

## Bridging the Gaps

### Summary of May 13, 2019 Workshop Presentations and Discussions<sup>1</sup>

#### Project Overview

The *Bridging the Gaps* initiative was established in January 2018 to help ascertain unmet legal needs in Alberta to guide the Alberta Law Foundation (ALF) grant-making. Since then, we have taken the following steps:

- 1 Review of selected **access to justice literature**.
- 2 **Surveys** to test research findings regarding common statements and recommendations found in the literature, and **Questionnaire** about existing legal services (**Matrix of Legal Services in Alberta – Version 1.0**) and priority legal needs.
- 3 **Workshop on May 9, 2018**, with 10 discussion topics based on responses from surveys and questionnaire.
- 4 **Letter from ALF’s Executive Director** (July 9, 2018) about the most significant gaps and opportunities for further work identified by *Bridging the Gaps* participants and ALF’s Board.
- 5 **Workshop on December 4, 2018**, with 5 discussion topics based on the priority areas identified.
- 6 **Annual Funding Guideline Letter** (April 1, 2019) indicating as funding priorities:
  - Legal Services for Newcomers
  - Legal Services for Indigenous individuals
  - Immigration Law and Family Law
  - Legal advice, representation, coaching and assistance with court forms and procedures
  - Communication and referral among service providers
  - Cultural competency training to grantees that serve Newcomers and Indigenous clients
- 7 **Matrix of Legal Services in Alberta – Version 2.0**
- 8 **Workshop on May 13, 2019**, focused on Coordination of Legal Services.

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<sup>1</sup> The information listed under *Summary of Presentations and Discussions* is based on the notes from the table facilitators and Workshop facilitator and does not purport to reflect the views of the Alberta Law Foundation.

## The Bridging the Gaps Workshop on May 13, 2019

The Workshop agenda was as follow:

- 9:30 – 10:30 Hot breakfast and opening remarks
- 10:30 - 11:30 **Legal Aid’s service delivery plans (John Panusa’s presentation and Q&A)**
- 11:30 - 12:00 **Family Justice Navigator project (Resolution Services)**
- 12:00 – 12:30 Table talk: Coordination of legal services
- 12:30 - 1:00 Lunch break
- 1:00 - 1:30 **Matrix of Legal Services in Alberta (Version 2.0): Feedback**
- 1:30 – 2:00 Table talk: Glossary
- 2:00 – 2:15 Break
- 2:15 – 2:30 **Matrix of Legal Services in Alberta (Version 2.0): Gap analysis**
- 2:30 – 3:00 Table talk: Child welfare legal services for parents
- 3:00 - 3:30 Next steps and closing remarks

### Participants

Forty-one people attended the workshop (excluding ALF staff), representing the following organizations:

1. Alberta Civil Liberties Research Centre
2. Alberta Law Libraries
3. Alberta Workers’ Health Centre
4. Calgary Chinese Community Services Association
5. Calgary Legal Guidance
6. Central Alberta Community Legal Clinic
7. Central Alberta Women’s Outreach Society
8. Centre for Public Legal Education Alberta
9. Edmonton Community Legal Centre/ Grande Prairie Legal Guidance
10. Elizabeth Fry Calgary
11. Justice Sector Constellation
12. Justice Services
13. Law Society of Alberta
14. Legal Aid Alberta
15. Lethbridge Legal Guidance
16. Native Counselling Services of Alberta
17. Pro Bono Law Alberta
18. Pro Bono Students Canada (Calgary)
19. Resolution Services
20. Student Legal Assistance
21. Student Legal Services
22. The Alex
23. Women’s Centre Calgary
24. Workers’ Resource Centre

The following organizations did not attend but are also part of the *Bridging the Gaps* initiative:

- Crowsnest Pass Women's Resource & Crisis Centre
- Elizabeth Fry Edmonton
- Portage College

## Summary of Presentations and Discussions

### 1. Legal Aid Alberta's (LAA) Service Delivery Plans

John Panusa (CEO) talked to the group about LAA's service delivery plans. Not all these plans are currently in place but are expected to be rolled out in the coming years.

