, consumer products and services such as credit (governed largely by contract law) public legal awareness is lacking (American Bar Association 1994). On the other hand, it has been found that in some important areas of law such as the rights of cohabiting persons, the public is legally aware but seriously misinformed (Pleasence & Balmer 2012).

- *Lawyers are often not the first choice for legal help.*

Most of the studies reviewed find that when people do seek assistance they turn first to family and friends who may refer them on to other sources of help such as lawyers (American Bar Association 1994; Barton et al. 2004:29; Department of Justice 2008). Aboriginal cultural traditions and preferences (Reid & Malcolmson 2008:91) and the experiences of some immigrants may inhibit some people in seeking help from what are seen as "official" sources (Pleasence et al. 2004b:218). This finding shows the value of legal assistance that is clearly independent of government and is community centered. The phenomenon of "referral fatigue" has also been documented which deters advice seekers from following a chain of referrals (Pleasence et al. 2004c). This finding highlights the advantage of "one stop shops" for generalist and specialist legal and related advice (Sossin 2010).

### ***Legal Literacy and Health Literacy***

Originally, the term legal literacy was used to refer to an aspect of professional legal education. To be legally literate meant that you were capable of reading and writing the legal arguments, briefs, opinions, judgments and legislation that contribute to the body of law. This is a "literal" definition of legal literacy as being "literate in the law". Used in this sense, legal literacy is primarily a concern of legal writing programs in law schools that teach students to think, and communicate "like lawyers".



Later, a broader meaning of legal literacy became more common as a result of two different approaches to the concept. One approach considers legal literacy as a capacity spread along a continuum, with lawyers and judges at one end and relatively incapable laypersons at the other. This approach was adopted by the legal scholar White who considered legal literacy to mean “that degree of competence in legal discourse required for meaningful and active life in our increasingly legalistic and litigious culture.” (White 1983:144) Another legal writer describes legal literacy as a “spectrum of functional skills” related to the conduct of litigation (Bilder 1999:51). According to the continuum approach a certain degree of legal literacy is required for effective participation in modern society, but it is not necessary for the average citizen to reach the professional standard of “thinking (and writing) like a lawyer”.

The other recent approach to the meaning of legal literacy is to consider it as a metaphor. According to this view, the term is “intended to suggest some parallels between the institution of the law, and a system of language to be mastered, knowledge gained and understanding achieved.” (Manley-Casimir, Michael E., Wanda M. Cassidy, and Suzanne de Castell 1986:47) These authors suggest that the term legal literacy can also function as a model for educators who seek to promote such literacy. Proponents of legal literacy may thus look to the teaching of language for guidance.

Both approaches lead to a broader conception of legal literacy that extends beyond the profession of law and into the community. Numerous broad definitions of legal literacy have been advanced. Some are:

Full legal literacy goes beyond the development of a basic legal competence and implies the acquisition of knowledge, understanding and critical judgement about the substance of law, legal process and legal resources, enabling and encouraging the utilization of capacities in practice. (Manley-Casimir, Michael E., Wanda M. Cassidy, and Suzanne de Castell 1986:90) [emphasis in original]

The ability to make critical judgments about the substance of the law, the legal process, and available legal resources and to effectively utilize the legal system and articulate strategies to improve it. (American Bar Association, Commission on Public Understanding About the Law 1989:5)

The ability to understand words used in a legal context, to draw conclusions from them, and then to use those conclusions to take action. (Canadian Bar Association 1992:23)

Legal literacy is a process of self and social empowerment that moves women not only to activate the rights they do have, but to redefine and reshape the inadequate ones as expressed in law and in practice. (Hasan 1994:70)

Common to these definitions is an emphasis on the ability to take appropriate action in response to problems involving the law. It is understood such action may sometimes be critical of, and challenging to, the legal system.

It has been observed that efforts to increase the public’s legal literacy have lagged behind those in other social domains such as financial literacy and capability, consumer literacy, and health literacy (Stein & Cook 2005:171; Buck et al. 2008). Health literacy seems to offer a good comparison with legal literacy because health literacy efforts also confront the problems of complex and technical information, an arcane jargon, and the need to involve the public actively in achieving healthy lives and living conditions. These obstacles and challenges are mirrored in law. Advances in health literacy and promotion should be looked at as guides to similar work in the legal field directed to improving access to justice and legal services.

Recent elaborations of the concept of health literacy go beyond the capacity to read and understand medical information. Nutbeam (2000) suggests that it entails three levels of ability: the “functional” level of knowledge acquisition and understanding, the “interactive”

level involving the development of personal capacity to act independently in the health area, and the “critical” level which enables proactive individual and collective action for health. A scale for measuring health literacy has been developed (Rudd et al.2004) which includes elements related to “prose literacy” (involving unstructured documents); “document literacy” (highly structured information sources); and “quantitative literacy” (ability to work with numbers and calculations). The scale has been used in conjunction with a problem solving measure to explore the comparative health literacy of the populations of several countries (Statistics Canada 2005; Canadian Council 2007). This work suggests the possibility of developing a parallel legal literacy scale.

The concept of e-health literacy has been developed in recognition of the pervasiveness of the Internet. Norman and Skinner (2006) suggest that e-health literacy involves six skills of two types: analytical skills - traditional literacy and numeracy, media literacy, and information literacy; plus context specific skills – science literacy, health literacy, and computer literacy. If “citizenship” were substituted for “science”, and “legal” for “health” the e-health literacy model could be transformed into “e-legal literacy”. A scale based upon the e-health literacy model has been criticized (van der Vaart et al. 2011) and defended on the basis that recent advances in Internet tools such as social media, and differences in cohorts of users may be affecting patterns of Internet use for health purposes (Norman 2011). This work raises questions about the relation of the latest Internet technologies and traditional learning concepts.

Research has been done on promoting health literacy and some of the findings are: linkages between adult educators and health literacy programs are promising (Shohet & Renaud 2006); Internet use for communication may afford support for increasing health literacy (Wangberg et al. 2007); lower literacy levels amongst some population groups such as Aboriginal people and those with disabilities are a barrier to increasing health literacy (Rootman & Gordon-EI-Bihbety 2008); links have been made between justice, health, and human rights (Mogford et al. 2010); “social marketing” approaches to health promotion amongst young Internet users may be effective (Robinson & Robertson 2010); consumers of health information have been reconceptualized as “healthy learners” which may have a parallel in a concept of “just learners” (Lindstrom & Eriksson 2011); and health literacy today is considered as a potentially empowering and participatory element of everyday life (de Leeuw 2012). Finally, it should be noted that the Internet continues to be a major factor in access to health information and advice. A recent report indicated that 80% of Australians get health information online, and half of those use it to self-diagnose, sometimes with harmful consequences (Martin 2012). Another report found that 72% of Americans believed most of the health information found online and 70% used it to care for themselves or their families (Canadian Broadcasting Corporation 2012a). However, a medical organization study found that 44% of 1,300 websites reviewed provided inaccurate information about a medical risk (Canadian Broadcasting Corporation 2012a).

These developments in the field of health literacy provide models and encouragement for efforts to foster “the legal health of the community” (Stein & Cook 2005:172). However, they also counsel caution regarding strategies involving using the Internet to increase legal literacy and access to justice, and they point to the need for further research in that area.

### ***Legal Services and Technology***

Three themes emerge from the literature reviewed concerning delivery of legal services and the use of technology by the legal profession.

- *Legal services for poor, vulnerable, remotely located, or otherwise disadvantaged people are specialized in nature, often require multiple fields of expertise, and are not part of the mainstream of the legal profession.*

As Cramton (1994:585) puts it: “The law in which poor people typically become involved is a set of highly technical subjects with which most lawyers are unfamiliar.” He goes on to list these subjects as including administrative law and practice in government agencies and residential tenancies, fields of law which most law schools do not integrate strongly into their curriculum. Galligan (2005:16) notes that serving the needs of the poor who experience “clustered” legal problems confronts the profession with a choice “between helping a large number of people with common but less complex problems or helping a smaller group of people with less common but more complex problems.”

People living in rural and remote areas are also disadvantaged in relation to the availability of appropriate legal services. This issue is particularly acute in large, sparsely populated countries like Australia and Canada. Distance (which has been labelled as a “friction” in the legal system (Economides 2011)) and lack of public transportation (or even roads), remoteness of specialized court and judicial functions such as youth and mental health courts and absence of local integrated community services have been observed in Australia (Coverdale 2011) and seem equally pertinent in Alberta. Rice (2011:30) observes that the initial approach to a lawyer is often full of anxiety and uncertainty which is exacerbated by inaccessibility of the services. Coverdale (2011:171) notes that people with related legal and non-legal problems can rarely be served fully in remote areas. The integrated services needed are often unavailable due to the absence of other human services professionals such as doctors and social workers.

Mansfield & Trubek (2011) suggest that lawyers need to adopt new roles to serve disadvantaged people including that of collaborator with other professions. They point to the growth of medical-legal partnerships in co-located premises as one example of useful collaboration and note that there are now hundreds of these multi-disciplinary practices in the United States (Mansfield & Trubek 2011:373).

