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TECHNICAL REPORT

**AN EVALUATION
FORT NELSON
LEGAL INFORMATION SERVICES**

**Tim Roberts
Focus Consultants**

July 1990

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ACQUISITIONS

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Department of Justice Canada. The views expressed
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APPENDICES

NOTE: The following is a list of all the appendices contained in the original version of this Report. To save duplicating expenses, Appendices A to M have not been reproduced in the present published version of the Report. Complete copies of all the Appendices are available from the Department of Justice Canada on request.

- A Research Issues and Evaluation Objectives
- B Data-Gathering Forms Used by the LSS which Form Part of the Data Base for the Evaluation of FNLIS
- C List of Community, Justice System, LSS and FNLIS Staff/Board In-Person Interviews
- D Limitations of the LSS Management Information System (MIS) Data
- E Fort Nelson Legal Information Services Client Evaluation Questionnaire
- F Results of Contacts Made to Obtain Consents for Client Interviews
- G Analysis of Representativeness of the Client Survey Sample
- H Fort Nelson Legal Information Services PLE Evaluation Questionnaire
- I Social Assistance Recipient Questionnaire
- J Definition by LSS of Levels of Supervision of Paralegals
- K FNLIS Report on Outreach Trip to Northwest Section of B.C. in May 1989
- L Court Docket Analysis of Quantitative Patterns in Provincial Court that Might Relate to Paralegal Activity
- M Estimate of Overall FNLIS Costs and Per Unit of Service Costs

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EXECUTIVE SUMMARY

Introduction

Fort Nelson Legal Information Services (FNLIS) was funded by the Department of Justice Canada from July 1986 to February 1989, under an agreement with the British Columbia Legal Services Society. The project was seen as a model for delivery of legal aid services using a paralegal in remote communities. On March 1, 1989, the Legal Services Society assumed responsibility for directly funding FNLIS, which it now views as part of its community law office (CLO) structure.

In February 1989, the Department of Justice Canada contracted with Focus Consultants to evaluate FNLIS. This report describes the establishment and operation of FNLIS, and the efforts made to ensure project quality; it provides quantitative and qualitative data on case and client characteristics, paralegal time management, accessibility issues and project impacts. It also addresses the overarching issue of transferability or applicability of the paralegal model in other remote communities.

Evaluation Objectives and Methodologies

The FNLIS project mandate was sufficiently broad to provide the paralegal with considerable flexibility in the definition of her activities. The evaluation objectives were also broad and addressed the context for the project, its establishment, its activities, mechanisms to develop project quality, accessibility to legal services, impact and effectiveness, and portability of the FNLIS model in other jurisdictions.

There were two broad types of data available to the evaluation that were generated by the project. The first was the LSS Management Information System (MIS) itself, that produced data from nine different types of forms, reports and worksheets kept by FNLIS. The second was a variety of project records such as memos, minutes, case files, Public Legal Education (PLE) records and correspondence kept either at FNLIS or LSS headquarters.

Both to digest and supplement this information, the evaluator used qualitative and quantitative methodologies. Qualitative methodologies included a literature review, a document review and interviews with community agencies, justice system personnel, and LSS staff. Quantitative methodologies comprised an analysis of MIS data, a survey of FNLIS clients, a survey of participants at FNLIS public legal education workshops and a survey of social assistance recipients concerning awareness of FNLIS.

A major problem was encountered in the client survey with obtaining client consents to be interviewed for the evaluation. Despite an apparent understanding between the Department of Justice Canada and the LSS, prior to funding, that an evaluation would require interviews with clients, and although the issue of consent was discussed between the LSS fieldworker and the FNLIS board prior to the project start date, a system of obtaining consents was never implemented. It was not until several months after the evaluation contract was signed that a consent form was developed. This resulted in serious delays in the evaluation, considerable extra work for the paralegal to obtain retroactive consents, and ultimately a loss of representativeness in the overall client survey.

Recommendation #1:

In demonstration projects where evaluators will require access to clients and/or their records, the Department of Justice Canada, and/or the administering body, should have on record the consent forms to be used and a signed agreement on how the procedure to request consents is to be implemented. Part of the agreement should stipulate that project field officers ensure that the consent system is being implemented.

The Wide Context: Issues Concerning Northern/Remote Delivery of Legal Services

There are many different factors that characterize remoteness in any given community. These include geographic/economic factors of type of access, communications, weather and resource base; political/economic factors of economic and political dependency and boom/bust cycles; and social/cultural factors of ethnic base or mix, social amenities and community awareness.

Small population bases, distance from urban centres and ethnic differences are the principle factors which can affect or constrain legal service delivery to remote areas. Their effects can include: the capacity to provide only intermittent service; a need for service providers to be more eclectic in their skills; staff turnover; high travel time relative to service time; lack of case preparation time; and the inability of some natives to comprehend legal procedures.

Service delivery models for remote areas include: centralized approaches; scattered public law offices; circuits, combination or eclectic approaches; use of native courtworkers; toll-free legal information lines; legal check-ups or "blitzes"; and the use of paralegal local offices or outreach projects.

The Establishment of FNLIS

Fort Nelson is a community with a population of approximately 3500; if the surrounding Fort Nelson Liard Regional District is included it consists of approximately 5000 people. It is primarily dependent on the forest and gas/oil exploration industries. Its fortunes tend to fluctuate with the health of these sectors. In terms of distance alone, Fort Nelson is indeed isolated, being 230 miles from the nearest sizeable community (Fort St. John). On the other hand, paved access via the Alaska Highway is good, and Fort Nelson has air links with northern and southern communities. The village thus has characteristics of both a remote community and of its more southern counterparts. The native community tends not to be integrated into the local government, educational or business structure.

Initially, a federal evaluation of the delivery of legal aid in British Columbia (B.C.) (1984) identified the broad problem of serving remote areas. In the same year a select committee of the Village of Fort Nelson council identified numerous gaps in legal and social services in Fort Nelson due to provincial government restraint policies. These needs were made known to the B.C. government's Task Force on Public Legal Services in March 1984. In 1984-1985, the LSS conducted an experiment to gauge potential response to an expanded service. This experiment, together with ongoing contacts with the Village council, culminated in the LSS proposal for federal funding of FNLIS.

A systematic process of contacts with key community people in Fort Nelson, followed by two community meetings, led to the establishment of a committee to oversee FNLIS under the umbrella of a larger social agency. (In 1988, this committee separated from the agency and created FNLIS as an independent society.)

The model of FNLIS consists of the following components:

- a paralegal supervised by a staff lawyer "at a distance", back up supervision and support also provided by LSS headquarters and a local community board, training to be provided by LSS headquarters;
- direct service in civil and criminal areas, public legal education, and lay advocacy;
- service primarily provided in the core area immediately surrounding Fort Nelson, but with some effort at wider geographic outreach;
- community control by a local board in terms of administering funds and setting service priorities; and

- service to both non-native and native residents, while being careful to complement rather than duplicate service areas handled by the native courtworkers.

Overview of Activities of FNLIS and Their Relation to the LSS

The primary activity of the paralegal was the provision of legal assistance to clients on civil and criminal matters (i.e., direct service). In accordance with LSS policy, direct service was offered at three levels: intake interviews of up to an hour involving problem definition and possibly summary advice; short service which, like intake, was offered free of charge for up to two hours of additional assistance; and legal aid referrals on criminal, family or civil (pro bono) matters. The latter required completion of an eligibility assessment.

In addition to direct service, the paralegal delivered a number of PLE workshops. This activity is encouraged by the LSS. Apart from advocacy on behalf of some of her clients as a short service or referral activity, the paralegal has expanded the impact of her skills by training lay advocates on two occasions.

The paralegal was involved in numerous training sessions sponsored by the LSS, and carried out administrative duties required by LSS and the FNLIS board.

Mechanisms to Develop Project Quality

There are four aspects to the development of project quality that are described in this section: the actual selection of the paralegal, training provided for her, supervisory mechanisms and support mechanisms. The last three aspects, notwithstanding that they are directed towards improving the quality of the project, also serve a vital function that should be given forethought in any planning of a similar service: that of reducing the isolation of an individual in a one-person office in a remote location.

Quality, in the final analysis, is not simply dependent on "finding a well-qualified person" for the job. (The FNLIS board was definitely successful in achieving that objective.) It consists of finding a series of balances:

- between apprenticeship-type training and formal training;
- between training that is frequent enough to improve knowledge and maintain networks, but not to be overly intrusive;
- between the training needs of new and senior paralegals;

- between substantive law areas and "process" issues, be they attention to communication, advocacy skills or administrative procedures;
- in determining a level of supervision that is both feasible (considering distance, frequency with which a lawyer can be available, and/or availability of technology such as FAX machines) and appropriate (considering the paralegal's abilities, confidence, and sense of his/her limits);
- in establishing a LSS headquarters-FNLIS balance that ensures compliance with contractual obligations to the LSS and offers necessary support, while at the same time respecting the autonomy of the local board; and
- in offering local Board supervision that is at once directive, accountability, and at the same time, supportive, to reduce the individual paralegal's isolation.

In all these areas the LSS, FNLIS Board and the paralegal herself have been successful. The two areas in which improvement could be made are: 1) for the LSS to facilitate a form of apprenticeship training prior to a paralegal's job start (which would be even more important for less qualified paralegals); and 2) for the FNLIS board to expand its membership by two active members with designated areas of concern as per the following recommendation.

Recommendation #2:

That the FNLIS Board attempt to find two more active board members who can be of support to the paralegal in particular areas. For example, a board member drawn from a social agency could feed ideas and contacts to the paralegal in terms of agency networking, public relations and related aspects of FNLIS. A representative from the Fort Nelson Indian Band might assist the paralegal with outreach activities to band members in the area of civil law.

Analysis and Findings: Volumes and Types of Direct Service

In terms of the volume of FNLIS direct service activities, the following points can be made:

- the paralegal has averaged 358 intake interviews per year;

- 75 per cent of intake interviews have dealt with civil matters and 25 per cent with criminal;
- the proportion of civil cases has fallen slightly in each year, with a corresponding rise in criminal cases;
- 23 per cent of intakes have resulted in short service and a further 23 per cent in legal aid referrals;
- short service as a percentage of overall intake has increased slightly in each year, while legal aid referrals as a percentage of overall intake have decreased. These patterns reflect the paralegal's growing confidence to handle cases herself through short service, rather than refer them out to legal aid staff;
- native clients comprise 27 per cent of overall intake; this is roughly double their proportion of the overall Fort Nelson population;
- male clients comprise 45 per cent of all FNLIS intakes, compared to 80 per cent in the year prior to FNLIS. This confirms the importance of FNLIS to women, whose family law and civil needs prior to FNLIS were often unmet;
- the proportion of native legal aid referrals to overall referrals from 1986-1989 was 51 per cent. It has climbed each year. The proportion of native criminal legal aid referrals from FNLIS is 66 per cent of the total, and 27 per cent of the civil legal aid referrals;
- males comprised 64 per cent of FNLIS legal aid referrals in 1986-1989: 82 per cent in criminal legal aid referrals and 35 per cent in civil legal aid referrals;
- property crimes were the largest single category of legal aid referrals in 1986-1989 (average of 44 per cent), followed by crimes against the person (25 per cent) and motor-vehicle related crimes (17 per cent);
- there was a very broad range of civil problem types handled by the FNLIS paralegal. This tends to reinforce the need, mentioned in section 6.2.2, for the paralegal to be able to network with other paralegals and resource people whom she can access for information. It also reinforces the need for training in a variety of substantive areas;

- 39 per cent of civil intakes are family law problems, compared to 61 per cent for other civil matters. The composition for native clients is 45 per cent with family problems, compared to 38 per cent for non-natives. 25 per cent of male clients bring family problems, versus 46 per cent of female clients; and
- short service takes the form almost exclusively of an interview, with use of telephone calls and/or letters written on behalf of clients.

Analysis and Findings: Profile of Direct Service Clients

A variety of data was available from the MIS on different characteristics of FNLIS clients. Sex, ancestry and residence of clients was recorded at intake and showed that:

- among native clients there is a sharper male-female polarization (female high, male low) in civil than there is for non-natives. By contrast, the polarization (male high, female low) in criminal cases is stronger for non-natives than for natives;
- the percentage of all FNLIS clients from 1986-1989 with civil problems who are native was 16 per cent, versus 84 per cent for non-natives. The percentage of all FNLIS clients with criminal problems who are native was 59 per cent, versus 41 per cent for non-natives;
- 97 per cent of FNLIS clients from 1986-1989 came from the town of Fort Nelson or immediate surrounding area;
- 39 per cent of FNLIS native clients from 1986-1987 lived on reserves and 61 per cent lived off reserves;
- 60 per cent of FNLIS legal aid applications were thirty years or under; 77 per cent had grade 10 or less education; 43 per cent were single; 27 per cent separated or divorced; 28 per cent were employed; 31 per cent had no dependents; 35 per cent only one dependent; and 99 per cent spoke English;
- six per cent of criminal clients were in custody at the time of the intake interview. Of those where ancestry was recorded (N=9), eight were native;
- 25 per cent of FNLIS criminal clients had entered a plea at the time of the interview; and

- 80 per cent of FNLIS clients with criminal matters were charged as adults, and 20 per cent as young offenders.

Analysis and Findings: Volumes and Types of PLE and Group Advocacy Activities

During the funding period (July 1986 to February 1989), the paralegal held 16 PLE workshops and participated as a panellist in another workshop. Half of the workshops (eight) were on wills and probate, while four were on family related law. All except one of the workshops were held in Fort Nelson; all except two were held at Northern Lights College. Two workshops consisted of group advocacy activity.

The paralegal also made fact-finding and introductory trips to outlying areas on three occasions: once to Toad River (followed two months later by a PLE wills workshop), 195 km north of Fort Nelson; once to Fort Liard in the Northwest Territories, 300 km north of Fort Nelson; and a week-long trip to the Northwest area of the province.

The paralegal recorded 30 radio scripts on a variety of legal issues were played by the local station in 1986 and 1987. She also wrote 18 articles that were carried in 1986 and 1988 by the local newspaper. These two sets of media columns also served as a way of advertising FNLIS. The paralegal undertook a few additional initiatives (trade show participation, radio interviews and newspaper ads), especially early in the life of FNLIS.

Analysis and Findings: Administration and Time Management

In the period 1986-1989, the paralegal spent 39 per cent of her time on direct service activities, five per cent on PLE activities, and 56 per cent on administration and other noncase or non-PLE activities. While 10 per cent of the 56 per cent represents professional development time, and five per cent on noncase travel, 30 per cent of her time was spent on office activities that could be handled by a secretary. Considering several other activities to which the paralegal could fruitfully devote more time, we recommend the hiring of a part-time secretary to handle routine administrative functions.

Recommendation #3:

That the LSS provide funds to FNLIS to hire a secretary on a third- to half-time basis.

All intake activity and virtually all short service activities are handled by the paralegal without lawyer assistance. The paralegal is also extensively involved in legal aid cases, averaging 38 per cent of total case time in criminal cases from 1986-1989, 69

per cent of family law cases and 89 per cent of pro bono referral cases. This time expenditure has remained fairly constant for criminal cases; in family law referral cases it increased from 54 per cent of the overall case time in 1986-1987 to 75 per cent in 1988-1989; in pro bono cases it has fallen in each year. However, the actual hours of case time have increased dramatically for both family law and pro bono referral cases, suggesting paralegal involvement in more complex cases. These results generally paint a picture of paralegal involvement in cases at a deeper level over each successive year. They complement the trend noted earlier of the paralegal assuming more short service cases on her own, rather than referring them out to a lawyer. Both sets of results bespeak the paralegal's growing confidence over the three year period.

Analysis and Findings: The Issue of Accessibility

The term accessibility is used broadly in this report and encompasses concepts such as eligibility, location of service, scheduling of service hours, attitude of service provider, advertising, outreach activities, and networking and referral patterns. In terms of eligibility, access to free intake service and short service is free to all clients with no stipulations as to eligibility under LSS guidelines. Thus, the very existence of FNLIS in Fort Nelson has dramatically improved client access to service, especially in regard to civil matters, over the pre-FNLIS period. The paralegal has widened accessibility still further by a liberal interpretation of LSS eligibility rules in two ways. In approximately 20 per cent of short service cases she has given service for over the two-hour maximum. The LSS fieldworker has expressed acceptance of this occasional practice because of the general lack of service alternatives in Fort Nelson. In terms of legal aid referrals, she has interpreted community size guidelines that gives applicants a slightly higher income line to base their eligibility. Again, this interpretation was worked out with the approval of the LSS fieldworker, the rationale being the high cost of such items as food and heating in Fort Nelson.

The telephone has been an important factor in making the service accessible. One-third of civil summary advice cases was handled by telephone, and telephone follow-up was used in one-quarter of all cases. Forty-five per cent of those who used the telephone did so because of difficulty using FNLIS in regular office hours.

In terms of location, FNLIS is situated in Fort Nelson's town hall complex. This site has numerous advantages both from an accessibility and cost standpoint (i.e., it is provided free by the town, except for a nominal "rent" of \$425/year to cover utilities), but many community respondents fear the location may be intimidating to disadvantaged clients. One in six clients in the client survey reported location difficulties, primarily to do with finding the service within the complex. On balance, it seems the advantages of the site outweigh its disadvantages.

Although the paralegal is generally very responsive in making immediate appointments, office hours (8:30-4:30 with lunch break) were problematic for a small percentage of clients. There was unanimous feeling among client survey respondents about the high degree of respect accorded by the paralegal to clients. The attitude of the paralegal has greatly enhanced the sense of service accessibility.

The paralegal has been active in the area of PLE, but could widen accessibility to legal information by diversifying the content of the workshops and the venues in which they are held. The addition of a part-time secretary would enhance the paralegal's capacity to undertake these initiatives.

Recommendation #4:

That the paralegal use time freed up with the addition of a part-time secretary to diversify both the content and locations of PLE workshops, such that they address more fully the needs of natives and disadvantaged groups.

While in general terms FNLIS is a service that is highly accessible to residents in Fort Nelson, a more systematic outreach strategy would provide greater accessibility to residents in the smaller communities along the Alaska Highway. We support the initiatives of FNLIS to assess needs in the northwestern portion of the province (known as the "northern circuit" in terms of legal service delivery).

Recommendation #5:

That FNLIS develop a systematic outreach strategy to serve the legal needs of the Fort Nelson Liard Regional District population, consisting of the following elements:

- regular networking (at least once per month) with the Fort Nelson Indian Band (see also recommendation #2 re an additional board member from the Band), combined with PLE initiatives and possible clinic for civil matters;
- canvassing other Fort Nelson-based social service and/or community groups to find out how, when (and if) they serve outlying communities. The intent would be: (1) to develop a list of personal contacts in the communities; (2) to get a preliminary sense of legal needs these agencies may be aware of; and (3) to suggest future joint visits to outlying communities;

- regular (i.e., quarterly) visits to the communities. Purposes would include: (1) initial reconnaissance and establishment of contact, plus completion of simple but formal needs assessments in each community; (2) PLE workshops such as the one conducted in Toad River; and (3) a legal "clinic" function, either in a community facility if it exists, a band office, or individual homes; and
- possible development of a system whereby FNLIS can accept collect calls from key contacts in each community, to allow more responsive servicing of needs between regular community visits.

From measures that we were able to undertake, there appears to be a high general awareness of the existence of FNLIS, but a lesser awareness of the full range of services that the paralegal can provide. Community services and agencies almost unanimously have a high regard for the paralegal, but emphasize the need for greatly increased networking. Suggestions for increased advertising in the form of posters and pamphlets, as well as networking, are contained in the following recommendations:

Recommendation #6:

That FNLIS develop a pamphlet and poster to advertise the service in store, agency, library and community group settings.

Recommendation #7:

That the paralegal develop a systematic approach to networking with community groups and services and agencies. Elements of this strategy could include:

- development and ongoing maintenance of a list of agency and group contact people at various levels;
- introductory in-person visits to groups which have not been contacted before to explain all aspects of FNLIS, to become acquainted with the group's activities and programs, to get a sense of any PLE or other service needs, to leave poster and/or pamphlets;
- routine calls to established contacts at two to three month intervals, inquiring, for example, about any changes in the

group's personnel, program or procedures and to advise of same re FNLIS (e.g., the availability of new resource materials); advising of upcoming workshops and eliciting ideas for future workshops, exploring any advocacy training needs, ascertaining if more posters and/or pamphlets are needed, etc.; and

- participation in, and possibly encouragement of, periodic inter-agency meetings to further general communication within the community.

The data on referral patterns to and from FNLIS are not strong, but clearly show the strong relationship established with the Native Courtworkers Association. They also suggest a growing base of repeat customers.

A final "take" on the question of accessibility was possible by examining the pre-FNLIS experiences of FNLIS clients. Thirty-two per cent of respondents in the client survey had had legal problems in the pre-FNLIS period. Twenty-six per cent were criminal problems, and the rest family, civil and other matters. Thirteen per cent of these matters in the pre-FNLIS period went unsolved or necessitated the respondent representing him/herself. Forty-four per cent had to be dealt with by accessing legal help outside Fort Nelson. A third were dealt with by a Fort Nelson lawyer. These figures, although taken from a small base of respondents, add further insight into the role that FNLIS has played in making services accessible both in terms of finance and convenience.

Analysis and Findings: Impact and Effectiveness

FNLIS has been effective in conveying the fact that the service provider is a paralegal as opposed to a lawyer. No clients surveyed felt that the paralegal not being a lawyer in any way affected their confidence in the information they were receiving.

Both clients and community/judicial system respondents felt that the paralegal has been very effective in the extent of direct service she has provided. Justice system respondents have been sufficiently impressed with her competence and they would like her to play an even greater role in certain areas. While some of these roles may not be feasible in the Fort Nelson context, they suggest that the parameters of the paralegal's activities in even remoter settings, given qualifications commensurate with those of the FNLIS paralegal, could be wide indeed.

The paralegal could extend her nondirect services by diversifying the topics of her workshops (mentioned above) and by greater involvement in advocacy training.

Ninety-nine per cent of FNLIS client respondents said the information they received was clear or very clear. All respondents felt information they received was accurate. One hundred per cent of the PLE participants surveyed found the workshop "quite organized" or "very organized", and 97 per cent found it "interesting" or "very interesting". Of the clients no one surveyed found direct service information to be unhelpful; all clients found the written information they received to be helpful. Ninety-seven per cent of workshop participants found the workshop helpful. However, only 50 per cent of the respondents had actually used the information at the time of the evaluation interview. Except in one instance, all community agency respondents were extremely positive about the helpfulness of the paralegal and her role in the community.

In terms of outcomes, approximately 61 per cent of FNLIS criminal intakes resulted in legal aid referrals, whereas 39 per cent of civil intakes resulted in legal aid referrals. Twenty per cent of criminal intakes resulted in referrals to other agencies or, more frequently referrals back to the paralegal for short service; the corresponding figure for civil intakes is 39 per cent. Twelve per cent of criminal intakes were resolved through self-help versus 41 per cent of civil intakes. Less than one per cent of all cases involved a refusal of legal aid without some form of assistance by the paralegal. The percentage of legal aid referrals as an intake outcome is higher for natives than non-natives, most likely a reflection of the fact that proportionately more native clients are financially eligible for service.

For short service cases, 23 per cent are fully resolved during the short service consultation; 30 per cent of cases are resolved through self-help (i.e., paralegal assistance allows resolution by client); 24 per cent involve some form of nonlegal aid referral and 19 per cent are abandoned (e.g., because of a stay) or not pursued further.

Approximately 50 per cent of legal aid referrals involved guilty pleas or findings; 30 per cent of cases were stayed; 10 per cent involved acquittals. Nineteen per cent of sentences involved incarceration. Seventy-seven per cent of family law cases and 70 per cent of pro bono cases were resolved favourably.

Eighty-eight per cent of direct service client respondents reported being very satisfied with the paralegal service and 11 per cent satisfied. Client respondents also expressed a high level of satisfaction with the legal aid lawyer to whom they were assigned, especially in criminal matters. Participant satisfaction with PLE workshops was also high (44 per cent very satisfied and 44 per cent satisfied), but not quite as unconditionally supportive as for direct service clients.

The staff supervisory lawyer and criminal legal aid private lawyer were highly satisfied with their relationship with the paralegal. The paralegal's activities that the lawyers found supportive included getting case particulars and written statements, spreading paperwork over time (rather than all during the court circuit days), helping to get the accused to court, civil case preparation, explaining procedures, setting appointments, giving lawyers verbal and written case background, researching matters and obtaining materials. The main result was that the lawyers could handle more matters, and at a less hectic pace. The paralegal handled emergencies as they arose, rather than allow them to build up and become crises for the lawyers to deal with by long distance phone or during the court sittings.

There were no definable quantitative impacts on the judicial system that could be attributed to the paralegal, but judicial system respondents were extremely positive about the dramatic effects the paralegal has had on the quality of proceedings. Her main effects have been:

- reducing (or being able to explain) nonappearances of accused persons;
- smoothing out first appearances (parties who are better informed and prepared);
- reducing the need for adjournments, or making same day adjournments more effective; and
- avoiding family court appearances by encouraging mediation.

Overall, the main presiding judge serving Fort Nelson felt the paralegal had made a significant contribution to the quality of justice in the court. In general, the judges were highly receptive of the paralegal's role, and were open to her taking even more initiatives on behalf of clients in the court.

Agency groups have appreciated the referral relationship with FNLIS. This relationship has been especially important for courthouse staff, the women's resource center and the native courtworkers association.

The unit costs of services offered by FNLIS over the 1986-1989 period were as follows:

• cost per intake client served	\$ 36.66
• cost per short service client served	\$181.65
• cost per legal aid client served	\$209.98
• cost per PLE participant served (in workshop)	\$105.71

These figures do not include staff lawyer or private legal aid lawyer contributions on FNLIS legal aid cases.

Factors and Issues Most Affecting Replicability of the Model

Based on our evaluation of FNLIS, we feel that a paralegal model of service delivery could be applicable in numerous other settings and circumstances. In applying the paralegal model elsewhere, the characteristics of FNLIS and Fort Nelson need to be viewed relationally; that is, how the absence or presence of certain characteristics in other communities would affect the need for others. Below are key relational issues that arise when considering the question of transferability of the FNLIS model.

- Under the Legal Services Society Act, paralegals are afforded considerable latitude in terms of activities they are permitted to undertake, and the circumstances of their supervision. In other jurisdictions, the very structure and scope of a paralegal project would have to be considered in relation to the constraints of existing legislation.
- Had the paralegal been less qualified, the LSS startup training would probably have been insufficient. A more comprehensive form of apprenticeship training would have been necessary. Similarly, the relatively relaxed form of supervision by LSS after the first year is largely a function of the obvious skills and good judgement of the paralegal. Other paralegals with less education, judgement and/or confidence would require longer monitoring and/or support.
- Regardless of the paralegal's competence, it is essential that personal and professional support be available to a paralegal in a remote setting. The following are elements of this support that could avoid isolation of the paralegal:

- regular training workshops that allow the paralegal to network with colleagues and other professionals;
 - strong support and responsiveness by a local community board;
 - placing the office in a multi-service setting within the community;
 - a policy of networking with other agencies and services in the community;
 - consideration of ways of logically combining more than one paralegal in the same office. For example, one paralegal serving a wider geographic area on an outreach basis, the other the more central area, or simply having central and outreach functions for each paralegal, use -- if justifiable on a cost basis -- of secretarial assistance; and
 - Strong support from both a field office and a provincial legal service office.
- Direct service skills, PLE skills and community development skills are not always happily contained in one individual. Provincial legal aid bodies tend to focus on the first set of skills at the expense of the others. In larger urban settings, the sheer demand for direct service may obviate the need for other skills. In a remote setting, wider skill demands are often placed on individuals, simply because they are one of the few service providers in the area. It is therefore necessary to conceptualize both the hiring, training and ongoing support of the paralegal with these other types of demand in mind.
 - Fort Nelson is predominantly a non-native community. For paralegal projects serving predominantly native communities, the need to have a native paralegal obviously increases. Equally, though, is the need to conceptualize the project to a greater degree in terms of community development and native justice. These two aspects are interrelated. With the

increasing interest in and demand for native justice for native communities, paralegals serving such communities may play important community development roles in a transition from existing legal structures to native justice-based structures.

- Based on the FNLIS experience and other services we have evaluated in smaller communities, we believe there is value in nurturing an element of local control over services in remote communities. Advantages can include greater community commitment and contribution to the service, greater use of the service and a larger personal support network for the worker. However, these advantages are not always realized or realizable in every setting. Considerations in terms of local versus central (headquarters or regional) control include: existence of a large and varied enough talent pool to support the worker; degree to which the community is able to focus on the service (i.e., it may simply be of too minor concern relative to other issues facing the community); polarization and likelihood of schisms in the community; existence of a cohesive umbrella agency, community organization or native body that could legitimately represent the community; possibility of developing a board that can reflect the catchment area of the service (i.e., central, as in Fort Nelson, or regional, as in northern circuit communities); time available by a central or regional fieldworker/supervisor to serve the paralegal; and sensitivity of central or regional fieldworker/supervisor to community concerns.
- Small communities may find this service more demanding than that of FNLIS, which primarily serves Fort Nelson. Considerations required in conceptualizing a regional service include: willingness and capability of paralegal to travel; representativeness of board (if it exists); cultural differences of communities served; combination and location of paralegals if more than one is required (i.e., three or four out of one central office versus dispersal to smaller community offices); language and translation needs; cost and time involved in travel; supervision; relation to fly-in courts or other court circuits.
- Based on discussions with judicial, community and LSS respondents, there is a difference in the tone and rhythms of

communities served by periodic circuit courts (e.g., once every six weeks or two months), a regular weekly court on a given day, an ongoing court, and no court at all. For example, the value of the paralegal in Fort Nelson has been especially noted in relation to the role she could play in emergency matters between court sittings. This role is far less viable if the paralegal is serving in an outreach mode to communities every month or so, and less crucial if a court is held weekly. Consideration of lay community contacts to funnel emergency situations to a paralegal may be one way of dealing with outreach situations. In general, the role of the paralegal needs to be considered in relation to the regularity of court sittings and the availability of a court at all.

- It may be possible in remote communities that a paralegal service with a low population could be considered with, for example, a social service or probation function. Attention would have to address role conflicts, and the very concept itself would require some innovative cooperation at an inter-ministerial level; however, it may be the only feasible way of serving more remote settings than Fort Nelson.

RECOMMENDATIONS

Recommendation #1:

In demonstration projects where evaluators will require access to clients and/or their records, the Department of Justice Canada and/or the administering body should have on record the consent forms to be used and a signed agreement in place on how the procedure to request consents is to be implemented. Part of the agreement should stipulate that project field officers ensure that the consent system is being implemented.

Recommendation #2:

That the FNLIS Board attempt to find two more active board members who can be of support to the paralegal in particular areas. For example, a board member drawn from a social agency could feed ideas and contacts to the paralegal in terms of agency networking, public relations and related aspects of FNLIS. A representative from the Fort Nelson Indian Band might assist the paralegal with outreach activities to band members in the area of civil law.

Recommendation #3:

That the LSS provide funds to FNLIS to hire a secretary on a third- to half-time basis.

Recommendation #4:

That the paralegal use time freed up with the addition of a part-time secretary to diversify both the content and locations of PLE workshops, such that they address more fully the needs of natives and disadvantaged groups.

Recommendation #5:

That FNLIS develop a systematic outreach strategy to serve the legal needs of the Fort Nelson Liard Regional District population, consisting of the following elements:

- regular networking (at least once per month) with the Fort Nelson Indian Band (see also recommendation #2 re an additional board member from the Band), combined with PLE initiatives and possible clinic for civil matters;

- canvassing other Fort Nelson-based social service and/or community groups to find out how, when (and if) they serve outlying communities. The intent would be: (1) to develop a list of personal contacts in the communities, (2) to get a preliminary sense of legal needs these agencies may be aware of, and (3) to suggest future joint visits to outlying communities;
- regular (i.e., quarterly) visits to the communities. Purposes would include (1) initial reconnaissance and establishment of contact, plus completion of simple but formal needs assessments in each community, (2) PLE workshops such as the one conducted in Toad River and (3) a legal "clinic" function, either in a community facility if it exists, a band office, or individual homes; and
- possible development of a system whereby FNLIS can accept collect calls from key contacts in each community, to allow more responsive servicing of needs between regular community visits.

Recommendation #6:

That FNLIS develop a pamphlet and poster to advertise the service in store, agency, library and community group settings.

Recommendation #7:

That the paralegal develop a systematic approach to networking with community groups and services and agencies. Elements of this strategy could include:

- development and ongoing maintenance of a list of agency and group contact people at various levels;
- introductory in-person visits to groups which have not been contacted before to explain all aspects of FNLIS, to become acquainted with the group's activities and programs, to get a sense of any PLE or other service needs, to leave poster and/or pamphlets;
- routine calls to established contacts at two- to three-month intervals, inquiring, for example, about any changes in the group's personnel, program or procedures and to advise of same re FNLIS (e.g., the availability of new resource materials); advising of upcoming workshops

and eliciting ideas for future workshops, exploring any advocacy training needs, ascertaining if more posters and/or pamphlets are needed, etc.; and

- participation in, and possibly encouragement of, periodic inter-agency meetings to further general communication within the community.

1.0 INTRODUCTION

This report presents the results of an evaluation of Fort Nelson Legal Information Services (FNLIS). On April 11, 1986, a memorandum of agreement was signed between the Department of Justice Canada and the British Columbia Legal Services Society to provide funds to the latter "to provide a satellite legal aid service in the Fort Nelson area using a trained paralegal under the supervision of the Recipient's regional office in Fort St. John". These funds were made available under the Special Projects -- Legal Aid Fund on a demonstration basis for a three-year period. The Legal Services Society in turn paid a local community board (see section 4) to run what was initially known as the Fort Nelson Paralegal Project.¹ The project formally began operation on July 7, 1986 and continued to be funded under the Department of Justice Canada/Legal Services Society Agreement until February 28, 1989. At that point, the Legal Services Society assumed responsibility for directly funding FNLIS, which it now views as part of its community law office structure.

Since FNLIS was funded as a demonstration project, it was foreseen that there would be an evaluation of the project. The broad evaluation concerns (described in detail in section 2) the implementation, activities and impact of FNLIS, as well as its potential utility as a model for delivery of legal services in other northern and/or remote communities. To this end, the Department of Justice Canada contracted with Focus Consultants on February 6, 1989, to undertake the evaluation.