- Family Law Service Assessment: LAA is going to look at the client's circumstances on a case-by-case basis. Financial eligibility guidelines will stay with call centre but legal assessment will be done by legally trained staff.
- Enhanced Duty Counsel (Family and Criminal): duty counsel will be available to both parties and will be able to follow cases, without having to get a LAA certificate, which will save a lot of time and money for the client (duty counsel services are free).
- Brief Legal Advice: will evaluate client's situation and present pathways to resolution to avoid litigation (especially for Family Law cases)
- Regional General Practice Model: will be completely reorganized to support quality of counsel for rural Alberta.
- Comprehensive Merit Assessment for Property: will consider all property and debt.
- Expanded Warm Referrals: LAA clients will receive warm referrals to partner organizations.
- Enhanced Child Welfare Services: will provide legal advice prior to apprehension.
- Simplified Financial Assessment for Client Intake: will reduce the number of questions (~100 to 10) and time spent with financial assessment (~45 to 20-30min), while maintaining high accuracy (~99%).
- Choice of Counsel: client will be able to choose whoever they want in a region and the lawyer will have the option to accept it or not. LAA will start paying for lawyer's travel within a specified region.
- Staff Lawyers Providing Full Legal Services: staff lawyers will be able to take the case all the way to the end.
- Transfer Certificates: lawyers will be able to transfer certificates to another lawyer without having to send it back to LAA for issuance of a new certificate.
- Duty Counsel at 1<sup>st</sup> Appearance Bail Hearings: pilot project with service being offered 16hrs/day via video conference. Reduced hearing time from 40-45 minutes to 5-10minutes.
- LAA Managing Directors:
  - North: Jennifer Costigan
  - South: Sarah King D'Souza

### Highlights from Q&A and table discussions

- Participants really appreciated the opportunity to learn more about LAA's service delivery plans.
- John was in touch with his office during the workshop and talked to them about the possibility of creating a communication portal or some other means of regular communication between LAA and *Bridging the Gaps* participants. Everyone was interested and excited about the idea of staying in touch with LAA.
- The enhanced warm referral service plan will be only for clients who qualify for LAA. Many participants were concerned about that. John mentioned Legal Aid was planning to engage stakeholders in this discussion. Many participants indicated they are interested in being part of this conversation.

- Community legal clinics and student legal clinics are interested in having access to LAA's simplified financial assessment for client intake, when the tool is completed. John told our group that it would be possible.
  - The plan to enhance duty counsel will start in Calgary, Edmonton and Red Deer, then will rollout across province once lessons are learned.
  - Some participants were disappointed to hear that there are no plans to enhance or increase immigration law services, considering this is an area of law in high need for legal services in Alberta.
- ALF sent a follow up email to John Panusa on May 21, 2019 about:
- Communication between LAA and *Bridging the Gaps* participants
  - Stakeholder engagement regarding LAA's plan to enhance warm referrals
  - LAA's plan to enhance child welfare legal services for parents prior to apprehension
  - Access to LAA's simplified financial assessment for community and student legal clinics
- John replied that LAA "will work on a communication tool and further information on those topics of interest to the participants." ALF will stay in touch with LAA and will send more information to the group as soon as we receive it.

## 2. Family Justice Navigator Project

Resolution Services was scheduled to deliver a presentation about the Family Justice Navigator (FJN) project at our workshop but was unable to attend. Flora Stevenson (ALF) presented on their behalf based on materials sent by Andrew Crooks, Director of Resolution Services.

- The FJN project is a collaboration between Resolution Services and Strathcona County and Alberta Supports.
- The FJN provides expanded services that focus on social, financial, relationship, parenting and legal needs of children and their parents.
- The FJN is very similar to the Family Court Counsellor. One of the main differences is that the FJN spends a lot of time connecting and educating stakeholders in the community.
- The FJN process follows 4 steps: (i) referral; (ii) triage; (iii) intake; and (iv) case management.

### Highlights from Q&A and table discussions

Many participants agreed with several aspects of the FJN project, such as:

- Multi-disciplinary approach - family matters come with a cluster of legal, social and financial problems.
- Community-based approach – helping people at their community, as opposed to courthouses, and building capacity at the community level.
- Legal education and information about alternative dispute resolution options regarding family law.
- Case management – keep connection with clients and track them as they navigate the system.
- Family Court Counsellors are busy and have limited time to provide assistance.
- FJNs can help clients with non-legal issues before they are sitting in front of a legal service provider. This way lawyers can focus on their area of expertise and utilize their time better.

Participants also shared concerns and asked questions regarding the FJN project:

- Many participants were unaware of the FJN project prior to the presentation.
- Many participants raised questions regarding coordination between the FJN and other legal service providers (e.g. Family Court Counsellor and Legal Aid).
- Some participants were unsure about the FJN model – is it a "one stop shop" or is it intended to complement other services?

- Some participants were concerned that legally trained professionals are not part of the family justice navigation process. Clients need to be referred to other organizations for legal advice.
- Some participants were concerned that the navigation process will delay access to legal advice.
- Some participants were unsure about how the FJN tracks clients after handoff.

➤ ALF sent an email to Andrew Crooks with all comments and questions asked by the group on June 24.

### 3. Matrix 2.0 Feedback: Glossary

In March 2018, we asked *Bridging the Gaps* participants to fill up a matrix to indicate the legal services provided by their organization under 13 areas of law. We collated all responses under the Matrix of Legal Services in Alberta - Version 1.0 (Matrix 1.0).