- *Practicing in rural and remote areas is not an attractive long term proposition for many young lawyers.*

Difficulties with recruiting and retaining lawyers in rural areas have been observed in Australia (French 2011; Martin et al. 2011) and Canada (Moulton 2012). Martin et al. (2011) have documented experiences of being overworked, isolated and lacking support amongst rural practitioners. They conclude that the dearth of lawyers in remote areas contributes to a decline in social capital in those areas (Rice 2011). Lawyers act as “community catalysts” in association with other professionals who tend to act as supports for each other. If there is not a thriving professional community the community as a whole suffers.

Hart (2011) points to the use of innovative technology as a means of enabling and supporting younger lawyers in remote areas. She notes that young professionals prefer social media, not traditional telephone contact (Hart 2011:227) and that younger lawyers may be more amenable to lawyering via the Internet which provides more flexible working conditions (discussed below). Technology may help to provide the professional, social and community networks to engage and keep young lawyers in remote locations (Cain & Forell 2011). Part of this support network should include interactive peer to peer professional continuing education as well as cross-professional linking (French 2011; Kennedy & Winn 2011). Synchronous virtual supervision and mentoring of professionals in other fields such as health (Winn 2009; Martin & Kennedy 2009) and education (Macintyre & Macdonald 2011) may provide a model for the legal profession.

- *Lawyers are significant, but cautious, users of technology.*

The legal profession has been an enthusiastic adopter of computer and other digital technologies for internal business purposes for many years (Burns 2007), but has only recently begun to experiment with the Internet as an interface for delivery of legal services to clients.

Some examples of early technology use by lawyers are word processors, computerized accounting and time recording systems, voice recognition software for composition, and automated document assembly using standard forms and precedents. These technologies are now part of most law offices, large and small. In addition, traditional telephone contact with clients has now been supplemented, if not entirely replaced, by email communication (Law & Justice Foundation 2001). Some technological innovations used within law firms are now being made available directly to the public through the Internet. These include: decision support software systems that can be used by judges, law firm clients, and negotiators (Zelevnikow & Bellucci 2003; Lodder & Zelevnikow 2005); automated document assembly software (Staudt 2007; Johnson 2009); and automated interview and intake protocols (Staudt 2007; Staudt 2009; A2J Author 2012).

The extent to which legal knowledge can be standardized and packaged for reliable and effective consumer use has been questioned (Burns 2007; Sanderson & Sommerlad 2002). Sanderson & Sommerlad (2002) also question whether “unbundling” of discrete elements of legal service through standardized systems is an adequate response to the complexity of many legal problems which require both substantive and procedural knowledge, often modified by local conditions.

Lawyers are being encouraged to engage in e-lawyering and to open virtual law offices both for personal and business clients (Hornsby 2009; Law Practice Management Section 2011; Granat & Lauritsen 2011; Calloway 2011). One of the virtues of these approaches is that remote clients may be served more conveniently, although whether the cost of legal services may also thus be reduced has not been demonstrated (Tamblyn 2012) despite possible reductions in law staff numbers (Kimbrow 2012).

Significant informational and technical resources are now available to assist lawyers wishing to engage in e-lawyering (Granat Group 2012) while cautions are still being voiced (Tuft 2006; Kimbro 2011). E-lawyering and virtual law offices are likely to become more attractive to lawyers with the increasing use of the Internet and smartphones for serious personal and business purposes (Reuters 2012; Canadian Broadcasting Corporation 2012b), and the parallel rise of tele-medicine and tele-doctors (Canadian Broadcasting Corporation 2012c).

### ***Access to Justice and Legal Capability***

Observers have identified “waves” in the access to justice movement since the 1960s each of which has generated objectives and strategies to meet them (Macdonald 2005; Galanter 2010). Macdonald (2005) describes five waves as follows. The first wave focussed literally on access to courts and to lawyers and resulted in programs of legal aid to achieve the goal for those who could not afford lawyers. The second wave focussed on institutional reform of courts and tribunals. Public legal education was one of the important strategies emphasized in the third wave of access to justice activity during the 1980s. In the 1990s the fourth wave included increased provision of alternative dispute resolution (ADR) and opportunities for participation in law-making. The fifth wave which we are continuing to experience has raised the issue of equal access to the legal profession and the Bench and has promoted the goal of empowering citizens to be proactive in achieving justice for themselves and their

communities. The effect of these five waves has been cumulative and today all of the objectives and strategies they have contributed can be observed in operation. This review will focus on three access to justice objectives that are most relevant to this research: legal aid and assistance, public legal education, and developing individuals' legal capability.

- *Legal assistance and legal advice*

Although lawyers do not always satisfy their clients' deepest needs (White 1990) they are still sought out for help with many legal problems. Today the cost of lawyers' services is too high for even many middle class and middle income Canadians, not only for those with lesser resources (Lunau 2009). Similar problems of inaccessibility of legal services are experienced by Aboriginal peoples in Canada (Rahman 2011). Funding for legal aid (the first access to justice strategy) has meanwhile declined, and publicly funded legal assistance for most civil cases is almost nonexistent. The cost to society of unmet legal needs is difficult to quantify, but probably significant (Prescott 2010).

Australia and the United States have taken some steps towards coordinated national provision of legal assistance. In the former two, conferences have been held and an organization formed on the theme of "rural and regional law and justice" (Coverdale 2011). The Legal Services Corporation in the United States has helped most states to establish standardized web portals for legal information and assistance (for example Washington Law Help 2012). These portals are organized around everyday issues and problems such as "aging", "government benefits", and "health". In Washington State the Northwest Justice Project provides a suite of YouTube videos on subjects such as unemployment, foreclosures, and fair hearings (Northwest Justice Project 2012). Other recent developments of note are: Skype consultations with lawyers in British Columbia (Rahman 2011); community access points with videoconference facilities for legal advice in Queensland, Australia (Legal Aid Queensland 2012); private videoconference booths for accessing legal advice provided by local government in the United Kingdom (East Riding 2012); and training of legal literacy volunteers to equip them for legal consultations with needy women and men in Africa (WILDAF 2012). In the United Kingdom it has been recommended that community legal service centres should provide "one stop shopping" for legal and other problems in association with other human services. A key element of such services is a "diagnostic" first interview followed by "generalist" or "specialist" advice as needed (Fox et al. 2010; Buck et al. 2010).

A recent approach to reducing the cost of legal services is "unbundling", or providing discrete services at a reduced fee instead of a continuing retainer for an entire legal matter. One service which may be unbundled this way is legal advice designed to be acted on by the client rather than lawyer. A further development that has taken place in the United Kingdom is to allow such advice (but not certain other legal services including representation in court) to be provided by non-lawyers (Hadfield 2010). The *Legal Services Act 2007* deregulated the provision of legal advice which has since then been offered by agencies and entrepreneurs. One of the best known and patronized of the United Kingdom agencies is Citizens Advice Bureaux (CABx) which operates from 3500 locations such as community centres and doctors' offices and in cooperation with local government and firms of solicitors (Citizens Advice 2012). Its advisors are trained in legal matters as generalist advisors and may also specialize in certain legal problem areas or refer clients to solicitors for specialist advice. The CABx has helped to develop a smartphone app that prompts people dealing with traders such as house renovators to ask appropriate questions and record the answers in case legal recourse becomes necessary (CABx Advice Guide 2012). Further apps in other problem areas are planned. Studies have been done on how



people seek and locate legal assistance and advice. In the United States it was found that people turn to trusted sources for help in finding a lawyer and this seldom included searching on the Internet, even for younger people (American Bar Association 2011). The same study found that people with legal problems who want to handle the problems on their own frequently turn to legal officials such as judges and courthouse staff for advice and assistance. Use of Facebook and other social media for accessing legal help was found to be attractive to less than 20% of respondents surveyed (Weiss 2011). United Kingdom researchers found that younger people were actually less likely to use the Internet for legal help than older individuals (Legal Services Research Centre 2010). Denvir et al. suggest that younger people may have a different orientation to the Internet which affects their motivation and capacity to use it for legal purposes (Denvir et al. 2011). However, older people have been found to use the Internet heavily for information seeking provided the technology is easy to use (Martyn & Gallant 2012). Other evidence that is also relevant is the heavy use of cellphones to assist in consumer purchasing decisions (Canadian Broadcasting Corporation 2012d). All of these findings must be carefully considered when contemplating strategies for providing legal assistance and advice using Internet technologies.

- *Public legal education and information*

Public legal education has traditionally focused on “just in case” learning of legal rights and obligations to equip citizens to make good decisions when faced with legal problems and hopefully thus avoid legal disputes. Since the advent of the Internet much public legal information that was formerly produced in print form has been offered online (Gander 2002; Gander 2003; Law Practice Management Section 2003). Recently public legal educators have contemplated “just in time” education and skills training for people with imminent need of legal help (Legal Action Group 2004, 2005), and have started using multi-media resources as well as text formats to present legal information (Legal Aid & Information BC 2012; UNSWTV 2012; Massachusetts School of Law 2012).

The legal education needs of Aboriginal peoples have been studied in Australia (de Plevitz & Loban 2009) and Canada (LaBoucane-Benson et al. 2007). Some of the findings are: supply of legal services in criminal matters outweighs provision of assistance in civil problems; narrative scenarios may be more effective in communicating legal information; radio may be useful in remote communities; distrust of the criminal system of justice leads to general aversion to all legal system components; interaction of national, provincial and local laws in Indigenous territories is not well understood; and there is a pressing need for education in the procedures of civil justice and administrative decision making.