The current report is the product. Its structure is as follows:

- Section 2 provides specific information on the implicit and explicit objectives of the funding of FNLIS, and describes the evaluation objectives and methodologies;
- Section 3 briefly discusses the "wide" context of remote legal service delivery, in terms of characteristics of northern/remote communities, barriers to service delivery, and models considered and/or implemented;
- Section 4 examines in more detail how FNLIS was conceived and established;
- Section 5 is intended simply as an overview of what FNLIS is actually mandated to do. This section does not analyze FNLIS's accomplishments or provide statistics;

¹ Despite the fact that the project did not change its name to Fort Nelson Legal Information Services until 1988, to avoid confusion we have used that name (or its abbreviation FNLIS) throughout this report.

- Section 6 examines the inputs (in terms of hiring, training, supervising and supporting the paralegal) that have been provided by the Legal Services Society and FNLIS board to ensure quality of service;
- Sections 7-12 provide the main analysis and findings of the evaluation. Sections 7, 8 and 9 provide primarily quantitative data on volume and type of cases and clients, as well as on public legal education activities. Section 10 discusses how the paralegal manages overall activities and cases from a time perspective. Sections 11 and 12 reflect on a number of issues to do with accessibility to and impact of FNLIS; and
- Section 13 addresses the issue of transferability of the FNLIS model to other locations.

2.0 THE EVALUATION FRAMEWORK

The purpose of this section is to describe the purpose and framework of the evaluation of FNLIS. We briefly discuss the broad objectives of the project itself to show how the evaluation relates to these original concerns. (A much fuller discussion of how the project was established follows in section 4.) We then outline the objectives of the evaluation and methodologies used to pursue these objectives.

2.1 Project Mandate and Objectives

As often with the establishment of innovative projects, there was no single definitive version of the goals and objectives of this project. Rather, broad goals and more detailed objectives were not stated until the July 1985 funding proposal was submitted by the Legal Services Society of British Columbia (hereinafter called LSS) to the Department of Justice Canada. In subsequent letters and telephone calls, the objectives were changed or eliminated to meet concerns of the Department. Furthermore, as will be later discussed, the community-based board for FNLIS has discretion in setting its own objectives. The following comments only address the broad goals expressed at the three levels of the Department of Justice Canada, the Legal Services Society and the Board of FNLIS.

Funding was provided by the Department of Justice Canada under the Special Projects -- Legal Aid Fund. In 1985, there were three priorities for funding projects:

- delivery of legal aid in remote areas;
- delivery of legal aid to native people; and
- alternative delivery methods.

Although Fort Nelson was not viewed as (nor is it) a native community, it does have a sizable minority of native people in its areal population. However, by most standards (see section 4.1), it is remote. The Department of Justice Canada was interested in exploring the limits of what a paralegal could accomplish in such a setting, operating in certain respects as a satellite to a legal aid office, and with good supervision and training.

The LSS proposal of July 19, 1985 stated two broad goals of the project:

- to evaluate the impact, cost and portability of an innovative paralegal project in Fort Nelson, British Columbia; and
- to improve the accessibility in Fort Nelson to effective representational and informational legal services through the use of a resident paralegal.

The "paralegal committee" established under the multiservice organization that sponsored FNLIS and ultimately became the board of FNLIS, established the following goals and objectives in a December 11, 1985 meeting:

- to provide good general, legal information and referrals to clients;
- to provide lay advocacy; and
- to provide community education.

Thus, the mandate of the project was sufficiently broad to give the paralegal considerable flexibility in defining her activities. By extension, much latitude has been afforded the evaluator in designing an evaluation that can address both the broad concerns expressed from each of these perspectives, as well as more particular issues that have arisen in the life of the project.

2.2 Evaluation Mandate and Objectives

The original "Request for Proposal" that was sent to firms interested in bidding on the evaluation contract, contained seven pages of "evaluation issues and questions". The first task of Focus Consultants, on being awarded the contract, was to take these issues and, following discussions with the LSS, Department of Justice Canada and a week-long visit to Fort Nelson, develop a work plan that included the analysis of research issues and objectives proposed for the evaluation.

The seven research issues identified were as follows:

- What is known about northern/remote delivery of legal services?
- Why and how was the project established?

- What have the actual activities of the project been?
- What were the mechanisms to develop project quality?
- Has the project improved accessibility of legal services?
- What is the impact and effectiveness of the project?
- What advantages and limitations does this model reveal in terms of its potential applicability in other remote settings?

In general terms, these issues form the basis of the main section headings of this report, as identified in section 1. In the sections that follow, we identify the data sources and methodologies that were used to examine the research issues and objectives.

2.3 Project-Generated Data Sources

A large body of data about the operations of FNLIS were available to the evaluators at the start of the evaluation. This was accessible in two ways:

- through the LSS management information system (MIS); and
- through FNLIS files.

2.3.1 LSS Management Information System (MIS)

Although funded as a special project by Department of Justice Canada, FNLIS received its monies using LSS as an intermediary and operated essentially as a community law office (CLO) within the LSS structure. From a research standpoint, a consequence of this arrangement was that FNLIS maintained the same administrative recording forms that all CLOs were required to maintain.

These forms include the following:

- criminal law worksheets -- intake forms completed for first contacts with clients on criminal matters;
- civil law worksheets -- same, but for civil matters;
- short service forms -- attached to the bottom of the above worksheets, and filled out if less than two hours is spent on the problem after the first interview;
- eligibility assessment forms -- filled out if clients need more extensive assistance, to ascertain that they are unable to afford a lawyer;
- criminal law referral forms -- that confirm the appointment of a lawyer as counsel for the client. They contain basic client and case information, including case results, sentence, etc.;
- family law referral forms -- same purpose as criminal law referral forms, but for matters covered under the family law tariff;
- pro bono civil referral forms -- same purpose as criminal and family law referral forms, but for civil matters not covered under the legal aid tariff;
- staff timesheets -- detailed time records of activities of the paralegal for, among other things, calculations for cost-sharing under federal/provincial agreements; and
- monthly office reports -- are supplementary to the timesheets, and record time record of noncase activities of the office and board members for each calendar month.

All of these forms were completed by the FNLIS paralegal for the duration of the project. Most of the forms had several copies for different purposes. From an evaluation perspective, the relevant item was the "data entry" copy. It was sent to the LSS head office in weekly or monthly batches for data entry in the society's management information system (MIS). Among other purposes, the LSS is able to produce a variety of profile reports including client, case and office characteristics. These reports formed a major source of data for the evaluation of

FNLIS. Retrieval of the data, as noted in section 2.5.1, was, however, problematic.

2.3.2 Project records

Apart from the above forms, there were a number of other sources of recorded information about the project available to the evaluators. These included:

- reports, memos and correspondence maintained by LSS staff concerning the conception and startup of the project;
- field reports and memos written by the LSS field officers following visits to the project;
- board minutes in FNLIS files;
- client case files maintained by the paralegal in the FNLIS office. As noted in section 2.5.2., the evaluator and assistants were only permitted access to these files with the written consent of the client involved;
- records of all public legal education (PLE) workshops given by the paralegal, including names of participants;
- records of all training sessions attended by the paralegal;
- copies of all newspaper and radio columns produced by the paralegal;
- ancillary records maintained by the paralegal (e.g., more detailed referral records than available through the LSS MIS); and
- noncase correspondence kept by the paralegal.

2.4 Qualitative Evaluation Methodologies, and Limitations

Using and supplementing the extensive documentation of the project, the evaluator used several methodologies to address the research issues described in section 2.2. In this section, we describe the qualitative methodologies employed.

2.4.1 General literature review

A limited review of the literature was undertaken on American and Canadian experiences with delivery of legal services to remote areas. This was not seen as a major focus of the evaluation, but was sufficient to provide some context for and perspective on the FNLIS experience. Apart from the limited intentions of the review, the major limitations were that:

- much of the Canadian literature on remote legal service delivery is naturally tied to the experience of native peoples. While certainly relevant to the Fort Nelson experience, delivery of legal services to the native population was nonetheless not the major objective of FNLIS; and
- most of the examples cited in the American literature were of less remote situations than Fort Nelson.

2.4.2 Community, justice system, LSS and FNLIS staff/branch interviews

In total, 43 individuals were interviewed on a person-to-person basis to explore a range of topics based on their involvement in and/or knowledge of FNLIS. A list of potential interviewees was developed based on:

- suggestions contained in the original terms of reference issued by the Department of Justice Canada;
- detailed discussion with the paralegal regarding anybody who had dealt with the project over its life time; and
- further suggestions that emerged in the course of interviews with the preliminary list.

All but two of the interviews were done in person, although in a couple of instances group rather than individual interviews were held. Because the respondents had very differing experiences with FNLIS, the interviews were not conducted with a standard questionnaire. In all cases, the evaluator used an interview guide specifically developed around issues on which the respondent was likely to be knowledgeable. For example, some were done around the issue of public legal education, others around court experiences, others around inter-agency networking, service to native clients, administrative matters, geographic outreach, training etc.

One difficulty in contacting the interviewees was due to frequent job turnovers in Fort Nelson. In some cases, three individuals had occupied a job serially over the three-year period under study. Thus, to piece together the history of that group's contacts with FNLIS, we had to interview three persons. In several cases, the individuals had left Fort Nelson and could not be located. The upside to this problem was that many of the interviewees had held several jobs in major agencies in Fort Nelson, and consequently had a greater breadth of perceptions about both the community and FNLIS. On the whole, despite our inability to locate some suggested contacts, we are confident that the completed interviews represent the key actors who had related to FNLIS during the three years under study.

2.4.3 Document review

With the exception of client case files, the evaluator had access to all documents listed in section 2.3.2. These were studied during two week-long visits to Fort Nelson and numerous trips to LSS headquarters in Vancouver.

2.5 Quantitative Evaluation Methodologies and Limitations

The qualitative methodologies just mentioned were complemented by several quantitative methodologies.

2.5.1 Analysis of Management Information System (MIS) records

Section 2.3.1 lists the source documents that provided data for the LSS MIS. Access to the MIS meant that we could describe case, client, time management and outcome data on all FNLIS cases, rather than just those of clients we were able to interview. We also had comparative case and client profile data with which to determine the representativeness of our sample.

In total, the LSS completed at our request runs on over 50 variables, sometimes simply as frequency counts, and in other cases as cross-tabulations, for the annual time periods between July 1, 1985 and July 1, 1989.

2.5.2 Survey of FNLIS clients

Although the MIS data provide the overall view of the client backgrounds, case characteristics and case flow through FNLIS, they do not give any insights

into how clients actually experienced the work of the paralegal and FNLIS. To achieve this objective we surveyed a sample of FNLIS clients on a range of issues.

There were several problems that affected the selection of a sample for this survey. First was the issue of obtaining client consents to be interviewed for the evaluation. The Department of Justice Canada made clear to the Legal Services Society prior to funding that when an evaluation was eventually done, it would involve interviews with clients. Minutes and memos indicate that an LSS field officer discussed the issue of consents with the FNLIS Board prior to the project start date. From these sources it appears that there was an agreement on a system of requesting written consents from clients who would be willing to participate in an evaluation interview. However, this system was never implemented.

Without written consent, the evaluator could not be permitted access to client records or to a client name and phone number to arrange an interview. It was not until several months after the evaluation contract was signed that a consent form was developed. The paralegal then had to attempt to get retroactive consents from clients. This was difficult, not only because of the paralegal's workload, but because many clients could not be reached during office hours, or even at all. Many (especially native people) had no phones or had moved. Furthermore, many clients would verbally consent to being interviewed, but would forget to come in to sign the consent form, or to return it if it was sent to them. The result was a considerable delay both starting and completing the survey, and a reduction in the size of the sample we were able to obtain. More seriously, as discussed below, the survey sample cannot be taken as representative of the overall client population.

Recommendation #1:

In demonstration projects where evaluators will require access to clients and/or their records, the Department of Justice Canada and/or administering body should have on record the consent forms to be used and a signed agreement in place on how the procedure to request consents is to be implemented. Part of the agreement should stipulate that project field officers ensure that the consent system is being implemented.

This recommendation is made while recognizing that a client has the right to withhold consent, and that it may be difficult at a later date to track down clients who have given consents. However, having the necessary documentation on hand makes it much easier for the evaluator to attempt to make contacts, and relieves project personnel of pressures to produce consents on short notice.

The second problem, arising from the first, was that the time period that cases were drawn was September 14, 1988 to January 11, 1990. This period extended beyond the formal Department of Justice Canada funding period, but represented a realistic attempt to ensure some success in contacting clients "after the fact". It also allowed the paralegal to obtain some consents (after March 1989) from clients during their first visit. We do not feel that the clientele changed after the federal funding period, therefore we take this sample as a surrogate for the funding period clientele.

A third problem was difficulties in contacting former clients. These difficulties were not atypical of client contact problems in evaluations of legal services. As shown in Table 1, approximately one-quarter of the clients were deselected in advance for a variety of reasons (one-half because their cases were not closed, and slightly under one-half could not be contacted even though targeted). Approximately one-third of the clients contacted refused to give consents. Thus, only 18.7 per cent of all clients in the time period gave their consent to an interview, with an even smaller per cent of clients with criminal matters agreeing. For those who did agree to an interview, the interviewers made an average of three to four calls before completing the interview itself.

The client survey interviews were done by one interviewer based in Fort St. John. She had some knowledge of the North and Fort Nelson, but was distant enough not to be known by the interviewees. All but four interviews were done in person at a location of the interviewee's choice, most frequently in the respondent's home (Table 2). Over 60 per cent of the interviews were completed within 20 minutes (Table 3). Forty per cent of the evaluation interviews took place within six months of the original client contract with FNLIS. Ninety per cent took place within a year of that contact. This was a short enough period to ensure a reasonable recall of events by the client.

The representativeness of the client survey sample by comparing key client and case characteristics with that of the population data were derived from the MIS data base. Most survey clients had used FNLIS in the 1988-1989 year, therefore representativeness, to the extent that it exists, extends only to the FNLIS population of that year. In addition, the sample has a disproportionately low number of criminal cases and male clients when compared to the population. It is more representative for female clients only, in terms of civil/criminal case type and ancestry. Despite these deficiencies, we feel that the overwhelming consensus of survey and community interview respondents concerning quality of service issues makes the presentation of survey data useful and relevant to our understanding of FNLIS from a client perspective.

2.5.3 Survey of participants at FNLIS PLE workshops

Public legal education (PLE) workshops were a small but significant activity of the paralegal. To explore reactions to these workshops, we surveyed a sample of participants in all six workshops from October 14, 1987 to December 7, 1988. We also surveyed a November 15, 1989, workshop, one of three in 1989. The latter extended beyond the federal funding period but enabled us to obtain views while they were fresh in the participants' minds.

We attempted to contact every participant for whom we had a name and telephone number. This was feasible in most cases except for one wills workshop held in Toad River, about 100 km northwest of Fort Nelson. In that instance, most participants did not have telephones and the participant list was incomplete. We were only able to contact two couples out of an estimated 20 participants. However, over all seven workshops, we interviewed 31 out of 71 participants. We also interviewed a teacher of a vocational class to whom the paralegal spoke, for a total of 32 completed interviews.

The interviewer was the same person who did the client survey interviews. Interviews were done either in person or by telephone, depending on the preference of the interviewee.

2.5.4 Survey of social assistance recipients

We felt it was important to assess the level of awareness of FNLIS among a population that is eligible to use its services. Although anyone is eligible to use the "short service" of FNLIS (matters under two hours) without an eligibility assessment, there is an income/assets restriction for more extensive service. The only logical population that would clearly be entitled to all FNLIS services was social assistance recipients.

We were fortunate to secure the assistance of the district supervisor of the Ministry of Social Services and Housing, who agreed to mail the questionnaire to all social assistance recipients in the Fort Nelson area. The questionnaire was accompanied by a covering letter from Focus Consultants and a stamped self-addressed envelope.

Of 102 questionnaires mailed, 26 were returned completed. This return rate is average for this type of respondent on a one-time mailed questionnaire. It can be assumed that the least literate and least informed of this population would not have returned the questionnaire, thereby overstating the awareness of FNLIS among the population. However, the results can be taken as indicative of the

relative awareness of the component services of legal aid (e.g., whether it helps with landlord and tenant problems versus criminal problems) and as a general gauge of the population's overall awareness of the existence of FNLIS.

2.6 Summary

The FNLIS project mandate was sufficiently broad to provide the paralegal with considerable flexibility in the definition of her activities. The evaluation objectives were also broad, and addressed the context for the project, its establishment, its activities, mechanisms to develop project quality, accessibility to legal services, impact and effectiveness, and portability of the FNLIS model in other jurisdictions.

There were two broad types of data available to the evaluation that were generated by the project. The first was the LSS Management Information System (MIS) itself, that produced data from nine different types of forms, reports and worksheets kept by FNLIS. The second was a variety of project records, such as memos, minutes, case files, Public Legal Education (PLE) records and correspondence kept either at FNLIS or LSS headquarters.

Both to digest and supplement this information, the evaluator used qualitative and quantitative methodologies. Qualitative methodologies included a literature review, document review, and interviews with community agencies, justice system personnel, and LSS staff. Quantitative methodologies comprised an analysis of MIS data, a survey of FNLIS clients, a survey of participants at FNLIS public legal education workshops, and a survey of social assistance recipients concerning awareness of FNLIS.

3.0 THE WIDE CONTEXT: ISSUES CONCERNING NORTHERN/REMOTE DELIVERY OF LEGAL SERVICES

As noted in section 1 and section 2.1, one of the key considerations in the Department of Justice Canada's funding of FNLIS was that it was a potential model for delivery of a legal service to a "remote" community, the questions being how is "remote" defined, and how do the particular circumstances of FNLIS and Fort Nelson compare with other "remote" communities. To deal with this we will explore the concept of remote communities in terms of their characteristics, their barriers to legal service delivery and general approaches to service delivery. Our intent will not be to centre on a single definition of remoteness, but to show the different factors that can constitute different types of "remoteness". With these concepts in mind, we can better assess the particular context of Fort Nelson (dealt with in section 4.1) and ultimately the appropriateness and/or limitations of seeing FNLIS as a model for other remote communities (section 13).

3.1 Characteristics of Northern/Remote Communities

Characteristics of remote communities will be summarized from three perspectives: geographic/economic, political/economic and social/cultural. It should be emphasized that the characteristics discussed here are discussed in terms of difficulties rather than advantages. The intention is not to create a negative image of northern or remote communities, but to understand those factors that tend to create unique problems or challenges for these communities and their populations. It is ultimately these problems that both generate legal problems and affect their solutions.

3.1.1 Geographic/economic

Key factors from the geographic/economic perspective include:

- **type of access** -- often there is no road access, with accessibility by boat on rivers/lake systems or by plane. Roads, where they exist, are usually unpaved and sometimes impassable during spring thaw and other periods. Results are lengthy and difficult travel times and high transportation costs (and thus retail cost of goods);
- **communications** -- often no telephone service, and lack of access to other communications media for services or social purposes;

- **weather** -- in conjunction with access problems generally heightens isolation within and between communities; and
- **resource base** -- existence or loss of resource base can dramatically affect viability of community and area.

3.1.2 Political/economic

These factors are clearly intertwined with those just described. They include:

- **economic dependency** -- resource-based economics (e.g., forests, furs, oil or minerals) are highly dependent on world markets and decisions made in corporate headquarters far removed from the communities. Communities can be radically different depending on whether they are in a declining or ascending stage of development;
- **political dependency** -- these communities are heavily dependent on government decisions regarding transportation, policing, health care and other services; and
- **poverty and/or boom/bust cycles** -- lack of resource or agricultural bases often results in chronic, long-term poverty. Boom/bust cycles can result in marked wage disparities, affect housing markets and rental/purchase rates, and create dichotomies between permanent and transient populations.

3.1.3 Social/cultural

- **ethnic base** -- can vary from native reserves to company towns which are often predominantly white to service towns which may be mixed. The combination in any given community affects the level of understanding of the legal system, the cultural values held, and the level and ease of communication between groups in the community;
- **social amenities** -- the small population base of most remote communities is usually not sufficient to allow all the services individuals might demand, from schools to hospitals, lawyers, churches, theatre or sports teams. Specialized services are rare or nonexistent. Services that do exist are often spread over large

catchment areas, with the attendant access problems discussed above; and

- **community awareness of individual circumstances** -- on the one hand, individuals in remote communities often benefit from an awareness of their mutual dependency and increased sense of community and/or neighbourliness. Figures in the local power structure are rarely as remote as they are in more urban centres. On the other hand, awareness of each other's circumstances can lead to a loss of privacy and/or a heightened sense of isolation if one is not seen to share the cultural/social values of the mainstream community.

3.2 Barriers/Constraints on Legal Service Delivery to Remote Communities

Three characteristics mentioned above most directly affect the delivery of legal services in remote communities. They are small population bases, the distance from larger urban centres, and the ethnic base.

3.2.1 Small population bases

Frequently, the main service centre for a remote area lacks the population base to sustain a moderate range of social services. This fact has several consequences:

- if social and legal services in even the largest town in a remote area do exist, they often have to be provided "from outside," and only be scheduled intermittently. Under such circumstances it is often difficult to meet client needs in a timely or effective manner;
- in times of government restraint, rural areas are often the most drastically affected. A cutback of one person in a remote service office may mean the elimination of the entire service, while a similar cutback in an urban area may simply mean a five to ten per cent reduction in service;
- it is usually the income generated from business, government and/or well-to-do clients that sustains a small town legal practice. A lawyer is most likely to represent his/her already established clients if they are involved in a legal dispute with less powerful individuals in the

community. If the lawyer is the only one in town, the other party may lack any legal recourse;

- if the largest town in a remote area does have a legal service, the service necessarily relates to a large geographic catchment area that is sparsely populated. The service providers may have difficulty determining the balance between serving the largest centre effectively and doing outreach service in remote locations. In a sense, this dilemma is simply a replication in a remote area of the headquarters dilemma of serving the needs of the whole province versus the main urban centres; and
- the small population base and consequent lack of a full range of services often means an increased demand on existing service providers to be more eclectic in their skills and in the type of assistance they provide. Whereas in an urban centre, the service provider may refer a client to another agency, in a remote location he or she is often aware of the lack of a resource, and may provide more assistance him/herself.

3.2.2 Distance from larger urban centres

There are legal services serving population centres near urban areas, but they do not generally suffer the effects of distance experienced by similar-sized towns or villages in remote areas. These include:

- **travel time** -- this can be a large factor in staff time both for externally provided services to the major centre of a remote area, and, where the service is resident in the major centre, in providing service to smaller communities in an outreach mode. As a consequence, completed cases per overall staff time tend to be lower than in an urban centre;
- **lack of preparation time** -- where a service is provided from an external base, there is often inadequate time to consult with a client before a decision is required or, for example, before a court hearing. Ongoing communication can also be hampered by distance, most often by lack of telephone or easy postal access;
- **staffing problems** -- these problems result from a combination of small population and distance from urban centres, and take several forms. It is often difficult to find staff who are from the local area

and who at the same time have the requisite skill levels. Staff from outside the area will often have the skills required, but their long-term commitment is frequently more tenuous than a local person's commitment. Staff turnover can thus be a problem;

In terms of skills, it is hard to find staff, who on the one hand, possess the substantive and procedural skills required of legal service delivery and, on the other hand, good interpersonal skills that are especially required in outreach work. The issue of skills leads into the difficulty and expense of providing support and/or training to individual staff in remote locations. It is also hard for individual staff to network with colleagues as easily as staff in urban areas. Difficulties in maintaining morale and perspective due to one's isolation can also be a factor in staff turnover; and

- **lack of infrastructure** -- by infrastructure we mean both physical amenities and networks of services. Lack of infrastructure is, like staffing problems, a result both of small population and distance from urban centres. In small/remote communities choice of office space is often limited, as is the availability of quality office support services. There may also be no associated legal services operating regularly in town, such as the court itself, probation, family court counsellors, crown or even defence lawyers. The increasing sophistication of telephone, fax and computer networks alleviates some of these problems, but depending on the size of communities, many of these networks are still underdeveloped.

3.2.3 Ethnic base

While urban-based legal services have major constraints or problems to overcome in delivering services to new and older ethnic communities, remote and legal services have comparable and often more complex problems in providing effective service to native communities. For example:

- **language** -- in remote areas native people often do not speak English, much less understand legal jargon, with the same ease as their mother tongue; and
- **social system** -- there is considerable documentation that the Canadian justice system is alien to many native concepts of justice and procedure. On an individual level, many native people have

little understanding of the legal processes in which they are involved.

These two issues are of course subsumed in the delivery issues of using native staff and of reintroducing native justice systems for certain types of legal matters. However, where native populations are not so large that service is automatically provided by native person's, cross-cultural considerations will be an important aspect of service delivery.

3.3 Service Delivery Approaches or Models

Over the past ten to fifteen years, a number of models for delivery of legal services to rural areas have evolved in both Canada and the United States. These models can be discussed at two different levels: the provincial or state model, and the local area model. However, the same issues tend to emerge at each level of discussion. Whereas a town in a remote area may be considered the "periphery", in a province-wide model it may be the centre for a number of villages, reserves or clusters of housing in a remote area. "How best to serve the periphery or outlying areas" keeps popping up as a major issue.

In an early paper, Linton Smith² outlined advantages and disadvantages of four models for rural legal service delivery from the provincial perspective. They include:

- **the centralized office approach** -- a large area is served by one office that employs several lawyers and/or refers clients to private lawyers. This model is cheap, involves little or no travel, permits legal specializations and concentration of research facilities. It is inconvenient to clients, tends to weaken the rural fabric, has low local visibility and is therefore underutilized by peripheral communities, and there is little possibility for local public legal education (PLE);
- **the scattered public law office** -- usually involves one-lawyer offices in any of a number of small centres. This approach involves more contact between the office and the local

² Linton J. Smith, "Problems in Delivering Legal Aid and Related Services in Rural Areas--An Outline," in Conference on Legal Aid: Report and Proceedings (Ottawa: Canadian Council on Social Development, 1975), at 13-17.

community, results in increased local use of services, allows for more PLE, and tends to reinforce the fabric of the community. It is more expensive, specialization is less possible, and high turnover of staff is likely;

- **the circuit-riding approach** -- a lawyer travels from centre to centre where regular office hours are held at a specified time. This allows a larger area to be served, office overhead costs are reduced, and PLE programs are possible. Disadvantages include the travel time involved, relatively low visibility and difficulty in dealing with emergencies; and
- **the eclectic approach** -- combines features of the above approaches, such as a public law office plus circuit with local citizen volunteer involvement. This approach obviously reaps the advantages of the other approaches with fewer disadvantages, other than difficulties in administration and travelling time.

Other models deserve mention as means of serving remote areas. These include:

- **native courtworkers** -- several jurisdictions in Canada use native courtworkers to serve native people facing criminal charges. The advantages of this type of program are the courtworkers' ability to bridge the gap between native people and the perplexing procedures of the non-native justice system. The disadvantages are the limitations on the assistance that can be offered, in that the courtworkers are paralegals, and that generally the courtworkers do not offer assistance in noncourt civil matters;
- **toll-free legal information lines** -- these have the potential advantage of serving rural areas and some remote areas. They suffer from a lack of visibility, cultural and language barriers that may inhibit use of the line, and the obvious lack, in very remote areas and/or many outlying native reserves, of a telephone system;

- legal check-ups or "blitzes" -- this model has been used in Georgia in the United States.³ It involved a concentrated, highly publicized three-day effort in which lawyers, paralegals and support staff travelled into the remote communities of their area, not only addressing particular legal problems of local residents, but also canvassing residents by questionnaire in order to develop a better understanding of local legal problems. This model may be useful for remote areas that cannot be served by a more regular circuit, especially if well publicized and if it involves good follow-up. Its obvious disadvantage is its short-term nature; and
- the use of paralegal local offices or outreach projects -- paralegals (in B.C. the formal term is "legal information counsellors") have been used for almost two decades in urban and rural offices of legal services organizations, under direct or indirect supervision of a lawyer. In northern Manitoba a project was begun in 1987 by Legal Aid Manitoba that extended this concept.⁴ Two native paralegals have been used to improve the quality of legal services in circuit courts, assist in interviewing clients in a range of civil and family matters, operate drop-in clinics in four northern communities to provide initial advice and make referrals to Legal Aid Manitoba. A year prior to the Manitoba project, Fort Nelson Legal Information Services was established to test the concept of a one-person paralegal service in a remote setting. The start-up and conception of FNLIS is described in the next section.

3.4 Summary

There are many different factors which can characterize remoteness in any given community. These include the geographic/economic factors of the type of access, communications, weather and resource base; political/economic factors of

³ Eric G. Kocher and Cherie Holden, Access to Legal Services: One Approach to the Problem of Access to Legal Services for Persons in Sparsely Populated Areas (Gainesville, GA: Georgia Mountains Regional Office of Georgia Legal Services, 1979).

⁴ The Working Margins Consulting Group. Northern Paralegal Project Evaluation: Final Report. (for Legal Aid Manitoba and the federal Department of Justice), Winnipeg, 1989.

economic and political dependency and boom/bust cycles; and social/cultural factors of ethnic base or mix, social amenities and community awareness.

Small population bases, distance from urban centres and ethnic differences are the principle factors which can affect or constrain legal service delivery to remote areas. Their effects can include, for example, the capacity to provide only intermittent service; a need for service providers to be more eclectic in their skills; staff turnover; high travel time relative to service time; lack of case preparation time; and inability of some natives to comprehend legal procedures.

Service delivery models for remote areas include centralized approaches; scattered public law offices; circuits; combination or eclectic approaches; use of native courtworkers; toll-free legal information lines; legal check-ups or "blitzes"; and the use of paralegal local offices or outreach projects.

4.0 ESTABLISHMENT OF FORT NELSON LEGAL INFORMATION SERVICES (FNLIS)

The previous section established the general context for delivery of legal services to remote communities. This section describes the particular contexts of Fort Nelson and of the creation of Fort Nelson Legal Information Services (FNLIS).

4.1 The Community of Fort Nelson

Tables 4-1 and 4-2 give an overview of key geographic, economic, demographic and social service data for Fort Nelson. The following observations flesh out the data presented in the tables.

The population of the town of Fort Nelson⁵ fluctuates seasonally by about 1200, being highest in winter when the ground freezes and allows forestry activities, and reaching its lowest point in spring with the exodus of loggers and support activities. Although the Fort Nelson Liard Regional District population can be said to have been around 5000 for the past decade, there have also been fluctuations over time. A steady buildup occurred between 1976 and 1981 as a result of oil and gas activity. This peaked in 1981. In that year the federal National Energy Program had the local effect of curtailing oil and gas exploration that, together with provincial government restraint policies, resulted in an outflow of population for several years. The population peak was reestablished in 1986, but has fallen off sharply over the past three years. This latter decrease can be attributed to several factors, one of which was the lay-off of a shift at Tackama Forest Products, and another, falling oil prices (resulting in less oil exploration).

The difficulties Fort Nelson has experienced because of its vulnerability to government and large corporate decisions are reflected in several ways other than population loss: high rental vacancy rates throughout the 1980s, a significant fall-off in construction activities since 1982, the falling into receivership of two major hotels in the mid-1980s (one of which was purchased by the Regional District and now houses the Town Hall, a number of government offices, the library and FNLIS), and the loss of government jobs in various sectors.

⁵ Originally incorporated as the village of Fort Nelson in 1971, it was reincorporated as the Town of Fort Nelson, as part of the Regional District restructuring, in 1987.

Table 4-1 Selected Data About the Community of Fort Nelson

Geographic:

- Mile 300 of Alaska Highway.
- 616 miles from Whitehorse, Yukon; 232 miles from Fort St. John; 658 miles from Edmonton; 1038 miles from Vancouver.
- 1250' above sea level.
- 59° North Latitude.

Economic:

- Industry in Fort Nelson is primarily dominated by forestry and oil and gas exploration.

- Some major employers in Fort Nelson (1986 Village Profile)

Tackama Forest Products	290
Westcoast Transmission	129
School District #81	104
Fort Nelson General Hospital	85
Northwestel	66
Village of Fort Nelson	42
B.C. Hydro	24
Overwaitea Foods	22
B.C. Railway	18

- Private household income in 1986 Fort Nelson Village (Census Canada Statistics)

under \$10,000	12%
\$10,000 - \$19,999	13%
\$20,000 - \$29,999	16%
\$30,000 - \$39,000	16%
\$40,000 +	43%
	100%

- Average income: \$36,791

- Number of vehicles owned by households (Source: Village Survey in 1985 of 400 residents. Note: original data adjusted to reflect only those who responded to questions. 16% did not).

none	2%
one	36%
two	41%
three or more	21%
	100%

Table 4-1 cont'd

- Apartment and row housing vacancy rate:

January 1989	22.5% (apts only--22%)
July 1988	23.6%
January 1988	26.8%
July 1987	32.6%
December 1985	13.3%
December 1984	19.7%
December 1983	15.7%
December 1981	22.9%

Demographic:

- See table 4-2 for overall population figures.
- Native population in Fort Nelson Liard Regional District range from low estimate of 7% to high of 17% of overall population. The former is from the Central Statistics Bureau, the latter is based on Legal Services Society extrapolations.
- Population in Fort Nelson Village was 52% male, 48% female in 1986.
- | Ages (1986) | Male | Female |
|-------------|------|--------|
| 0 - 19 | 37% | 39% |
| 20-34 | 36% | 36% |
| 35-54 | 20% | 21% |
| 55 + | 7% | 5% |
| | 100% | 101% |

Social Services:

- Staffing levels of government services in 1986 (Village Profile):

Human Resources	4.5
Government Agent	2
Health Unit	1.25
Court Registry	1.5
Probation	0 (fly-in only)
Crown	0 (fly-in only)
Canada Employment Centre	3
- Other social services in 1986:
 - Native Friendship Centre
 - Native Courtworker
 - Transition House
 - Turning Point (Drug/Alcohol Service)
 - Mental Health Worker
 - Fort Nelson Advocate and Anti-Poverty Group
- Northern Lights College (Community College)

Table 4-2 Fort Nelson Village and Fort Nelson Liard Regional District Population 1976-1989

Year	Village of Fort Nelson	Regional District Outside Town	Total in Fort Nelson Liard Regional District
1976	2916	1004*	3920
1977	2873		
1978	2982		
1979	3338		
1980	3711		
1981	3724	1189*	4913
1982	3712		
1983	3661		
1984	3610		
1985	3565		
1986	3729	1331*	5060
1987	3670		
1988	3535		
1989	3311		

Source: Central Statistics Bureau, Ministry of Industry and Small Business Development

* Ministry of Municipal Affairs, Statistics relating to Regional and Municipal Governments in B.C. These figures include estimated reduction for the exclusion of Lower Post from total figures, as that community is, since 1987, no longer part of the Fort Nelson Liard Regional District. The current regional district was until 1987 part of the larger Peace River Liard Regional District. The above figures have been adjusted to reflect the current district boundaries.