When the Legal Assistance Network (LAN) announced they would be partnering with 211 Alberta to develop a database of legal services in Alberta, we stopped efforts to refine our Matrix 1.0. Later, we learned that the LAN/211 project was planning to develop a database with a much bigger scope and longer completion timeline than our Matrix project. Based on feedback received at our *Bridging the Gaps* workshop in December 2018, we decided to go ahead and refine the Matrix 1.0.

We transferred the information from the Matrix 1.0 to Excel and created the Matrix of Legal Services in Alberta – Version 2.0 (Matrix 2.0). The Matrix 2.0 is a database of public legal services provided in Alberta by *Bridging the Gaps* participants. It contains information about 9 types of legal services provided by 24 organizations in 13 areas of law.

- Many participants told ALF they were happy with the Matrix 2.0 functionality and potential to become an effective referral tool for legal services in Alberta.
- Some participants had issues with the Glossary definition of 3 types of legal services: Legal Advice from Lawyers, Legal Representation and Coaching for Court Appearance.
- Participants agreed that we need to build common language to describe these legal services in order to accurately input information and make effective referrals using the Matrix.

#### Highlights from group discussion and table talk

- All 7 tables came up with suggestions on how to better define these 3 types of legal services. Participants agreed that the definitions need to change to reflect the fact that:
    - Law students do not provide legal advice
    - Legal representation is often provided outside the court
    - A definition of “authorized agent” needs to be included
    - Guidance (coaching) for court and tribunal appearance is mostly provided by non-lawyers
  - Participants agreed that we need at least one more iteration with modified definitions before presenting the final version of the Matrix. We might need to have service providers update the Matrix if the new definitions affect the information they originally provided about legal services.
  - Some participants mentioned they would like to share the Matrix outside the *Bridging the Gaps* group. Some organizations were reluctant to share their eligibility guidelines.
- ALF will analyze all suggestions and develop proposed new definitions. *Bridging the Gaps* participants will be contacted to provide feedback before the new Glossary is finalized.
- Once the final Matrix is completed, ALF will ask *Bridging the Gaps* participants for feedback and consent regarding sharing the Matrix outside the group.

#### 4. Matrix 2.0 Gap Analysis: Child Welfare Legal Services for Parents

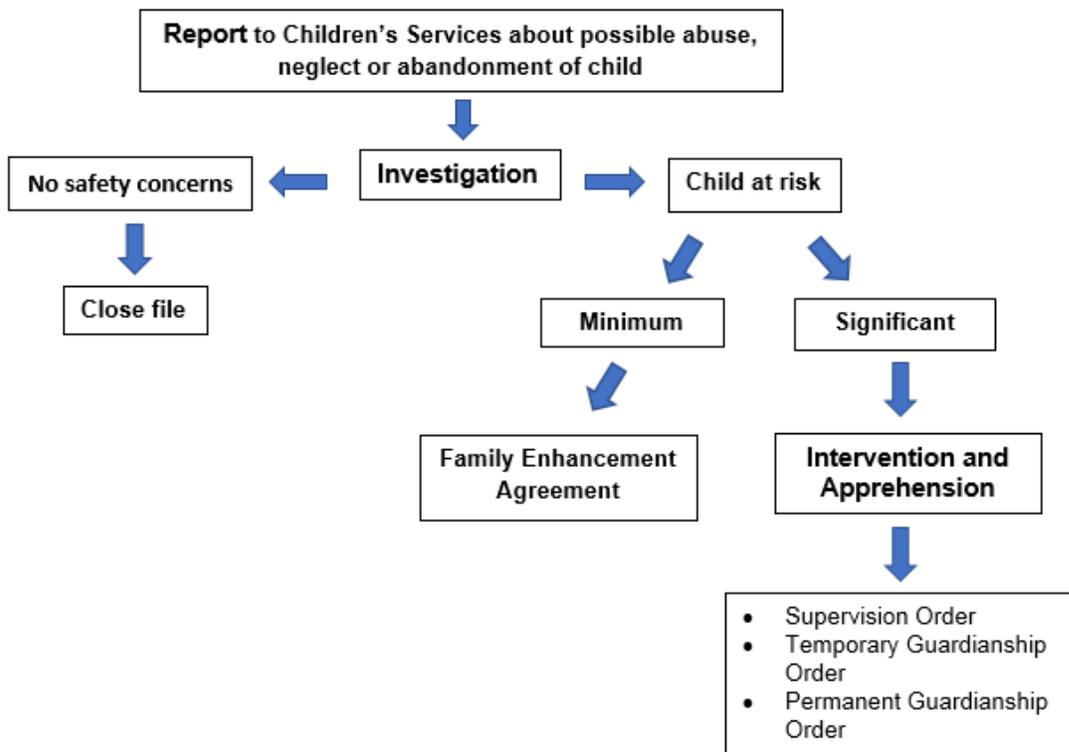
The Matrix 2.0 main function is to work as a referral tool for legal service providers in Alberta and help organizations:

- Better coordinate their services;
- Identify opportunities for collaboration;
- Identify gaps in legal services; and
- Build common language to describe their services.