A recent development in public legal education is the resourcing and training of public libraries to offer legal reference and information services. This initiative is being taken in the United States (Zorza 2010, 2012), Australia (State Library of NSW 2012); and Canada (Courthouse Libraries BC 2010, 2011). Zorza (2012) notes that law libraries have a role in training public librarians to assist clients with legal questions and should partner with them for this purpose. Some American libraries offer real time online chat with librarians on legal matters (Zorza 2010). The State Library of New South Wales provides a website “Find Legal Answers” with information organized by topics such as “cars and driving” and “neighbours” as well as providing links to numerous online publications and a specialist information service, the Legal Information Access Centre.[note: one such library on line service has just been concluded in Fort McMurray, Alberta and librarians reported that they have not heard whether it will be reinstated. A report states: “At the library, 4-6 questions per month happen face to face or by phone, but the website, *askanyquestion* responds to many per day. This website will cease to exist by June.”] In British Columbia the

Courthouse Library system has provided training and support for local public libraries through its “Law Matters” program (Hannum 2011). In addition Courthouse Libraries BC have produced the “Clicklaw” website as a portal for legal information for use by all librarians (Reid et al. 2009; Rose et al. 2011; Clicklaw 2012). Reid et al. (2009) found a lack of “middle ground” information on this site, lying between basic and advanced knowledge of legal subjects; an unmet need for just in time information in dynamic situations; and that information should be organized according to problems experienced, not legal terms.

- *Developing legal capability*

Increasingly, many people with legal problems are representing themselves either because of the cost of legal services, or by reason of personal preference (Zimmerman & Tyler 2010). This situation burdens a legal system that has been organized on the assumption that most people will have a lawyer. Rather than changing the system, the most common response has been to try to equip self-represented parties to act knowledgeably and effectively as if they were at least “quasi-lawyers”. This is the objective behind the development of legal self-help programs and resources in many jurisdictions despite concerns being raised over the quality of help provided and the fairness of outcomes for self-represented persons (Giddings & Robertson 2003). The complexity of tasks to be performed by self-represented litigants was investigated by Staudt and Hannaford (2002) who identified 193 discrete functions a litigant must perform in order to move a case through the civil litigation system. They proposed to design a suite of software tools which would prompt self-represented parties with knowledge and guidance at appropriate points in the process. One feature that might be included in such assistance is audio-visual previews of the major litigation events to be encountered such as hearings.

Other approaches that have been suggested to enhance the legal capability of self-represented parties are: “clinics” or workshops which might be conducted online and interactive “do it yourself kits” (Fotherby 2010); “hotlines” for prompts at crucial stages of legal process (Abel 2010); audio resources especially for those with low literacy (United Nations Development Program 2005); courses for self-represented persons with simulations of hearings, checklists and videotaped examples (Reid et al. 2004a); “joined up” services from cooperating agencies to assist persons with multiple problems and information needs; and opportunities to observe processes in action (Reid et al. 2004b). In the United Kingdom a project is underway to discover best practices in developing legal capability based on four domains of action: recognizing and framing legal dimensions of problems, finding out more about the legal dimension, coping with procedures and assessing courses of action and legal risks, and engaging in shaping the law through channels of influence (Lawforlife.org 2012).

Courts in many countries have become engaged in providing self-help assistance for self-represented litigants. These often take the form of self-help centers or counters located in courthouses and court forms made available online (Sandefur & Smyth 2011). A report on the British Columbia Supreme Court self-help information centre found that client visits of 15 minutes or less were common; that a majority of services involved completing a form; that the centre’s web portal was popular; and that many users wanted legal advice (Malcolmson & Reid 2006). An evaluation of self-help services at Alberta courthouses also found a need for advice, not just information; that referrals were sometimes viewed as unhelpful; and that a courthouse location was a deterrent for some potential users (PRA Inc. 2008).

Some other recent developments in efforts to improve the public’s legal capability are: online interactive (LawHelp Interactive 2012) and static (Government of Alberta

2012a, 2012b) court forms; software for preparing automated guided legal interviews for the purpose of triage, screening, intake and forms preparation (Chicago-Kent 2012); and online self-help websites with guides, forms and checklists in multilingual formats (LawAccess 2012; LawAssist 2012).

### ***E-Learning/Mobile Learning to provide legal services***

The United Nations' Human Rights Council unanimously signed a resolution that all people should be allowed to connect to and express themselves freely on the Internet (O'Neil, 2012). At the same time, countries around the world are declaring that internet access is a human right and they are building the infrastructure and providing affordable or free internet access to citizens. Countries are realizing that internet access is a competitive advantage in a globalized society and, at the same time, is improving the quality of life of its citizens.

The Alberta SuperNet exists in Alberta to connect a number of communities and facilities including schools, hospitals, colleges, universities, libraries, and municipal offices. The backbone of the SuperNet is a broadband network that allows for high-speed Internet access, video conferencing, and other services. The network is currently reaching 429 communities across Alberta serving citizens in 27 urban areas and approximately one million citizens who live in 402 rural and remote communities (Service Alberta, 2012).

As citizens in Alberta, Canada, and as the world becomes connected, there will be increasing pressure on organizations, governments, associations, and other entities to provide electronic services, including legal services, for access using a variety of technologies including computers, tablets, mobile phones, and ubiquitous technologies. Some sectors of societies are already providing services to citizens using emerging technologies. In the financial sector, customers now have the access to bank services from anywhere and at anytime using mobile technology – “in the pocket banking” (The Economist, 2007). Libraries are being digitized and information formatted for access by mobile technology – “a library in everyone's pocket” (Ally & Needham, 2010, 2011). The travel industry is using mobile technology to make travel convenient for customers, and governments are enhancing the social infrastructure through mobile applications and services (Ally, 2006). The healthcare system is also employing mobile technologies to provide services to patients (Kenny et al., 2012; Kenny et al., 2009; Taylor et al., 2010).

Citizens already have the technologies that they use to connect to the world. In Alberta, 429 communities are connected to the Internet. The infrastructure already exists to provide legal services such as training, access to information, access to legal help, mentoring, social networking, and communication between rural communities. More has to be done to provide legal services to citizens in Alberta since the province is connected and citizens already have the technology.

### ***Methodology***

The methods used in this research were all in accordance with ethical guidelines and authorizations received from Athabasca University and took into account the principles and procedures for involving First Nations and Métis communities set out by the Government of Canada Panel on Research Ethics (Government of Canada 2012).

The original intent was to engage persons in eight communities, four Indigenous and four primarily non-Indigenous in the northern portion of Alberta.

The selection of Indigenous communities, as planned, was guided by the experience and advice of the Learning Communities Project (LCP) at the University. Most of the selected communities are also rural and remote, or, in the case of the Nistawoyou Friendship Centre

in Fort McMurray, represent an extension of First Nation communities through representation and voluntary collaboration (Panel on Research Ethics, Webinar Chapter 9, Tricouncil Policy Statement 2). An additional and critical factor was access to communities through invitation. Project activity then occurred in the following primarily Indigenous Communities of: Saddle Lake Cree Nation, Kikino Métis Settlement, Cadotte Lake Woodland Cree Nation, and Little Red River Cree Nation at John D'Or. In Fort McMurray, upon the advice of the Friendship Centre, meetings were held inviting members of the Athabasca Tribal Council: Fort McMurray First Nations, Fort McKay First Nations, Mikisew Cree, Chipewyan Prairie and Athabasca Chipewyan. Three communities (Kikino, Saddle Lake and Little Red River Cree) extended invitations to us after hearing of our work.

We gathered data in one non-Indigenous community in each of the four Judicial Districts: Fort McMurray, Peace River, High Level, and Cold Lake. Community networks sent information and invitations to agencies and towns in the rural areas around these communities as well.

Planned method	Actual method employed
Contact local service organization or LCP and arrange collaboration	Organizations contacted varied by community from municipal administrations to Band Councils, Post-Secondary providers, local community networks and legal (jurisdictional) agencies.
In Indigenous communities secure the approval of the appropriate local authority	Where possible, approval was sought, but more often than not, leaders deferred to band members or Métis Settlement administrators to approve of and assist with the visits. No Band Council or Métis Settlement Council requested an MOU. Those who discussed the opportunity to sign an MOU with us indicated that they were comfortable with the research based upon the reputations of Athabasca University and the Alberta Law Foundation, as well as the information conveyed to them about our protocols. No Council requested a meeting with us. One Chief and Council gracefully refused meeting with us, citing past experience with unproductive projects, but did not object to surveys and involvement of residents at their discretion.
Arrange publicity in local media that will also invite nearby rural residents	In both Indigenous and non-Indigenous communities, we were advised to use local networking strategies and mechanisms. We did so in all communities.
Attend site, confirm arrangements and prepare venue	The principal researchers were able to attend meetings in Cold Lake, Fort McMurray and Peace River with the consultant Patricia Martin. All other meetings and survey work was done by the consultant.
At the public (town hall) meeting, introduce the project and provide information on privacy and confidentiality	In some cases service providers and community leaders attended either the focus group or town hall meeting as was convenient for them, so protocols for all meetings included information on privacy and confidentiality as well as consent forms for those providing specific focus group questions input.