Economically and demographically, Fort Nelson may be at a crossroads. On the one hand, provincial government projections for the regional district in 1992 are for a population of about 4400, down considerably from 1986. The regional district, on the other hand, estimates a modest increase in population levels from 1986. They cite, for example, the fact that the Mitsubishi Company of Japan will soon open a chopstick factory just outside Fort Nelson that will initially employ 110 people, and has helped reestablish the forest industry as the major employer in the area. B.C. Hydro presently generates electricity using diesel fuel, that limits the possibility of major industrial expansion. The village hopes that the area will soon be on a hydro-generated electrical grid, that among other things could sustain a pulp mill. This is one of the industrial projects that the regional district is trying to attract. Tackama Forest Products has also recently reestablished the shift it laid off several years ago.

The contradiction in the economic sphere between local initiative and external dependence is reflected in two other built-in contradictions, one social and the other cultural.⁶ The first contradiction is in regard to its isolation. In many ways, Fort Nelson seems to be the essence of a northern community. In terms of distance alone, it is in fact more isolated than many Yukon or NWT villages from other large or small communities. Many of the native and significant minority of the white population make their living from the land. Old values and a hard work ethic still predominate. There is a high degree of openness among village residents. Unlike in larger urban centres, the Mayor and town council are not seen as "remote" figures, even by those who might not agree with their policies. Criminal activity has never been at a serious level. Like many physically isolated communities, there is not a diversity of vocational opportunities for young people, especially for young women. Even the jobs in the mills, though reasonably paid by community standards, do not offer a lot in the way of advancement.

On the other hand, there are many ways in which Fort Nelson reflects less isolation and a greater tie-in to "the south". Although physically distant, Fort

⁶ Much of the following analysis comes from the community interviews. Most of the respondents were asked to discuss how they viewed Fort Nelson, and to characterize it in some way as being "northern" or "southern" in nature.

Nelson has good paved highway access to Fort St. John and other southern points.⁷ The highway not only serves regular north-south transportation needs, but also is an access point for a transient population that seasonally overlays the relatively stable traditional population base. This more transient influx takes two forms: in winter it is associated with the logging industry, whereas in summer it consists of people from the south heading to Alaska to seek their fortunes and/or a growing base of tourists. Fort Nelson also has an airport with connector flights north to Watson Lake and Whitehorse, and south to Fort St. John. The town of Fort Nelson has, in the past two years, devoted considerable energy to the promotion of tourism, that may eventually help to provide the community with a more stable year-round economic base. As is the case in many northern communities today, Fort Nelson tunes in via satellite to much the same array of television shows as the rest of the continent, for better or for worse. Another reflection of the south is found in the observation of the Sergeant of the Fort Nelson RCMP detachment, that crimes of theft and break and enter now seem to take on an air of wantonness rather than actual need, as might have been the case a decade ago. There was also a concern expressed by one community interview respondent that forestry activity could seriously affect the land-based activity and way of life of trappers in the area, if it is not modified. Thus, widening the sphere of influences in a small northern community brings both advantages and disadvantages.

The second contradiction is in the relationship between the native and non-native community. Although the native population may be as high as 17 per cent of the overall community (see Table 4-1), there is very little integration between the two cultures. In 1988, there was only one native graduate from grade XII. The recent establishment of an elementary native school may ultimately result in greater success at higher levels. There is negligible incorporation of native people in key positions in local government structures, unlike that which occurs in the Yukon and Northwest Territories. Up to now there has been little local native investment in economic activities to establish future job possibilities, despite the Fort Nelson Indian Band having received a sizeable settlement from a law suit in the early 1980s. In general terms, it seems fair to say that both communities have been inward-looking.

In 1989, a new slate was elected to the Board of the Friendship Centre and ironically, a non-native was hired as executive director of the Centre. (There is precedence for this rather peculiar arrangement in a couple of other cases in

⁷ A survey of 400 Fort Nelson area residents in June of 1988, sponsored by the town of Fort Nelson, found that 39 per cent of residents had 1-10 overnight stays out of town each year, 22 per cent had 11-25, 16 per cent had 26-50 and 7 per cent over 50.

British Columbia.) This may presage a more outward-looking and vigorous phase on the part of the native community, and ultimately result in pressure on the non-native community to create more opportunities for native people in economic and social structures.

In general, it can be said that its physical distance from other centres makes Fort Nelson a truly "remote" community. In terms of having a sizeable and relatively stable community, it was an appropriate location to house an innovative approach to legal service delivery.

4.2 Identification of Need

The original identification of need for a legal service in Fort Nelson developed on several fronts almost simultaneously. The first was within the B.C. Legal Services Society (LSS). A federally-funded evaluation of the legal aid services delivered by the LSS took place in 1982 and 1983, and the final report was delivered in June 1984. The report's first recommendation was "to improve services to small communities and rural areas", and read as follows:

Small communities and rural areas of British Columbia are under-served by the LSS. Providing services to rural areas is potentially very expensive. The current "Area Director" system is not sufficient. It is recommended that the government provide a large fund for experimenting with mechanisms for providing cost-effective services to rural areas. It is not within the fiscal means of the LSS to develop better ways of providing rural services. The most natural source of such funds is the federal government since the results of such research would address problems of legal aid delivery in many parts of Canada.⁸

A second front was in Fort Nelson, where the provincial government's economic restraint program of 1982 had severely curtailed both provincial government staff and services available in the community. The village council established a select committee on provincial service reductions, comprised of representatives of key community, business and religious groups, that delivered a

⁸ Patricia L. Brantingham and Paul J. Brantingham, An Evaluation of Legal Aid in British Columbia, (Department of Justice Canada, Bureau of Programme Evaluation and Internal Audit) Ottawa: 1984, p.379.

report to council in February of 1984.⁹ As part of a review of all government ministries, the report noted the loss of the following locally-filled positions in 1983: sheriff, probation officer, and one of three court registry positions (two other soon-to-be-vacated positions were endangered because of hiring freezes). Among other recommendations, the committee recommended that the council appoint a representative to attend the public hearings of the provincial Attorney General's Task Force on Public Legal Services in Fort St. John in March 1984.

The task force had conducted 15 public hearings throughout the province during the winter and spring of 1984. The Village of Fort Nelson sent a representative to the Fort St. John hearing, who cited the cutbacks mentioned above, plus the closure of the Women's Emergency Shelter in Fort Nelson and the fact that at that time, there was no private lawyer in Fort Nelson. There was thus no immediate relief for people with urgent family problems requiring restraining orders or other assistance. These comments were supported by representatives from the Fort Nelson Women's Resource Centre and the Fort St. John LSS branch office staff lawyers.

Since 1982, the Fort St. John staff lawyer had been flying into Fort Nelson with the judge and crown attorney on those days that the provincial court was sitting, roughly every six weeks for two to four days¹⁰ at a sitting. The sittings were by all accounts extraordinarily hectic.¹¹ One judge described himself as feeling "like a wet rag" at the end of each sitting. Neither the crown attorney nor defense counsel had time to properly interview their clients and/or witnesses; matters were frequently adjourned or put over because of inadequate preparation or because of no-shows; persons before the court often did not understand procedures or what was at issue; individuals often pled guilty simply to avoid making long and costly trips, even if their plea might have been different with adequate counsel. One judge mentioned a particularly extraordinary one-day sitting in August 1981 that was originally scheduled as a two to three day sitting. He handled matters from a court docket of 16 pages with 384 items, or approximately one item every 90 seconds.

⁹ Three of the FNLIS's current most active board members were also members of this select committee.

¹⁰ The source of these observations are community interviews (see section 2.4.2).

¹¹ Prior to that time, the sole private lawyer in Fort Nelson had handled some criminal legal aid and duty counsel matters on a fee basis, but no civil matters. In 1982 he closed his practice and left town.

In large part as a result of the Task Force hearings, the branch office staff lawyer suggested to the LSS that he go to Fort Nelson a day earlier on each sitting on an experimental basis, to gauge the need for assistance with civil matters. On that day, he would have an advertised clinic to which residents could bring legal matters. The experiment started in September 1984. In February 1985, the staff lawyer recommended to the LSS that the experiment be discontinued because of low response. The LSS decided to continue the experimental period until May 1985 -- in large part because of a letter from Fort Nelson Village council urging continuation -- and in March response to the clinic picked up dramatically.

At the same time this experiment was being undertaken, the LSS was developing a proposal for a more substantial remote area project. Obviously this initiative emanated both from the Delivery of Legal Aid evaluation recommendations and the presentation to the Task Force on Public Legal Services. It was also made possible by the funding priorities of the Department of Justice Canada's Special Projects-Legal Aid fund in 1985, which were: delivery of legal aid in remote areas, delivery of legal aid to native people, and alternative delivery methods (see also section 2.1). A preliminary LSS proposal in May 1985, to the Department of Justice Canada identified two possible locations for a project that fitted the funding criteria. One was in Fort Nelson. The second would have been centred in Dease Lake (pop. 300) and would have served Cassiar (pop. 1000), Lower Post (300), Atlin (300), Stewart (1500), Iskut (500), Good Hope Lake (150) and Telegraph Creek (600). Both because of the solid support of the community and council of Fort Nelson for their proposed project and because of the higher cost of serving the North Western communities, the LSS opted to propose the Fort Nelson project, and in July 1985, a formal application for funding was made by the LSS.

In summary, the need for some sort of legal service was established in several phases. Initially, the federal evaluation of the Delivery of Legal Aid in British Columbia identified the broad problem of remote area needs. The Fort Nelson Village Council Select Committee and related community groups identified the local needs. These needs were made known to the Task Force on Public Legal Services, and were supported by the branch office staff lawyer of LSS. The LSS then conducted an experiment to gauge potential response to an expanded service. The overall process of identifying needs culminated in the LSS proposal to the Department of Justice Canada.

4.3 The Establishment of the Community Board

As mentioned in the previous section, one of the keys to the decision to support the Fort Nelson project was the strong support for the concept rendered by the Council and the community group represented in the Select Committee. Several of the members of the select committee were instrumental in galvanizing the wider community around the project and in asserting a significant measure of community-based control over the project. In September 1985, the LSS wrote to the Mayor and council asking that the council donate space and furniture to the project if/when funding was approved. The council responded affirmatively the following month. Of equal significance was the decision to develop a community board to direct the project.

From the spring through the fall of 1985 there was considerable telephone communication between key community contacts in Fort Nelson and the LSS. Both a fieldworker for the Native Services Branch of LSS and the future fieldworker for FNLIS were involved. These contacts culminated in a three-day visit to Fort Nelson by the two headquarters staff. The two staff met with the Village council, the Fort. St. John staff lawyer who was in Fort Nelson for the court sitting, local native courtworkers, and representatives of several other community groups. On the second evening, they attended a public meeting to discuss the nature of community involvement in/and control over the proposed project. Although there was general consensus that the community groups wanted to have direct involvement with the project, they decided to hold a second meeting a month later to clarify the type of community organization that was appropriate, and the specifics of its involvement.

In late November 1985, this was accomplished. It was decided that the Northeast Directions Association, an umbrella group that administered several projects, including the Women's Resource Center, would also act as an umbrella group with which the paralegal project would be associated. Furthermore, a committee would be established to deal with the paralegal project, and would operate autonomously from the Northeast Directions Board of Directors. The committee wished to have power to establish goals and objectives for the project, be involved in hiring and other aspects of start-up, and to be constituted such that it was representative of existing community groups.

The committee which was subsequently chosen consisted of five members:

- a member of the executive of Northeast Directions;
- a native courtworker;

- a representative of the Village Council;
- a nominee of the inter-ministerial committee on child abuse in Fort Nelson; and
- a furniture store operator and member of the Chamber of Commerce;

The first three (also members of the original select committee mentioned in section 4.2) continue to this day to be the only three members of the board who are truly active, and have played an instrumental role in supporting the project (see section 6.3.3).

The structure for community involvement was a fairly successful solution to three concerns that had been raised in the community discussion. These were:

- not to add yet another community board for yet another community project, thereby spreading too thinly the limited time and energy of volunteers in a small community. (Hence the solution of coming under an existing community board);
- to recognize that there were at the time fairly severe personality splits in the community that could result in a power struggle for control over the project. (Hence the solution of providing autonomy for the committee under the Northeast Directions board. This proved especially important when in the spring of 1988 a major schism erupted within Northeast Directions, and the committee overseeing FNLIS was able successfully to disengage itself from Northeast Directions, and incorporate as an independent society); and
- to maintain a reasonable representativeness in relation to the overall community. (Although the original intent was to reflect the wider community, the fact that only three of the five board members have ever been active has lessened somewhat the impact and role the board could play for FNLIS. This point is elaborated on in section 6.3.3).

In general, it can be said that both the LSS and the community of Fort Nelson did a credible job of establishing a community board structure that could support a demonstration project such as FNLIS.

4.4 What was FNLIS a Model of?

In reconstructing how FNLIS came to be established, and for purposes of describing what it is that is being evaluated, it is helpful to define what the model of FNLIS was in 1985-1986. We have already pointed out in section 2.1 that broad and slightly different objectives were stated both by the LSS and the board of FNLIS. It is also true that from person to person there have been slightly different interpretations about what the model was. Nevertheless, there is sufficient consensus about the original model to describe it in the terms that follow.

4.4.1 Structures

The key components of the FNLIS structure were:

- **the paralegal** -- one of the key considerations was that it was too expensive to justify a full-time lawyer in a community the size of Fort Nelson. Based on widespread experience with paralegals during the 1970s and 1980s in British Columbia and other jurisdictions, it was felt that a paralegal, if properly supervised, could deliver a wide range of legal services at a justifiable cost to the system;
- **supervision** -- the primary form of supervision was to be the staff lawyer with the Fort St. John LSS branch office, 232 miles southeast of Fort Nelson. It does not appear to have been a crucial component of the model that supervision had to be by a staff lawyer. It could, for example, have been by a private lawyer on contract with the LSS, but the Fort. St. John office was the closest and most convenient. In sections 6.3.1 and 12.5.3 we discuss the advantages/ disadvantages of other options. Basically, the model was one of "supervised independence", with the supervision occurring from a considerable distance: The secondary level of supervision was to be from LSS headquarters, using a fieldworker. This was to be less of a case-by-case monitoring or consultation system and more of a "general project health" and troubleshooting function. One-third level of supervision was to be provided by a local board. The board would have no case involvement, but would be a form of community accountability;
- **support and training** -- all three levels that we have described as having a supervisory function also were expected to play a support

function. Over and above these inputs was the training function, that was to be handled by LSS headquarters;

In the original submission to the Department of Justice Canada, a relationship was also built into the model whereby a large Vancouver-based law firm would be of support and assistance with pro bono cases. This relationship was never established -- for that matter the paralegal was even unaware of it as an original component -- and seemed to be of little concern to either the LSS or the Department of Justice Canada. For this reason, it is not being considered as part of the model, nor an area of concern for this report; and

- **community control** -- although the LSS through its fieldworker and branch office staff lawyer would have a strong element of control, it was foreseen that the community board would be more than a figurehead. LSS would not pay the paralegal directly. The FNLIS board would not only administer the funds from LSS, but were given the power to establish service priorities for FNLIS.

4.4.2 Content of service

There were three aspects of the service that FNLIS was to provide:

- **direct service** -- there was general consensus that the paralegal would provide direct service in the area of civil and criminal law in the form of general information, summary advice, legal aid referrals and case preparation. "How far" the paralegal could go in the depth of her assistance on a particular case was more open, in that it depended on her experience, the level of supervision and support available, the willingness of the courts to accept her involvement, etc. These factors are discussed in the body of this report;
- **public legal education** -- there was less consensus on this aspect of the model. On the one hand, the Department of Justice Canada asked that it be downplayed as a component because the funding division was for legal aid services, and public legal education was normally funded by another division of the Department of Justice

Canada. However, public legal education has been a traditional function of community law offices under the LSS, and headquarters staff were supportive of that type of initiative. Furthermore, "community education" was a specific objective of the FNLIS board. For purposes of this report, we have considered public legal education as part of the model; and

- **lay advocacy** -- this component was emphasized neither by the Department of Justice Canada nor the LSS, but it was a stated objective of the FNLIS board. For this reason, we have considered it as part of the model.

4.4.3 Areal extent of service

In its original conception, FNLIS was seen as a regional service that could serve the area roughly corresponding to the Peace River Liard Regional District. It was soon realized that apart from the fact that the vast majority of the district population was in Fort Nelson and immediate area, the available money made it impractical to systematically service a wider area. In fact, one of the factors which mitigated against the Dease Lake proposal was the high cost of serving the numerous widely-dispersed communities in the northwest area (see section 4.2).

This said, it was never the intent to ignore the larger regional district population, but rather to focus on Fort Nelson. In section 11.4 we explore the extent of FNLIS's geographic outreach, and what the limitations and enabling factors are in serving a larger region.

4.4.4 Target group

The main issue here is whether FNLIS was specifically intended to serve the native community. As mentioned in section 4.1, native people comprise between seven to 17 per cent of the regional population, and are thus a significant minority. However, unlike the Northern Paralegal Project in Manitoba or a native paralegal project that is at the time of this writing in the developmental stage to serve the Cree-Ojibwa communities of the Nishnawbe-Aski Bands in Northern Ontario, FNLIS was not conceived as a project solely or primarily to serve native people. In fact, from the start, the LSS and FNLIS board have been concerned not to invade the "turf" of the native courtworkers in Fort Nelson (one of whom has been a very active member of the board and in the development of FNLIS). Nonetheless, serving certain aspects of native people's needs and providing appropriate outreach to them (in legal areas not covered by

the native courtworkers) has always been part of the model, and is part of our examination in this report.

4.5 Summary

Fort Nelson is a community with a population of approximately 3500, and if the surrounding Fort Nelson Liard Regional District is included, 5000 people. It is primarily dependent on the forest and gas/oil exploration industries, and its fortunes tend to fluctuate with the health of these sectors. In terms of distance alone, Fort Nelson is indeed isolated, being 230 miles from the nearest sizeable community (Fort St. John). On the other hand, paved access via the Alaska Highway is good, and Fort Nelson has air links with northern and southern communities. The village thus has characteristics of both remote communities and of its more southern counterparts. The native community tends not to be integrated into the local government, educational or business structure.

Initially, a federal evaluation of the delivery of legal aid in B.C. (1984) identified the broad problem of serving remote areas. In the same year a select committee of the Village of Fort Nelson council identified numerous gaps in legal and social services in Fort Nelson due to provincial government restraint policies. These needs were made known to the B.C. government's Task Force on Public Legal Services in March 1984. In 1984-1985, the LSS conducted an experiment to gauge potential response to an expanded service. This experiment, together with ongoing contacts with the Village council, culminated in the LSS proposal for federal funding of FNLIS.

A systematic process of contacts with key community people in Fort Nelson, followed by two community meetings, led to the establishment of a committee to oversee FNLIS under the umbrella of a larger social agency. (In 1988, this committee separated from the agency and created FNLIS as an independent society.)

The model of FNLIS consists of the following components:

- a paralegal supervised by a staff lawyer "at a distance", back up supervision and support also provided by LSS headquarters and a local community board, training to be provided by LSS headquarters;
- direct service in civil and criminal areas, public legal education, and lay advocacy;

- service primarily provided in the core area immediately surrounding Fort Nelson, but with some effort at wider geographic outreach;
- community control by a local board in terms of administering funds and setting service priorities; and
- service to both non-native and native residents, while being careful to complement rather than duplicate service areas handled by the native courtworkers.

5.0 OVERVIEW OF ACTIVITIES OF FNLIS AND THEIR RELATION TO THE LSS

The purpose of this section is descriptive rather than analytical. That is, it describes in general terms the main services and activities of FNLIS, primarily for the reader who requires a quick overview of the content of the project. Volumes, types and impacts of activities and more detailed comments are provided in sections 7 to 12.

Insofar as the Legal Services Society of British Columbia is responsible for the administration of legal aid in the province, and has played the primary supervisory and support role to FNLIS, it is important to understand the structure of legal aid and public legal education (PLE) in the province as a context of FNLIS's activities. The description that follows attempts to link the main activities of FNLIS to the LSS framework.

5.1 Provision of Legal Assistance to Clients (Direct Service)

The primary function of the paralegal was to offer legal assistance to clients in regard to both criminal and civil matters. This assistance could be offered at three levels, as per guidelines established by the LSS. The first level is the intake interview, in which the basic problem is defined, information recorded, and if a simple matter, resolved through summary advice.

The second level is called "short service". This normally entails a maximum of two hours of LSS time (i.e. the paralegal and a staff lawyer, if required) past the first interview. This service, like the intake interview, is free and does not require that the client pass LSS eligibility requirements. Nonetheless, the imposition of a time limit is a way of reducing client load on the LSS system.

The third level is called a "major service". These are generally more complex cases that either take more time and/or require a court appearance and actual representation of the client. For this service, completion of an eligibility assessment is required. If the client is eligible, and if the matter is covered under the criminal legal aid tariff or the LSS family legal aid coverage rules, the client is then given a criminal or family legal aid referral. This means that he/she will be provided with the services of a staff or private lawyer, on payment of a nominal user's fee. (This is \$10 for persons receiving or eligible to receive social assistance and \$30 for those who are not. Under certain circumstances, this fee may be waived.) If the matter is not covered under either the criminal tariff or family legal aid coverage rules, the client may be given a "pro bono" referral. This means that either the paralegal, a staff lawyer or private lawyer will handle

the case for free (although subject to a user's fee and somewhat more demanding expectation of the client for part or full payment if funds become available). A criminal or family legal aid referral does not necessarily preclude further involvement by the paralegal. Over and above helping the client complete the eligibility assessment, she may also be directly involved in the whole or in part of the case. Her actual involvement is described in detail in section 10 of this report.

Under the LSS criminal coverage rules, a financially eligible applicant can obtain criminal legal aid if one of the following criteria is met:

- the applicant is charged with an indictable offence (whether or not jail is a likely result of conviction);
- the applicant is charged with a mixed offence where the crown attorney is proceeding by way of indictment;
- the applicant is charged with a summary conviction offence (or mixed offence where the crown attorney is proceeding by way of summary conviction), and where if the applicant is convicted:
 - (a) there is a reasonable chance he/she will go to jail, or
 - (b) he/she will lose their means of earning a livelihood;
- the applicant is charged with an offence which, although not covered under these rules, appears on the same information as an offence with which he/she is charged, and which is covered. (An information is the document that initiates criminal charges. There may be one or more charges on an information. The crown attorney's charging patterns vary around the province); or
- the applicant is a Native person, and is charged with certain hunting, fishing or firearms offenses.

The general LSS rule for family law coverage is that legal aid will be provided to any eligible client who has an urgent family problem, whether in family court or Supreme Court, unless there is another service available. The other services which are available include:

- the Family Maintenance Enforcement Program (implemented in January, 1989, therefore, not in effect during most of the period covered in this report);

- the Ministry of Social Services and Housing for social assistance (GAIN) recipients seeking only a maintenance order (implemented as of March 1, 1989, again largely irrelevant in terms of the period covered in this report); and
- the Attorney General's Contract Counsel program, which provides assistance to people in family court for: 1) incoming reciprocal enforcement of maintenance orders; 2) disputes in family court where one client has actual custody, and violence is imminently threatened; and 3) appeals of the above.

5.2 Public Legal Education

Historically, the Legal Services Society has actively supported the concept of public legal education (PLE). This is especially true within its community law office and native community law office network, which evolved from individually funded community-based services under LSS's forerunner, the Legal Services Commission. Branch offices, on the other hand, were part of what was formerly the network of Legal Aid Society offices and prior to merger with the Legal Services Commission in 1979, were exclusively concerned with legal aid tariff matters. Their orientation to PLE has therefore been one of public service rather than as an integral part of the delivery of legal services.

An important part of the conception of FNLIS, as described in section 4.3, was the involvement of a community-based board. In this sense, FNLIS was always seen as similar to the community law office (CLO) structure of the LSS. Indeed since being absorbed into the LSS following the federal funding period, FNLIS has been classified as a CLO. We have already pointed out in sections 2.1 and 4.4 that the FNLIS board saw the delivery of PLE as a project objective.

The LSS has a broad base of LSS publications, library resources and audio visual materials to support local PLE initiatives of its offices, as well as for general public consumption. It also has a funding program to support PLE projects of non-LSS groups. Taken together, these services considerably amplify what any single office can do in the way of PLE in a given community.

5.3 Lay Advocacy

By lay advocacy we mean the ability of lay people to advocate for themselves and/or for others before administrative tribunals, government departments and/or the courts. Unlike the case of direct service and PLE support, there has generally not been a systematic effort on the part of the LSS to develop lay advocacy structures at the community level, although training workshops for paralegals have included some advocacy training (see section 6.2).

Lay advocacy was a stated objective of the FNLIS board (see section 2.1). Although the paralegal--herself a lay person--has advocated for individual clients on numerous occasions, she has gone beyond the act of individual advocacy to the point of training advocates on only two occasions. In general, she has not been active in the development of advocate structures in Fort Nelson or the outlying areas. This issue is taken up again in sections 12.2.2 and 12.7.

5.4 Other Activities

In addition to the above activities, the paralegal attended numerous training sessions, undertook media activities and carried out a number of administrative responsibilities. These are described in detail in sections 6.2, 9.0 and 10.0 respectively.

5.5 Summary

The primary activity of the paralegal was the provision of legal assistance to clients on civil and criminal matters (i.e., direct service). In accordance with LSS policy, direct service was offered at three levels: intake interviews of up to an hour involving problem definition and possibly summary advice; short service which, like intake, was offered free of charge for up to two hours of additional assistance; and legal aid referrals on criminal, family or civil (pro bono) matters. The latter required completion of an eligibility assessment.

In addition to direct service, the paralegal delivered a number of PLE workshops. This activity is encouraged by the LSS. Apart from advocacy on behalf of some of her clients as a short service or referral activity, the paralegal has expanded the impact of her skills by training lay advocates on two occasions.

The paralegal was involved in numerous training sessions sponsored by the LSS, and carried out administrative duties required by LSS and the FNLIS board.

6.0 MECHANISMS TO DEVELOP PROJECT QUALITY

In this section we describe and reflect on the various ways that the LSS, FNLIS board, and Fort. St. John branch office have attempted to build quality into the service provided by FNLIS. Aspects covered here include the selection of the paralegal, ongoing training, and various types of supervision and support provided to the paralegal. These are all key inputs that deserve consideration when one is assessing the portability of the FNLIS model to other jurisdictions (see section 13).

6.1 Selection of the Paralegal

In December 1985, the new board¹² for FNLIS established the following personal qualifications desired of an applicant for the paralegal position:

- communication skills;
- counselling skills;
- research skills;
- empathy;
- public speaking skills; and
- typing.

They also stated that suitable candidates for the position should not be overbearing, should be diplomatic, have high ethics and be unbiased. Selection of the paralegal¹³ took place in late January 1986. One of five candidates, she was the unanimous choice of the four board members who were present, plus the LSS staff lawyer from Fort St. John (who was there at the request of the Board to vet the candidates' legal knowledge).

FNLIS was fortunate to have such a highly-qualified candidate for the job. The problem noted in section 3.2.2 of remote communities having difficulty

¹² Which, as explained in section 4.3, was actually a committee of an umbrella organization called Northeast Directions. The committee broke away from Northeast Directions in 1988 and established FNLIS as an independent society with the committee members as the new board. For ease of presentation, we shall refer to the committee as the board throughout the remainder of the report.

¹³ The term used to describe a paralegal in LSS parlance is a "legal information counsellor (lic)". The term is meant to distinguish itself from the more secretarial concept of a commercial law paralegal in the private bar. However, because the term paralegal is used more widely in Canada, it is used throughout this report.

finding staff who were from the local area and who had the requisite skills and sense of her clientele might have been a problem with other candidates, but not with the one selected. She was born and raised in Fort Nelson, and thus knew the community and its traditional population well. Her father, a glazier, carpenter and trapper, was known and well thought of in the community. He also had been a lay counsellor in a local self-help group. This activity, among other things, brought him into contact with native people. The paralegal's social awareness was therefore not restricted to middle class life experiences of the non-native community.

In 1981, at age 18, she left Fort Nelson, spent a year taking several courses at Northern Lights College in Dawson Creek, then a further two years completing a "legal assistant" training course at Capilano College in North Vancouver. In the spring of 1985, she began a seven-month practicum with a law firm in Dawson Creek. She then returned to Fort Nelson, and a month later applied for the FNLIS paralegal position. She was 23 in 1986, and at the time of her hiring, possessed a unique combination of personal background in Fort Nelson with legal training and experience in towns external to the community.

Various aspects of this combination were obviously appreciated by all the main respondents we interviewed who had had direct contact with her. For example, one of the provincial court judges serving Fort Nelson commented that she was "not just a competent paralegal, but an individual who knew everybody in town: she is also extremely discrete". The RCMP detachment sergeant said that for many of the longer-term residents of Fort Nelson, he would simply say: "Go see Paul's daughter down at the legal aid office". A FNLIS board member (the only private lawyer presently in Fort Nelson) commented that she "seems to have an innate understanding of legal matters beyond that which one would expect, even given her (college) training". In terms of personality, many respondents noted her patience and low key, systematic approach. She is well-organized and, from the evaluator's perspective, pays excellent attention to detail.

Inevitably, the success of any project depends on the individuals involved. As will be noted in other parts of this section, there were and continue to be other individuals who have made key supportive inputs into FNLIS. We also note in sections 12.2.2 and 12.7 ways in which the paralegal could expand her effectiveness and scope of activities. Nonetheless, without the skills and personality of the paralegal, the overall impact and quality of the project would doubtless have been considerably less. In assessing the portability of this model

(see section 13), it is important to realize the significant imprint the paralegal herself has made on the FNLIS "model".¹⁴

6.2 The Question of Training

The heading for this section is stated rather more broadly than "the training of the paralegal". This is to emphasize that we are not looking only at the actual training received, but are attempting to generalize about training issues that are important when considering the applicability of the model in other jurisdictions.

6.2.1 The structure of LSS training of paralegals

In the 1984 Brantingham Evaluation of Legal Aid in British Columbia, considerable attention was paid to an analysis of paralegals and their training in the LSS structure. The primary recommendations for paralegal training were:

- development of a systematic, comprehensive entry-level training course which all new paralegals must complete;
- development of a systematic paralegal training syllabus, including courses and required reading lists that will be taught on an established cyclic basis;
- use of innovative teaching techniques to cut costs and increase participation rates; and
- training activities should be undertaken in consultation with a number of major educational resources (including UBC Faculty of Law and the Law Society of B.C.).¹⁵

¹⁴ It is helpful to consider the problems experienced in Kenora, Ontario hiring native paralegals, as an example of difficulties in obtaining qualified staff in remote area projects.

"Job interviews for both the first and second (present) worker revealed a frustrating fact amongst candidates - low educational attainment, and lack of the assertiveness required in advocacy (with some exceptions). Most difficult for the Clinic was the lack of previous "relevant experience". Peter Kirby, "The Use of Native Paralegals: The Kenora Experience", Canadian Legal Aid Bulletin 2(3), 1982, p.36.

¹⁵ Brantingham and Brantingham, op cit, p.342.

In fact,¹⁶ training for paralegals in regard to these recommendations has continued in much the same way as was the case prior to 1984. That is, each year there are anywhere from two to four workshops, primarily on substantive areas of the law, and occasionally on procedural and advocacy issues. Since workshops are voluntary, there is little emphasis on testing, although a sense of progress can be obtained from written case analyses and role playing. Introductory workshops are arranged for new paralegals, but there is generally not a high rate of turnover among paralegals within the LSS, so it would not be accurate to call the workshops a "systematic paralegal training syllabus". Three self-guided instructional manuals for new paralegals were developed (on Legal Research, Administrative Advocacy, and Legal Institutions) with assistance from the Open Learning Institute, but they have not been used extensively by those who received them. In general, there has been no initiative to develop "innovative teaching techniques" such as those recommended by the Brantinghams, including two-way teaching by educational satellite television links, or having instructional teams travel out to offices or regions, rather than gathering all paralegals together.

It would appear that the main reason for not developing a more systematic and comprehensive training program is financial. The LSS Director of Training devotes 50 per cent of his time to training and the other 50 per cent as a fieldworker to offices. About 20 per cent of his overall time is spent on arranging for paralegal training.

Despite the fact that the Legal Aid evaluation report recommendations have generally not been followed, there have been more modest changes. An "add-on" comment in the Brantingham report advocated holding paralegal-only workshops. This approach has generally been implemented. The instructional approach has been improved, so that workshops consist not so much of lectures (as in earlier years), but of tasks, role playing and other adult education techniques. Workshops have also tended to become larger (for example, a week on consumer/debtor law; on native law; or on criminal trials), so that paralegals feel they are getting past the point of just receiving an overview. There has also been an ongoing effort to tailor workshops to the expressed needs of paralegals. One aspect of this was the development of a DACUM chart to clarify the state of paralegal knowledge in various areas. Another is a regular canvassing of paralegals to elicit suggestions for future workshops. There are also annual workshops for board members of community law offices.

¹⁶ Impressions reported here are from interviews with the two individuals who held the position of Director of Training during the funding period of FNLIS.

There is one compelling reason for holding training of all paralegals at one place and time, and that is so that they have a chance to network, share experiences, and learn about each other's approaches, problems and solutions. There is also an advantage to this arrangement during the formal learning portion of the workshops, in that more senior paralegals can pair off with newer paralegals, to give them the benefit of their experience. Both these functions would be especially important to paralegals from remote areas.