The last session of the workshop was dedicated to reflecting and debating on gaps in legal services in Alberta. A scan of the 13 areas of law listed in the Matrix suggest that there is a scarcity of legal services in Debt, Human Rights and Child Welfare (Parents).

Considering the severity of the legal issue, the Truth and Reconciliation Commission reports and the complex child protection process, the session focused on a gap analysis of legal services for parents involved with child welfare issues.

- There is a grossly disproportionate rate of child apprehension among Indigenous people.
- The child protection process is complex. We need to analyze which type of legal service is being offered and when it is offered (prior to or after apprehension):



According to the Matrix 2.0:

- Legal Aid is the only organization in Alberta providing legal representation (after apprehension) and legal assistance at court (duty counsel).
  - (It was subsequently noted that Central Alberta Community Legal Clinic provides legal representation in Central Alberta)
- Calgary Legal Guidance and Lethbridge Legal Guidance provide legal advice. However, both do not have a staff lawyer experienced in child welfare. The summary legal advice (30 min) is provided by volunteer lawyers.
  - (It was subsequently noted that Central Alberta Community Legal Clinic Foundation provides summary and follow up legal advice prior to and after intervention in Central Alberta, Fort McMurray & area, Lloydminster & area and Medicine Hat & area.)
- There are several organizations providing legal information and assistance understanding forms to parents involved with child welfare issues.
- NCSA and Portage College are the only organizations providing legal education sessions about child welfare in Alberta.
- Only NCSA provides court support on child welfare issues.
  - (It was subsequently noted that Elizabeth Fry Society of Calgary provides court support for parents involved with child welfare issues in Calgary)

### Highlights from group discussion and table talk

- As a group, we had an open discussion about:
    - Why are there so few legal services in this area?
    - Is there a gap?
    - Is there a need for more legal services?
  - Participants reflected and debated on these issues together. At the end, many indicated they believe it is an important gap in legal services and that there is a need for more legal *and* social services in this area.
  - Almost all participants are referring clients to Legal Aid. Some are referring clients to CLG.
  - Child welfare is a specialized area of law. Very few lawyers provide services in this area in Alberta.
  - PLEI might be helpful but will not replace the need for legal advice (and social services) in person.
  - Child welfare is a legal issue for newcomers too. There are cultural differences about parents' rights and obligations. PLEI about child protection rules in Alberta is important.
  - Many participants indicated they would like to learn more about child welfare legal services provided in Alberta.
  - Participants would like to know more about Legal Aid's service delivery plan to "enhance child welfare services for parents prior to apprehension."
- Child welfare services in Alberta will be a topic of discussion at a later *Bridging the Gaps* workshop.

<b>Workshop Evaluation and Outcomes</b>
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A feedback survey (anonymous) was delivered at the end of the workshop. 35 attendees replied. The highlights include:

- 97% of the group found the presentations relevant and informative.
- 88.5% found that the table talk helped them think about ways to better serve their clients and better coordinate with the group.
- 94% found that the workshop helped them build and strengthen relationships with other legal service providers.
- 100% are interested in attending another *Bridging the Gaps* workshop.

- Participants (n=31) indicated as the most valuable part(s) of the workshop:
  - 71% meeting other service providers and learning more about what they do from the presentations and table talk.
  - 26% Legal Aid's presentation
  - 16% gap analysis about child welfare
- Only a few participants answered the question regarding the least valuable part of the workshop. Four indicated the "family justice navigator presentation" and one "the table talk about definitions in the matrix glossary."
- Suggestions for topics of discussion for future workshops include "matrix", "gap analysis", "immigration services", "information technology and artificial intelligence".

In addition to the feedback received, we note the following positive outcomes from the Workshop on May 13, 2019:

- Individuals from stakeholder organizations had the chance to meet face to face.
- Participants were able to share and learn about each other agencies' services.
- Participants were able to identify opportunities for collaboration and coordination of services.
- Participants had the chance to reflect and debate on gaps in legal services in Alberta (using the Matrix of Legal Services 2.0).
- Participants had the chance to learn from and connect with Legal Aid.
- Participants were reminded that the *Bridging the Gaps* initiative helps guide ALF's grant-making.
- Participants were reminded of ALF's current funding priorities, which were based on the feedback and input received from *Bridging the Gaps* participants.