<p>Ask for audience participation in answering questions according to the meeting protocol and record responses on whiteboard or butcher's paper</p>	<p>Where possible, and with the approval of participants, notes were made on computer with computer projector so that participants could edit, rephrase and ensure the accuracy of the notes.</p>
<p>Show one or more videos as examples of multimedia legal assistance (NCSA Bearpaw Communications has developed some videos that may be useful, and videos were developed in the past for showing on Access Television)</p>	<p>Where possible videos were aired, but some venues did not provide connectivity, computer projectors or other IT. In these cases the power point slides were provided with links to the on line survey and links to selected sample videos</p>
<p>Give website address of online questionnaire</p>	<p>As planned</p>
<p>Invite those present to complete the written questionnaire at the meeting</p>	<p>Some chose to complete surveys at the meetings and others preferred to use the on line survey link. In all target communities, suggestions were made about agencies and organizations to visit to have surveys completed. These suggestions were followed in all communities.</p>
<p>Advise those leaving of written questionnaires available for taking away with stamped addressed envelopes, and refreshments available with thanks</p>	<p>Surveys were either completed in communities or on line. In a few cases, surveys were left with agencies and picked up later. In a few cases, surveys left with individuals who promised to complete them were left undone. Refreshments unused were sent home with participants or left in venues for employees and residents to enjoy.</p>
<p>Conduct administration of written questionnaire for those staying by reading the questions and answering any questions about them</p>	<p>In some cases, surveys were conducted with individuals challenged by the written word (reading issues, sight impairment). Questions were read to the individuals and <i>verbatim</i> responses recorded on the surveys.</p>
<p>Additional Methodologies applied</p>	<p>Experience through survey activity with the Learning Communities Project indicated that focus groups and town hall meetings tend to attract more participants when there is considerable relationship building prior to meetings. As there was insufficient funding and time to pre visit communities and build this rapport, surveys were conducted throughout communities through visits to gathering places and workplaces. Protocols for information, privacy and confidentiality were rigorously followed and only volunteers completed surveys.</p>



Notes of all meetings were transcribed and reviewed separately and independently by the principal researchers and the research consultant. Consensus was reached on themes and topics that appeared common across several communities. Statements that were unique to individual communities are listed below.

See Appendix 2 for a detailed discussion of methodological issues encountered in this research and solutions adopted.

## **Results**

A statistical summary of the results of the survey of northern residents is included as Appendix 1. Highlights of the responses received are:

- The great majority (over 90%) of the residents in all of the communities contacted had access to the Internet through one form or another.
- The most common daily method of connecting to the Internet was through a computer; smartphone use was reported by almost 60% of the respondents, and 75% of respondents reported using a cellphone daily.
- A majority (60%) of respondents reported having no legal problems in the past year, but 20% indicated they had encountered family, divorce or child problems, and 13% reported problems with criminal law or motor vehicles.
- Almost 18% of those who had problems got help from a lawyer; the next largest number of respondents (7.5%) did something on their own.
- The largest number of respondents who contacted a lawyer found this help through information obtained from family or friends; the next most common source of information was telephone listings; only a small number of respondents (9 people) reported using the Internet to find a lawyer.
- For those people who wanted legal help but couldn't get it the most common barrier was cost, followed by not knowing where to find it.
- Half of the respondents to the survey hadn't looked at the websites of any of the legal education and assistance agencies that were listed; the largest number who had looked at any websites mentioned Legal Aid Alberta, followed by the Family Law Information Centres (FLIC) and then the Law Information Centres (LInC) at courthouses.
- Approximately equal numbers of respondents (60-70%) indicated that the legal help they wanted was advice, information, and explanations about rights.
- The great majority of respondents (almost 85%) indicated that they felt comfortable getting legal help face to face, but almost 55% also mentioned the telephone, and 46% felt comfortable with email contact; slightly over 25% reported comfort with videoconferencing.

The survey was not conducted through random sampling of a representative proportion of Northern Alberta residents, so these results cannot be extrapolated to the wider community. They should be read as merely a "snapshot" of the experiences and preferences of the residents who responded.

Review of the notes of all consultations with residents and stakeholders reveals the following themes and topics that were mentioned in more than one community:

- To effectively access legal services there should be a one-stop legal information/access system created. This may include expanding court house services to create one-stop facilities; and the creation of a universally accessibly toll free emergency information line. Online resources should be provided by a reputable and reliable provider that keeps them up to date.
- One of the most frequently expressed concerns was the need for more lawyers in Northern Alberta; including the need for longer term legal services (not just emergency services); and more (affordable) legal services in general. Legal services in divorce, family, and child matters are particularly absent.
- One prominent existing gap in services is the need for assistance in completing legal forms; and legal stewards/mentors were suggested as a potentially helpful resource. Utilize existing on line resources, but improve directions for the use of forms by engaging distance education experts to provide plain language instructions in short, on line modules. Step by step instructions with examples are required. As well, more alternative justice initiatives are required; including restorative justice/peacemaking; justice circles; and the expansion of judicial dispute resolution initiatives.
- Coordination of existing agencies is required to resolve confusion between different agencies' purposes and functions. As well, it was suggested that there should be a central authoritative body to ensure coordination of organizational mandates, ethical standards and fairness.
- There is a frequently expressed desire that legal services must be provided face to face. There is a concern that service providers have to be qualified/confidential/affordable. Call centres are not useful if they are impersonal or they result in the need for repetitive story telling as the client is shifted from one person to the next. If face to face is not possible, telephone contact is still often preferable to email. However, Skype/video conferences were recognized as potentially useful as was the possibility of online lawyers
- More legal education/information/workshops required but they must be designed to address language barriers and inconsistent terminology issues. Language translation is an issue for Aboriginal peoples, but also for the many recent immigrants to the North. It was suggested that legal education begin in high schools. Beyond high school, there is a need for information/mentorship on new laws for service providers and justice community visits and education/information provision to the community as a whole. At the post-secondary level, law school curricula need to pay more attention to Aboriginal Law; and online law schools would be a welcome addition.
- Technological solutions to service provision are limited by the available technology, its cost, and levels of capability in using it. Although the Internet is widely available it may be expensive unless accessed through local nodes in public spaces. Beyond technological availability, internet literacy/education is required. This would include smart phone/justice app training; and access to live advisors to assist with technological use issues.
- When internet information is provided there must be mechanisms in place to ensure it is reliable, reputable and credible. Website information and resources have to be advertised and internet information has to be presented in plain language. Website navigation must not be problematic. Informational videos and multimedia presentations of legal information are useful but limited.

The following concerns, ideas, and suggestions were made in individual communities:

- There is a need for more respect for traditional justice principles amongst First Nations and Métis Peoples including, for example, support for more “circle processes” in the north.
- Young First Nations and Métis people should be encouraged to pursue professional careers and possibly become lawyers who practice in their home communities.
- Pardons and associated costs are a particular issue for some who need legal help pursuing them,
- Native Counselling Services do a great job but staff could benefit from upgrading their knowledge and skills which should accord them greater respect within the legal system.
- Mentors for and support of legal assistance personnel in the North are needed
- Businesses and other professionals also need legal assistance that is not usually available locally.
- More lawyers, judges, crown prosecutors and clerks will mean the provision of housing and sufficient northern allowances so that these personnel will be willing to relocate.
- Each judicial district should have its own remand centre to keep incarcerated people in touch with their communities.
- Make better use of the Portage College Public Legal Education Sessions.

### ***Discussion***

The survey responses are generally consistent with the results of similar surveys of legal needs in similar social contexts in Canada and elsewhere described in the literature review. A significant proportion of respondents experienced a legal problem in the last year although it is possible that more of them had a problem with legal implications which they did not identify as “legal” in nature. Less than 20% of those who had a legal problem received help from a lawyer.

The most common obstacle to obtaining legal help was cost although the challenge of geography and lack of information about available legal services were also factors. Most respondents wanted legal advice and explanations of their rights in addition to information. This result highlights the very personal nature of legal needs which require individualized and tailored responses.

Although most respondents had access to the Internet via several technologies, this channel was not extensively used for seeking legal help. Such a finding echoes studies in the United Kingdom and the United States which found that the Internet was not strongly associated in people’s minds with personal legal matters. Comments calling for a reputable source of online legal information appear to suggest an explanation for this lack of connection. At the present time the Internet may be viewed as insufficiently credible to provide help with legal problems. Such an explanation is supported by the finding that most people turn to family and friends – trusted sources of information – when seeking legal help.

Most respondents preferred to obtain legal help face to face although they were generally also open to contact via telephone or email. This finding is tied in with the comments describing a lack of local lawyers, and the difficulty of retaining lawyers in the North. These results point to a two pronged approach to meeting legal needs as described in the conclusions.

For First Nations and Métis peoples, access to justice is particularly difficult and crucial arising out of historical injustices and a pervasive distrust of legal institutions and processes. If the legal system is to engage with and win the trust of these Canadians it must acknowledge the validity of traditional justice principles and practices and work with these groups to try to harmonize Western and traditional legal approaches. One key to this synthesis may be increased attention to traditional aboriginal law in law schools and a renewed effort to attract and retain aboriginal lawyers in remote locations.

### **Conclusions**

We conclude that the Internet, and eLearning in particular, may assist in responding to people's needs and the removal of obstacles, in two principal ways. First, legal assistance may be delivered remotely to Northern Alberta using eLearning methods and techniques. Second, eLearning may be used to educate and train legal paraprofessionals, and perhaps lawyers, where they live in the North, thus increasing the local supply of legal services. In addition, eLearning may help to retain professionals in the North (not just lawyers) by supporting local professional communities.