Of course, not all learning by paralegals occurs only in formal training sessions. The Brantingham study¹⁷ reported a number of community law offices that either had formal on-the-job training mechanisms, or that accessed external training for their paralegals. Training should also be seen in the overall context of the various supervisory relationships that exist between paralegals and a designated lawyer, the LSS fieldworker, and community boards. These relationships are explored in relation to the FNLIS paralegal in section 6.3.

6.2.2 Formal training received by the FNLIS paralegal

During the three-year period examined in this study, the FNLIS paralegal attended eleven paralegal workshops offered by the LSS. These are listed below. The first two were for beginning paralegals from six offices (Fort Nelson, Smithers, Burns Lake, Masset, Terrace and Prince Rupert). The rest were attended by paralegals with varying levels of experience:

¹⁷ Brantingham, p.334.

	Workshop	Dates	Location
1.	Introductory Paralegal Workshop	Feb. 25-28, 1986	Smithers
2.	Family Law	Apr. 27-May 1, 1986	Vancouver
3.	Advocacy Skills	Sept. 22-26, 1986	Surrey (near Vancouver)
4.	Effective Communication and Instructional Skills	Oct. 21-24, 1986	Vancouver
5.	Advocacy Skills	Feb. 23-27, 1987	Vancouver
6.	Criminal Law	May 30-June 3, 1987	Parksville (Vancouver Island)
7.	Trial Techniques	Oct. 5-9, 1987	Vancouver
8.	Workers Compensation	Feb. 15-19, 1988	Vancouver
9.	Negotiation Skills	June 15-17, 1988	Vancouver
10.	Contract and Consumer Law	Nov. 21-24, 1988	Vancouver
11.	Native Law	May 15-18, 1989	Mill Bay (V. Island)

The paralegal has found these workshops useful in three ways: First, is the networking function they play, being in a single-person office in a remote location, she is more isolated than any urban office and even than other remote offices with several staff. Attending the workshops allows her to compare experiences with other paralegals and learn formally from senior paralegals (some of whom are actually lecturers or formal resource people). These people also can serve via telephone as resource people periodically when the paralegal has particular problems that she knows other paralegals deal with frequently.

Equally important is the network of contacts she develops of non-paralegal resource people used in the workshops. It is much easier to use a personal resource by long distance telephone if you can attach a face and particular workshop experiences to the name. Again, the importance of this type of networking capacity for a remote area paralegal cannot be underestimated.

The third use of the workshops to the paralegal was simply the substantive law or skill areas learned. More of the substantive areas she requested have been covered in the three-year period. After about 18 months from start-up, she was looking for a deepening of her skill levels rather than an overview of subject areas, and that need has generally been met. She has requested a workshop on teaching PLE and working with groups (e.g., Women's Resource Center) around advocacy training. These are appropriate requests, both in terms of the paralegal's needs and in terms of areas that the LSS has traditionally failed to address. In general, the training orientation has assumed that all service has been on an individual rather than group basis. While this is, in fact, a fair reflection of direct service activities in all LSS offices, it fails to take into account PLE activities, or the potential of serving broader community legal needs through group networking, training and advocacy activities. We will address these issues in the FNLIS context in section 9, 11.5, 11.6 and 12.7.

She has found the LSS orientation towards role-playing and videos (for auto feedback) useful, but has also been comfortable with lecture formats. The tests in a couple of workshops were not essential to learning, but gave her some idea of her weaknesses.

6.2.3 Other learning mechanisms

Prior to start-up, the paralegal spent volunteer time reading LSS materials and generally familiarizing herself with her future tasks. It had been intended that a secretary from a LSS branch office would assist her with various start-up routines, but that never materialized. The paralegal feels that it would have been helpful to have visited another LSS office (preferably a community law office) for a month prior to start-up as a type of apprenticeship. She feels this could have obviated the need for the introductory workshop, but felt the Advocacy Skills workshop (see the list in the previous section) would still have been essential. Ideally, an apprenticeship period would have been structured to help her understand all phases of an LSS community law office, including, for example:

- reception work;
- going through the forms and policy manuals used;
- setting up diary systems;
- ordering forms/pamphlets;
- bookkeeping;
- interviewing clients;
- dealing with conflict situations; and
- exposure to court and/or tribunal hearings.

In regard to the last of these items, the lack of frequency of court sittings in Fort Nelson makes it especially difficult for an individual paralegal systematically to build up court and advocacy skills. It is the paralegal's feeling that in offices with two paralegals, they tend to push each other and take on more difficult cases. A longer exposure to this type of office prior to start-up would aid in the development of such skills. The principal danger to avoid in any apprenticeship situation, especially where it is of short duration, is to make the trainee into a secretary, clerk or "gopher", thereby filling a local office's needs, but not those of the trainee.

The paralegal also feels it would have been helpful to have spent several days at the LSS headquarters. The LSS is a large organization with a number of divisions that interact with field offices. For example, it would have been useful for the paralegal to know more fully and firsthand about the overall initiatives of the LSS PLE program, the schools program, the native branch, and the Legal Resource Center (library, phone line and audio-visual services) as well as the data processing and research divisions of the organization. It was approximately a year before the paralegal realized that head office could research legal issues for her. She may or may not have been told this at a workshop, but it would have made more impact had she had some pre-exposure to headquarters staff and learned of some of the services available to her.

Community resources, even in a remote setting like Fort Nelson, should not be overlooked. To work on her own fear of speaking in court and to larger groups, the paralegal decided to join the local Toastmasters' club, which she attends once a week. A coordinator of university transfer courses at the Northern Lights College (NLC) in Fort Nelson also identified some NLC-sponsored workshops (e.g., effective communication) that might have been of interest or use to the paralegal.

All considered, the paralegal has made maximum use of the workshops offered to her by the LSS. Since she had training and practicum experience in a legal setting prior to her hiring, the omission of some form of on-the-job training or apprenticeship was not a serious problem. However, it would seem an essential element in the training of an individual paralegal in a remote setting in most other circumstances.

6.3 Supervision and Support

The third element in developing the quality of FNLIS was the nature of supervision and support given to the paralegal. We shall examine these elements

in relation to the Legal Services Society Act and the role of the supervising lawyer, the LSS fieldworkers, the FNLIS Board and other more minor sources.

6.3.1 The supervising lawyer

In British Columbia, the potential role of paralegals in providing legal services is extremely broad. The Brantingham study of Legal Aid in B.C. claimed that section 9 of the Legal Services Society Act, 1979, contains "one of the most expansive views of the role of paralegals to be found in any common law jurisdiction".¹⁸ That section of the Act provides:

Notwithstanding the Barristers and Solicitors Act, the society or a funded agency may employ, with or without remuneration, an individual who is not a lawyer or an articulated student to provide services that would ordinarily be provided by a lawyer so long as the individual is supervised by a lawyer, but the individual may not appear as counsel in a court except with leave of the court.

The Brantingham study went on to describe the extent of activity that could and has been undertaken by paralegals within the LSS system:

Operationally, the British Columbia position has been interpreted to mean that, subject to supervision and to the agreement of a specific court, a LIC/paralegal employed by the Legal Services Society or one of its funded agencies may perform any task or service that could be performed by a lawyer. LIC's/paralegals in different local jurisdictions around the province provide legal advice, prepare and file legal instruments, represent clients before a range of administrative tribunals and quasi-judicial bodies, and represent clients as duty counsel before Provincial Courts. Under the Legal Services Society Act, a LIC/paralegal could, with leave of the court, appear as counsel before the County Court, the Supreme Court, or the Court of Appeal.¹⁹

¹⁸ Brantingham, op cit, p.329.

¹⁹ Ibid.

In the case of FNLIS, the nature of supervision would likely be defined as a "minimum review" according to schedule B. The reason this level has been considered appropriate is twofold. The first is simply the distance (230 miles) between Fort Nelson and Fort St. John, where the supervising lawyer works. It would be unrealistic at such a distance to expect "a review of each file as it is opened, and close monitoring of the progress of the file to completion". In place of such a continuous system, throughout 1986-1987, each time the supervising lawyer was in Fort Nelson attending the circuit court sitting (approximately every six weeks), he would review each of the paralegal's files which were scheduled for some court action. In addition, the paralegal contacted the Fort St. John office once or twice a week, or the Dawson Creek LSS office if the Fort St. John lawyer was not available. As noted below, supervision became less frequent in subsequent years.

The second reason which allowed for minimum review was the obvious esteem in which the paralegal was held by the supervising lawyer, and other LSS staff who had contact with her. An LSS memo in September 1987, stated that the supervising lawyer felt "the performance of the paralegal and of the Fort Nelson operation itself had exceeded his expectations (and that the paralegal) is of substantial assistance to him in preparing cases during the court circuit ... (and) in his experience, this exceeds any assistance he has been able to obtain through other sources".

In fact, the level of supervision was below that of even the minimum review, insofar as only the court-related files or those on which the paralegal had a question were reviewed. Summary advice files were not generally examined. When, in October 1987, responsibility for FNLIS criminal legal aid referrals was transferred from the Fort St. John staff lawyer to a private lawyer in Dawson Creek, there was no formal transfer of supervision from the Fort St. John office to that lawyer. The private lawyer has never seen his role as one of "supervision", and nor has he been asked to exercise that role. On the other hand, he knew and had confidence in the paralegal. (He was a member of the law firm in which she originally did her practicum.) Naturally, he would review cases she had prepared for him, and could rely on her to raise any concerns she had. Between January 1989 and April 1989, there was a vacancy in the Fort St. John office that meant there was no supervising lawyer for the paralegal. If she had a problem, she was told she could contact the LSS Dawson Creek office, which she did on several occasions. The new staff lawyer in Fort St. John assumed the role of supervisor for the paralegal in May 1989, but does not formally review files. Rather, she responds to any questions the paralegal has.

What has evolved, therefore, is a system of supervision that is feasible in terms of the distance involved and appropriate in terms of the paralegal's

experience and judgement. Many parties, including a judge, commented on the paralegal's good judgement and ability to know her own knowledge limits. Although the LSS is not meeting its own minimum standard of supervision, we feel that standards of quality are being met, that issues of legal concern are constantly being dealt with by the paralegal's debriefings with her supervising lawyer, and that the LSS would not hesitate to tighten up the process if a new paralegal were hired.

6.3.2 LSS fieldworker

There were two LSS fieldworkers overseeing the work of FNLIS during the time period covered in this study. The first was from the beginning of FNLIS until December 1987, and the second from December 1987, until the present. Both performed numerous other functions for the LSS at the same time as acting as a fieldworker to FNLIS and other offices. Both are lawyers and can therefore readily assess the adequacy of the paralegal's substantive knowledge and case decisions. In the first year of FNLIS operation, the fieldworker would systematically review the paralegal's files to ensure that they were properly documented for the staff lawyer and for evaluation purposes, and simply to get a sense of the work she was doing. He also saw it as his role to ensure that supervision and support was occurring by debriefing with the paralegal the type of advice given and the follow-up made on each case.

The second fieldworker did not continue to review individual files, as it became clear that the paralegal had the good sense to consult when she felt it necessary. Obviously, much the same transition in level of supervision took place with the fieldworkers as with the consulting lawyers.

Apart from supervisory functions, the role of the fieldworker is to act as a conduit between FNLIS and LSS to ensure that the paralegal and FNLIS are complying with the reporting provisions to LSS, and to act as a troubleshooter if problems arise. LSS support via the fieldworker was important in ensuring a smooth transition when FNLIS broke away from the Northeast Directions association in 1988 (see section 4.3).

6.3.3 The FNLIS Board

Community law offices (CLO) have a large degree of autonomy within the LSS structure. For example, if a paralegal is doing tariff work, she is acting as an agent of the LSS. Although the LSS has power to supervise her performance on individual cases, if she makes a serious error in one or more cases, the LSS

cannot discipline or fire her. She is accountable to the CLO board. The only recourse the LSS would have in a serious matter would be to terminate the contract between the LSS and the CLO in question. Although the issue of quality control in terms of examination of individual files handled by the paralegal does not come under the purview of the board, they do have major input in local administrative matters, in determining service priorities, and in evaluating the paralegal's performance in other than individual case work. If an individual client was upset about the handling of their case, in the first instance they would probably take the matter to the board.

The FNLIS board members have some of the same assets as the paralegal. That is, the three most active of them have long term residence and commitment to the Fort Nelson area. The chairperson is a businesswoman active in social committee structures and with a good knowledge of community politics and economics. The second member is a former mayor and current alderman with long experience in the village political structure, as well as being a businessman. The third is the native courtworker for Fort Nelson, who for much of the 1986-1989 period was northern supervisor of the Native Courtworkers Association of B.C. She is thus a key person in terms of clarifying and facilitating the relationship between not only the courtworkers and FNLIS, but also the larger native community and FNLIS. A current fourth member of the board is the only private lawyer in Fort Nelson. He, like the fifth member, a Fort Nelson businesswoman who participated in FNLIS' start-up and first year, is presently an inactive member of the board.

Despite the small size of the active component of the board, the support it has given the paralegal is significant. In 1986-1987, they gave 61 hours of recorded time to FNLIS, in 1987-1988, 47 hours, and in 1988-1989, 50.5 hours. Since these records show the board as a unit (i.e., three board members at a meeting for one hour is recorded as one hour), it suggests an average of one hour per week per board member. The board time records also hide more significant contributions, such as attendance at LSS-sponsored board workshops (attended each year by at least one board member, but recorded in terms of travel time and actual meeting time only). The chairman of the board made a five-day trip in May 1989 with the paralegal to seven communities in the northwest part of the province. This was a highly supportive initiative, in that the remoteness of the communities, poor roads in several areas and lack of previous contacts would have made it a difficult trip for a woman travelling alone in a vehicle. It also heightened the board member's understanding of the paralegal's activities and the potential response in a wider region to enhanced service delivery.

The board has supported the paralegal in her attendance at workshops, even though it means the office is empty in her absence. They realize the

importance of a paralegal in an isolated community being able to network with people in her own profession. They conducted one formal evaluation of the paralegal in the first year, but have not felt the need to repeat the exercise. They see her in enough of her key work (e.g., the lawyer sees her in court; the native courtworker refers clients to and receives referrals from the paralegal with native clients) to feel confident of her abilities. They gave serious consideration to the development of a policy manual and reviewed some precedents. They concluded that a written policy for a single worker in a relatively informal context would seem like "overkill", but should the situation change or a new paralegal ever be hired, they have precedents they could draw upon to create a manual.

The board takes seriously its responsibilities in terms of confidentiality of service. The native courtworker has knowledge of certain clients seeing the paralegal simply because she has referred them. The same applies, although less frequently, to the lawyer. Even more rarely, the third board member shares a common client with the paralegal in his capacity as a justice of the peace. Notwithstanding these situations, the board does not permit itself access to the paralegal's client files.

The board also has a clear view of the service priorities it wants for FNLIS. It does not want the paralegal simply to become an assistant to a legal aid lawyer. They have always encouraged her to undertake PLE and advocacy activities, even when they were not major parts of Department of Justice Canada's priorities as funder of FNLIS. While these additional emphases have in no way diminished the paralegal's ability to fulfil the mandate and objectives of Department of Justice Canada, they are a reflection of the board's concern that they be taken seriously, and that community involvement be real rather than token.

The board has worked diligently and effectively on behalf of the paralegal and FNLIS. However, there are two concerns that need to be stated, one is of more theoretical interest, the other, of more immediate application to FNLIS. The first concerns conflict of interest. In theory, the lawyer board member is in a potential conflict of interest, insofar as the paralegal can refer clients to him. It is for this reason, by his own admission, that he does not wish to have direct involvement in board activities. However, since he is the only lawyer in town, he is a resource the paralegal would use for some clients, regardless of whether or not he was on the board. The LSS fieldworker feels that it is the LSS that determines eligibility and coverage, so the Board member is not in a position to direct that he receives referrals. But, of course, referrals can result from non-tariff matters and/or where a client is not eligible financially for legal aid. It is for this reason that, under normal circumstances, we would recommend that a lawyer not receive referrals from a community law office while on the board. However, in Fort Nelson such a recommendation would be foolish, as it would

deprive FNLIS of the only alternate legal referral resource in town. We see no reason why the lawyer could not even play an active rather than "silent" role on the board.

The second concern is in regard to the fact of having two "paper" or "silent" board members on FNLIS. On the one hand, this can be seen as an adaptation to the realities of a small town, and the need not to spread citizens' energies too thinly across many boards. (It should also be acknowledged that the three active members work well together and have acted selflessly and effectively.) On the other hand, of 22 board meetings with recorded minutes between December 1985, and February 1989, 17 were attended by three board members (in five cases these involved a member who was active in 1986 and 1987, but not since then), two by only two members, two by four members, and only one by five board members. It would seem that despite the concern about spreading peoples' energies too thinly, it would be worthwhile to look for two more active board members. In sections 11.6 and 12.7 we will discuss ways in which the paralegal could network more consistently with other social agencies in Fort Nelson. A board member drawn from one of these agencies might make it a special focus to feed the paralegal ideas and contacts around networking, public relations and related aspects of FNLIS. We will also be recommending that the paralegal do more outreach on civil law matters with the native community, and feel that a second native person on the board, drawn, for example, from the Fort Nelson Indian Band, might complement the very effective work of the native courtworker to date.

Recommendation #2:

That the FNLIS Board attempt to find two more active board members who can be of support to the paralegal in particular areas. For example, a board member drawn from a social agency could feed ideas and contacts to the paralegal in terms of agency networking, public relations and related aspects of FNLIS. A representative from the Fort Nelson Indian Band might assist the paralegal with outreach activities to band members in the area of civil law.

6.3.4 Other support services

Two other sources of support to the paralegal are worth mentioning briefly. One is colleagues in other CLO's and workshops (see section 6.2). The other is the LSS Legal Resource Centre, which she has used for ordering PLE materials, and at times for assistance in researching particular legal issues. As with the Fort St. John branch office lawyer, the LSS fieldworker and the FNLIS board

members, these sources help reduce the isolation a single individual inevitably feels in a remote setting.

6.4 Summary

There are four aspects to the development of project quality that are described in this section: the actual selection of the paralegal, training provided for her, supervisory mechanisms and support mechanisms. The last three aspects, notwithstanding that they are directed towards improving the quality of the project, also serve a vital function that should be given forethought in any planning of a similar service: that of reducing the isolation of an individual in a one-person office in a remote location.

Quality, in the final analysis, is not simply dependent on "finding a well-qualified person" for the job. (The FNLIS board was definitely successful in achieving that objective.) It consists of finding a series of balances:

- between apprenticeship-type training and formal training;
- between training that is frequent enough to improve knowledge and maintain networks, but not to be overly intrusive;
- between the training needs of new and senior paralegals;
- between substantive law areas and "process" issues, be they attention to communication, advocacy skills or administrative procedures;
- in determining a level of supervision that is both feasible (considering distance, frequency with which a lawyer can be available, and/or availability of technology such as FAX machines) and appropriate (considering the paralegal's abilities, confidence, and sense of his/her limits);
- in establishing a LSS headquarters-FNLIS balance that ensures compliance with contractual obligations to the LSS and offers necessary support, while at the same time respecting the autonomy of the local board; and
- in offering local board supervision that is at once directive, ensuring accountability, and at the same time, supportive, to reduce the individual paralegal's isolation.

In all these areas the LSS, FNLIS board and the paralegal herself have been successful. The two areas in which improvement could be made are as follows: (1) for the LSS to facilitate a form of apprenticeship training prior to a paralegal's job start (which would be even more important for less qualified paralegals), and (2) for the FNLIS board to expand its membership by two active members with designated areas of concern as per recommendation #2.

7.0 ANALYSIS AND FINDINGS: VOLUMES AND TYPES OF DIRECT SERVICE

This is the first of six sections in which the main quantitative findings are reported, supplemented by qualitative insights gained from community interviews. In this section we analyze the volumes and types of direct service activities. (For background on direct service see section 5.1.)

7.1 Overview of Direct Service Activities

Table 7-1 provides an overview of the three major direct service activities of the paralegal from 1986-1989: intake/summary advice interviews, short service (usually a maximum of two hours additional free service) and legal aid referrals. The paralegal has averaged 358 intake interviews per year, 75 per cent being civil matters and 25 per cent criminal. The proportion of civil cases has fallen slightly in each year, and the overall number of cases has fallen, primarily because of a drop in civil cases, from the second to third year. (This drop roughly parallels the drop in the population of Fort Nelson, as per Table 4-2.)

If the intake interview results in more than just summary advice or a nonlegal referral to an agency, either short service or a legal aid referral is involved. On average, 23 per cent of intakes resulted in short service and 23 per cent in legal aid referrals. However, the yearly trends are remarkably different: short service as a percentage of overall intake has increased steadily in each year, from 15 per cent in 1986-1987 to 31 per cent in 1988-1989, while legal aid referrals decreased dramatically from 30 per cent to 20 per cent in the first year, and then levelled off at 21 per cent in the third year.

These shifts reflect the paralegal's growing confidence over the three year period. Rather than refer a large portion of cases out to the staff lawyer on a legal aid referral, after the first year she felt sufficiently confident to handle many matters herself on a short service basis. This was most notable in civil matters. She was also encouraged by the staff lawyer to do so, as he gained confidence in her.

As with the overall intake figures, the proportion of civil short service (relative to criminal) fell in each year. The drop in the proportion of civil legal aid referrals relative to criminal was even more dramatic (54 per cent in 1986-1987 to 23 per cent in 1988-1989).

Table 7-1 Overview of FNLIS Direct Service Activities 1986-89

Type of service:	1986 - 87	1987 - 88	1988 - 89	All Years
Intake:				
Civil	281 78%	292 75%	237 72%	810 75%
Criminal	77 22%	95 25%	93 28%	265 25%
TOTAL	358 100%	387 100%	330 100%	1,075 100%
Short service:				
Civil	41 79%	79 77%	70 69%	190 74%
Criminal	11 21%	24 23%	31 31%	66 26%
TOTAL	52 100%	103 100%	101 100%	256 100%
% of overall intake resulting in short service	15%	27%	31%	23%
Legal aid referral:				
Civil (family and pro bono)	59 54%	26 33%	16 23%	101 39%
Criminal	50 46%	52 67%	53 77%	155 61%
TOTAL	109 100%	78 100%	69 100%	256 100%
% of overall intake resulting in legal aid referrals	30%	20%	21%	23%

Source: LSS Management Information System.

Table 7-2 FNLIS Intake Caseload 1986-89, with Comparison for Fort Nelson Cases in 1985-86 (pre-FNLIS), by Civil/Criminal, Ancestry and Sex*

Year	Total	Civil	Criminal	Native	Non-Native	NR	Male	Female	NR
1985-86	30 --	8 27%	22 73%	2 100%	0 0%	28 --	24 80%	6 20%	0 --
1986-87	358 --	281 78%	77 22%	70 24%	216 76%	72 --	157 44%	198 56%	3 --
1987-88	387	292 75%	95 25%	98 30%	228 70%	61 --	179 46%	206 54%	2 --
1988-89	339 --	237 72%	93 28%	75 26%	213 74%	42 --	148 46%	173 54%	9 --
TOTAL	1105	818 74%	287 26%	245 27%	657 73%	203 --	508 47%	583 53%	14 --

Source: LSS Management Information System.

* Percentages run horizontally. They are calculated excluding non-responses ("NR") from the total. In other words, the percentages represent only those cases in which ancestry or sex was identified.

Table 7-2 compares the overall annual case load in 1985-1986 to the years in which FNLIS was operative. 1985-1986 data are based on postal codes, and due to various types of error, are likely underestimated by approximately 16 per cent. Nonetheless, the jump from 30 (or accounting for error, 35) intakes in 1985-1986 to 358 in 1986-1987 is dramatic evidence of the impact of having a local service, especially in civil matters.

The same table shows the overall breakdown of intakes by ancestry and sex. Over the three years of its operation, native clients have comprised an average 27 per cent of FNLIS clientele, with minor fluctuation from year to year. This percentage is roughly double that of natives in the overall Fort Nelson population. Over the same three years, the male population has averaged 45 per cent of all intakes, whereas in 1985-1986 the male client ratio was 80 per cent. This last figure reflects the fact that a large majority of Fort Nelson intakes in 1985-1986 were on criminal matters. More fundamentally, however, it indicates how important the opening of FNLIS in Fort Nelson has been in serving the previously unmet needs of women. As noted in section 4.2, representatives sent on behalf of the Fort Nelson Village Council and the Women's Resource Centre

to the Attorney General's Task Force on Public Legal Services in 1984 had raised specific concerns about the needs of women and people with family law problems. Clearly with 55 per cent of the intake being women and 75 percent of the caseload being civil matters, FNLIS has gone a long way to addressing these needs.

Table 7-3 presents ancestry and sex breakdowns for legal aid referrals (rather than intake interviews). Over the three years, the percentage of native referrals is 51 per cent of the total. The percentage of natives among referred cases has climbed in each year, primarily because of a large jump in criminal legal aid referrals in the second year. The proportion of natives is higher in criminal legal aid referrals (average of 66 per cent), whereas in civil referrals it is 27 per cent on average. Nonetheless, even the proportion of natives in civil referrals is approximately double that of their representation in the overall Fort Nelson population.

Again referring to Table 7-3, the overall percentage of males among legal aid referrals is 64 per cent. It is much higher in criminal referrals (82 per cent) than in civil (35 per cent), where the female proportion in the three years of the FNLIS operation (66 per cent) attests to the importance of FNLIS in addressing women's legal needs in the Fort Nelson area.

7.2 Criminal Charges Involved in Referral Cases

Since the LSS Management Information System (MIS) does not enter charge information from intake worksheets into the computer, we are unable to indicate the composition of criminal charges for all criminal (intake) cases that the paralegal dealt with. For the same reason, we are also unable to show the charge types for short service cases handled by the paralegal.

However, such information is available for cases actually referred to criminal legal aid. Table 7-4 shows the composition of all charges (i.e. including cases with multiple charges) in FNLIS legal aid referral cases from 1986 to 1989. Table 7-5 shows the composition for most serious charges only. The main difference between the two ways of looking at charges is that the most serious charges involve proportionately fewer judicial process-related cases and more crimes against the person. Property crimes are the largest single category of legal aid referrals (averaging 44 per cent), followed by crimes against the person (25 per cent) and motor-vehicle-related crimes (17 per cent) (Table 7-5). Legal aid referrals involving crimes against the person jumped sharply in the second year,

Table 7-3 FNLIS Referrals to Legal Aid, 1986-89, with Comparison for Fort Nelson in 1985-86 (pre-FNLIS), by Ancestry and Sex*

Year	Total	Native	Non-Native	NR	Male	Female	NR
1. Civil referrals:							
1985-86	6	--	--	6	3	3	--
	--	--	--	--	50%	50%	--
1986-87	59	12	39	8	21**	38**	--
	--	24%	76%	--	36%	64%	--
1987-88	26	7	14	5	7	19	--
	--	33%	67%	--	27%	73%	--
1988-89	16	4	10	2	6	10	--
	--	29%	71%	--	38%	62%	--
TOTAL	107	23	63	21	37	70	--
	--	27%	73%	--	35%	65%	--
2. Criminal referrals:							
1985-86	20	2	--	18	18	2	--
	--	100%	--	--	90%	10%	--
1986-87	50	22	21	7	40**	10**	--
	--	51%	49%	--	80%	20%	--
1987-88	52	34	14	4	45	6	1
	--	71%	29%	--	88%	12%	--
1988-89	53	37	15	1	39	13	1
	--	71%	29%	--	75%	25%	--
TOTAL	175	95	50	30	142	31	2
	--	66%	34%	--	82%	18%	--
3. All referrals:							
1985-86	26	2	--	24	21	5	--
	--	100%	--	--	81%	19%	--
1986-87	109	34	60	15	61**	48**	--
	--	36%	64%	--	56%	44%	--
1987-88	78	41	28	9	52	25	1
	--	59%	41%	--	68%	32%	--
1988-89	69	41	25	3	45	23	1
	--	62%	38%	--	66%	34%	--
TOTAL	282	118	113	51	179	101	2
	--	51%	49%	--	64%	36%	--

Source: LSS Management Information System.

* Percentages run horizontally. They are calculated excluding non-responses ("NR") from the total. In other words, the percentages represent only those cases in which ancestry or sex was identified.

** Despite repeated attempts, we could not extract 1986-87 referrals to legal aid from the MIS by sex. The total number of cases figure for each year is reliable, and the male/female figures are estimates based on the corresponding male/female ratio for civil and criminal intake in that year.

Table 7-4 Total Charges in Cases Referred to Criminal Legal Aid by FNLIS, 1986-89

Offence type:	NUMBER OF CHARGES			
	1986 - 87	1987 - 88	1988 - 89	All Years
Against the person (assaults, robbery, etc.)	9 10%	24 23%	27 22%	60 19%
Property (B&E, theft, possession of stolen property, etc.)	31 36%	47 46%	62 51%	140 45%
Drug-related	5 6%	3 3%	1 1%	9 3%
Motor vehicle-related (impaired, etc.)	28 33%	17 17%	12 10%	57 18%
Sex-related (sexual assault, etc.)	0 0%	1 1%	3 2%	4 1%
Judicial process-related (breach of probation, peace bond, etc.)	11 13%	7 7%	12 10%	30 10%
Miscellaneous federal, criminal code, provincial and municipal	2 2%	4 4%	5 4%	11 4%
TOTAL	86 100%	103 101%	122 100%	311 100%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

Table 7-5 Most Serious Charges* in Cases Referred to Criminal Legal Aid
by FNLIS, 1986-89

Offence type:	NUMBER OF CHARGES			
	1986 - 87	1987 - 88	1988 - 89	All Years
Against the person (assaults, robbery, etc.)	5 9%	17 33%	18 32%	40 25%
Property (B&E, theft, possession of stolen property, etc.)	22 42%	22 42%	27 47%	71 44%
Drug-related	4 8%	3 6%	1 2%	8 5%
Motor vehicle-related (impaired, etc.)	16 30%	6 12%	6 11%	28 17%
Sex-related (sexual assault, etc.)	0 0%	1 2%	3 5%	4 2%
Judicial process-related (breach of probation, peace bond, etc.)	6 11%	1 2%	1 2%	8 5%
Miscellaneous federal, criminal code, provincial and municipal	0 0%	2 4%	1 2%	3 2%
TOTAL	53 100%	52 101%	57 101%	162 100%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

* The determination of what constitutes "the most serious charge" in any given case is an internal LSS system developed by the Director of Research and Planning.

while motor-vehicle-related referrals fell by the same proportion. The small number of drug-related referrals declined steadily in each year, while the even smaller number of sex-related referrals climbed steadily.

The overall composition of charges on referral cases does not indicate a high level of serious charges. As in Table 7-6, 77 per cent of charges are heard in adult provincial court, 21 per cent in juvenile (family) court, and only one per cent in county court.²⁰

7.3 Civil Problem Types

Unlike criminal cases, the LSS MIS does record civil problem information on computer for intake cases. Tables 7-7 and 7-8 show a breakdown of FNLIS civil problems at intake by ancestry and sex, respectively. The most immediate impression the tables give is of the wide range of problems that have been handled by the paralegal. While this range is similar to the experience of other CLOs in the LSS system, it does emphasize the need for training that deals with a diversity of substantive areas. It also reinforces the need for a paralegal in a remote setting like FNLIS to be able to have access to a staff lawyer and other paralegal resource people whom she has met at the training workshops, so that she can get assistance with matters she does not frequently encounter. (These latter points were mentioned in section 6.2.2.)

The broad category of family matters, which in Tables 7-7 and 7-8 covers everything from "adoption" down to "other family matters", comprises 39 per cent of overall civil cases, versus 61 per cent for other civil problem types. For native clients, 45 per cent have family problems, compared to 38 per cent for non-natives. In terms of sex, 25 per cent of male clients have family problems versus 46 per cent of females. This difference suggests the utility of emphasizing the availability of non family civil assistance if speaking to groups consisting largely of males, and of family legal assistance with females.

²⁰ The discrepancy in legal aid referral cases between Table 7-5 and 7-6 is that the latter table only involves cases that actually go to court. Many of the charges in Table 7-5 would be stayed. The discrepancy in criminal legal aid referral cases reported in Table 7-5 and 7-1 would be due to their source documents (worksheets or referral forms). Referral forms sometimes generate different data due to lawyer billing practises.

