Linking with Law: Legal Services as Human Services

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Project objectives

• Investigate Northern Albertans’ needs for legal services
• Identify the ICT infrastructure available to assist with delivering such services
• Investigate the capabilities and interest of Northern Albertans to use the infrastructure
• Consider the possibilities of e-learning to assist legal service delivery
• Develop recommendations to the Alberta Law Foundation based upon these findings
Perceived and unperceived legal needs - existing research

• “Law” is perceived differently, and the degree of legal awareness varies, amongst different sectors of society.
• Many people have legally related problems which they do not perceive as “legal” ones.
• Legal problems often lead to non-legal ones.
• Non-legal problems often lead to legal ones.
• Legal problems of certain kinds often come together.
• Many people with legal problems don’t seek any help with them.
• Most people with particular types of legal problems do seek legal help.
• Lawyers are often not the first choice for help.
Legal literacy as a goal

• “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, Cassidy, and de Castell 1986:90)

• “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)
Legal capability as a goal

• “Legal capability can be defined as the abilities that a person needs to deal effectively with law-related issues. These capabilities fall into three areas: **knowledge, skills and attitudes**, emphasising that capability needs to go beyond knowledge of the law, to encompass skills like the ability to communicate plus attitudes like confidence and determination.” (PLENet 2009)

• “… a focus on helping people to build some of the skills that we traditionally associate with lawyers and advisers – being confident to negotiate with parties, speaking up and developing the skills to **take action as a community** to change things,...” (Lawforlife, 2012)
Legal services and technology

- 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.
- Practicing in rural and remote areas is not an attractive long term proposition for many young lawyers.
- Lawyers are significant, but cautious, users of technology.
Legal services and other human services

• One lawyer struggles; two get by; three thrive - lawyers and other professionals benefit from competition and support

• Lawyers need doctors, doctors need teachers, teachers need accountants, accountants need nurses, nurses need librarians, librarians need lawyers ... - a vital professional community supports a vibrant local community

• Networking within and between professions helps to develop links and maintain the synergy of professional communities
Research methodology

- Community **focus groups** - to gain a perspective on local needs for legal services and available ICT infrastructure to support e-learning.
- Community **public consultations** - to stimulate interest in providing legal services in novel ways and to obtain suggestions and ideas.
- Written and online **questionnaire**s for individuals - to seek information about the personal legal services needs, receptivity to novel means of service delivery, and access and capacity to use new technologies for such purposes.
Target groups and communities

- **Eight** diverse communities in the Judicial Districts of Fort McMurray, St. Paul, Grande Prairie and Peace River were initially selected.
- Legal services **providers** identified in the Alberta Legal Services Mapping Project, and others will be invited to attend focus groups.
- Four of these communities will be primarily **Indigenous** communities and representatives of the local authorities, such as Band and Settlement Councils and elders will be invited to focus groups.
Research plan

• Visited to date:
  - Cold Lake
  - Saddle Lake
  - Kikino
  - Fort McMurray and Athabasca Tribal Council
  - Peace River
  - Cadotte Lake

• Planned:
  - High Level
  - Little Red River Cree, John D’Or, Fox Lake and/or Garden River
Preliminary results

- Over 80% had telephones, cellphones and/or computers attached to the internet but the focus group and town hall meetings identified some disparities between urban and rural/remote communities.
- 55% of respondents reported no legal problems.
- Of those with problems the most prominent concerns were: family & divorce (23%); criminal and motor vehicle (18%), with access to social benefits, debts, housing problems and “other” each approximately 5%.
Preliminary results (cont’d)

- In all areas, respondents only received help from lawyers **19%** of the time.
- Approximately **10%** did something on their own.
- Approximately **10%** got help from an organization.
- But approximately **5%** did nothing.
- The most frequent referral resource (15%) was *family or friends*.
- For those who wanted a lawyer’s help **36%** of them couldn’t obtain it – the most frequent problem being *cost* (16%).
Preliminary results (cont’d)

• For all of the following resources, less than 25% of respondents looked at their websites:
  – Law Information Centres (LInC) at courthouses
  – Legal Aid Alberta
  – Family Law Information Centers (FLIC)
  – LawCentral Alberta (Legal Resource Centre)
  – Lawyer Referral Service (Law Society of Alberta)

• Perhaps people are either unaware of these online resources or don’t have access to them
Preliminary results (cont’d)

• Percentage of respondents who indicated they would be comfortable getting legal help:
  - face to face in an office 88%
  - by telephone 53%
  - by email on a computer 46%
  - by videoconferencing (sound and picture) on a computer 25%
  - face to face on a "smartphone" 16%
Selected edited comments

• Call centres are impersonal, frustrating, and lead to being bounced from person to person and repeating your story over and over.

• Consistent contact with a local in-person helper is the best way.

• My brother has learning difficulties and needs help to communicate with his lawyer.

• Someone who could look over legal forms.

• Someone to call for advice when there is not enough time or money for a lawyer or legal aid.
Selected edited comments

• A central place for Albertans to seek legal information would be helpful.
• Larger print for older population.
• Limited or no legal aid. Need to adjust standards for Legal Aid.
• Would like more access to information regarding custody issues and guardianship.
• More pro-active workshops for community members – preventative workshops.
Selected edited comments

• I feel scared at times to find help when I need it because I feel some people breach the oath of confidentiality.
• Fair access to services in and around the reserve, access in Peace River is too far to travel.
• People providing services should be more educated and informed.
Synergies through linking clients, human services providers, and communities: Draft recommendations

- Multi-media (radio, TV, print) and social media awareness programs focused on “problems” with legal and non-legal dimensions.
- Internet facilitated **public advice network** for access to cross-professional information and advice.
- Internet facilitated **cross-professional support and resource network** for rural professionals.
- Internet facilitated interactive and peer to peer **continuing education** and training courses and programs for rural professionals in all fields.
- Internet facilitated education and training courses for Alberta lawyers in **e-lawyering** and operating a **virtual law office**.
- Internet facilitated courses in legal literacy and the provision of **legal reference services** for **public librarians**.
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We welcome your ideas for:

- linking legal services with other human services, and

- supporting professional communities in local communities