It is apparent that the public does not yet view the Internet, however accessed, as a trusted channel for obtaining legal help although they use the Internet to access other services on a daily basis. Efforts need to be made to assure the public that online legal information and assistance is reputable, current, and responsive to individual needs. Social media may be useful in reaching young people with this message. The Government may not be the best provider of such services since legal needs may involve disputes with Government officials and agencies.

Traditional public legal education, even if it is online, does not meet people's needs for focussed personal advice and assistance in navigating the legal system. Legal problems require "just in time" and highly personalized responses that are not provided by general and abstract legal information sources. Legal assistance via eLearning should focus on concrete problems in the form of scenarios and common problem types with relevant responses.

These conclusions form the basis of the recommendations below.

### **Recommendations**

1. Legal awareness and empowerment of the public should be raised through the use of Internet facilitated multi-media and social media focussed on "problems" rather than legal concepts. The problems described should include all of the connected and related concerns such as: social, family and economic problems, health and government benefits with links to relevant legal and non-legal sources of information and advice (see next recommendation).
2. A one-stop internet facilitated public advice network staffed by legal stewards/mentors should be created for access to cross-professional information and advice. This may also take the form of co-located multidisciplinary information and advice service offices located in court houses, public libraries or other locations commonly and readily accessible by the public. Further, connections with properly qualified translators should be established to alleviate language and literacy barriers that may otherwise prevent access to legal information.
3. To facilitate its full use, the one-stop facility should be available via private soundproofed access points (such as booths or kiosks) connected to the Alberta SuperNet and this resource should also offer courses and programs in computer and technological literacy.

4. The one-stop facility should be accessible via toll-free numbers, mobile technology, Skype access and other emerging communications technology that alleviate barriers of distance and expense.
5. This one-stop initiative should coordinate its services with existing legally related service agencies and facilitate their ongoing work wherever possible. Clarity of functions for both the one-stop and related agencies must be established and publicized.
6. There should be provincially accessible toll free numbers for both emergency legal services and for longer term legal advice, planning and assistance. These numbers should be integrated with the one-stop public advice network.
7. Beyond the delineation of functions, these initiatives, and their connections with currently existing services, must be broadly advertised through multiple media and should be supported and supplemented by an ongoing series of justice community visits and talks provided by judges, lawyers and law students to enhance the public's legal knowledge and explore the resources of the one-stop public advice network.
8. An Internet facilitated cross-professional support and resource network should be created for rural professionals. This should include social media and links to the public advice network (see above).
9. Internet facilitated interactive and peer to peer education and training courses and programs for rural professionals in all fields should be supported and enhanced.
10. Internet facilitated education and training courses for all Alberta lawyers in e-lawyering and operating a virtual law office should be provided. Such courses should provide instruction in the knowledge, skills, and techniques necessary to practice law ethically online. Lawyers could be encouraged to act as online mentors with stewardship in legal work in Northern communities.
11. A clinical law program enhancement should be developed in connection with Alberta's law faculties. Students in the clinical law program may provide assistance with the one-stop public advice network such as: the justice community visits (above); online assistance to members of the public seeking legal information resources on the internet; assistance in the completion of legal forms; and, as with the United Kingdom initiative and well-established law school clinical law programs, provide limited legal advice.
12. The law student participation in the one-stop public advice network and in the justice community visits may increase interest in law school graduates practicing in northern Alberta. This should be supplemented with a scholarship program for northern Alberta students wishing to enter law school and practice in northern Alberta; and, with financial incentives for students wishing to set up practice in northern Alberta.
13. Internet facilitated courses in legal literacy and the provision of legal reference services should be provided for public librarians.

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*Canada (Attorney General) v. PHS Community Services*, 2011 SCC 44, [2011] 3 S.C.R. 134

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## **Appendices**

### **Appendix 1**

#### Survey of Legal Needs of Northern Albertans

#### **Results (N=228)**

#### **Summary for Question 2**

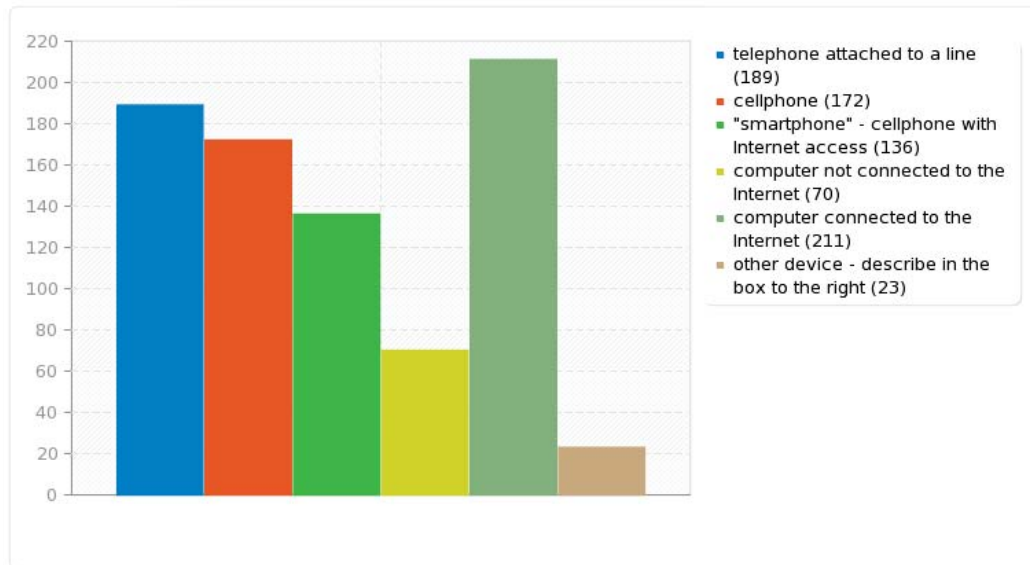
What is your age?

<b>Answer</b>	<b>Count</b>	<b>Percentage</b>
18-25 years	26	11.50%
26-35 years	68	30.09%
36-45 years	48	21.24%
46-55 years	51	22.57%
56-64 years	29	12.83%
65 years or -----	3	1.33%
No answer	1	0.44%

#### **Summary for Question 3**

Which of these do you use on a daily basis?

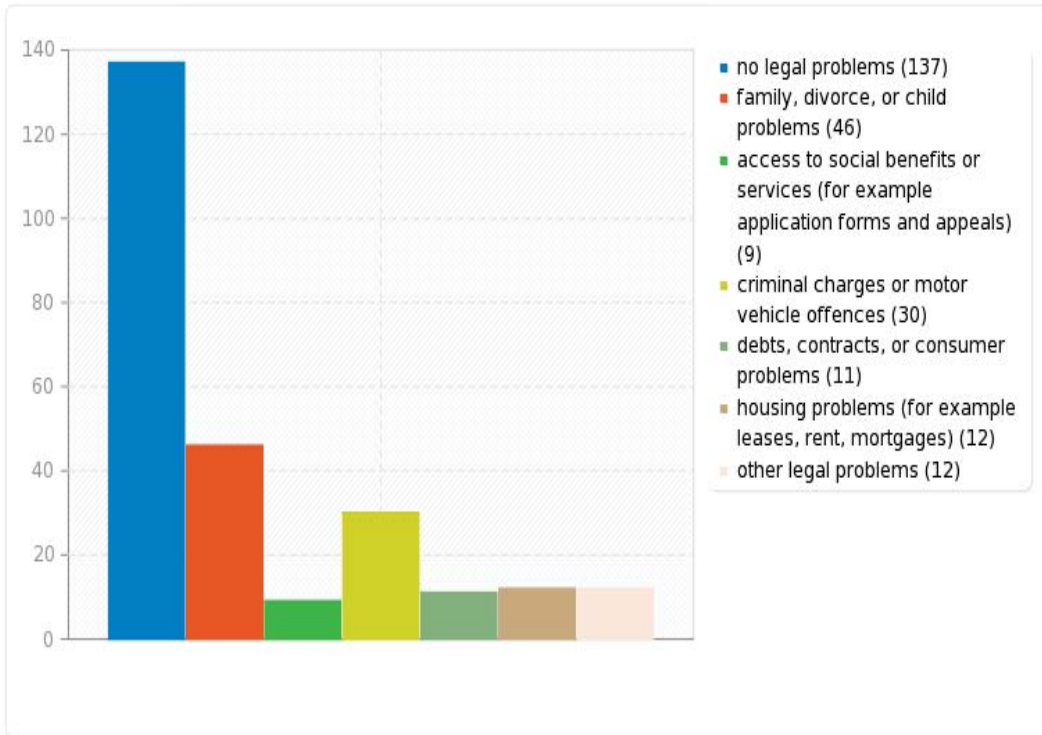
<b>Answer</b>	<b>Count</b>	<b>Percentage of total responses</b>
Telephone connected to a line	189	82.89%
Cellphone	172	75.44%
“Smartphone”	136	59.65%
Computer not connected to Internet	70	30.70%
Computer connected to Internet	211	92.54%
Other device	23	10.095



#### Summary for Question 4

Have you, or a member of your family, had any legal problems in the past year?