Table 7-6 Level of Court Involved in Criminal Cases Referred to Legal Aid by FNLIS
(most serious charge), 1986-89

Level of court:	1986 - 87	1987 - 88	1988 - 89	All Years
Provincial--juvenile	6 17%	12 24%	12 22%	30 21%
Provincial--adult	30 83%	37 73%	43 78%	110 77%
County-judge	-- --	2 4%	-- --	2 1%
TOTAL	36 100%	51 101%	55 100%	142 99%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

Table 7-7 Civil Problem Types of FNLIS Clients, by Ancestry, 1986-89*

Problem type:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Adoption	--	1	1	--	2	--	--	1	--	1	--	--	4	3	7	--	1	6	3	10
	--	2%	2%	--	1%	--	--	2%	--	1%	--	--	2%	2%	1%	--	0%	2%	1%	1%
Child apprehension (MHR)	2	1	1	1	5	--	3	3	2	8	--	4	1	--	5	2	8	5	3	18
	25%	2%	2%	3%	3%	--	8%	6%	9%	7%	--	2%	1%	--	1%	25%	3%	2%	1%	2%
Common law	--	--	--	--	--	--	2	1	--	3	--	6	3	2	11	--	8	4	2	14
	--	--	--	--	--	--	5%	2%	--	3%	--	3%	2%	1%	2%	--	3%	1%	1%	2%
Custody access	1	11	4	5	21	--	4	5	4	13	--	30	13	19	62	1	45	22	28	96
	13%	20%	8%	14%	14%	--	10%	10%	18%	12%	--	16%	7%	11%	11%	13%	16%	8%	12%	12%
Divorce	2	4	4	1	11	--	1	8	--	9	--	14	27	8	49	2	19	39	9	69
	25%	7%	8%	3%	8%	--	3%	16%	--	8%	--	7%	14%	4%	9%	25%	7%	13%	4%	8%
Maintenance application	--	--	5	2	7	--	--	7	2	9	--	13	7	7	27	--	13	19	11	43
	--	--	10%	6%	5%	--	--	14%	9%	8%	--	7%	4%	4%	5%	--	5%	7%	5%	5%
Maintenance-respondent	1	--	2	1	4	--	--	--	--	--	--	6	2	3	11	1	6	4	4	15
	13%	--	4%	3%	3%	--	--	--	--	--	--	3%	1%	2%	2%	13%	2%	1%	2%	2%
Paternity	--	--	1	--	1	--	--	--	--	--	--	--	2	1	3	--	--	3	1	4
	--	--	2%	--	1%	--	--	--	--	--	--	--	1%	1%	1%	--	--	1%	0%	0%
Property division	1	2	1	1	5	--	--	--	--	--	--	1	4	1	6	1	3	5	2	11
	13%	4%	2%	3%	3%	--	--	--	--	--	--	1%	2%	1%	1%	13%	1%	2%	1%	1%
Separation	--	2	--	2	4	--	--	--	1	1	--	7	9	5	21	--	9	9	8	26
	--	4%	--	6%	3%	--	--	--	5%	1%	--	4%	5%	3%	4%	--	3%	3%	3%	3%
Spouse abuse	--	--	--	1	1	--	2	--	--	2	--	1	1	2	4	--	3	1	3	7
	--	--	--	3%	1%	--	5%	--	--	2%	--	1%	1%	1%	1%	--	1%	0%	1%	1%
Other family matters	--	--	--	--	--	--	2	1	--	3	--	1	2	1	4	--	3	3	1	7
	--	--	--	--	--	--	5%	2%	--	3%	--	1%	1%	1%	1%	--	1%	1%	0%	1%
Bankruptcy	--	--	--	--	--	--	2	--	1	3	--	4	2	2	8	--	6	2	3	11
	--	--	--	--	--	--	5%	--	5%	3%	--	2%	1%	1%	1%	--	2%	1%	1%	1%
Complaint about lawyer	--	3	--	--	3	--	1	--	--	1	--	--	--	3	3	--	4	--	3	7
	--	5%	--	--	2%	--	3%	--	--	1%	--	--	--	2%	1%	--	1%	--	1%	1%
Consumer	--	3	2	4	9	--	--	--	1	1	--	8	4	12	24	--	11	6	17	34
	--	5%	4%	11%	6%	--	--	--	5%	1%	--	4%	2%	7%	4%	--	4%	2%	7%	4%
Contracts, not small claims	1	2	4	--	7	--	3	3	--	6	--	11	14	3	28	1	16	21	3	41
	13%	4%	8%	--	5%	--	8%	6%	--	5%	--	6%	7%	2%	5%	13%	6%	7%	1%	5%
Creditor/collection	--	--	--	--	--	--	1	1	--	2	--	--	5	4	9	--	1	6	4	11
	--	--	--	--	--	--	3%	2%	--	2%	--	--	3%	2%	2%	--	0%	2%	2%	1%

Table 7-7 cont'd

Referral source:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Debtor	--	2	2	--	4	--	--	1	--	1	--	3	3	5	11	--	5	6	5	16
	--	4%	4%	--	3%	--	--	2%	--	1%	--	2%	2%	3%	2%	--	2%	2%	2%	2%
Estate	--	1	1	2	4	--	--	2	--	2	--	3	4	5	12	--	4	7	7	18
	--	2%	2%	6%	3%	--	--	4%	--	2%	--	2%	2%	3%	2%	--	1%	2%	3%	2%
Human rights	--	1	2	--	3	--	--	--	--	--	--	2	--	2	4	--	3	2	2	7
	--	2%	4%	--	2%	--	--	--	--	--	--	1%	--	1%	1%	--	1%	1%	1%	1%
Immigration	--	--	--	--	--	--	--	--	1	1	--	1	--	--	1	--	1	--	1	2
	--	--	--	--	--	--	--	--	5%	1%	--	1%	--	--	0%	--	0%	--	0%	0%
Income tax	--	--	--	1	1	--	--	--	--	--	--	1	3	--	4	--	1	3	1	5
	--	--	--	3%	1%	--	--	--	--	--	--	1%	2%	--	1%	--	0%	1%	0%	1%
Incorp. (non-profit society)	--	1	1	1	3	--	--	--	--	--	--	1	3	1	5	--	2	4	2	8
	--	2%	2%	3%	2%	--	--	--	--	--	--	1%	2%	1%	1%	--	1%	1%	1%	1%
Insurance	--	--	--	--	--	--	1	--	--	1	--	4	2	--	6	--	5	2	--	7
	--	--	--	--	--	--	3%	--	--	1%	--	2%	1%	--	1%	--	2%	1%	--	1%
Labour	--	--	1	--	1	--	--	--	--	--	--	4	10	11	25	--	4	11	11	26
	--	--	2%	--	1%	--	--	--	--	--	--	2%	5%	6%	4%	--	1%	4%	5%	3%
Landlord/tenant	--	8	2	6	16	--	2	4	2	8	--	15	5	20	40	--	25	11	28	64
	--	15%	4%	17%	11%	--	5%	8%	9%	7%	--	8%	3%	11%	7%	--	9%	4%	12%	8%
Motor vehicle/ICBC	--	1	2	--	3	--	4	1	--	5	--	1	3	6	10	--	6	6	6	18
	--	--	4%	--	2%	--	10%	2%	--	5%	--	1%	2%	3%	2%	--	2%	2%	3%	2%
Municipal	--	--	1	--	1	--	--	--	--	--	--	--	2	1	3	--	--	3	1	4
	--	--	2%	--	1%	--	--	--	--	--	--	--	1%	1%	1%	--	--	1%	0%	0%
Name change	--	--	--	--	--	--	1	--	--	1	--	2	1	--	3	--	3	1	--	4
	--	--	--	--	--	--	3%	--	--	1%	--	1%	1%	--	1%	--	1%	0%	--	0%
Native rights	--	--	--	--	--	--	--	1	--	1	--	--	--	--	--	--	--	1	--	1
	--	--	--	--	--	--	--	2%	--	1%	--	--	--	--	--	--	--	0%	--	0%
Pension	--	--	--	1	1	--	--	--	--	--	--	1	--	--	1	--	1	--	1	2
	--	--	--	3%	1%	--	--	--	--	--	--	1%	--	--	0%	--	0%	--	0%	0%
Prison	--	--	--	--	--	--	--	1	--	1	--	1	--	1	2	--	1	1	1	3
	--	--	--	--	--	--	--	2%	--	1%	--	1%	--	1%	0%	--	0%	0%	0%	0%
Real property	--	3	3	1	7	--	1	1	3	5	--	8	6	3	17	--	12	10	7	29
	--	5%	6%	3%	5%	--	3%	2%	14%	5%	--	4%	3%	2%	3%	--	4%	3%	3%	4%
School	--	--	--	--	--	--	--	--	--	--	--	--	1	1	2	--	--	1	1	2
	--	--	--	--	--	--	--	--	--	--	--	--	1%	1%	0%	--	--	0%	0%	0%

Table 7-7 cont'd

Referral source:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Small claims	--	1	1	2	4	--	2	--	1	3	--	10	14	9	33	--	13	15	12	40
	--	2%	2%	6%	3%	--	5%	--	5%	3%	--	5%	7%	5%	6%	--	5%	5%	5%	5%
Social assistance	--	1	1	--	2	--	--	2	--	2	--	--	--	1	1	--	1	3	1	5
	--	2%	2%	--	1%	--	--	4%	--	2%	--	--	--	1%	0%	--	0%	1%	0%	1%
Torts-not small claims	--	2	--	1	3	--	1	--	2	3	--	4	2	5	11	--	7	2	8	17
	--	4%	--	3%	2%	--	3%	--	10%	3%	--	2%	1%	3%	2%	--	2%	1%	3%	2%
UIC	--	--	--	--	--	--	1	1	--	2	--	2	1	--	3	--	3	2	--	5
	--	--	--	--	--	--	3%	2%	--	2%	--	1%	1%	--	1%	--	1%	1%	--	1%
Wills**	--	--	6	1	7	--	1	1	1	3	--	7	26	16	49	--	8	33	18	59
	--	--	13%	3%	5%	--	3%	2%	5%	3%	--	4%	13%	9%	9%	--	3%	11%	8%	7%
Workers' compensation	--	--	--	--	--	--	1	1	--	2	--	1	1	2	4	--	2	2	2	6
	--	--	--	--	--	--	3%	2%	--	2%	--	1%	1%	1%	1%	--	1%	1%	1%	1%
Other	--	--	--	--	--	--	--	--	--	--	--	--	--	1	1	--	--	--	1	1
	--	--	--	--	--	--	--	--	--	--	--	--	--	1%	0%	--	--	--	0%	0%
Victim/witness asst.	--	1	--	1	2	--	3	2	1	6	--	6	6	12	24	--	10	8	14	32
	--	2%	--	3%	1%	--	8%	4%	5%	5%	--	3%	3%	7%	4%	--	4%	3%	6%	4%
Fore-closures	--	1	--	--	1	--	--	1	--	1	--	1	2	1	4	--	2	3	1	6
	--	2%	--	--	1%	--	--	2%	--	1%	--	1%	1%	1%	1%	--	1%	1%	0%	1%
Personal injury	--	3	--	--	3	--	--	--	--	--	--	3	--	1	4	--	6	--	1	7
	--	5%	--	--	2%	--	--	--	--	--	--	2%	--	1%	1%	--	2%	--	0%	1%
TOTAL	8	55	48	35	146	--	39	49	22	110	--	187	195	180	562	8	281	292	237	818
	102%	100%	97%	102%	102%	--	104%	98%	104%	103%	--	103%	106%	107%	103%	102%	98%	99%	96%	98%

Source: LSS Management Information System.

Data for 1985-86 (pre-FNLIS) are included here only to create a complete data set, but are of no interpretive value re ancestry. Percentages do not necessarily total 100% due to rounding.

* In some cases, civil matters involved two problem types. To create the cross-tabulation for this table, only the first problem type was used. The number of second problems in each year was as follows: 1985-86: 2; 1986-87: 48 (including 12 maintenance-applicants, 7 separation, 6 custody access and 6 divorce as major categories); 1987-88: 13 (including 4 separation as a major category); 1988-89: 12 (including 4 separation as a major category).

** Of the 59 wills cases over the three years of the project, approximately 30 were participants in PLE workshops rather than intake clients per se. The understanding given to the paralegal was that they should be counted as direct service clients.

Table 7-8 Civil Problem Types of FNLIS Clients, by Sex, 1986-89*

	NA/NR					MALE					FEMALE					TOTALS				
	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years
Adoption	--	--	--	--	--	--	--	--	2	2	--	1	6	1	8	--	1	6	3	10
	--	--	--	--	--	--	--	--	3%	1%	--	1%	3%	1%	2%	--	0%	2%	1%	1%
Child apprehension (MHR)	--	--	--	--	--	2	2	2	2	8	--	6	3	1	10	2	8	5	3	18
	--	--	--	--	--	50%	2%	2%	3%	3%	--	3%	2%	1%	2%	25%	3%	2%	1%	2%
Common law	--	--	--	--	--	--	2	--	--	2	--	6	4	2	12	--	8	4	2	14
	--	--	--	--	--	--	2%	--	--	1%	--	3%	2%	1%	2%	--	3%	1%	1%	2%
Custody access	--	--	1	1	2	--	10	5	8	23	1	35	16	19	71	1	45	22	28	96
	--	--	100%	13%	17%	--	10%	5%	10%	8%	25%	19%	9%	13%	14%	13%	16%	8%	12%	12%
Divorce	--	1	--	1	2	1	6	8	1	16	1	12	31	7	51	2	19	39	9	69
	--	33%	--	13%	17%	25%	6%	8%	1%	6%	25%	7%	17%	5%	10%	25%	7%	13%	4%	8%
Maintenance application	--	--	--	--	--	--	2	1	1	4	--	11	18	10	39	--	13	19	11	43
	--	--	--	--	--	--	2%	1%	1%	1%	--	6%	10%	7%	7%	--	5%	7%	5%	5%
Maintenance respondent	--	--	--	--	--	1	6	2	3	12	--	--	2	1	3	1	6	4	4	15
	--	--	--	--	--	25%	6%	2%	4%	4%	--	--	1%	1%	1%	13%	2%	1%	2%	2%
Paternity	--	--	--	--	--	--	--	1	--	1	--	--	2	1	3	--	--	3	1	4
	--	--	--	--	--	--	--	1%	--	0%	--	--	1%	1%	1%	--	--	1%	0%	0%
Property division	--	--	--	--	--	--	1	--	--	1	1	2	5	2	10	1	3	5	2	11
	--	--	--	--	--	--	1%	--	--	0%	25%	1%	3%	1%	2%	13%	1%	2%	1%	1%
Separation	--	--	--	1	1	--	1	3	1	5	--	8	6	6	20	--	9	9	8	26
	--	--	--	13%	8%	--	1%	3%	1%	2%	--	4%	3%	4%	4%	--	3%	3%	3%	3%
Spouse abuse	--	--	--	--	--	--	--	--	--	--	--	3	1	3	7	--	3	1	3	7
	--	--	--	--	--	--	--	--	--	--	--	2%	1%	2%	1%	--	1%	0%	1%	1%
Other family matters	--	--	--	--	--	--	--	--	--	--	--	3	3	1	7	--	3	3	1	7
	--	--	--	--	--	--	--	--	--	--	--	2%	2%	1%	1%	--	1%	1%	0%	1%
Bankruptcy	--	1	--	--	1	--	3	1	3	7	--	2	1	--	3	--	6	2	3	11
	--	33%	--	--	8%	--	3%	1%	4%	2%	--	1%	1%	--	1%	--	2%	1%	1%	1%
Complaint about lawyer	--	--	--	--	--	--	1	--	2	3	--	3	--	1	4	--	4	--	3	7
	--	--	--	--	--	--	1%	--	3%	1%	--	2%	--	1%	1%	--	1%	--	1%	1%
Consumer	--	--	--	--	--	--	4	4	6	14	--	7	2	11	20	--	11	6	17	34
	--	--	--	--	--	--	4%	4%	8%	5%	--	4%	2%	7%	4%	--	4%	2%	7%	4%
Contracts, not small claims	--	--	--	--	--	--	5	11	13	19	1	11	10	--	22	1	16	21	3	41
	--	--	--	--	--	--	5%	10%	4%	7%	25%	6%	5%	--	4%	13%	6%	7%	1%	5%
Creditor/collection	--	--	--	--	--	--	--	3	3	6	--	1	3	1	5	--	1	6	4	11
	--	--	--	--	--	--	--	3%	4%	2%	--	1%	2%	1%	1%	--	0%	2%	2%	1%

Table 7-8 cont'd

	NA/NR					MALE					FEMALE					TOTALS				
	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years
Debtor	--	--	--	--	--	--	3	5	3	11	--	2	1	2	5	--	5	6	5	16
	--	--	--	--	--	--	3%	5%	4%	4%	--	1%	1%	1%	1%	--	2%	2%	2%	2%
Estate	--	--	--	1	1	--	--	2	4	6	--	4	5	2	11	--	4	7	7	18
	--	--	--	13%	8%	--	--	2%	5%	2%	--	2%	3%	1%	2%	--	1%	2%	3%	2%
Human rights	--	--	--	--	--	--	3	2	--	5	--	--	--	2	2	--	3	2	2	7
	--	--	--	--	--	--	3%	2%	--	2%	--	--	--	1%	0%	--	1%	1%	1%	1%
Immigration	--	--	--	--	--	--	--	--	--	--	--	1	--	1	2	--	1	--	1	2
	--	--	--	--	--	--	--	--	--	--	--	1%	--	1%	0%	--	0%	--	0%	0%
Income tax	--	--	--	1	1	--	1	2	--	3	--	--	1	--	1	--	1	3	1	5
	--	--	--	13%	8%	--	1%	2%	--	1%	--	--	1%	--	0%	--	0%	1%	0%	1%
Incorp. (non-profit society)	--	1	--	--	1	--	1	1	1	3	--	--	3	1	4	--	2	4	2	8
	--	33%	--	--	8%	--	1%	1%	1%	1%	--	--	2%	1%	1%	--	1%	1%	1%	1%
Insurance	--	--	--	--	--	--	2	2	--	4	--	3	--	--	3	--	5	2	--	7
	--	--	--	--	--	--	2%	2%	--	1%	--	2%	--	--	1%	--	2%	1%	--	1%
Labour	--	--	--	--	--	--	2	3	7	12	--	2	8	4	14	--	4	11	11	26
	--	--	--	--	--	--	2%	3%	9%	4%	--	1%	4%	3%	3%	--	1%	4%	5%	3%
Landlord/tenant	--	--	--	1	1	--	11	5	10	26	--	14	6	17	37	--	25	11	28	64
	--	--	--	13%	8%	--	11%	5%	13%	9%	--	8%	3%	11%	7%	--	9%	4%	12%	8%
Motor vehicle/ICBC	--	--	--	1	1	--	3	4	3	10	--	3	2	2	7	--	6	6	6	18
	--	--	--	13%	8%	--	3%	4%	4%	4%	--	2%	1%	1%	1%	--	2%	2%	3%	2%
Municipal	--	--	--	--	--	--	--	1	--	1	--	--	2	1	3	--	--	3	1	4
	--	--	--	--	--	--	--	1%	--	0%	--	--	1%	1%	1%	--	--	1%	0%	0%
Name change	--	--	--	--	--	--	1	--	--	1	--	2	1	--	3	--	3	1	--	4
	--	--	--	--	--	--	1%	--	--	0%	--	1%	1%	--	1%	--	1%	0%	--	0%
Native rights	--	--	--	--	--	--	--	1	--	1	--	--	--	--	--	--	--	1	--	1
	--	--	--	--	--	--	--	1%	--	0%	--	--	--	--	--	--	--	0%	--	0%
Pension	--	--	--	--	--	--	1	--	--	1	--	--	--	1	1	--	1	--	1	2
	--	--	--	--	--	--	1%	--	--	0%	--	--	--	1%	0%	--	0%	--	0%	0%
Prison	--	--	--	--	--	--	--	--	--	--	--	1	1	1	3	--	1	1	1	3
	--	--	--	--	--	--	--	--	--	--	--	1%	1%	1%	1%	--	0%	0%	0%	0%
Real property	--	--	--	--	--	--	7	4	2	13	--	5	6	5	16	--	12	10	7	29
	--	--	--	--	--	--	7%	4%	3%	5%	--	3%	3%	3%	3%	--	4%	3%	3%	4%
School	--	--	--	--	--	--	--	1	--	1	--	--	--	1	1	--	--	1	1	2
	--	--	--	--	--	--	--	1%	--	0%	--	--	--	1%	0%	--	--	0%	0%	0%

Table 7-8 cont'd

	NA/NR					MALE					FEMALE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Small claims	--	--	--	--	--	--	7	12	2	21	--	6	3	10	19	--	13	15	12	40
	--	--	--	--	--	--	7%	11%	3%	7%	--	3%	2%	7%	4%	--	5%	5%	5%	5%
Social assistance	--	--	--	--	--	--	--	--	--	--	--	1	3	1	5	--	1	3	1	5
	--	--	--	--	--	--	--	--	--	--	--	1%	2%	1%	1%	--	0%	1%	0%	1%
Torts-not small claims	--	--	--	--	--	--	3	1	4	8	--	4	1	4	9	--	7	2	8	17
	--	--	--	--	--	--	3%	1%	5%	3%	--	2%	1%	3%	2%	--	2%	1%	3%	2%
UIC	--	--	--	--	--	--	2	--	--	2	--	1	2	--	3	--	3	2	--	5
	--	--	--	--	--	--	2%	--	--	1%	--	1%	1%	--	1%	--	1%	1%	--	1%
Wills**	--	--	--	1	1	--	1	13	4	18	--	7	20	13	40	--	8	33	18	59
	--	--	--	13%	8%	--	1%	12%	5%	6%	--	4%	11%	9%	8%	--	3%	11%	8%	7%
Workers' compensation	--	--	--	--	--	--	1	2	1	4	--	1	--	1	2	--	2	2	2	6
	--	--	--	--	--	--	1%	2%	1%	1%	--	1%	--	1%	0%	--	1%	1%	1%	1%
Other	--	--	--	--	--	--	--	--	--	--	--	--	--	1	1	--	--	--	1	1
	--	--	--	--	--	--	--	--	--	--	--	--	--	1%	0%	--	--	--	0%	0%
Victim/Witness asst.	--	--	--	--	--	--	1	4	2	7	--	9	4	12	25	--	10	8	14	32
	--	--	--	--	--	--	1%	4%	3%	2%	--	5%	2%	8%	5%	--	4%	3%	6%	4%
Fore-closures	--	--	--	--	--	--	1	--	1	2	--	1	3	--	4	--	2	3	1	6
	--	--	--	--	--	--	1%	--	1%	1%	--	1%	2%	--	1%	--	1%	1%	0%	1%
Personal injury	--	--	--	--	--	--	2	--	--	2	--	4	--	1	5	--	6	--	1	7
	--	--	--	--	--	--	2%	--	--	1%	--	2%	--	1%	1%	--	2%	--	0%	1%
TOTAL	--	3	1	8	12	4	96	106	79	285	4	182	185	150	521	8	281	292	237	818
	--	99%	100%	104%	98%	100%	96%	103%	103%	98%	100%	104%	106%	105%	103%	102%	98%	99%	96%	98%

Source: LSS Management Information System.

Data for 1985-86 (pre-FNLIS) are included here only to create a complete data set, but are of no interpretive value re sex. Percentage do not necessarily total 100% due to rounding.

* In some cases, civil matters involved two problem types. To create the cross-tabulation for this table, only the first problem type was used. The number of second problems in each year was as follows: 1986-86: 2; 1986-87: 48 (including 12 maintenance-applicants, 7 separation, 6 custody access and six divorce as major categories); 1987-88: 13 (including four separation as a major category); 1988-89: 12 (including four separation as a major category).

** Of the 59 wills cases over the three years of the project, approximately 30 were participants in PLE workshops rather than intake clients per se. The understanding given to the paralegal was that they should be counted as direct service clients. P7B 5E1

At lower levels of aggregation, differences between problem types ratios are not as decisive. Custody/access issues are generally the highest individual category across all categories (total, native, nonnative, male, female), except for males, where it is second to landlord and tenant. Divorce, landlord and tenant, wills (although as noted in the table, overstated in its method of calculation), maintenance, contracts and small claims are the largest individual categories after custody/access. The only marked difference between categories is in child apprehension, which is the fourth largest native category of civil problems (seven per cent 0, but only figures in one per cent of nonnative cases).

Table 7-9 provides a breakdown of issues pursued in family and pro bono legal aid referrals. As will be shown in section 10 (see Table 10-5), the paralegal has a significant involvement in these cases. As noted for intake cases generally, there is a significant diversity of cases in both categories. Especially considering the fact that legal aid referrals often involve advocacy rather than summary advice, it is again important to stress the need for good support networks for the paralegal.

7.4 Types of Short Service Provided by Paralegal

It was not possible to generate a cross-tabulation of short service by specific problem types, but in Table 7-1 we have already noted that an average 74 per cent of short service cases are civil and 26 per cent criminal (the same proportions as in overall intake). Table 7-10 shows that the short service is given almost exclusively in the form of a more detailed interview and discussion than was possible in the intake interview. There is a tiny increase in the use of letters and phone calls over the three years, primarily in civil short service.

7.5 Summary

In terms of volume of FNLIS direct service activities, the following points can be made:

- the paralegal has averaged 358 intake interviews per year;
- 75 per cent of intake interviews have dealt with civil matters, and 25 per cent with criminal;
- the proportion of civil cases has fallen slightly in each year, with a corresponding rise in criminal cases;

Table 7-9 Issues Pursued by Lawyer and/or Paralegal for FNLIS Clients on Family Law and Pro Bono Referrals, 1986-89

	1986 - 87	1987 - 88	1988 - 89	All Years
Family law referrals:				
Total # of cases	16	15	9	40
Prematurely terminated	4	1	0	5
Completed by legal aid lawyer	12	14	9	35
Issues pursued (more than 1 possible):				
Divorce	--	--	1	1
Maintenance	1	2	4	7
Show cause	2	1	--	3
Vary order	1	--	--	1
Custody	2	4	5	11
Access	1	--	--	1
Child protection	2	4	--	6
Property division	--	--	1	1
NR	2	4	--	6
Pro bono referrals:				
Total # of cases	9	8	6	23
Issues pursued (more than 1 possible):				
Small claims	1	--	4	5
Debtor	1	4	--	5
Workers compensation	2	--	--	2

Table 7-9 cont'd

	1986 - 87	1987 - 88	1988 - 89	All Years
Contracts (not small claims)	2	--	1	3
Insurance	1	--	--	1
Motor vehicle (ICBC)	--	1	--	1
Labour	1	1	--	2
Foreclosure	1	--	--	1
Pension	1	--	--	1
Estate	--	1	--	1
Creditor/collection	--	1	--	1
Landlord/tenant	--	--	1	1

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

Table 7-10 Type of Short Service Provided by FNLIS Paralegal, 1986-89

Type of service:	Civil				Criminal				Total			
	86/ 87	87/ 88	88/ 89	All Years	86/ 87	87/ 88	88/ 89	All Years	86/ 87	87/ 88	88/ 89	All Years
Interview	40 98%	77 97%	64 91%	181 95%	11 100%	24 100%	29 94%	64 97%	51 98%	101 98%	93 92%	245 96%
Letters	-- --	1 1%	2 3%	3 2%	-- --	-- --	2 6%	2 3%	-- --	1 1%	4 4%	5 2%
Phone calls	1 2%	1 1%	4 6%	6 3%	-- --	-- --	-- --	-- --	1 2%	1 1%	4 4%	6 2%
TOTAL	41 100%	79 99%	70 100%	190 100%	11 100%	24 100%	31 100%	66 100%	52 100%	103 100%	101 100%	256 100%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

- 23 per cent of intakes have resulted in short service, and a further 23 per cent in legal aid referrals;
- short service as a percentage of overall intake has increased slightly in each year, while legal aid referrals as a percentage of overall intake have decreased. These patterns reflect the paralegal's growing confidence to handle cases herself through short service, rather than refer them out to legal aid staff;
- native clients comprise 27 per cent of overall intake, roughly double their proportion of the overall Fort Nelson population;
- male clients comprise 45 per cent of all FNLIS intakes, compared to 80 per cent in the year prior to FNLIS. This confirms the importance of FNLIS to women, whose family law and civil needs prior to FNLIS were often unmet;

- the proportion of native legal aid referrals to overall referrals from 1986-1989 was 51 per cent. It has climbed each year. The proportion of native criminal legal aid referrals from FNLIS is 66 per cent of the total, and 27 per cent of the civil legal aid referrals;
- males comprised 64 per cent of FNLIS legal aid referrals in 1986-1989: 82 per cent in criminal legal aid referrals and 35 per cent in civil legal aid referrals;
- property crimes were the largest single category of legal aid referrals in 1986-1989 (average of 44 per cent), followed by crimes against the person (25 per cent) and motor-vehicle-related crimes (17 per cent);
- there was a very broad range of civil problem types handled by the FNLIS paralegal. This tends to reinforce the need, mentioned in section 6.2.2, for the paralegal to be able to network with other paralegals and resource people whom she can access for information. It also reinforces the need for training in a variety of substantive areas;
- 39 per cent of civil intakes are family law problems, compared to 61 per cent for other civil matters. The composition for native clients is 45 per cent with family problems, compared to 38 per cent for non-natives. 25 per cent of male clients bring family problems, versus 46 per cent of female clients; and
- short service takes the form almost exclusively of an interview, with a slight use of telephone calls and/or letters written on behalf of clients.

8.0 ANALYSIS AND FINDINGS: PROFILE OF DIRECT SERVICE CLIENTS

This section shifts the focus from case volumes and problem types to a description of the client and his/her case circumstances at the time of seeing the FNLIS paralegal.

8.1 Sex, Ancestry and Residence of Clients

Table 8-1 shows that among native clients there is a sharper male-female polarization (i.e., female high, male low) in civil cases than there is for non-natives. By contrast, the polarization (male high, female low) in criminal cases is sharper for non-natives than for natives. It may be that the paralegal, largely because of family law matters, has made more contact with the female native community, and that outreach among male natives could emphasize non family civil matters.

The percentage of native clients with civil problems (16 per cent) at intake is much smaller than that of native clients with criminal problems (59 per cent). The proportion of natives in both civil and criminal intake categories peaked in the second year of FNLIS.

Table 8-3 shows that 97 per cent of FNLIS clients came from the town of Fort Nelson or the immediate surrounding area. Considering that in 1986 approximately 26 per cent of the Fort Nelson Liard Regional District population lay outside this area (Table 4-2), the figure suggests that with more geographic outreach, FNLIS could be serving the district population more fully. (See also the discussion in section 11.4.)

Table 8-4 shows that over the period 1986-1989, 39 per cent of native FNLIS clients at intake lived on a reserve, and 61 per cent off reserve. The percentage fluctuated moderately over the three year period.

8.2 Other Demographic Factors

Several other demographic characteristics of FNLIS clients were available from the LSS Management Information System, but only for those clients who completed eligibility assessments. These would therefore be FNLIS clients for whom legal aid referrals were made. The data are simply of descriptive value, as we have no comparative information to put them in relief. The primary

Table 8-1 Sex of FNLIS Clients, by Ancestry, 1986-89

SEX	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Civil cases:																				
Male	4 50%	16 30%	20 42%	8 28%	48 35%	-- --	10 26%	8 16%	9 41%	27 25%	-- --	70 38%	78 40%	62 35%	210 38%	4 50%	96 35%	106 36%	79 34%	285 35%
Female	4 50%	37 70%	28 58%	21 72%	90 65%	-- --	29 74%	41 84%	13 59%	83 75%	-- --	116 62%	116 60%	116 65%	348 62%	4 50%	182 65%	185 64%	150 66%	521 65%
NA/NR	-- --	2 --	-- --	6 --	8 --	-- --	-- --	-- --	-- --	-- --	-- --	1 --	1 --	2 --	4 --	-- --	3 --	1 --	8 --	12 --
TOTAL	8 100%	55 100%	48 100%	35 100%	146 100%	-- 100%	39 100%	49 100%	22 100%	110 100%	-- --	187 100%	195 100%	180 100%	562 100%	8 100%	281 100%	292 100%	237 100%	818 100%
Criminal cases:																				
Male	18 90%	16 94%	9 75%	4 57%	47 84%	2 100%	20 65%	37 76%	38 73%	97 72%	-- --	25 86%	27 82%	27 82%	79 83%	20 91%	61 79%	73 78%	69 75%	223 78%
Female	2 10%	1 6%	3 25%	3 43%	9 16%	-- --	11 35%	12 24%	14 27%	37 28%	-- --	4 14%	6 18%	6 18%	16 17%	2 9%	16 21%	21 22%	23 25%	62 22%
NA/NR	-- --	-- --	1 --	-- --	1 --	-- --	-- --	-- --	1 --	1 --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 --	1 --	2 --
TOTAL	20 100%	17 100%	13 100%	7 100%	57 100%	2 100%	31 100%	49 100%	53 100%	135 100%	-- --	29 100%	33 100%	33 100%	95 100%	22 100%	77 100%	95 100%	93 100%	287 100%

Source: LSS Management Information System.

Data for 1985-86 (pre-FNLIS) is included to create a complete data set, but is of little interpretive assistance re ancestry. Percentages are calculated from actual responses only, and do not include NA/NR in the calculation.

Table 8-2 Ancestry of FNLIS Clients, by Case Type, 1986-89

Ancestry:	Civil					Criminal					Total				
	85/ 86	86/ 87	87/ 88	88/ 89	All Years	85/ 86	86/ 87	87/ 88	88/ 89	All Years	85/ 86	86/ 87	87/ 88	88/ 89	All Years
Native	-- --	39 17%	49 20%	22 11%	110 16%	2 100%	31 52%	49 60%	53 57%	135 59%	2 100%	70 24%	98 30%	75 26%	245 27%
Non-native	-- --	187 83%	195 80%	180 89%	562 84%	-- --	29 48%	33 40%	33 43%	95 41%	-- --	216 76%	228 70%	213 74%	657 73%
NA/NR	8 --	55 --	48 --	35 --	146 --	20 --	17 --	13 --	7 --	57 --	28 --	72 --	61 --	42 --	203 --
TOTAL	8	281	292	237	818	22	77	95	93	287	30	358	387	330	1105
Total without NA/NR	0 100%	226 100%	244 100%	202 100%	672 100%	2 100%	60 100%	82 100%	86 100%	230 100%	2 100%	286 100%	326 100%	288 100%	902 100%

Source: LSS Management Information System.

Data for 1985-86 (pre-FNLIS) are included only to complete the data set. They are of no interpretive value regarding ancestry. Percentages are calculated on the totals without NA/NR.

Table 8-3 Residence of FNLIS Clients, 1986-89*

Residence of client:	Y E A R			
	1985 - 86	1986 - 87	1987 - 88	All Years
Fort Nelson	350 99%	365 98%	289 95%	1,004 97%
Northeastern B.C.	2 1%	3 1%	8 3%	13 2%
Elsewhere	1 0%	4 1%	8 3%	13 2%
No response	5 --	15 --	25 --	45 --
TOTAL	358 100%	387 100%	330 100%	1,075 101%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

* Residence was determined by postal codes.

Table 8-4 Place of Residence of Native FNLIS Clients, Both Civil and Criminal,
1986-89

Native residence:	Y E A R				
	1985 - 86	1986 - 87	1987 - 88	1988 -89	All Years
On reserve	1 50%	27 41%	32 32%	34 46%	94 39%
Off reserve	1 50%	39 59%	69 68%	40 54%	149 61%
Total responding	2 100%	66 100%	101 100%	74 100%	243 100%
Total identified as of native ancestry	2	70	98	75	

Source: LSS Management Information System.

1985 figures given to provide complete data set, but small numbers are of little interpretive value. The "total identified as of native ancestry" indicates that almost 100% of those identified as being native also identified their place of residence. The 1987-88 figure suggests clerical error, as more people identified their place of residence than did their ancestry. Percentages do not necessarily total 100% due to rounding.

characteristics of the FNLIS clients who completed eligibility assessments can be summarized as follows:

- approximately 60 per cent of legal aid applicants are thirty years or under. There are considerable fluctuations from year to year within age groups. There tend to be few youths under age 18 (average of 11 per cent) or clients over 50 (average of nine per cent) (Table 8-5);
- on average, 77 per cent of legal aid applicants had grade 10 or less education. Educational attainment levels tended to fluctuate from year to year (Table 8-6);
- on average, 43 per cent of legal aid applicants were single, and 27 per cent were separated or divorced. More clients (15 per cent) were living commonlaw than were married (12 per cent) (Table 8-7);
- on average, 28 per cent of applicants were employed, although there was a steady increase in applicant employment in each year (18 per cent to 44 per cent) (Table 8-8);
- 31 per cent of applicants had no dependents, and 35 per cent had only one dependent. 17 per cent had four or more dependents. These patterns tended to be similar from year to year (Table 8-9);
- 99 per cent of applicants spoke English. In general, translation has not been a major issue for the paralegal.