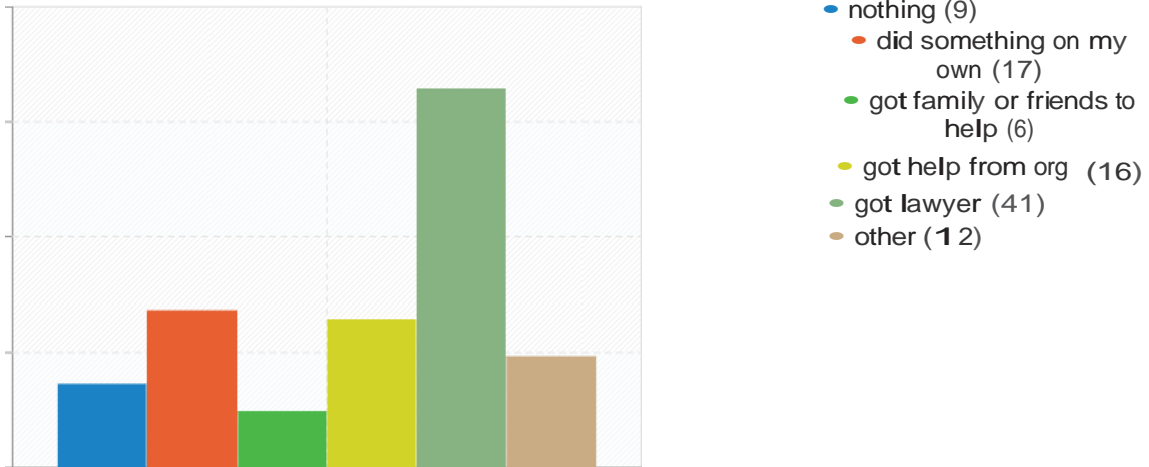
Answer	Count	Percentage of total responses
No legal problems	137	60.09%
Family, divorce, or child problems	46	20.18%
Access to social benefits or services	9	3.95%
Criminal charges or motor vehicle offences	30	13.16%
Debts, contracts, or consumer problems	11	4.82%
Housing problems	12	5.26%
Other legal problems	12	5.26%



### Summary for Question 5

What did you do about your legal problem, or that of your family member?

Answer	Count	Percentage of total responses
nothing	9	3.95%
did something on my own	17	7.46%
got family or friends to help	6	2.63%
got help from an organization	16	7.02%
got help from a lawyer	41	17.98%
other	12	5.26%



### Summary for Question 6

If you, or a family member, got help from a lawyer in the past year, how did you find the lawyer?

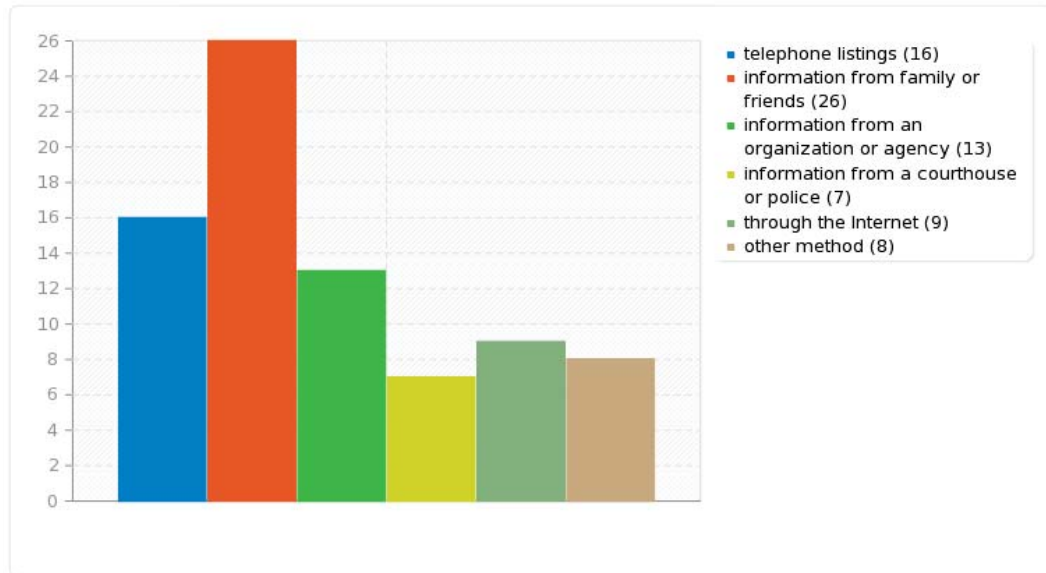
Answer	Count	Percentage of total responses
Telephone listings	16	7.02%
Information from family or friends	26	11.40%
Information from an organization or	13	5.70%
Information for a courthouse or police	7	3.07%
Through the Internet	9	3.95%



Other method

8

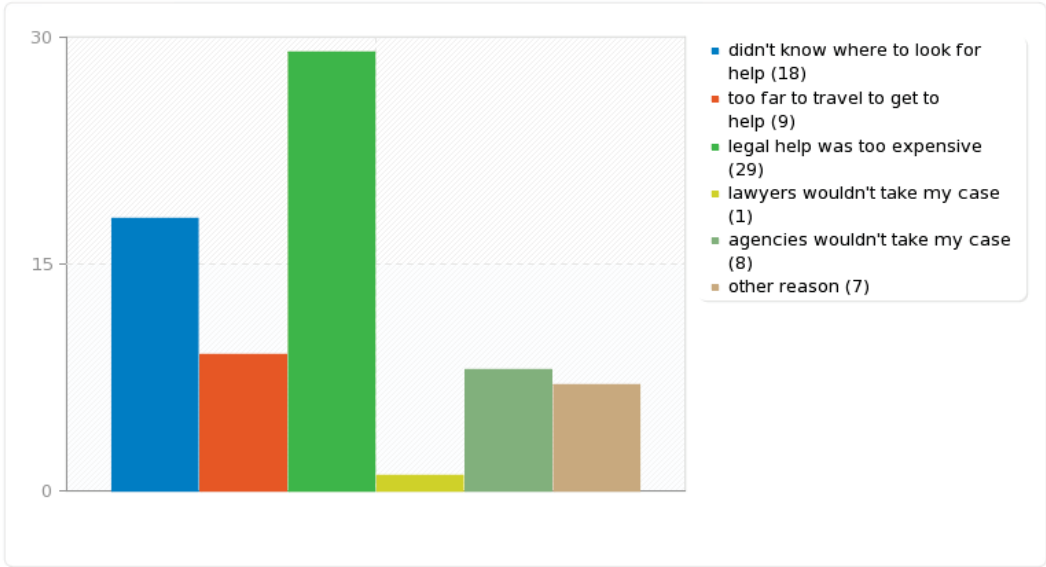
3.51%



### Summary for Question 7

If you, or a family member, wanted legal help in the past year but couldn't get it, why not?

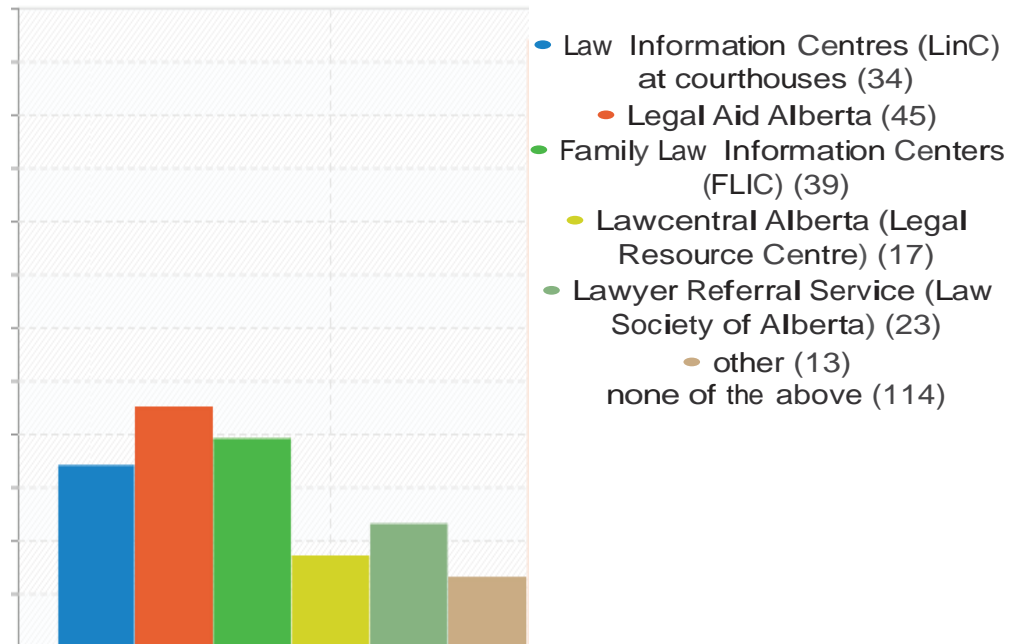
Answer	Count	Percentage of total responses
Didn't know where to look for help	18	7.89%
Too far to travel to get to help	9	3.95%
Legal help was too expensive	29	12.72%
Lawyers wouldn't take my case	1	0.44%
Agencies wouldn't take my case	8	3.51%
Other reason	7	3.07%



### Summary for Question 8

Have you ever looked at the Internet websites for any of these services?