Table 8-5 Age of FNLIS Clients who Filled Out Legal Aid Eligibility Assessments, 1986-89

Age:	1986 - 87	1987 - 88	1988 - 89	All Years
17 + under	5 5%	13 22%	10 13%	28 11%
18 - 20	10 9%	14 24%	17 22%	41 17%
21 - 30	50 46%	13 22%	17 22%	80 33%
31 - 40	19 17%	10 17%	24 32%	53 22%
41 - 50	15 14%	2 3%	4 5%	21 9%
Over 50	10 9%	7 12%	4 5%	21 9%
No response	7 --	12 --	29 --	48 --
TOTAL	116	71	105	292
Total responding	109 100%	59 100%	76 99%	244 101%

Source: LSS Management Information System.

Percentages are calculated from "total responding" and do not include "no response." Totals may not add to 100% due to rounding. These results combine both civil and criminal matters.

Table 8-6 Education of FNLIS Clients who Filled out Eligibility Assessments, 1986-89

Grade attained:	1986 - 87	1987 - 88	1988 - 89	All Years
1 - 4	1 1%	-- --	1 2%	2 1%
5 - 7	16 16%	9 19%	6 10%	31 15%
8 - 10	59 60%	32 66%	34 57%	125 61%
11 - 12	23 23%	6 13%	19 32%	48 23%
No response	17 --	24 --	45 --	86 --
TOTAL	116	71	105	292
Total responding	99 100%	47 98%	60 101%	206 100%
Number of total responding who also attended trade school	14 14%	2 4%	5 8%	21 10%
Number of those who responded who also attended university	2 2%	-- --	-- --	2 1%

Source: LSS Management Information System.

Percentages are calculated from "total responding," and do not include "no response." Totals may not add to 100% due to rounding. These results combine both civil and criminal matters.

Table 8-7 Marital Status of FNLIS Clients who Filled out Eligibility Assessments, 1986-89

Marital status:	1986 - 87	1987 - 88	1988 - 89	All Years
Single	41 37%	32 53%	40 45%	113 43%
Widowed	1 1%	-- --	2 2%	3 1%
Married	17 15%	6 10%	9 10%	32 12%
Common-law	15 14%	9 15%	16 18%	40 15%
Separated	29 26%	12 20%	20 22%	61 23%
Divorced	8 7%	1 2%	2 2%	11 4%
No response	5 --	11 --	16 --	32 --
TOTAL	116	71	105	292
Total responding	111 100%	60 100%	89 99%	260 98%

Source: LSS Management Information System.

Percentages are calculated from "total responding," and do not include "no response." Totals may not add to 100% due to rounding. These results combine both civil and criminal matters.

Table 8-8 Employment Status of FNLIS Clients who Filled out Eligibility Assessments, 1986-89

Employed?	1986 - 87	1987 - 88	1988 - 89	All Years
YES	18 18%	11 31%	24 44%	53 28%
NO	81 82%	24 69%	31 56%	136 72%
No response	17 --	36 --	50 --	103 --
TOTAL	116	71	105	292
Total responding	99 100%	35 100%	55 100%	189 100%

Source: LSS Management Information System.

Percentages are calculated from "total responding," and do not include "no response." Totals may not add to 100% due to rounding. These results combine both civil and criminal matters.

Table 8-9 FNLIS Clients who Filled Out Legal Aid Eligibility Assessments:
Number of Dependents, 1987-89

No of dependents:	1987 - 88	1988 - 89	All Years
0	21 30%	33 31%	54 31%
1	26 37%	36 34%	62 35%
2	2 3%	14 13%	16 9%
3	8 11%	6 6%	14 8%
4	6 8%	10 10%	16 9%
5 or more	8 11%	6 6%	14 8%
TOTAL	71 100%	105 100%	176 100%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding. These results combine both civil and criminal matters. Data for 1986-87 could not be extracted for this report.

8.3 Case Circumstances

On intake, certain case circumstances are recorded, primarily for clients with criminal matters.

8.3.1 Criminal case circumstances

With reference to Tables 8-10 to 8-13, the following points can be noted:

- only six per cent (N=15) of clients were in custody at the time of the first FNLIS interview. However, for those cases where arresting was recorded, eight of the nine clients who were in custody were native. There is no ready explanation for this disturbing pattern, but this may be a situation that warrants further examination by the paralegal, and possibly advocacy around the issue of release. Given that the overall numbers involved are very small, it is not possible to reach any conclusion on the meaning of the figures. (Table 8-10);
- on average 25 per cent of FNLIS criminal clients have entered a plea at the time of the intake interviews. The frequency of having entered plea is higher for natives. This is most likely a reflection of the help they get from the native courtworker, who then refers them to FNLIS. Naturally, the plea in most of these cases is "not guilty", since otherwise there would be little purpose in coming to FNLIS (Table 8-11). In data not presented in the form of a table here, there was virtually no difference between adults and young offenders in whether plea had been entered;
- 80 per cent of FNLIS clients with criminal matters have been charged as adults, and 20 per cent as young offenders. The proportion of young offenders among criminal clients is marginally higher for non-natives than natives. (Table 8-12); and
- if we consider cash, sureties, summons and undertakings to appear as the more stringent forms of bail, they are applied slightly more frequently to non-natives (63 per cent of all forms) than to natives (56 per cent of all forms). However, there are fairly large shifts from year to year in certain types of bail. In the third year (1988-89), the four more stringent forms of bail comprised 68 per cent of the native total and 53 per cent of the non-native total. Beyond noting these patterns, it is difficult to attribute significance to them. (Table 8-13).

Table 8-10 Whether Client Was in Custody at Time of First FNLIS Interview, by Ancestry, 1986-89

Client in custody:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
YES	1 5%	2 12%	3 25%	-- --	6 12%	-- --	1 3%	2 4%	5 10%	8 6%	-- --	1 3%	-- --	-- --	1 1%	1 5%	4 5%	5 6%	5 6%	15 6%
NO	18 95%	14 88%	9 75%	4 100%	45 88%	2 100%	29 97%	44 96%	44 90%	119 94%	-- --	28 97%	30 100%	26 100%	84 99%	20 95%	71 95%	83 94%	74 94%	248 94%
NA/NR	1 --	1 --	1 --	3 --	6 --	-- --	1 --	3 --	4 --	8 --	-- --	-- --	3 --	7 --	10 --	1 --	2 --	7 --	14 --	24 --
TOTAL	20 100%	17 100%	13 100%	7 100%	57 100%	2 100%	31 100%	49 100%	53 100%	135 100%	-- --	29 100%	33 100%	33 100%	95 100%	22 100%	77 100%	95 100%	93 100%	287 100%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding. Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive value re native/non-native comparisons.

Table 8-11 Whether Plea Has Been Entered by Charged Person at Time of First FNLIS Interview, by Ancestry, 1986-89

Plea entered:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
YES	7 35%	5 33%	4 33%	-- --	16 31%	1 50%	9 33%	15 33%	12 24%	37 29%	-- --	2 7%	8 24%	5 16%	15 16%	8 36%	16 23%	27 30%	17 19%	68 25%
NO	13 65%	10 67%	8 67%	5 100%	36 69%	1 50%	18 67%	31 67%	39 76%	89 71%	-- --	27 93%	25 76%	27 84%	79 84%	14 64%	55 77%	64 70%	71 81%	204 75%
NA/NR	-- --	2 --	1 --	2 --	5 --	-- --	4 --	3 --	2 --	9 --	-- --	-- --	-- --	1 --	1 --	-- --	6 --	4 --	5 --	15 --
TOTAL	20 100%	17 100%	13 100%	7 100%	57 100%	2 100%	31 100%	49 100%	53 100%	135 100%	-- --	29 100%	33 100%	33 100%	95 100%	22 100%	77 100%	95 100%	93 100%	287 100%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding. Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive value re native/non-native comparisons.

Table 8-12 How Clients Have Been Charged at the Time of the FNLIS Interview, by Ancestry, 1986-89

How charged:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Adult	12 60%	15 88%	10 83%	6 100%	43 78%	2 100%	26 84%	32 68%	44 88%	104 80%	-- --	26 90%	32 97%	20 65%	78 84%	14 64%	67 87%	74 80%	70 80%	225 81%
Young offender	8 40%	2 12%	2 17%	-- --	12 22%	-- --	5 16%	15 32%	6 12%	26 20%	-- --	3 10%	1 3%	11 35%	15 16%	8 36%	10 13%	18 20%	17 20%	53 19%
Not charged	--	--	1	1	2	--	--	2	3	5	--	--	--	2	2	--	--	3	6	9
TOTAL	20 100%	17 100%	13 100%	7 100%	57 100%	2 100%	31 100%	49 100%	53 100%	135 100%	-- --	29 100%	33 100%	33 100%	95 100%	22 100%	77 100%	95 100%	93 99%	287 100%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "Not charged" responses are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding. Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive value re native/non-native comparisons.

Table 8-13 Bail Status of Client at Time of First FNLIS Interview, by Ancestry, 1986-89

Bail status:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Cash	--	--	--	--	--	--	--	2	--	2	--	2	1	1	4	--	2	3	1	6
	--	--	--	--	--	--	--	5%	--	2%	--	15%	4%	3%	6%	--	6%	4%	1%	3%
Detention order	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Surety	--	--	--	--	--	--	--	1	1	2	--	--	--	--	--	--	--	1	1	2
	--	--	--	--	--	--	--	3%	2%	2%	--	--	--	--	--	--	--	1%	1%	1%
Appearance notice	2	1	2	--	5	2	--	7	5	14	--	1	4	4	9	4	2	13	9	28
	29%	20%	40%	--	24%	60%	--	18%	11%	14%	--	8	16%	13%	13%	44%	6%	19%	12%	15%
Summons	1	2	--	2	5	--	1	10	18	29	--	5	7	14	26	1	8	17	34	60
	14%	40%	--	50%	24%	--	7%	25%	41%	29%	--	38%	28%	47%	38%	11%	24%	24%	44%	32%
Own recognizance	1	--	2	--	3	--	1	2	--	3	--	--	1	--	1	1	1	5	--	7
	14%	--	40%	--	14%	--	7%	5%	--	3%	--	--	4%	--	1%	11%	3%	7%	--	4%
Promise to appear	1	--	--	--	1	--	7	9	8	24	--	2	4	4	10	1	9	13	12	35
	14%	--	--	--	5%	--	47%	23%	18%	24%	--	15%	16%	13%	15%	11%	27%	19%	15%	18%
Undertaking to appear	--	1	1	1	3	--	4	8	11	23	--	2	7	4	13	--	7	16	16	39
	--	20%	20%	25%	14%	--	27%	20%	25%	23%	--	15%	28%	13%	19%	--	21%	23%	21%	21%
Don't know/other	2	1	--	1	4	--	2	1	1	4	--	1	1	3	5	2	4	2	5	13
	29%	20%	--	25%	19%	--	13%	3%	2%	4%	--	8%	4%	10%	7%	22%	12%	3%	6%	7%
NR	13	12	8	3	36	--	16	9	9	34	--	16	8	3	27	13	44	25	15	97
	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL	20	17	13	7	57	2	31	49	53	135	--	29	33	33	95	22	77	95	93	287
	100%	100%	100%	100%	100%	100%	101%	102%	99%	101%	--	99%	100%	99%	99%	99%	99%	100%	100%	101%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding. Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive value re native/non-native comparisons.

Table 8-14 Status of Client in FNLIS Family Law and Pro Bono Referrals

Client status:	1986 - 87	1987 - 88	1988 - 89	All Years
Family law referrals:				
Applicant	2	5	7	14
Respondent	5	7	1	13
Other	4	2	1	7
TOTAL	11	14	9	30
Pro bono referrals:				
Applicant/petitioner/plaintiff (not formally represented)	1	--	4	5
Respondent/defendant (represented)	2	1	1	4
Respondent (not formally represented)	--	1	1	2
Not recorded	6	6	--	12
TOTAL	9	8	6	23

Source: LSS Management Information System.

These data are derived from lawyer billings. In most cases these billings are done after the conclusion of the case, but sometimes there are interim billings. Totals in this table may therefore not equal totals in other tables dealing with referrals, as some data would not reflect the entire case process.

8.3.2 Civil case circumstances

Given the small number of overall civil legal aid referrals, we were not able to obtain much useful data on client status in family and pro bono referral cases. Table 8-14 indicates a shift from respondents to applicants as the FNLIS client over the three years, but the numbers are very small. Pro bono referrals were small and inadequately recorded in regard to client status.

8.4 Summary

A variety of data was available from the MIS on different characteristics of FNLIS clients. Sex, ancestry and residence of clients was recorded at intake and showed that:

- among native clients there is a sharper male-female polarization (female high, male low) in civil than there is for non-natives. By contrast, the polarization (male high, female low) in criminal cases is stronger for non-natives than for natives;
- the percentage of all FNLIS clients from 1986-1989 with civil problems who are native was 16 per cent, versus 84 per cent for non-natives. The percentage of all FNLIS clients with criminal problems who are native was 59 per cent, versus 41 per cent for non-natives;
- 97 per cent of FNLIS clients from 1986-1989 came from the town of Fort Nelson or immediate surrounding area;
- 39 per cent of FNLIS native clients from 1986-1987 lived on reserves, and 61 per cent off reserves;
- 60 per cent of FNLIS legal aid applications were thirty years or under; 77 per cent had grade 10 or less education; 43 per cent were single, and 27 per cent separated or divorced; 28 per cent were employed; 31 per cent had no dependents, and 35 per cent only one dependent; 99 per cent spoke English;
- six per cent of criminal clients were in custody at the time of the intake interview. Of these where ancestry was recorded (N=nine), eight were native;
- 25 per cent of FNLIS criminal clients had entered a plea at the time of the interview;
- 80 per cent of FNLIS clients with criminal matters were charged as adults, and 20 per cent as young offenders.

9.0 ANALYSIS AND FINDINGS: VOLUMES AND TYPES OF PLE AND GROUP ADVOCACY ACTIVITIES

This section describes the various initiatives taken by the FNLIS paralegal in the areas of public legal education (PLE), group advocacy and general advertising.

9.1 Workshops

Prior to FNLIS, the Fort St. John staff lawyer or other lawyers had occasionally, in conjunction with the Public Legal Education Society (formerly the People's Law School) and Northern Lights College, offered workshops on a variety of legal subjects. Between 1981 and 1986, 24 such workshops were offered on topics ranging from landlord and tenant, RRSPs, buying and selling a home, family law, to income tax preparation. One-half of these were cancelled for lack of participants. Of those that were attended, buying and selling a home, wills and estates, income tax preparation and, on one occasion, family law, were topics. Thus, prior to the paralegal's arrival, there was some precedence for offering a narrow range of PLE themes.

The paralegal started providing her own series of workshops soon after FNLIS opened in July, 1986. For the period of the federal funding, her workshop schedule was as follows:

Date	Type of Workshop	Attendance	Location
Fall 1986	Divorce Act	8-9	Fort Nelson, Northern Lights College
Fall 1986	Family Law	4	Fort Nelson, Northern Lights College
Jan. 1987	Wills	20	Fort Nelson, Northern Lights College
March 1987	Wills	9	Fort Nelson, Northern Lights College
April 1987	Wife Battering	12	Fort Nelson, Northern Lights College (part of a panel)

Date	Type of Workshop	Attendance	Location
October 1987	Divorce Law for Counsellors	12	Fort Nelson, Northern Lights College
Nov. 1987	Wills	14	Fort Nelson, Northern Lights College
Jan. 1988	Wills	12	Fort Nelson; a private home
Jan. 1988	Wills	14	Fort Nelson, Northern Lights College
Feb. 1988	Wills	4	Fort Nelson, Northern Lights College
April 1988	Wills	20-25	Toad River
Oct. 1988	FNLIS and general activities	7-8	Fort Nelson, Northern Lights College - vocational class
Nov. 1988	Wills	5	Fort Nelson, Northern Lights College
Nov. 1988	Consumer Law	5	Fort Nelson, Northern Lights College - vocational class
Dec. 1988	Family Court for Counsellors	5	Fort Nelson, Northern Lights College
Feb. 1989	Employment Standards Act	10	Fort Nelson, Northern Lights College - business administration class

Apart from the first workshop, in which a local lawyer was the speaker, and the Wife Battering Workshop (April 1987), in which she was a panelist at a workshop sponsored by the Women's Resource Centre, the paralegal developed

and delivered the workshops herself. The Divorce Law for Counsellors (October 1987), and Family Court for Counsellors (December 1988), would be considered as group advocacy sessions. As indicated above, most of the PLE workshops were held at Northern Lights College (NLC). NLC charges \$10/person, and handles all advertising for the workshop, consisting of regular radio ads, newspaper announcements and a series of posters sent to selected community businesses and other locations.

In addition to these more formal workshops, the paralegal made three fact-finding and introductory trips to outlying areas. The first was to Toad River, a community of approximately 90 people 195 km north of Fort Nelson. On that occasion, she met several key community people, left some catalogues and publications for a school teacher, and laid the groundwork for the April 1988, workshop listed above. In February 1988, she made a day trip to Fort Liard in the Northwest Territories, 300 km north of Fort Nelson. Although in the NWT, its residents frequent Fort Nelson often for medical, dental and consumer services. It was therefore logical to inform the community about FNLIS in regard to legal matters which might arise in northern B.C. One-third and more substantial trip was made in May 1989, to the North West sector of the province.

An assessment of and recommendations around workshops are provided in sections 11.3.2 and 12.4.2. A discussion of geographic outreach generally is in sections 11.4.1 and 11.4.2.

9.2 Newspaper and Radio Columns

A second form of PLE undertaken by the paralegal was newspaper and radio columns. The radio columns were done primarily in July through October 1986, with some carryover into 1987. They were a means both of providing information on legal subjects, and at the same time informing the public about FNLIS. The paralegal developed 30 scripts based on transcripts from the Dial-A-Law program. She prerecorded three-to-five minute radio spots that ran on Tuesday mornings and Thursday afternoons as a community service. Topics were wide-ranging, including, for example, series on:

- small claims procedures;
- employment standards;
- landlord tenant issues;
- motor-vehicle offences under criminal law; and
- consumer purchase issues.

She also presented individual scripts on matters such as builders' liens, guaranteeing a loan, the Canada Pension Plan, pardons and possession of marihuana. In 1986, the radio station asked the paralegal if she would do a live call-in show, but she felt too uncomfortable to agree to the request. (This demonstrates the quality, mentioned in section 6.3.1, of her knowing her own boundaries.)

From July to December 1986, and again from May through August 1988, the paralegal ran a total of 18 articles on legal topics in the Fort Nelson News, a local newspaper published three times per week. The articles were again based on the Dial-A-Law program, but were adapted by the paralegal for publication in the newspaper. Topics were similar to those covered in the radio spots, including:

- landlord/tenant issues;
- consumer purchases;
- small claims procedures; and
- employment standards.

Some feedback on these initiatives is reported in section 11.3.3.

9.3 General Advertising

Insofar as the above media initiatives involve free advertising for FNLIS, one could say that FNLIS has had considerable exposure. In addition, in May 1986, the paralegal participated in a local trade show (prior to start-up of FNLIS), which she attended again in subsequent years. This annual three-day event involved renting a booth, providing PLE and other brochures, and informing citizens about FNLIS. At the time of start-up, the paralegal also did two radio interviews about FNLIS itself, and several ads about the service were placed in the newspaper. Apart from these initiatives, FNLIS did not, during the funding period, distribute posters about its services. In this sense, there was not a continuous "presence" in store or social agency windows, doctors' offices or other locations concerning the existence of FNLIS. In February 1989, the Board decided to allocate funds to develop a poster.

9.4 Summary

During the funding period (July 1986 to February 1989), the paralegal held 16 PLE workshops and participated as a panellist in another workshop. One-half of the workshops (eight) were on wills and probate, while four were on family-related law. All except one of the workshops were held in Fort Nelson, and all

except two were held at Northern Lights College. Two workshops consisted of group advocacy activity.

The paralegal also made fact-finding and introductory trips to outlying areas on three occasions: once to Toad River (followed two months later by a PLE wills workshop), 195 km north of Fort Nelson; one to Fort Liard in the Northwest Territories, 300 km north of Fort Nelson; and a week-long trip to the Northwest area of the province.

The paralegal recorded 30 radio scripts on a variety of legal issues which were played by the local station in 1986 and 1987. She also wrote 18 articles, carried in 1986 and 1988 by the local newspaper. These two sets of media columns also served as a way of advertising FNLIS. The paralegal undertook a few additional initiatives (trade show participation, radio interviews and newspaper ads), especially early in the life of FNLIS.

10.0 ANALYSIS AND FINDINGS: ADMINISTRATION AND TIME MANAGEMENT

The intent of this section is to examine both the overall use of time by the paralegal, and the proportion of overall case time (i.e., of lawyer, secretary and paralegal time) that involves the paralegal. The source of information for the first issue are time sheets maintained by all LSS branch office and community law office staff. The source for the second issue is a record of time expenditures that is maintained on all intake worksheets, short service reports and referral forms.

10.1 Overall Use of Time by Paralegal

Table 10-1 shows that over the period 1986-1989, the paralegal spent 39 per cent of her time on direct service activities, five per cent on PLE activities, and 56 per cent on administration and other noncase or non PLE activities. In the third category, 10 per cent consists of professional development, the essence of which is described in section 6.2. Five percent was for noncase travel, which for the most part was for training, but also for special reconnaissance trips described in sections 9.1 and 11.4. A further nine per cent is spent on office administration specifically related to FNLIS and LSS, an activity which is important for the paralegal to be involved in. However, a very significant portion of the paralegal's time -- 30 per cent -- is spent on office administration of a more general type, which clearly could be done by a secretary.

Since the model for FNLIS was a single-person office, the paralegal has had no choice but to undertake all essential secretarial tasks herself. Indeed, we mentioned in section 6.1 that typing was one of the skills required of the applicants to the paralegal's position. However, we strongly feel that the addition of a part-time secretary would significantly enhance the effectiveness of FNLIS. There are several reasons for this:

- most obviously, it is not cost effective for 30 per cent of the paralegal's time to be consumed in tasks that could be undertaken by a person with lesser training and at lower pay;
- if there were no other activities the paralegal could undertake to effectively use time freed up from secretarial activities, we would not recommend the addition of a part-time secretary. However, as will be discussed at several points in sections 11 and 12, the

Table 10-1 Time Utilization by FNLIS Paralegal, 1986-89

Time category:	1986 - 87	1987 - 88	1988 - 89	All Years
Direct service:				
1. Criminal intake	33.0 2%	32.6 2%	29.4 2%	95.0 2%
2. Civil intake	140.0 8%	127.2 7%	93.6 5%	360.8 7%
3. Case preparation --criminal tariff	112.2 7%	107.9 6%	106.5 6%	326.6 6%
4. Case preparation --criminal non-tariff	10.5 1%	16.6 1%	14.8 1%	41.9 1%
5. Case preparation --civil tariff	112.3 7%	35.7 2%	51.3 3%	199.3 4%
6. Case preparation --civil non-tariff	147.1 9%	225.9 13%	242.0 13%	615.0 12%
7. Court hearing or duty counsel --civil or criminal	.8 0%	1.1 0%	.7 0%	2.6 0%
8. Other	85.6 5%	77.6 5%	211.8 12%	375.0 7%
Total direct service time	641.5 38%	624.6 37%	750 42%	2,016.2 39%
Public legal education:				
9. Public legal education	140.2 8%	67.3 4%	74.6 4%	282.1 5%
Total PLE	140.2 8%	67.3 4%	74.6 4%	282.1 5%
Office administration, training and other non-case or non PLE activity:				
10. Office administration --related to LSS and FNLIS	98.8 6%	179.0 11%	213.7 12%	491.5 9%
11. Office administration --general	464.6 28%	507.2 30%	554.6 31%	1,526.4 30%
12. Professional development	223.8 13%	201.6 12%	99.6 6%	525.0 10%

Table 10-1 cont'd

Time category:	1986 - 87	1987 - 88	1988 - 89	All Years
13. Public relations	32.6 2%	14.7 1%	2.5 0%	49.8 1%
14. Community development	23.3 1%	19.5 1%	11.8 1%	54.6 1%
15. Non-case related travel	58.7 3%	87.6 5%	92.7 5%	239.0 5%
Total office administration, training and other non-case or non-PLE activity:	901.8 54%	1,009.6 59%	947.9 54%	2,886.3 56%
Overall total time	1,683.5 100%	1,701.5 100%	1,799.6 100%	5,184.6 100%

Source: LSS Management Information System.

Item percentages do not necessarily add up to group percentages due to rounding.

Note: Most of the time categories are self-explanatory, except for the following:

#8. Other--usually used by the paralegal to record time spent assisting clients at the courthouse during sittings, apart from formal appearances on a legal aid basis.

#9. Office administration related to LSS and FNLIS: attending board meetings, talking with LSS staff, preparing funding applications, staff meetings. Does not include activities common to the running of any office (see next category).

#10. Office administration--general: obtaining office supplies, ordering pamphlets, updating library holdings, taking cheques to board members, etc.

#13. Community development--time spent as a member in a group which assists community groups to meet their organizational goals through identification of issues and services (e.g., Native Friendship Centre, AA, or staff or board of a crisis group).

paralegal could usefully expand her activities in PLE, group lay advocacy and agency networking. Being relieved of much of the burden of office administration would allow her to focus more fully on these activities; and

- it is impossible for the paralegal to maintain an office presence while at the same time attending to court services, participating in training workshops, or doing outreach and/or networking with agencies and community groups. The presence of a secretary in the office when the paralegal is necessarily absent would compensate somewhat and provide continuity for clients.

Recommendation #3:

That the LSS provide funds to FNLIS to hire a secretary on a one-third to half-time basis.

Viewing FNLIS not so much in terms of its own situation, but rather as a model of legal service delivery in other remote communities, periodic consideration and/or review should be given to the need for secretarial assistance in single paralegal offices. Such consideration should include factors such as:

- time spent on administrative matters;
- office continuity;
- time needed out of the office by the paralegal;
- isolation of the paralegal from personal support; and
- availability of office technologies (Fax, computer).

In regard to the latter point, from 1986-1989, FNLIS had neither a FAX machine nor a computer. Both issues were in the process of being resolved at the time of writing this report. Again viewing FNLIS as a service in a remote community, it is worth stressing that these technologies can play an important role in bridging isolation. A computer would allow direct access to a growing number of legal case databases. A FAX machine can also be of assistance, especially in emergency situations. For example, the Fort Nelson court registry is technically a supreme court registry in addition to its more usual function of a provincial court registry. In emergency situations requiring a supreme court ruling, it would be possible for the paralegal to prepare affidavit materials (e.g., in a child kidnapping case), have the material sworn before a justice of the peace in Fort Nelson, FAXed to Fort St. John and approved by a judge in that community.

10.2 Extent of Paralegal Involvement in Overall Case Time

In section 12.0 we describe more fully the extent of service provided by the paralegal in terms of her actual activities. In this section we interpret involvement of the paralegal in cases solely in terms of time.

Intake service is restricted to one hour under LSS guidelines. Tables 10-2 and 10-3 show that the large majority of FNLIS civil and criminal intakes in 1988-1989 lasted under 20 minutes (.3 hours). There was little difference in length of service between native and non-native clients, nor, in criminal cases, between adults and young offenders. All intake time was paralegal (as opposed to secretarial or lawyer) time.

Table 10-4 shows that short service time, by LSS policy, is restricted to two hours beyond the intake interview. In fact, in 21 per cent of civil cases and 13 per cent of criminal cases for 1988-1989, the paralegal spent between two and three hours. (This arrangement is generally acceptable to the LSS. The alternative for service of longer duration would be to convert the matter to a legal aid referral, which, in some cases that only marginally exceed the time limit, is not worth the paperwork.) In general, civil short service cases consumed more time than criminal short service cases (44 per cent of cases over one hour for civil versus 29 per cent for criminal). Virtually all short service time was paralegal time (as opposed to secretarial or lawyer time).

Table 10-5 demonstrates that paralegal time constitutes a significant portion even of legal aid cases. For criminal law cases it has averaged 38 per cent of total case time from 1986-1989, for family law cases 69 per cent, and for pro bono referral cases 89 per cent. For criminal cases it has tended to remain constant, but for family law cases it has increased in each year, from 54 per cent in 1986-1987 to 75 per cent in 1988-1989, while in pro bono cases it has fallen in each year. However, the actual hours of case time have increased dramatically for both family law and pro bono referral cases, suggesting paralegal involvement in more complex cases. As noted in section 7-1, the number of legal aid referrals declined in each year while the number of short service cases rose. This indicated an increase in the paralegal's confidence to take on cases herself. The data presented in Table 10-5 rounds out this picture of a deepening paralegal involvement even in the fewer legal aid cases she refers out.

**Table 10-2 Paralegal Time Spent on Civil and Criminal Intake, by Ancestry
July 1/88 - June 30/89**

	CIVIL CASES				CRIMINAL CASES			
	NR	Native	Non-Native	Total	NR	Native	Non-Native	Total
Paralegal Time:								
0.0 hours	2 6%	1 5%	2 1%	5 2%	-- --	3 6%	3 9%	6 6%
0.1 hours	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --
0.2 hours	2 6%	1 5%	11 6%	14 6%	1 14%	6 11%	4 12%	11 12%
0.3 hours	25 71%	14 64%	121 67%	160 68%	5 71%	41 77%	23 70%	69 74%
0.4 hours	-- --	1 5%	-- --	1 0%	-- --	1 2%	-- --	1 1%
0.5 hours	5 14%	3 14%	28 16%	36 15%	-- --	-- --	2 6%	2 2%
0.6 hours	-- --	1 5%	4 2%	5 2%	1 14%	1 2%	-- --	2 2%
0.7 hours	-- --	1 5%	3 2%	4 2%	-- --	-- --	1 3%	1 1%
0.8 hours	-- --	-- --	4 2%	4 2%	-- --	-- --	-- --	-- --
0.9 hours	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --
1.0 hours	1 3%	-- --	7 4%	8 3%	-- --	1 2%	-- --	1 1%
TOTAL CASES	35 100%	22 103%	180 100%	237 100%	7 99%	53 99%	33 100%	93 99%

Source: LSS Management Information System.

Only 1988-89 cases are reported here, as in prior years data entry for time was only to the nearest half hour. It was therefore not comparable. Percentages do not necessarily total 100% due to rounding.

**Table 10-3 Paralegal Time Spent on Criminal Intake, by Adult/Young Offender,
July 1/88 - June 30/89**

Paralegal time:	HOW CHARGED			Total
	Not charged	Adult	Young offender	
0.0 hours	-- --	2 3%	4 24%	6 6%
0.2 hours	1 17%	9 13%	1 6%	11 12%
0.3 hours	4 67%	55 79%	10 59%	69 74%
0.4 hours	-- --	1 1%	-- --	1 1%
0.5 hours	-- --	1 1%	1 6%	2 2%
0.6 hours	1 17%	-- --	1 6%	2 2%
0.7 hours	-- --	1 1%	-- --	1 1%
1.0 hours	-- --	1 1%	-- --	1 1%
TOTAL	6 101%	70 99%	17 101%	93 99%

Source: LSS Management Information System.

Only 1988-89 cases are reported here, as in prior years data entry for time was only to the nearest half hour. It was therefore not comparable. Percentages do not total 100% due to rounding.

Table 10-4 Time Spent by Paralegal on "Short Service" with Client, Civil and Criminal Matters, July 1/88 - June 30/89

Paralegal Time	Civil Cases	Criminal Cases
.5 hours or less	24 34%	11 35%
.6 hours - 1 hours	15 21%	11 35%
1.1 hours - 2 hours	16 23%	5 16%
2.1 hours - 3 hours	15 21%	4 13%
TOTAL	70 99%	31 99%

Source: LSS Management Information System.

Only 1988-89 cases are reported here, as in prior years data entry for time was only the nearest half hour. It was therefore not comparable.

Total paralegal time on civil short service cases was 88.3 hours. Corresponding lawyer time on the same cases was 1.5 hours. Total paralegal time on criminal short service cases was 32 hours. Corresponding lawyer time on the same cases was .3 hours.

Percentages do not total 100% due to rounding.

Table 10-5 FNLIS Paralegal Time Involvement in Legal Aid Referral Cases, 1986-89

	1986 - 87	1987 - 88	1988 - 89	All Years
1. Criminal law referral cases:				
Total number of cases	30	49	54	133
Total lawyer time	109.0 hrs	149.5 hrs	129.0 hrs	387.5 hrs
Total paralegal time	55.3 hrs	109.1 hrs	79.6 hrs	244.0 hrs
Total clerical time	--	3.0 hrs	10.8 hrs	13.8 hrs
Average lawyer time	3.6 hrs	3.1 hrs	2.4 hrs	2.9 hrs
Average paralegal time	1.8 hrs	2.2 hrs	1.5 hrs	1.8 hrs
Average clerical time	--	.1 hrs	.2 hrs	.1 hrs
Paralegal time as % of overall case time	34%	42%	36%	38%
2. Family law referral cases:				
Total number of cases	16	15	9	40 hrs
Total lawyer time	41.0 hrs	61.1 hrs	66.8 hrs	168.9 hrs
Total paralegal time	62.5 hrs	132.3 hrs	228.4 hrs	423.2 hrs
Total clerical time	13.0 hrs	--	10.8 hrs	23.8 hrs
Average lawyer time	2.6 hrs	4.1 hrs	7.4 hrs	4.2 hrs
Average paralegal time	3.9 hrs	8.8 hrs	25.4 hrs	10.6 hrs
Average clerical time	.8 hrs	--	1.2 hrs	.6 hrs
Paralegal time as % of overall case time	54%	68%	75%	69%
3. Pro bono referral cases:				
Total number of cases	5	13	7	25
Total lawyer time	--	6.8 hrs	11.8 hrs	18.6 hrs
Total paralegal time	20.0 hrs	78.8 hrs	59.7 hrs	158.5 hrs
Average lawyer time	--	.5 hrs	1.7 hrs	.7 hrs
Average paralegal time	4.0 hrs	6.1 hrs	8.5 hrs	6.3 hrs
Paralegal time as % of overall case time	100%	92%	83%	89%

Source: LSS Management Information System.

10.3 Summary

In the period 1986-1989, the paralegal spent 39 per cent of her time on direct service activities, five per cent on PLE activities, and 56 per cent on administration and other noncase or non PLE activities. While 10 per cent out of the 56 per cent represents professional development time, and five per cent on noncase travel, 30 per cent of her time was spent on office activities that could be handled by a secretary. Considering several other activities to which the paralegal could fruitfully devote more time, we recommend the hiring of a part-time secretary to handle routine administrative functions.

All intake activity and virtually all short service activities are handled by the paralegal without lawyer assistance. The paralegal is also extensively involved in legal aid cases, averaging 38 per cent of total case time in criminal cases from 1986-1989, 69 per cent of family law cases and 89 per cent of pro bono referral cases. This time expenditure has remained fairly constant for criminal cases; in family law referral cases it increased from 54 per cent of overall case time in 1986-1987 to 75 per cent in 1988-1989; in pro bono cases it has fallen in each year. However, the actual hours of case time have increased dramatically for both family law and pro bono referral cases, suggesting paralegal involvement in more complex cases. These results generally paint a picture of paralegal involvement in cases at a deeper level over each successive year. They complement the trend noted earlier, of the paralegal assuming more short service cases on her own, rather than referring them out to a lawyer. Both sets of results bespeak the paralegal's growing confidence over the three-year period.

11.0 ANALYSIS AND FINDINGS: THE ISSUE OF ACCESSIBILITY

11.1 Overview of Issues

The issue of accessibility is a logical concern of any organization that offers a service to the general public. It was a major part of the evaluation of Legal Aid in British Columbia cited earlier,²¹ and was a central part of the analysis undertaken for the present report. We construe the term accessibility very broadly. It includes the following concepts:

- **eligibility** - who can and cannot use the services?
- **location** - is the central service in a location that potential clients can find and feel comfortable being in? Is it well identified?
- **scheduling** - are the hours of service convenient to users?
- **attitudinal** - is the manner of the paralegal and the atmosphere of the office such that potential users would feel comfortable using the service?
- **advertising** - are the services widely advertised, such that potential users are aware of them?
- **outreach** - is the delivery of service active or passive? Does it reach out to potential user groups or expect them to come to the service?
- **networking and referral** - does the paralegal network with other agencies to widen knowledge of her service? Has she developed an effective referral network to facilitate access to FNLIS, and to other agencies?

11.2 Eligibility for Direct Service

The LSS has time restrictions and/or eligibility requirements for direct services provided by its local offices (both branch offices and community law offices). It does not have eligibility requirements for PLE and/or group advocacy activities, so those are not analyzed here.

²¹ Brantingham, op. cit., pp. 152-281.

11.2.1 LSS criteria

In section 5.1 we outlined the LSS policies in terms of various levels of direct service. Briefly recapitulated, intake and "short service" are provided free of charge on any matter to any individual. However, intake (in which the client often receives summary advice) is of less than one hour's duration (see Tables 10-2 and 10-3 for actual duration at FNLIS). Beyond that, the client is either given short service or, if eligible, a legal aid referral. Short service can be a maximum of two hours duration. If the client is not eligible for legal aid, he/she cannot receive more service on the same matter from a local LSS office.

Section 5.1 also described the eligibility criteria for criminal and civil legal aid in terms of the context of the legal problem. In terms of financial eligibility, LSS policy states that a person qualifies for legal services if he or she:

- has an income below the poverty line for his or her community and family size, or that income would be below the poverty line if certain recurring expenses are taken into account; is charged with one of certain serious criminal offenses, and is eligible under the Flexible Eligibility Test;
- has a human rights problem, and is eligible under the Flexible Eligibility Test;
- is a young offender, and is eligible for court-appointed counsel; or
- can't get a lawyer because of geography, language, etc. even though his or her income is over the poverty line.

The poverty or low income line fixed by the LSS is based on figures published by the National Council on Welfare in August 1982, and revised annually.

11.2.2 Application of LSS criteria in Fort Nelson

In two respects, the paralegal has interpreted LSS criteria liberally in dealing with FNLIS clients. The first concerns the use of short service. As shown in Table 10-4 and noted in section 10.2, the FNLIS paralegal has, in fact, offered some short service exceeding two hours, which is a de facto extension of LSS eligibility rules. Given the general lack of service alternatives in Fort Nelson, this is not a practice which the LSS has attempted to stop. On one occasion, the paralegal received a notice when a short service exceeded three hours, but the LSS fieldworker has felt comfortable with the occasional provision of a more extended short service.

The second respect in which she has interpreted guidelines liberally is in the size of community used to determine low income lines. The LSS has five community population sizes with different income lines: 500,000 and over, 100-499,999, 30,000-99,999, less than 30,000 and "rural". The net monthly household income line for the latter two categories in 1988 was as follows:

Family Size	Population Less Than 30,000	Rural
1	\$ 720	\$ 660
2	1,010	930
3	1,280	1,170
4	1,450	1,320
5	1,660	1,510
6	1,800	1,640
7 or more	1,970	1,790

For purposes of her calculations, the paralegal -- with the agreement of the LSS fieldworker -- has chosen to use the "less than 30,000" community category. The rationale for this selection was the high cost of such items as food and heating in her community. Given that Fort Nelson is the most northerly and remote community served by an LSS office, and that it does place more financial demands of the type noted than would be experienced by clients in southern rural communities, we feel this is an appropriate adjustment. The paralegal states that selection of the "less than 30,000" community size has helped "quite a few" of her clients whose income was right on the borderline. Since the MIS has only computerized the amount of welfare rather than the total household income, we were unable to verify this claim.

Table 11-1 shows that financial eligibility was determined on average only 27 per cent of the time, as the matter did not require a legal aid service. Only 13 out of 295 cases (four per cent) where eligibility was determined resulted in a refusal of legal aid for income and/or asset reasons. In most of these cases, the paralegal claims she was able to give the client sufficient information -- either as a summary service at the time of intake or during short service -- to give them some direction about their case. In the one such case encountered in our client survey, the refused applicant was able to talk to the LSS staff lawyer, and did not ultimately need any service beyond that provided by the paralegal.

**Table 11-1 Eligibility of FNLIS Clients for Legal Aid Referral, 1986-89,
with Comparison for Fort Nelson Cases in 1985-86 (Pre-FNLIS)**

	Civil Cases					Criminal Cases					All Cases				
	85/ 86	86/ 87	87/ 88	88/ 89	All Years	85/ 86	86/ 87	87/ 88	88/ 89	All Years	85/ 86	86/ 87	87/ 88	88/ 89	All Years
<u>Eligible because of:</u>															
Financial circumstances	7 88%	40 14%	14 5%	26 11%	87 11%	13 59%	52 68%	52 55%	65 70%	182 63%	20 67%	92 26%	66 17%	91 28%	269 24%
Geographic	-- --	-- --	1 0%	-- --	1 0%	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 0%	-- --	1 0%
Language/ethnic	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	-- --	-- --	1 0%	-- --	1 0%	-- --	-- --	1 0%
Special group	-- --	-- --	-- --	-- --	-- --	1 5%	-- --	-- --	-- --	1 0%	1 3%	-- --	-- --	-- --	1 0%
Service otherwise unavailable	-- --	1 0%	-- --	-- --	1 0%	8 36%	-- --	-- --	-- --	8 3%	8 27%	1 0%	-- --	-- --	9 1%
Other	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	1 0%	-- --	-- --	-- --	1 0%	1 0%
<u>Ineligible because:</u>															
Income too high	-- --	2 1%	2 1%	-- --	4 1%	-- --	2 3%	2 2%	2 2%	6 2%	-- --	4 1%	4 1%	2 1%	10 1%
Too many assets	-- --	1 0%	-- --	-- --	1 0%	-- --	-- --	-- --	1 1%	1 0%	-- --	1 0%	-- --	1 0%	2 0%
Both income and assets	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	-- --	-- --	1 0%	-- --	1 0%	-- --	-- --	1 0%
<u>Eligibility:</u>															
Not determined	1 13%	237 84%	275 94%	211 89%	724 89%	-- --	21 27%	41 43%	24 26%	86 30%	1 3%	258 72%	316 82%	235 71%	810 73%
TOTAL	8 101%	281 99%	292 100%	237 100%	818 101%	22 100%	77 100%	95 100%	93 100%	287 98%	30 100%	358 99%	387 100%	330 100%	1105 99%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

The reader should also note that in the pre-FNLIS period of 1985-1986 (see Table 11-1), eight clients were given legal aid simply because the absence of a local lawyer and FNLIS meant that service would otherwise be unavailable. In the FNLIS period, use of this provision was required only once. This would suggest that in most cases the FNLIS has been able to meet the needs of refused applicants.

11.3 Locational, Scheduling and Attitudinal Factors

Locational, service scheduling and attitudinal factors are discussed below for three aspects of FNLIS activity: direct service, PLE workshops and PLE media presentations.

11.3.1 FNLIS direct services

Tables 11-2 to 11-16 reflect how a client is dealt with at the various stages of contacting and using FNLIS direct services. All the tables are derived from the client survey, and are therefore subject to limitations.

Table 11-2 shows that the telephone plays a useful role in ensuring accessibility to the service. Over one-third of civil cases were handled by phone, although, not surprisingly, none of the criminal cases was. The telephone was used as a follow-up to in-person contacts in 26-27 per cent of all cases. The reasons for using the telephone (shown in Table 11-6) were important in terms of accessibility: 45 per cent of responses were that it was difficult to use FNLIS during office hours, while in two cases (six per cent of responses) the caller felt they could be more anonymous.

People with criminal problems were less likely to use the telephone (Table 11-3) to contact FNLIS (55 per cent of the cases) than were those with civil problems (74 per cent of the cases). Nineteen percent of the callers (Table 11-4) said they had problems finding the telephone number. One can assume that others could not find it at all. The principal problem for those having difficulties was assuming that FNLIS was a government service and looking in the blue pages. Once they had the telephone number, one in six callers said they had a minor problem getting through to the paralegal (Table 11-5) as fast as they would have liked. Since the paralegal keeps a very regular office schedule, this was likely due to her absence on professional development training weeks, or her attendance at the provincial court during the periodic sittings. Although FNLIS has an answering machine, these minor delays would be even less

problematic with the addition of a part-time secretary-receptionist, as per recommendation #3.

Location of a service can sometimes play a major role in a potential client's ability or willingness to use the service. FNLIS is located in Fort Nelson's municipal town hall complex, on Fort Nelson's main street (part of the Alaska Highway). As mentioned in section 4.1, this complex was originally a motel that went into receivership and was purchased by the town. Part of it houses the municipal and regional district offices, but it also includes an attractive library, the government agent's and Ministry of Social Services and Housing offices, a senior citizen's complex, and space designated for a theatre. All of these services have external entrances and ready parking. FNLIS resides inside the complex. It is accessed by passing through the main town hall lobby and down a hall lined with pictures of municipal and regional district council fathers (and mothers) past and present. The only other office immediately beside FNLIS is that of the Chamber of Commerce, which is frequently vacant. There is an interior open area outside the FNLIS office, largely empty, from which one can access the council chambers, town hall offices and a private door to the library.

Table 11-2 Primary Type of Service Provided by FNLIS

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Telephone	22 30%	2 18%	20 32%	1 7%	21 36%	22 35%	0 0%
In person	32 44%	5 45%	27 44%	9 64%	23 39%	24 39%	8 73%
In person, with some telephone follow-up	19 26%	4 36%	15 24%	4 29%	15 25%	16 26%	3 27%
Total responding	73 100%	11 99%	62 100%	14 100%	59 100%	62 100%	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-3 Was a Telephone Used to Contact the Office?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
NO	21 29%	4 36%	17 27%	6 43%	15 25%	16 26%	5 45%
YES	52 71%	7 64%	45 73%	8 57%	44 75%	46 74%	6 55%
Total responding	73 100%	11 100%	62 100%	14 100%	59 100%	62 100%	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-4 Did Client Have any Problems Finding the Telephone Number?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
NO	42 81%	5 71%	37 82%	7 88%	35 80%	36 78%	6 100%
YES	10 19%	2 29%	8 18%	1 13%	9 20%	10 22%	0 0%
Total responding	52 100%	7 100%	45 100%	8 100%	44 100%	46 100%	6 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-5 Did the Client Have any Problems Getting Through to the Office as Fast as He/She Would have Liked?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
NO	38 83%	5 71%	33 85%	5 100%	33 80%	32 80%	6 100%
Minor Problem	8 17%	2 29%	6 15%	0 0%	8 20%	8 20%	0 0%
Total responding	46 100%	7 100%	39 100%	5 100%	41 100%	40 100%	6 100%

Source: Client survey.

No "major" problems were reported. Total percentages may not add to 100% due to rounding.

Table 11-6 Client's Reason to have Problem Dealt with by Phone
(N = 22, more than 1 answer possible)

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Problem was not complicated	7 23%	0 0%	7 23%	0 0%	7 23%	7 23%	0 0%
More anonymous (general concern)	2 6%	0 0%	2 7%	0 0%	2 6%	2 6%	0 0%
Difficult to come in during office hours	14 45%	1 100%	13 43%	0 0%	14 45%	14 45%	0 0%
Other	8 26%	0 0%	8 27%	0 0%	8 26%	8 26%	0 0%
Total responses	31 100%	1 100%	30 100%	0 --	31 100%	31 100%	0 --

Source: Client survey.

Total percentages may not add to 100% due to rounding.

The FNLIS office itself is roughly 12' by 12', has a large window facing the interior open area, and another facing outside. The office is fairly formal but not unfriendly, with a large desk, bookshelves lining one wall with legal books, and several chairs for clients. In terms of signage, there is one sign saying Legal Aid along with others identifying the offices in the town hall complex, which is clearly visible from the highway outside the complex. There is also a small sign saying "Legal Aid Office" at the entrance to the hallway at the far end of the entry lobby.

There are several advantages to the present location. First, and perhaps foremost, it is free, except for a nominal "rent" of \$425/year to cover utilities. As noted in section 4.3, the LSS requested that the town of Fort Nelson contribute financially to the project, and the town agreed to provide both the furniture and the space. The executive director of LSS sees this type of local contribution as one way of facilitating the provision of legal services in communities where population might not normally warrant establishment of an LSS office. Secondly, some community respondents saw FNLIS' location in the town hall complex as lending credibility to the service, and as facilitating contact with the government offices housed there. Thirdly, respondents from the Women's Center felt that the interior location of the office afforded female users of the service slightly more anonymity than a store front location. Fourthly, it is easy to explain the location, as all residents and many outsiders would know where the town hall complex is. In addition, being housed in the complex, the paralegal is part of a larger network of people, that tends to reduce her isolation. Finally, the location beside the town library is convenient to the paralegal, as the library contains up-to-date provincial statutes for easy reference.

There is one major drawback to the town hall location. The majority of respondents who served disadvantaged groups felt that many of their clientele would feel intimidated by the relative formality of the FNLIS location. This observation should be seen in relative terms: there is not the same gulf between informal, formal and downright intimidating settings in Fort Nelson as one would find in larger urban centers. In addition, there was no consensus on an alternative setting. The courthouse was suggested by some as convenient for those with criminal matters, but was seen as stigmatizing and lacking privacy by others; in any event, although there are several office spaces downstairs, none is available for use. Another suggestion was a local medical center which housed a number of other social services. Although it was a more comfortable (i.e., informal) setting for some, it provided less anonymity in the minds of others. One respondent suggested the native friendship center as an alternate location, but in addition to a lack of space, it would likely be somewhat of a deterrent for non-native clientele. There are a few other detached or attached locations, but none with the advantages of either the town hall site or other locations.

Tables 11-7 to 11-9 give additional feedback on office location from the client survey. One in six respondents reported problems finding the office or finding someone there to help him/her (Table 11-9). Of the nine respondents reporting difficulties, seven complained that the office was not identified adequately inside the complex. None of the 10 native people reported troubles, in part because native people are often accompanied or directed by the courtworker to the FNLIS office. Only five per cent (two) of the respondents felt the location was inconvenient or uncomfortable (Tables 11-7 and 11-8). One said it would be handy to have a kids' corner at the office, another felt an extra room was required. (The paralegal is sometimes displaced by the legal aid lawyer during the court sitting.)

The above survey and community respondent comments regarding location indicate that even in a small community, locational considerations are important. There are naturally fewer options to choose from, but they each carry a valence that is difficult to measure. After our second visit to Fort Nelson, we suggested to the board representatives that they might at least consider alternative sites for an office that could address the concerns raised by some respondents about location. We are comfortable with their decision that the town hall site's advantages outweigh its disadvantages. Furthermore, if through more community outreach, the paralegal is able to provide service in other settings to some of those who might feel intimidated by the location (see section 11.4), FNLIS might have the best of both worlds.

Scheduling factors can also affect accessibility of a service (Table 11-10). Ninety per cent of clients surveyed were able to have an appointment with the paralegal within a day of their first contact; over 50 per cent had immediate appointments. Sixteen percent considered even the small wait only a minor or "somewhat" of a problem (Table 11-11). The office hours (8:30-4:40 with a break for lunch) were problematic for 11 per cent (eight) of the respondents (Table 11-12). Five respondents suggested nonwork hours and two suggested lunch hours as more appropriate times for service. Addition of a part-time secretary might give the paralegal more flexibility with office hours, but she is constrained by the fact that the office hours of the town hall are from 8:30-4:40.

In terms of attitudinal factors affecting accessibility, all clients surveyed felt the paralegal showed them respect, kept their problem confidential, and gave them adequate time to deal with their problem (Table 11-13). Their unanimous response accorded fully with the impression of community respondents, and show that from a standpoint of attitude, the paralegal has created an accessible feeling about her service.

Table 11-7 **Client's Reaction to Location**

	Total
Uncomfortable	2 5%
Comfortable	7 17%
Makes no difference	33 79%
Total responding	43 101%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-8 **Was Office Location Considered Convenient?**

	Total
YES	41 95%
NO	2 5%
Total responding	42 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

**Table 11-9 Did Client Have Problems Finding the Office
or Finding Someone There to Help Him/Her?**

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
NO	46 84%	10 100%	36 80%	12 86%	34 83%	37 84%	9 82%
YES	9 16%	0 0%	9 20%	2 14%	7 17%	7 16%	2 18%
Total responding	55 100%	10 100%	45 100%	14 100%	41 100%	44 100%	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-10 How Long did the Client Wait Before Getting an Appointment in the First Place?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Immediate appointment	28 53%	5 50%	23 53%	8 57%	20 51%	21 50%	7 64%
Same day	12 23%	3 30%	9 21%	3 21%	9 23%	10 24%	2 18%
1 day (includes next day)	8 15%	2 20%	6 14%	2 14%	6 15%	7 17%	1 9%
2 days	4 8%	0 0%	4 9%	1 7%	3 8%	3 7%	1 9%
1 week or over	1 2%	0 0%	1 2%	0 0%	1 3%	1 2%	0 0%
Total Responding	53 101%	10 100%	43 99%	14 99%	39 100%	42 100%	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-11 For the Client this Wait Was

	Total
Somewhat of a problem	2 11%
A minor problem	1 5%
No problem at all	16 84%
Total responding	19 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-12 Are Office Hours Suitable for Client?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Not good	8 11%	2 18%	6 10%	0 0%	8 14%	8 13%	0 0%
Good	65 89%	9 82%	56 90%	14 100%	51 86%	54 87%	11 100%
Total responding	73 100%	11 100%	62 100%	14 100%	59 100%	62 100%	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-13 How did Paralegal Show Respect* to Client?

	Total
Willing to listen, hear feelings, patient	27 24%
Helpful, immediate response	28 24%
Responded fully to questions, clear explanations	24 21%
Concerned, understanding attitude, not condescending	36 31%
Total responding	73 100%

Source: Client survey.

* All clients stated that the paralegal showed respect to them, that she kept their problem private and confidential, and that she gave them enough time to deal with their problem.

Total percentages may not add to 100% due to rounding.

In addition to the success of the paralegal in making her own service accessible, there is also the question of how successful she was at bridging between the client and their legal aid lawyer. Tables 11-14 to 11-16 address this process, although the number of legal aid clients interviewed (15) was too small to reflect all legal aid contacts -- 20 per cent (three) of the clients felt the contact was awkward, simply because it was hard to get in touch with the lawyer, or they had to go to Fort St. John. Eighty percent of the clients were able to give concrete examples of how the paralegal was able to facilitate the legal aid contact.

In summary, viewed from the perspective of location, scheduling and attitude, FNLIS can be said to provide an accessible service to its clientele. Locational accessibility could be enhanced by outreach to those communities or groups where potential clients may feel intimidated by the town hall site. Use of a part-time secretary may allow for some flexibility in the hours of service. The attitude of the paralegal has greatly enhanced the sense of service accessibility.

11.3.2 FNLIS PLE workshops

Similar issues arise in terms of accessibility to PLE initiatives of the paralegal as have been noted in regard to direct service. In section 9.1, we showed that all but two of the PLE workshops were held in the Northern Lights College building in Fort Nelson. Only three of the participants expressed a preference for an alternative location. However, there was a consensus among community interview respondents that the college is not a setting that most native people would feel comfortable in. To reach native people, PLE sessions would be more appropriately held at the Native Friendship Centre, or on one of the reserves. Similarly, if PLE was to be provided for social assistance recipients, an alternate setting would have to be considered.

Diversifying PLE topics so that they target key concerns of native people or disadvantaged groups is also a way of making legal information more broadly accessible. As shown in section 9.1, PLE topics from 1986-1989 have centered on wills and divorce or family law. Both the Northern Lights College respondent and other agency representatives felt that the scope of PLE activities could be usefully diversified.

Key to the possibility of diversifying PLE topics (and venues such as the native reserves) is the hiring of a part-time secretary. The paralegal is to be commended for the level of her PLE activity to date, but could not be expected to diversify and provide PLE in an outreach (rather than native) fashion unless administrative burdens are removed from her (as described in section 10.1).

Table 11-14 Where Client's Legal Aid Lawyer was From

Location of legal aid lawyer	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non- Native	Male	Female	Civil	Criminal
Fort St. John	3 20%	0 0%	3 27%	1 17%	2 22%	3 43%	0 0%
Dawson Creek	9 60%	3 75%	6 55%	4 67%	5 56%	2 29%	7 88%
Chetwynd	3 20%	1 25%	2 18%	1 17%	2 22%	2 29%	1 13%
Total responding	15 100%	4 100%	11 100%	6 101%	9 100%	7 101%	8 101%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-15 How Client Experienced Contacts with Legal Aid Lawyer
From Outside Fort Nelson

Client experience	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non- Native	Male	Female	Civil	Criminal
Contact was awkward	3 20%	1 25%	2 18%	1 17%	2 22%	3 43%	0 0%
Gap was effectively filled by paralegal	12 80%	3 75%	9 82%	5 83%	7 78%	4 57%	8 100%
Total Responding	15 100%	4 100%	11 100%	6 100%	9 100%	7 100%	8 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

**Table 11-16 How Contacts with Legal Aid Lawyer from Outside Fort Nelson
Worked or Didn't Work**

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
How They Worked:							
Paralegal ensured appropriate initial contacts for client appointment	1 7%	0 0%	1 9%	1 17%	0 0%	1 14%	0 0%
Paralegal acted as go-between and facilitator for client	9 60%	2 50%	7 64%	3 50%	6 67%	3 43%	6 75%
Paralegal gave client support at court	2 13%	1 25%	1 9%	1 17%	1 11%	0 0%	2 25%
How they didn't work:							
Hard to get in touch with lawyer	2 13%	1 25%	1 9%	0 0%	2 22%	2 29%	0 0%
Had to go to Fort St. John	1 7%	0 0%	1 9%	1 17%	0 0%	1 14%	0 0%
Total responding	15 100%	4 100%	11 100%	6 101%	9 100%	7 100%	8 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Recommendation #4:

That the paralegal use time freed up with the addition of a part-time secretary to diversify both the content and locations of PLE workshops, such that they address more fully the needs of natives and disadvantaged groups.

Addition of a secretary may also enable the paralegal to be utilized more frequently in a PLE capacity in the Fort Nelson school system, which naturally requires absences during the day. Of note in this regard is the comment of the high school vice-principal that the paralegal not only serves as a conduit of legal information, but is also an important role model for teenage girls. In remote communities, girls often do not have a sense of varied career types. Youth in remote settings tend generally to get "hung up" on money rather than job happiness, simply for lack of diversified job opportunities.

11.3.3 FNLIS PLE media initiatives

As noted in section 9.2, the paralegal produced a large number of radio and newspaper columns in FNLIS's first two years. Table 11-18 reports the knowledge of these initiatives by PLE workshop participants that we surveyed. In general, there seemed in this group to be considerably greater awareness of her newspaper columns than of the radio columns. However, many of the PLE participants are likely to have had jobs that would have precluded hearing the radio. A wider, perhaps less literate audience may well have had a higher rather than lower awareness of her radio columns. In general, however, we are inclined to feel that more vigorous networking with social service agency personnel, plus PLE outreach with target client groups (e.g., native bands, women and social assistance advocacy counsellors) in their own settings will ultimately do as much or more to make FNLIS accessible as will media initiatives.

11.4 Geographic Outreach

11.4.1 Fort Nelson -- Liard Regional District

The Fort Nelson-Liard Regional District is 85,808 square kilometres, and comprises 10 per cent of the total area of British Columbia. Most of this area consists of remote wilderness, and the vast majority of the Regional District's population is to be found within 10 km of either side of the Alaska Highway, which bisects the district. To the degree that FNLIS could serve a regional

Table 11-17 What Did Participant Hope to Achieve by Attending PLE Workshop?

Gain legal information for self	11 34%
Learn to do a legal procedure	13 41%
Gain legal information for use in their work	7 22%
Have students gain legal information	1 3%
Tctal responding	32 100%

Source: Public legal education participant survey.

Table 11-18 PLE Workshop Participant Awareness of FNLIS Media Columns

1. Had participant read newspaper columns written by paralegal?

	Total
NO	18 56%
YES	14 44%
Total responding	32 100%

2. Had Participant heard any radio columns produced by paralegal?

	Total
NO	25 78%
YES	7 22%
Total responding	32 100%

Source: PLE survey.

Of the 14 who had read newspaper columns, only 5 (36%) could remember columns of particular interest.
Of the 7 who had heard radio columns, only 1 (14%) could remember a column of particular interest.

need outside of Fort Nelson itself, the Alaska Highway corridor would be its primary focus.

In section 8.1 and with reference to Table 8-3 we mentioned that 97 per cent of FNLIS clients came from the town of Fort Nelson or immediate surrounding area, which means that residents of Fort Nelson are receiving a higher amount of service than the rest of the District population. We do not believe that the service can ever be made as accessible to this wider area as it is to Fort Nelson residents, but we do feel that more systematic outreach is possible.

Apart from the geographic dispersal and small size of communities in the area, the principal obstacle to outreach is the lack of secretarial backup to maintain an office presence in the paralegal's absence and the lack of a systematic strategy to serve the wider area. We noted in section 9.1 that the paralegal has made two trips to Toad River, a community of 90 people 195 km northwest of Fort Nelson, plus a day trip to Fort Liard in the Northwest Territories, 300 km north of Fort Nelson. Although she now has personal contacts in Toad River on which she can build, she needs to develop the same level of contact in the Fort Nelson Indian Reserve just south of Fort Nelson, the Prophet River Indian Band further south on the highway, and in a number of other smaller communities to the north. Put in the form of a recommendation, we propose the following strategy.

Recommendation #5:

That FNLIS develop a systematic outreach strategy to serve the legal needs of the Fort Nelson Liard Regional District population, consisting of the following elements:

- regular networking (at least once per month) with the Fort Nelson Indian Band (see also recommendation #2 re an additional board member from the Band), combined with PLE initiatives and possible clinic for civil matters.
- canvassing other Fort Nelson-based social service and/or community groups to find out how, when (and if) they serve outlying communities. The intent would be: (1) to develop a list of personal contacts in the communities, (2) to get a preliminary sense of legal needs these agencies may be aware of,

and (3) to suggest future joint visits to outlying communities.

- regular (e.g. quarterly) visits to the communities. Purposes would include (1) initial reconnaissance and establishment of contact, plus completion of simple but formal needs assessments in each community, (2) PLE workshops such as the one conducted in Toad River, and (3) a legal "clinic" function, either in a community facility if it exists, a band office, or individual homes.
- possible development of a system whereby FNLIS can accept collect calls from key contacts in each community, to allow more responsive servicing of needs between regular community visits.

It should be recognized that outreach of this sort will seem to make FNLIS less efficient than it presently is. Any significant geographic outreach is ineffective on a cost per case or cost per workshop basis, due to travel time, the small population base, and, to a lesser extent, lack of facilities. However, viewed from the perspective of accessibility, we feel that the strategy proposed here involves enough activity to develop a presence in outlying communities, but not so great a demand on time as to drain energy from the central needs in Fort Nelson.

11.4.2 The northern circuit

There was always from the beginning a vague intent that FNLIS should serve northern communities generally, primarily because the needs of these communities were identified at the same time as those of Fort Nelson (see section 4.2). The "northern circuit" refers to the communities of Dease Lake, Cassiar, Lower Post, Atlin, Good Hope Lake and Telegraph Creek (see discussion section 4.2), all of which are served by the northern court circuit visited by judges, crown attorneys, defense counsel and native courtworkers for a week every other month.

However, this intent never materialized. The most obvious reason was that Fort Nelson had ample demands to place upon a paralegal, and it was unrealistic to expect the paralegal to provide any effective service beyond the confines of the

Fort Nelson-Laird Regional District. The FNLIS board has always been a local board, so there was little regional impulse to it. Furthermore, the supervisory LSS office was Fort St. John. Had it been Dawson Creek, which is the location of the staff lawyer serving the northern circuit communities, there might have been a greater impulse to make FNLIS a regional service.

Nonetheless, both the paralegal and the FNLIS board deserve credit for maintaining some concern for these communities. Early in the life of the project, they made contact with Northern Lights College in Cassiar, and intended that the paralegal make a northern circuit trip with a worker from Northeast Directions, their umbrella agency. The demise of the relationship with Northeast Direction (see section 4.3) postponed the trip, that was finally taken in May 1989.

11.5 Public and Agency Awareness of Service

Obviously if a service is to be accessible to the public, the public has to be made aware of the existence of the service. This can be done directly through media and other forms of advertising or through major intermediaries such as agencies and former clients. In this section we first explore general public awareness of the service, and then the issue of agency networking.

11.5.1 Public awareness

We had two sources to explore the issue of how aware Fort Nelson residents are about FNLIS: the client survey and a survey of social assistance recipients. Both refer to awareness in the 1988-1989 period, over two years after FNLIS was established. Table 11-19 shows that an average 74 per cent of FNLIS clients knew about FNLIS at the time they found they had a legal problem. The

Table 11-19 **Did Client Know that there Was a Legal Aid Office in Fort Nelson?**

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
NO	19 26%	2 18%	17 27%	3 21%	16 27%	18 29%	1 9%
YES	54 74%	9 82%	45 73%	11 79%	43 73%	44 71%	10 91%
Total responding	73 100%	11 100%	62 100%	14 100%	59 100%	62 100%	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

percentage was higher for persons with a criminal problem (91 per cent aware), most likely because of the strong association of legal aid with criminal matters.

The survey of social assistance recipients was an attempt to explore awareness of a group that would clearly be eligible for all FNLIS services. The return was 26 per cent of all social assistance recipients in the region. As shown in Table 11-20, 92 per cent of respondents were aware that there was a legal aid or legal information service in Fort Nelson. Eighty-one per cent had used legal aid (not necessarily in Fort Nelson). However, knowledge of the existence of FNLIS or even previous use of legal aid did not necessarily translate into an awareness of all services provided by FNLIS, nor into an inclination to use them. Only 52 per cent of respondents said they would seek help through legal aid for landlord tenant matters, and only 33 per cent for social assistance problems. In some cases, this presumably represented an awareness of alternative resources such as the native courtworkers, the local anti-poverty group or the Ministry of Social Services and Housing. However, since multiple responses were permitted, we assumed that where a respondent did not mention legal aid they were either unaware of its existence, or were not inclined to use it for a given problem. In either case, the results would suggest that FNLIS should do more advertising which indicates the full range of its activities.

Tables 11-21 and 11-22 indicate how Fort Nelson residents found out about FNLIS. Thirty-two per cent of respondents in the client survey heard about it from friends or family, which unfortunately doesn't reveal how friends and family in turn heard about FNLIS. However, 24 per cent were told about FNLIS by a social agency or town hall, which suggests value in ongoing agency networking (see next section). Viewed differently, friend/family (32 per cent), work colleagues (four per cent), personal acquaintance of the paralegal (18 per cent) and previous use of service (15 per cent) are all forms of personal networking and word-of-mouth contact. Together they account for 69 per cent of client knowledge of the service. For PLE workshop participants (Table 11-22), it was more formal advertising sources such as college publicity (32 per cent) and newspaper (32 per cent) that were most effective in creating awareness of the workshop.

Since an overall advertising strategy involves both general advertising and agency networking, a recommendation in regard to advertising is included following the discussion in the next section.

Table 11-20 Social Assistance Recipients' Awareness of Legal Aid/FNLIS as a Resource

1. What group or organization s.a. recipient would go to for help in Fort Nelson with particular problems (more than 1 possible).

Organization recipient would use:	Consumer Debt	T Y P E Social Assistance	O F Landlord Tenant	P R O B L E M Divorce Custody	Criminal Offence
Legal aid	17 71%	8 33%	13 52%	18 78%	20 77%
Anti-poverty group	5 21%	13 54%	6 24%	1 4%	-- --
Native court worker	3 13%	2 8%	2 8%	3 13%	5 19%
Ministry of Social Services and Housing	3 13%	5 21%	5 20%	-- --	1 4%
Lawyer	-- --	-- --	1 4%	1 4%	2 8%
Government agent	-- --	1 4%	2 8%	-- --	-- --
Other	4 17%	-- --	-- --	1 4%	-- --
Nowhere to go/ don't know	3 13%	1 4%	-- --	1 4%	-- --
Total responses	33	30	29	25	28
Total responding	24	24	25	23	26

2. Has recipient ever used legal aid?

NO	5	(19%)
YES	21	(81%)

3. How long ago?

0 - 6 months	8 (38%)
> 6 months < 1 year	1 (5%)
1 year < 2 years	9 (43%)
2 years +	3 (13%)

4. Does recipient know if there is a legal aid or legal information service in Fort Nelson?

YES there is	24 (92%)
Don't know	2 (8%)

Source: Survey of Social Assistance Participants.