Answer	Count	Percentage of total responses
Law Information Centres (LInC) at courthouses	34	14.91%
Legal Aid Alberta	45	19.74%
Family Law Information Centers (FLIC)	39	17.11%
LawCentral Alberta (Legal Resource	17	7.46%
Lawyer Referral Service (Law Society of Alberta)	23	10.09%
Other	13	5.70%
None of the above	114	50.00%

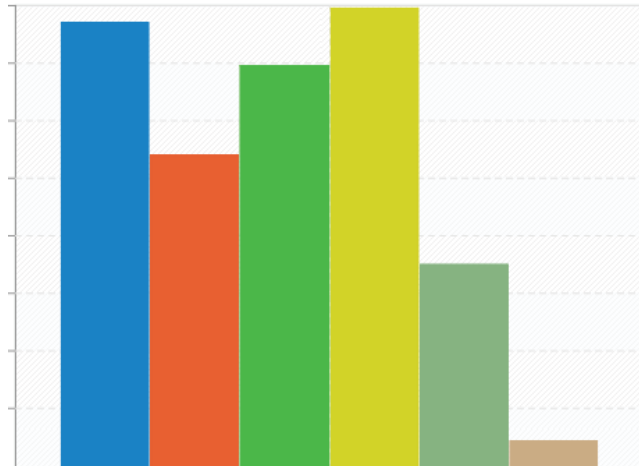


### Summary for Question 9

What kind of help do you want when you have a legal problem?

Answer	Count	Percentage of total responses
legal information	154	67.54%
guidance in filling out forms	108	47.37%
explanations about my legal rights	139	60.96%
advice on what to do	159	69.74%
someone to do legal tasks	70	30.70%
other help	9	3.95%

- legal information (154)
- guidance in filling out forms(108)
- explanations about my legal rights (139)
- advice on what to do (159)
- someone to do legal tasks (70)
- other help (9)

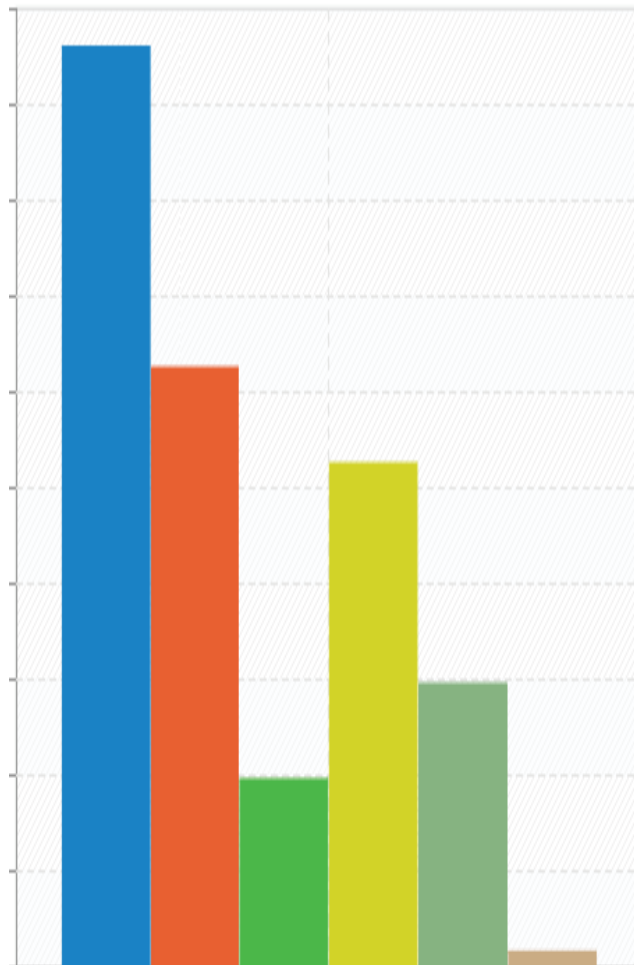


### Summary for Question 10

Which way would you feel comfortable getting legal help or advice?

Answer	Count	Percentage of total responses
face to face in an office	192	84.21%
by telephone	125	54.82%
face to face on a "smartphone"	39	17.11%
by email on a computer	105	46.05%
by videoconferencing on a computer	59	25.88%
other way	3	1.32%

- face to face in an office (192)
- by telephone (125)
- face to face on a "smartphone" (39)
- by email on a computer (105)
- by videoconferencing (sound and picture) on a computer (59)
- other way (3)





## **Appendix 2**

### Methodological Issues and Solutions

#### **Project Preparation**

Preparation for the project included an ethics review, the development of a range of methodologies, the composition of a survey to be used in person and on line, the development of all the necessary documents (listed below) and the general plan for visits to the target communities. These tasks were completed during March and April 2012. Once the ethics review process was completed, the consultant began determining contact persons for the communities and approaching them for advice and guidance in arranging focus group and town hall meetings. The consultant also participated in the Webinar TCPS2, Research Involving First Nations, Inuit and Métis Peoples. This included information and suggestions on community engagement, complex authority structures, collaboration and capacity building and research agreements.

#### **Documents and Resources Produced:**

- Review of available agencies, on line resources, resources in or near communities and literature
- Research Methodology options/approaches
- Ethics Application and Revisions
- Engagement MOU for Aboriginal Communities
- Invitations to participate to ALSMP participants
- Invitations to Aboriginal Governance / Community leaders
- Invitations to Legal Services Providers and community leaders
- Poster with information on the project, date, time and venue for meetings
- Brochure describing the project and the activities in which people may participate
- Customized versions of all invitations and engagement MOU's for each community
- Templates for E mail messages to introduce the project and all attached documentation
- Focus Group and Town hall meetings protocols
- Template E-mail for request for meeting space
- Consent form for focus group participants
- Request for future contact form for town hall participants
- Handout listing selected local/online resources for those who request individual help or information during town hall meetings (see Appendix 3)
- Templates for focus group and town hall meetings notes
- Power point introduction and power point slides handouts
- List of sample videos related to legal education
- Lists of agencies/ governance/stakeholders in four targeted quadrants with e-mail and phone contact information
- Hard copy survey
- Online survey, link and monitoring process for completed surveys
- Contact list of all stakeholders notified and invited to participate

The documents used for meetings as well as the protocols for the meetings were consistent throughout the project, but, the invitations to participate, the posters and all e-mails, including reminders and conveyance of results to date were customized to each community.

All community visits were arranged one to three months ahead of time. Introductions and documents were conveyed, arrangements were made for space and refreshments, distribution of posters was completed and reminders were sent to all invitees by phone and e mail the week before the trips. Best Practices for collecting public input were followed except that introductory visits were not held in the communities. This limited the relationship building that might have resulted in greater interest in the meetings. The focus group and public meetings were the first face to face activities in each community. Budget considerations and timing disallowed more personal contact through preliminary visits.

Strategies for data gathering included the following set of options as well as consideration of the circumstances described in the Considerations and Strategies chart following the Options section below.

### **Tasks and Options for Engagement used in Combination as Required**

1. Create criteria for using the survey in person, completing it with participants who have difficulty with the written word and referring those with computer skills to the survey by link.
2. Send out an advance planner so that communities know what to expect.
3. Ensure the participants include front line employees if companies or municipal governments are involved as well as average citizens.
4. Set venues based upon input from local leaders
5. Arrange all details including equipment, internet access, telephones, teleconference, refreshments,
6. Consider unique conditions in each place and be sure to not only accommodate, but to cater to these and demonstrate extreme sensitivity to local manners, traditions, culture and ethos
7. Prepare all PowerPoints, handouts, signature items and review any unique conditions.
8. Pay attention to possible document literacy issues among participants.
9. Prepare and pilot any question and answer, survey or other processes to be used during the consultations (done in Cold Lake).
10. Orchestrate the activities and set timelines to ensure all is accomplished and there is time set aside for margin of error
11. Include a specific agenda for the wrap up that tells everyone what the next steps are, what feedback they will receive personally or where and how to find out results of the consultation.
12. Take time to provide accurate, simple contact info again at the end so participants can reach us and give further input or pose questions.
13. Make arrangements, post consultation, to “make good” any promises to convey info or materials and any commitments to publishing or sending outcomes info to all or some
14. If meetings are not well attended, ensure a broad representation of survey distribution.

15. Do modified consultation, as necessary, where the consultant asks questions and completes the survey for the participant with their approval.
16. Seek input by walking around.
17. Note that requesting a response and confirmation to attend meetings will be the rule, but expect that plans may change and that many will not commit to attending.

### **Additional Considerations for Research with First Nations and Métis Peoples**

<b>Considerations</b>	<b>Strategies</b>
<b>Tribal Councils, Local Band Councils, and Elders</b>	Tribal Councils are co-operatives and hold varying actual and perceived jurisdiction over bands, so it is important to involve them, but they should not be considered the only decision makers regarding community matters. Bands/Settlement councils must be approached in addition to Tribal Councils and the Métis Settlement General Council
<b>Métis Settlement Central Committee</b>	Has political and financial involvement in settlements and must be contacted and a relationship established if possible.
<b>Band Councils and Métis Settlements Administrations</b>	E-mails, letters, phone calls, visits, whatever works to engage and request permission to proceed and any restrictions to activity
<b>Agreements with the above</b>	MOU's, agreements, announcements to communities are helpful, including documents that can be posted or taken to meetings as evidence of permission to be in the community.
<b>Determination of local protocols for visitors</b>	Tribal councils, Métis Central, service providers such as Northern Lakes College, Keyano, Kayas College can help to determine proper protocols to be followed
<b>Existence of Tribal Justice activity</b>	Know before you go and be sure to acknowledge and make room for both systems
<b>Benefits to participants</b>	Bring something practical to the table i.e. educational videos on the law  Address sustainability and capacity building in practical way from the start

## Appendix 3

### Legal Resource Information Sheet

#### Selected Legal and Family Support Services Available in Northern Alberta by District

##### Fort McMurray Judicial District

Canadian Mental Health Association Services & Programs. 10011 Franklin Avenue, Suite 302, Fort McMurray. Telephone: (780) 743-1053, [http://www.woodbuffalo.cmha.ab.ca/bins/site\\_page2.asp?cid=284-908-1104&lang=1](http://www.woodbuffalo.cmha.ab.ca/bins/site_page2.asp?cid=284-908-1104&lang=1)

Centre of Hope (Homeless Shelter). 1 McLeod Street, Fort McMurray. Telephone: (780) 743-3912.

Athabasca Tribal Council Education, Health and Training & Employment Services. 9206 McCormick Drive, Fort McMurray. Main Telephone Reception: (780) 791-6538, <http://atc97.org/> Services available to residents in all Tribal Council Communities, including Fort Chipewyan and Fort McKay.

Unity House (Women's Shelter, Programs and Referrals). Crisis Phone: (780) 743-1190; Business Phone: (780) 743-4691; email [fcs.assist@shaw.ca](mailto:fcs.assist@shaw.ca) Fort McMurray, [http://www.acws.ca/shelter\\_display.php?shelter\\_id=34](http://www.acws.ca/shelter_display.php?shelter_id=34)

Paspew House (Women's Shelter and Programs). Crisis Phone: (780) 677-3323; Business Phone: (780) 697-3329 [http://www.acws.ca/shelter\\_display.php?shelter\\_id=43](http://www.acws.ca/shelter_display.php?shelter_id=43)

Native Counselling [Legal, Health and Housing] Services of Alberta. Fort McMurray, 103-10012 Franklin Ave, (780) 743-1888. Fort Chipewyan (780) 697-3195. <http://www.ncsa.ca/online/>

The Hub Family Resource Centre. #6 – 118 Millenium Drive, (780) 743-9225 and 10020-B Franklin Avenue, (780) 791-7110, Fort McMurray.

##### St. Paul Judicial District

Dr. Margaret Savage Crisis Centre (Women's Shelter and Programs). Crisis Phone: (780) 594-3353; Business Phone: (780) 594-5095; Toll free: 1-866-591-0533. Cold Lake. [http://www.acws.ca/shelter\\_display.php?shelter\\_id=17](http://www.acws.ca/shelter_display.php?shelter_id=17)

Hope Haven Society (Women's Shelter and Programs). Crisis Phone: (780) 623-3100; Business Phone: (780) 623-3104; Toll free: 1-866-727-4673, [http://www.acws.ca/shelter\\_display.php?shelter\\_id=21](http://www.acws.ca/shelter_display.php?shelter_id=21) Lac La Biche

Native Counselling [Legal, Health and Housing] Services of Alberta. Bonnyville, 5101 50 Ave, (780) 826-4483. Lac La Biche, 9503 Beaver Hill Rd., (780) 623-9640. <http://www.ncsa.ca/online/>

Metis General Council Communities' Services. <http://www.msgc.ca/Default.ksi>

Elizabeth Métis Settlement, office Cold Lake, (780) 594-5026

Fishing Lake Métis Settlement, office Sputinow, (780) 943-2202, <http://www.fishinglakems.ca/>  
Kikino Métis Settlement, office Kikino, (780) 623-7868  
Buffalo Lake Métis Settlement, office Caslan, (780) 689-2170

Peace River Judicial District

Metis General Council Communities' Services. <http://www.msgc.ca/Default.ksi>  
East Prairie Métis Settlement, office High Prairie, (780) 523-2594  
Gift Lake Métis Settlement, office Gift Lake, (780) 767-3794  
Paddle Prairie Métis Settlement, office Paddle Prairie, (780) 981-2227  
Peavine Métis Settlement, office High Prairie, (780) 523-2557  
Native Counselling [Legal, Health and Housing] Services of Alberta. <http://www.ncsa.ca/online/>  
High Level, 10106 100 Ave., (780) 926-3159  
Peace River, Suite 206-1011 102 Ave., (780) 624-4622  
Slave Lake, 105 201 2 St NE, (780) 849-4914  
Wabasca, (780) 891-3818  
Safe Home (Women's Shelter, Programs, and Referrals). High Level. Crisis Phone: (780) 926-3899; Business Phone: (780) 926-2277; Toll free: 888-926-0301. [http://www.acws.ca/shelter\\_display.php?shelter\\_id=31](http://www.acws.ca/shelter_display.php?shelter_id=31)  
Cross Roads Resource Centre (Women's Shelter). Fairview. Crisis Phone: (780) 835-2120; Business Phone: (780) 835-2120; Toll free: 1-877-835-2120. [http://www.acws.ca/shelter\\_display.php?shelter\\_id=44](http://www.acws.ca/shelter_display.php?shelter_id=44)  
Peace River Regional Women's Shelter Society (Women's Shelter, Programs, and Referrals). Peace River. Crisis Phone: (780) 624-3466; Business Phone: (780) 624-3466; Toll free: 1-877-624-3466. [http://www.acws.ca/shelter\\_display.php?shelter\\_id=28](http://www.acws.ca/shelter_display.php?shelter_id=28)  
Northern Haven Support Society (Women's Shelter, Programs, and Referrals). Slave Lake. Crisis Phone: (780) 849-4418; Business Phone: (780) 849-4418; Toll free: 877-214-4418. [http://www.acws.ca/shelter\\_display.php?shelter\\_id=55](http://www.acws.ca/shelter_display.php?shelter_id=55)  
Bigstone Cree Nation Women's Emergency Shelter (Women's Shelter, Programs, and Referrals). Wabasca. Crisis Phone: (780) 891-3333; Business Phone: (780) 891-3905; Toll free: 1-877-891-5322. [http://www.acws.ca/shelter\\_display.php?shelter\\_id=41](http://www.acws.ca/shelter_display.php?shelter_id=41)  
North Peace Tribal Council Children, Police, and Health Services. 9806-98 Street, High Level, (780) 926-3446. <http://www.nptc.ab.ca/>



## Grande Prairie Judicial District

Canadian Mental Health Association Services & Programs. 9713 – 100Ave. Grande Prairie. (780) 814-2349. [gpcmha@telus.net](mailto:gpcmha@telus.net) <http://www.grandeprairie.cmha.ca>

Cool Aid Society. (Youth recreational drop-in centre.) 9645 Prairie Road, Grande Prairie. (780) 357-8845.

Grande Prairie Legal Guidance. 10116 – 102 Ave., Grande Prairie. (780) 882-0036.

Native Counselling [Legal, Health and Housing] Services of Alberta. 10104 – 101 Ave., Grande Prairie. (780) 532-9359. <http://www.ncsa.ca/online/>

Odyssey House. (Women's Shelter, Programs, and Referrals) Grande Prairie. Crisis Phone: (780) 532-2672 ; Business Phone: (780)538-1332. [http://www.acws.ca/shelter\\_display.php?shelter\\_id=27](http://www.acws.ca/shelter_display.php?shelter_id=27)

Grande Prairie & Area Council on Aging Services and Programs. #102, 9905-101 Ave., Grande Prairie. (780) 539-6255.

Grande Prairie John Howard Society. #200, 10135-101 Ave., Grande Prairie. (780) 532-0373. <http://johnhoward.ab.ca/services/grande-prairie/>

## Web site sources of legal and social support information

Alberta Family Mediation Society. This site contains a number of resources, including finding a mediator by community location. <http://afms.ca/index.php?pid=1>

LawCentral A-Link. A-Link is an online directory and is designed to provide quick and easy access to information on law-related programs and services in Alberta. <http://www.lawnetalberta.ca/alink/default.aspx>

Family Law Information Centre. This website offers information, resources, and links related to family law. <http://www.albertacourts.ab.ca/familylaw/>

Parent Link Centres Map. Parent Link Centres are a Government of Alberta Family Resource, providing supports to parents to help their children develop and arrive at school ready to learn. Parents can access information about community services, obtain referrals, meet other parents and families, and take part in quality learning activities with their children. The map shows which Alberta communities have parent link centres, and their addresses. Notably, all of the Metis Settlements have a Parent Link Centre. [http://www.parentlinkalberta.ca/publish/PLC\\_Regional\\_Map.asp](http://www.parentlinkalberta.ca/publish/PLC_Regional_Map.asp) .

Family and Community Support Services, provide a range of social, legal and health programs. [http://www.child.alberta.ca/home/programs\\_services.cfm](http://www.child.alberta.ca/home/programs_services.cfm)

Alberta Council of Women's Shelters. This site provides a listing of women's shelter community locations, publications, events and links. <http://www.acws.ca/home.php>

Alberta Police Based Victims Services Association. This site provides a map of northern Alberta Police Based Victims Services Association community locations, with contact information. <http://www.apbvsa.com/northmap.php>