Percentages in question #1 are of "total responding." Since more than 1 answer was possible, total percentages exceed 100%.

Table 11-21 How did the Client Find out About FNLIS?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
PLE workshop	2 3%	0 0%	2 3%	0 0%	2 3%	1 2%	1 9%
Phone book	2 3%	1 9%	1 2%	1 7%	1 2%	2 3%	0 0%
Sign/trade show	2 3%	0 0%	2 3%	0 0%	2 3%	1 2%	1 9%
Friend/family	23 32%	4 36%	19 31%	7 50%	16 27%	20 32%	3 27%
Social agency	15 21%	1 9%	14 23%	2 14%	13 22%	13 21%	2 18%
Work colleague	3 4%	0 0%	3 5%	0 0%	3 5%	3 5%	0 0%
Personal acquaintance of paralegal	13 18%	1 9%	12 19%	2 14%	11 19%	12 19%	1 9%
Previous use of service	11 15%	3 27%	8 13%	2 14%	9 15%	8 13%	3 27%
Town hall	2 3%	1 9%	1 2%	0 0%	2 3%	2 3%	0 0%
Total responding	73 102%	11 99%	62 101%	14 99%	59 99%	62 100%	11 99%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-22 How Participant Found out About FNLIS Workshop

College publicity	10 32%
Direct contact by FNLIS	1 3%
Newspaper	10 32%
Radio	1 3%
Other	9 29%
Total responding	31 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

11.5.2 Group and agency networking

It is commonplace to say that in small towns, everybody knows everybody else. Indeed, we have stressed the advantages of the paralegal having been born and raised in Fort Nelson, and the fact that 18 per cent of respondents in the client survey were personal acquaintances of the paralegal attests to the importance of personal networks. Nevertheless, even in a small town there are various strata in which one typically moves, and there are differences between the traditional population base and one which turns over relatively frequently, between native and non-native circles, between townfolk and transients, and between Fort Nelson residents and people in outlying communities. It is these differences that make it essential to network not only at the personal level, but at the agency or group level. In fact, in Fort Nelson we found high rates of turnover in the schools, college, Employment and Immigration Canada, Ministry of Social Services and Housing, and Native Courtworkers Association. Sometimes this can work to the advantage of a service like FNLIS, insofar as a worker in one agency will bring his or her knowledge of FNLIS to a new agency. However, it is just as likely to mean a loss of contact and knowledge about FNLIS, and the whole process has to be started again.

All the groups that we contacted had knowledge of FNLIS, because they had some sort of contact with the paralegal. As mentioned at several points in this report, virtually all community respondents expressed considerable respect for the integrity and competence of the paralegal. However, most respondents also emphasized the need for the paralegal to network more systematically with themselves and other agencies. In part, the reason for this need has already been mentioned, that is, the problem of staff turnover. But equally, it is the simple fact of keeping a profile, allowing both sides to keep abreast of changes, new initiatives, upcoming events, meetings and forums and in the case of larger agencies, new personnel. Most agency people had related to the paralegal around certain types of referrals, but were unaware of or had forgotten the full range of services provided by the paralegal. They were therefore likely missing out on logical referrals they could be making.

Considering the need for agency and group networking and a more heightened advertising strategy to develop awareness of all services provided by FNLIS, we make the following recommendations:

Recommendation #6:

That FNLIS develop a pamphlet and poster to advertise the service in store, agency, library and community group settings.

Recommendation #7:

That the paralegal develop a systematic approach to networking with community groups and services and agencies. Elements of this strategy could include:

- development and ongoing maintenance of a list of agency and group contact people at various levels;
- introductory in-person visits to groups which have not been contacted before to explain all aspects of FNLIS, to become acquainted with the group's activities and programs, to get a sense of any PLE or other service needs, to leave poster and/or pamphlets;
- routine calls to established contacts at two to three month intervals, inquiring, for example, about any changes in the group's personnel, program or procedures and to advise of same re FNLIS (e.g., the availability of new resource materials), advising of upcoming workshops and eliciting ideas for future workshops, exploring any advocacy training needs, ascertaining if more posters and/or pamphlets are needed, etc.; and
- participation in, and possibly encouragement of, periodic inter-agency meetings to further general communication within the community.

11.6 Referral Patterns

This section again deals with relations between FNLIS and other agencies, but is more descriptive in intent. It explores how access to FNLIS is facilitated by referrals from other agencies, and how FNLIS accesses further service for its clients by referrals to other agencies.

11.6.1 Referrals from agencies

Tables 11-23 and 11-24 present information on the sources of referral to FNLIS on criminal matters, both by ancestry of client and by how the client is charged (adult/young offender). The value of the data is unfortunately limited by the high number of walk-in's and/or cases where referral data are not recorded. The two most clearly definable patterns are the strong referral relationship with the Native Courtworker Association, which accounted for 48 per cent of native and 39 per cent of young offender referrals, and the high percentage of repeat clients after the first year of FNLIS' operation.

Table 11-25 shows referral data for civil clients. Again, there is a very high percentage of walk-in/don't know responses, but several patterns are strong enough to be considered reliable. As with clients with criminal problems, the category of "previously a client" grew in each of the first three years. This obviously bespeaks confidence in the paralegal's services. Equally important, it means that there is a growing base of residents with direct experience with FNLIS, satisfied enough to return for more service, and therefore likely willing to pass on information to other prospective clients.

As discussed in section 11.3.2, phone service is obviously of importance to clients, as 33 per cent used phone service for civil matters. The frequency of phone service for criminal matters was significantly less.

In general, referrals from agencies appear to be infrequent. Although the frequency of such referrals may be understated because of walk-ins, this finding reinforces our recommendation (#7) for increased networking with agencies.

11.6.2 Referrals to agencies

Tables 11-26 and 11-27 show that the vast majority of matters are handled by FNLIS (i.e., "no referral" or "return for short service") or within the LSS system (i.e., "duty counsel", "LSS Branch Office", "CLO") rather than being referred out. In this sense, FNLIS is offering a fairly comprehensive service. "Return for short service" is especially notable for civil matters.

The client survey adds some insight to the results of referrals, as shown in Table 11-28. Clients whom we surveyed actually went to the agency to which they were referred in 11 out of 16 cases (69 per cent). In 10 of the 11 cases (91 per cent), they considered it a useful referral.

Table 11-23 Sources of Referral to FNLIS on Criminal Matters, by Ancestry, 1986-89*

Referral source:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Walk in/ don't know	1 20%	7 47%	3 27%	3 43%	14 37%	2 100%	6 23%	10 21%	14 28%	32 26%	--	19 70%	10 33%	10 30%	39 43%	3 43%	32 47%	23 26%	27 30%	85 34%
Friend/ Relative	--	--	--	--	--	--	1 4%	--	1 2%	2 2%	--	3 11%	2 7%	4 12%	9 10%	--	4 6%	2 2%	5 6%	11 4%
Federal gov't agency	--	--	--	--	--	--	--	--	--	--	--	1 4%	1 3%	--	2 2%	--	1 1%	1 1%	--	2 1%
Lawyer referral service	--	1 7%	--	1 14%	2 5%	--	--	--	1 2%	1 1%	--	2 7%	--	2 6%	4 4%	--	3 4%	--	4 4%	7 3%
Police/ probation	--	2 13%	--	--	2 5%	--	--	1 2%	--	1 1%	--	--	3 10%	1 3%	4 4%	--	2 3%	4 5%	1 1%	7 3%
Previously a client	2 40%	--	2 18%	--	4 11%	--	1 4%	9 19%	8 16%	18 14%	--	1 4%	9 30%	10 30%	20 22%	2 29%	2 3%	20 23%	18 20%	42 17%
Provincial agency/ other	--	1 7%	--	--	1 3%	--	--	--	--	--	--	--	--	--	--	--	1 1%	--	--	1 0%
LSS branch office	2 40%	--	3 27%	--	5 13%	--	--	2 4%	1 2%	3 2%	--	--	--	1 3%	1 1%	2 29%	--	5 6%	2 2%	9 4%
CLO as area director	--	1 7%	--	--	1 3%	--	2 8%	--	--	2 2%	--	1 4%	--	--	1 1%	--	4 6%	--	--	4 2%
Native court worker	--	1 7%	--	1 14%	2 5%	--	15 58%	23 49%	22 44%	60 48%	--	--	--	2 6%	2 2%	--	16 24%	23 26%	25 28%	64 25%
Phone service only	--	2 13%	3 27%	2 29%	7 18%	--	1 4%	2 4%	3 6%	6 5%	--	--	5 17%	3 9%	8 9%	--	3 4%	10 11%	8 9%	21 8%
No response	15 --	2 --	2 --	--	19 --	--	5 --	2 --	3 --	10 --	--	2 --	3 --	--	5 --	15 --	9 --	7 --	3 --	34 --
TOTAL	20 100%	17 101%	13 99%	7 100%	57 100%	2 100%	31 101%	49 99%	53 100%	135 101%	--	29 100%	33 100%	33 99%	95 98%	22 101%	77 99%	95 100%	93 100%	287 101%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding.

* Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive assistance.

Table 11-24 Sources of Referral to FNLIS on Criminal Matters, by Adult/Young Offender, 1986-89, with 1985 (pre-FNLIS) as a Comparison

Referral source:	NOT CHARGED					ADULT					YOUNG OFFENDER					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Walk in/ don't know	--	--	--	2	2	1	31	18	20	70	--	1	5	5	11	1	32	23	27	83
	--	--	--	40%	25%	25%	52%	27%	29%	35%	--	13%	28%	29%	25%	20%	47%	26%	30%	33%
Friend/ Relative	--	--	--	--	--	--	3	2	4	9	--	1	--	1	2	--	4	2	5	11
	--	--	--	--	--	--	5%	3%	6%	5%	--	13%	--	6%	5%	--	6%	2%	6%	4%
Federal gov't agency	--	--	--	--	--	--	1	1	--	2	--	--	--	--	--	--	1	1	--	2
	--	--	--	--	--	--	2%	1%	--	1%	--	--	--	--	--	--	1%	1%	--	1%
Lawyer referral service	--	--	--	--	--	--	3	--	3	6	--	--	--	1	1	--	3	--	4	7
	--	--	--	--	--	--	5%	--	4%	3%	--	--	--	6%	2%	--	4%	--	4%	3%
Police/ probation	--	--	--	--	--	--	2	4	--	6	--	--	--	1	1	--	2	4	1	7
	--	--	--	--	--	--	3%	6%	--	3%	--	--	--	6%	2%	--	3%	5%	1%	3%
Previously a client	--	--	2	1	3	1	2	14	16	33	1	--	4	1	6	2	2	20	18	42
	--	--	67%	20%	38%	25%	3%	21%	24%	17%	100%	--	22%	6%	14%	40%	3%	23%	20%	17%
Provincial agency/ other	--	--	--	--	--	--	1	--	--	1	--	--	--	--	--	--	1	--	--	1
	--	--	--	--	--	--	2%	--	--	1%	--	--	--	--	--	--	1%	--	--	0%
LSS branch office	--	--	--	--	--	2	--	3	2	7	--	--	2	--	2	2	--	5	2	9
	--	--	--	--	--	50%	--	4%	3%	4%	--	--	11%	--	5%	40%	--	6%	2%	4%
CLO as area director	--	--	--	--	--	--	3	--	--	3	--	1	--	--	1	--	4	--	--	4
	--	--	--	--	--	--	5%	--	--	2%	--	13%	--	--	2%	--	6%	--	--	2%
Native court worker	--	--	1	--	1	--	11	16	19	46	--	5	6	6	17	--	16	23	25	64
	--	--	33%	--	13%	--	18%	24%	28%	24%	--	63%	33%	36%	39%	--	24%	26%	27%	25%
Phone service only	--	--	--	2	2	--	3	9	4	16	--	--	1	2	3	--	3	10	8	21
	--	--	--	40%	25%	--	5%	13%	6%	8%	--	--	6%	12%	7%	--	4%	11%	9%	8%
NA/NR	--	--	--	1	1	10	7	7	2	26	7	2	--	--	9	17	9	7	3	36
	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL	--	--	3	6	9	14	67	74	70	225	8	10	18	17	53	22	77	95	93	287
	--	--	100%	100%	101%	100%	100%	99%	100%	103%	100%	102%	100%	101%	101%	100%	99%	100%	99%	100%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding.

Table 11-25 Sources of Referral to FNLIS on Civil Matters, by Ancestry, 1986-89*

Referral source:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Walk in/ don't know	1 50%	22 43%	10 22%	3 10%	36 28%	-- --	14 38%	6 14%	5 24%	25 25%	-- --	69 41%	47 26%	38 23%	154 30%	1 50%	105 41%	63 23%	46 21%	215 20%
Family court counsel	-- --	-- --	1 2%	-- --	1 1%	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	1 1%	2 0%	-- --	-- --	2 1%	1 0%	3 0%
Friend/ relative	-- --	5 10%	1 2%	2 6%	8 6%	-- --	4 11%	3 7%	1 5%	8 8%	-- --	19 11%	18 10%	17 10%	54 10%	-- --	28 11%	22 8%	20 9%	70 9%
Government agency	-- --	-- --	2 4%	-- --	2 2%	-- --	-- --	-- --	-- --	-- --	-- --	-- --	5 3%	2 1%	7 1%	-- --	-- --	7 3%	2 1%	9 1%
Lawyer/priv. bar	-- --	2 4%	-- --	-- --	2 2%	-- --	2 5%	-- --	-- --	2 2%	-- --	5 3%	2 1%	-- --	7 1%	-- --	9 4%	2 1%	-- --	11 1%
Legal aid reciprocal	-- --	1 2%	1 2%	2 6%	4 3%	-- --	1 3%	-- --	-- --	1 1%	-- --	-- --	-- --	-- --	-- --	-- --	2 1%	1 0%	2 1%	5 1%
Ministry of Social Services	-- --	-- --	5 11%	1 3%	6 5%	-- --	-- --	5 12%	1 5%	6 6%	-- --	7 4%	3 2%	3 2%	13 3%	-- --	7 3%	13 5%	5 2%	25 3%
Police/ probation	-- --	1 2%	-- --	-- --	-- 1%	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 0%	-- --	-- --	1 0%
Previously a client	-- --	-- --	5 11%	3 10%	8 6%	-- --	1 3%	9 21%	7 33%	17 17%	-- --	8 5%	29 16%	36 22%	73 14%	-- --	9 4%	43 16%	46 21%	98 13%
Prison	-- --	-- --	1 2%	-- --	1 1%	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	-- --	-- --	1 0%	-- --	1 0%	1 0%	-- --	2 0%
Public legal education	-- --	-- --	2 4%	-- --	2 2%	-- --	-- --	5 12%	1 5%	6 6%	-- --	2 1%	20 11%	4 2%	26 5%	-- --	2 1%	27 10%	5 2%	34 5%
Duty counsel	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	-- --	-- --	1 0%	-- --	1 0%	-- --	-- --	1 0%
LSS branch office	-- --	-- --	3 7%	-- --	3 2%	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	-- --	-- --	1 0%	-- --	1 0%	3 1%	-- --	4 0%
CLO as Area Dir.	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	1 0%	-- --	-- --	-- --	1 0%	1 0%

Table 11-25 cont'd

Referral source:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Area Dir.	--	--	--	1	1	--	--	--	--	--	--	--	--	--	--	--	--	--	1	1
	--	--	--	3%	1%	--	--	--	--	--	--	--	--	--	--	--	--	--	0%	0%
LSS head office	--	--	--	--	--	--	--	--	--	--	--	1	--	--	1	--	1	--	--	1
	--	--	--	--	--	--	--	--	--	--	--	1%	--	--	0%	--	0%	--	--	0%
Other LSS funded	--	--	--	--	--	--	1	--	--	1	--	--	--	--	--	--	1	--	--	1
	--	--	--	--	--	--	3%	--	--	1%	--	--	--	--	--	--	0%	--	--	0%
Native court worker	--	--	--	--	--	--	3	4	--	7	--	1	--	--	1	--	4	4	--	8
	--	--	--	--	--	--	8%	9%	--	7%	--	1%	--	--	0%	--	2%	1%	--	1%
Phone service only	1	19	15	19	54	--	11	9	6	26	--	48	53	63	164	1	78	77	88	244
	50%	37%	33%	61%	42%	--	30%	21%	29%	26%	--	29%	29%	38%	32%	50%	30%	29%	40%	33%
Mental health agency	--	1	--	--	1	--	--	1	--	1	--	4	2	--	6	--	5	3	--	8
	--	2%	--	--	1%	--	--	2%	--	1%	--	2%	1%	--	1%	--	2%	1%	--	1%
Transition House	--	--	--	--	--	--	--	--	--	--	--	--	--	2	2	--	--	--	2	2
	--	--	--	--	--	--	--	--	--	--	--	--	--	1%	0%	--	--	--	1%	0%
No response	6	4	2	4	16	--	2	7	1	10	--	20	15	13	48	6	26	24	18	74
	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL	8	55	48	35	146	--	39	49	22	110	--	187	195	180	562	8	281	292	237	818
	100%	100%	100%	99%	103%	--	101%	100%	101%	101%	--	102%	101%	101%	97%	100%	99%	100%	98%	97%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding.

* Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive assistance.

Table 11-26 Referrals from FNLIS to Other Agencies on Criminal Matters, by Ancestry, 1986-89*

Referral to:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Court worker	--	--	--	--	--	--	--	3	--	3	--	--	--	--	--	--	--	3	--	3
	--	--	--	--	--	--	--	21%	--	12%	--	--	--	--	--	--	--	11%	--	5%
Lawyer referral service	--	2	1	1	4	--	--	2	4	6	--	2	5	3	10	--	4	8	8	20
	--	50%	50%	33%	33%	--	--	14%	40%	23%	--	50%	42%	30%	38%	--	40%	29%	35%	31%
Ministry of Social Services	--	--	--	--	--	--	--	--	--	--	--	--	--	1	1	--	--	--	1	1
	--	--	--	--	--	--	--	--	--	--	--	--	--	10%	4%	--	--	--	4%	2%
Police/probation	--	--	--	--	--	--	--	1	--	1	--	--	--	--	--	--	--	1	--	1
	--	--	--	--	--	--	--	7%	--	4%	--	--	--	--	--	--	--	4%	--	2%
Duty counsel	1	2	1	1	5	--	1	8	4	13	--	1	5	2	8	1	4	14	7	26
	33%	50%	50%	33%	42%	--	50%	57%	40%	50%	--	25%	42%	20%	31%	33%	40%	50%	30%	41%
LSS branch office	2	--	--	--	2	--	1	--	1	2	--	1	--	1	2	2	2	--	2	6
	67%	--	--	--	17%	--	50%	--	10%	8%	--	25%	--	10%	8%	67%	20%	--	9%	9%
CLO not as area director	--	--	--	--	--	--	--	--	--	--	--	--	--	1	1	--	--	--	1	1
	--	--	--	--	--	--	--	--	--	--	--	--	--	10%	4%	--	--	--	4%	2%
Return for short service	--	--	--	1	1	--	--	--	1	1	--	--	2	2	4	--	--	2	4	6
	--	--	--	33%	8%	--	--	--	10%	4%	--	--	17%	20%	15%	--	--	7%	17%	9%
No referral	17	13	11	4	45	2	29	35	43	109	--	25	21	23	69	19	67	67	70	223
	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL	20	17	13	7	57	2	31	49	53	135	--	29	33	33	95	22	77	95	93	287
	100%	100%	100%	99%	100%	--	100%	99%	100%	101%	--	100%	101%	100%	100%	100%	100%	101%	99%	101%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding.

* Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive assistance.

Table 11-27 Referrals from FNLIS to Other Agencies on Civil Matters, by Ancestry, 1986-89*

Referral to:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Walk in/ don't know	--	--	1	--	1	--	--	--	--	--	--	1	--	1	2	--	1	1	1	3
	--	--	5%	--	2%	--	--	--	--	--	--	2%	--	1%	1%	--	1%	1%	1%	1%
Family court counsel	--	2	5	3	10	--	1	6	3	10	--	17	15	8	40	--	20	26	14	60
	--	9%	26%	18%	17%	--	10%	35%	21%	24%	--	29%	21%	9%	18%	--	22%	25%	11%	19%
Friend/ Relative	--	--	1	--	1	--	--	--	--	--	--	--	--	--	--	--	--	1	--	1
	--	--	5%	--	2%	--	--	--	--	--	--	--	--	--	--	--	--	1%	--	0%
Government agency	--	1	--	2	3	--	--	1	--	1	--	4	2	3	9	--	5	3	5	13
	--	5%	--	12%	5%	--	--	6%	--	2%	--	7%	3%	3%	4%	--	6%	3%	4%	4%
Lawyer/priv. bar	--	11	5	3	19	--	4	3	1	8	--	23	23	15	61	--	38	31	19	88
	--	50%	26%	18%	32%	--	40%	18%	7%	20%	--	40%	33%	16%	28%	--	42%	29%	15%	28%
Lawyer referral service	--	1	1	--	2	--	--	--	--	--	--	1	--	--	1	--	2	1	--	3
	--	5%	5%	--	3%	--	--	--	--	--	--	2%	--	--	0%	--	2%	1%	--	1%
Legal aid reciprocal	--	--	--	1	1	--	1	--	--	1	--	--	--	--	--	--	1	--	1	2
	--	--	--	6%	2%	--	10%	--	--	2%	--	--	--	--	--	--	1%	--	1%	1%
Ministry of Social Services	--	2	--	--	2	--	--	--	--	--	--	1	1	2	4	--	3	1	2	6
	--	9%	--	--	3%	--	--	--	--	--	--	2%	1%	2%	2%	--	3%	1%	2%	2%
Police/ probation	--	--	--	1	1	--	2	--	1	3	--	--	1	1	2	--	2	1	3	6
	--	--	--	6%	2%	--	20%	--	7%	7%	--	--	1%	1%	1%	--	2%	1%	2%	2%
Other	--	--	--	1	1	--	--	--	--	--	--	--	--	2	2	--	--	--	3	3
	--	--	--	6%	2%	--	--	--	--	--	--	--	2%	2%	1%	--	--	--	2%	1%
Duty counsel	--	1	--	--	1	--	--	--	--	--	--	2	--	--	2	--	3	--	--	3
	--	5%	--	--	2%	--	--	--	--	--	--	3%	--	--	1%	--	3%	--	--	1%
LSS branch office	--	2	1	1	4	--	--	1	--	1	--	3	1	3	7	--	5	3	4	12
	--	9%	5%	6%	7%	--	--	6%	--	2%	--	5%	1%	3%	3%	--	6%	3%	3%	4%
CLO as area director	--	1	--	--	1	--	--	--	--	--	--	--	--	1	1	--	1	--	1	2
	--	5%	--	--	2%	--	--	--	--	--	--	--	--	1%	0%	--	1%	--	1%	1%
Area director	--	--	--	--	--	--	--	--	--	--	--	--	--	1	1	--	--	--	1	1
	--	--	--	--	--	--	--	--	--	--	--	--	--	1%	0%	--	--	--	1%	0%
Phone service only	1	--	--	--	1	--	1	--	--	1	--	3	2	--	5	1	4	2	--	7
	100%	--	--	--	2%	--	10%	--	--	2%	--	5%	3%	--	2%	100%	4%	2%	--	2%

cont'd

Table 11-27 cont'd

Referral to:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years	85- 86	86- 87	87- 88	88- 89	All Years
Return for short service	-- --	1 5%	5 26%	5 29%	11 19%	-- --	1 10%	6 35%	9 64%	16 39%	-- --	3 5%	25 36%	54 59%	82 37%	-- --	5 6%	36 34%	68 55%	109 34%
Transition House	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	1 0%	-- --	-- --	-- --	1 1%	1 0%
No referral	7 --	33 --	29 --	18 --	87 --	-- --	29 --	32 --	8 --	69 --	-- --	129 --	125 --	88 --	342 --	7 --	191 --	186 --	114 --	498 --
TOTAL	8 100%	55 102%	48 98%	35 101%	146 102%	-- --	39 100%	49 100%	22 99%	110 98%	-- --	187 100%	195 99%	180 99%	562 98%	8 100%	28 99%	292 101%	237 99%	818 101%

Source: LSS Management Information System.

Percentages are expressed out of a total of actual responses. "No Responses" are not included in the percentage calculations. Percentages do not necessarily total 100% due to rounding.

* Data for 1985 (pre-FNLIS) are included here only to make the data set complete. They are obviously of no interpretive assistance.

Table 11-28 Referral Follow-Through by Client

1. Where client referred to:

Private lawyer	1 6%
Family Court counsellor	6 38%
Government agent	4 25%
Ombudsman	1 6%
Worker's Compensation	1 6%
Fort Nelson Advocacy and Antipoverty Group	1 6%
Out-of-province legal aid	1 6%
Ministry of Social Services & Housing	1 6%
Total responding	16 99%

2. Did client go there?

NO	5 31%
YES	11 69%
Total responding	16 100%

3. Was referral considered useful?

NO	1 9%
YES	10 91%
Total responding	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

11.7 Summary

The term accessibility is used broadly in this report, and encompasses concepts such as eligibility, location of service, scheduling of service hours, attitude of service provider, advertising, outreach activities, and networking and referral patterns. In terms of eligibility, access to free intake service and short service is free to all clients with no stipulations as to eligibility under LSS guidelines. Thus, the very existence of FNLIS in Fort Nelson has dramatically improved client access to service, especially in regard to civil matters, over the pre-FNLIS period. The paralegal has widened accessibility still further by a liberal interpretation of LSS eligibility rules in two ways. In approximately 20 per cent of short service cases she has given service for over the two-hour maximum. The LSS fieldworker has expressed acceptance of this occasional practice because of the general lack of service alternatives in Fort Nelson. In terms of legal aid referrals, she has interpreted community size guidelines in such a way as to allow applicants a slightly higher income line on which to base eligibility. Again, this interpretation was worked out with the approval of the LSS fieldworker, the rationale being the high cost of such items as food and heating in Fort Nelson.

The telephone has been an important factor in making the service accessible. One-third of civil summary advice cases was handled by telephone, and telephone follow-up was used in a quarter of all cases. Forty-five per cent of those who used the telephone did so because of difficulty using FNLIS in regular office hours.

In terms of location, FNLIS is situated in Fort Nelson's town hall complex. This site has numerous advantages both from an accessibility and cost standpoint (it is provided free by the town), but many community respondents fear the location may be intimidating to disadvantaged clients. One in six clients in the client survey reported location difficulties, primarily to do with finding the service within the complex. On balance, it seems the advantages of the site outweigh its disadvantages.

Although the paralegal is generally very responsive in making immediate appointments, office hours (8:30-4:30 with lunch break) were problematic for a small percentage of clients. There was unanimous feeling among client survey respondents about the high degree of respect accorded by the paralegal to clients. The attitude of the paralegal has greatly enhanced the sense of service accessibility.

The paralegal has been active in the area of PLE, but could widen accessibility to legal information by diversifying the content of the workshops and

the venues in which they are held. Addition of a part-time secretary would enhance the paralegal's capacity to undertake these initiatives.

While in general terms FNLIS is a service that is highly accessible to residents in Fort Nelson, a more systematic outreach strategy would provide greater accessibility to residents in the smaller communities along the Alaska Highway. We support the initiatives of FNLIS to assess needs in the northwestern portion of the province (known as the "northern circuit" in terms of legal service delivery).

From measures that we were able to undertake, there appears to be a high general awareness of the existence of FNLIS, but a lesser awareness of the full range of services the paralegal can provide. Community services and agencies almost unanimously have a high regard for the paralegal, but emphasize the need for greatly increased networking. Suggestions for increased advertising in the form of posters and pamphlets, as well as networking, are contained in recommendations #6 and #7.

The data on referral patterns to and from FNLIS are not strong, but clearly show the strong relationship established with the Native Courtworkers Association. They also suggest a growing base of repeat customers.

A final "take" on the question of accessibility is afforded by Tables 11-29 to 11-31. Thirty-two per cent of respondents in the client survey had had legal problems in the pre-FNLIS period (Table 11-29). Twenty-six per cent were criminal problems (Table 11-30), and the rest family, civil and other matters. Thirteen per cent of these matters in the pre-FNLIS period went unsolved or necessitated the respondent representing him/herself (Table 11-31). Forty-four per cent had to be dealt with by accessing legal help outside Fort Nelson (Table 11-31). One-third were dealt with by a Fort Nelson lawyer. These figures, although taken from a small base of respondents, add further insight into the role that FNLIS has played in making services accessible both in terms of finance and convenience. Further overall comments about FNLIS and its meaning to clients are contained in section 12.4.1.

Table 11-29 Had the Client Ever Needed Legal Aid or Legal Info on a Different Matter? (Before Legal Clinic Opened in the Summer of 1986)

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
NO	49 68%	9 82%	40 66%	9 64%	40 69%	42 69%	7 64%
YES	23 32%	2 18%	21 34%	5 36%	18 31%	19 31%	4 36%
Total responding	72 100%	11 100%	61 100%	14 100%	58 100%	61 100%	11 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-30 What Sort of Problem was It?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Criminal	6 26%	1 50%	5 24%	2 40%	4 22%	3 16%	3 75%
Family	7 30%	1 50%	6 29%	0 0%	7 39%	7 37%	0 0%
Civil	9 39%	0 0%	9 43%	3 60%	6 33%	8 42%	1 25%
Other	1 4%	0 0%	1 5%	0 0%	1 6%	1 5%	0 0%
Total responding	23 99%	2 100%	21 101%	5 100%	18 100%	19 100%	4 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

Table 11-31 What did the Client do About It? Where did the Client go for Help?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Ft. St. John (telephone)	2 9%	0 0%	2 10%	0 0%	2 11%	2 11%	0 0%
Ft. St. John or Dawson Creek (in person)	6 26%	0 0%	6 29%	1 20%	5 28%	4 21%	2 50%
Legal aid on circuit day in Fort Nelson	2 9%	0 0%	2 10%	0 0%	2 11%	2 11%	0 0%
Private lawyer in Fort Nelson	8 35%	2 100%	6 29%	3 60%	5 28%	6 32%	2 50%
Private lawyer elsewhere	2 9%	0 0%	2 10%	1 20%	1 6%	2 11%	0 0%
Matter unresolved or represented self	3 13%	0 0%	3 14%	0 0%	3 17%	3 16%	0 0%
Total Responding	23 101%	2 100%	21 102%	5 100%	18 101%	19 102%	4 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

12.0 ANALYSIS AND FINDINGS: IMPACT AND EFFECTIVENESS

12.1 Overview of Issues

This section addresses the issues of impact and effectiveness of FNLIS. As with the issue of accessibility, we analyze impacts and effectiveness of service from a variety of perspectives, including:

- client understanding of paralegal's role;
- extent of assistance provided;
- accuracy/clarity of information;
- helpfulness of assistance;
- outcomes of direct service;
- client and participant satisfaction;
- impacts on staff lawyers, the legal/judicial system, community groups/agencies and the local bar; and
- cost of service.

12.2 Effectiveness of FNLIS Activities

Here we are concerned primarily with FNLIS direct service activities, but also with PLE initiatives of the paralegal.

12.2.1 Client understanding of paralegal's role

Clients' perceptions of the paralegal's role speak both to the issue of effectiveness and impact. Effectiveness, because client perceptions are one gauge of how well the paralegal has conveyed the nature and limits of her service. Impact, because we can learn if clients in remote settings are necessarily deterred by not having a lawyer serve them. Table 12-1 shows that 85 per cent of respondents were aware at the time of receiving service that the paralegal was not a lawyer. This understanding was slightly higher among native clients and lower among clients with criminal matters. It is quite possible that the paralegal explained the role and the client forgot, or that the respondent was reluctant to admit they didn't know, but these two factors probably balanced each other. Table 12-2 presents the main ways in which respondents characterized the role of a paralegal. They indicate a rough understanding of the concept. Incorrect statements were generally to the effect that a paralegal had no legal standing in court. As noted in section 6.3.1, this is not technically correct. In British Columbia paralegals have standing, subject to agreement by a given court.

Table 12-1 Was it Clear to the Client at the Time of Receiving the Service that the Paralegal was not a lawyer?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
NO	11 15%	1 9%	10 16%	3 21%	8 14%	8 13%	3 27%
YES	62 85%	10 91%	52 84%	11 79%	51 86%	54 87%	8 73%
Total responding	73 100%	11 100%	62 100%	14 100%	59 100%	62 100%	11 100%

Source: Client survey.

No clients felt that the fact that the paralegal was not a lawyer affected their confidence about the information she gave them. Total percentages may not add to 100% due to rounding.

Table 12-2 FNLIS Clients' Perceptions of What a "Paralegal" Is

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Helps resolve hassles/problems/predicaments	26 20%	3 19%	23 21%	5 23%	21 20%	23 21%	3 17%
Gives info/helps with legal documents/rights/understanding laws	57 45%	8 50%	49 44%	8 36%	49 46%	52 47%	5 28%
Referral function	27 21%	1 6%	26 23%	5 23%	22 21%	20 18%	7 39%
Incorrect statement	9 7%	1 6%	8 7%	3 14%	6 6%	7 6%	2 11%
Don't know	9 7%	3 19%	6 5%	1 5%	8 8%	8 7%	1 6%
Total responding	73 100%	11 100%	62 100%	14 101%	59 101%	62 99%	11 101%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

In general, FNLIS has been effective in presenting a service in which clients understand who they are getting information from. Furthermore, as noted in Table 12-1, the fact that the paralegal was not a lawyer did not affect client's confidence about the information they were receiving.

12.2.2 Nature and extent of assistance provided

In assessing the impact of service, it is important to understand the extent of service. This is particularly true for the paralegal's direct service activity, which is not restricted to summary advice given in an office.

Table 12-3 itemizes the types of services offered to the client survey respondents, and the frequency of their occurrence in any given case. Besides the obvious functions of defining the problem and giving information, the paralegal did research on the problem (63 per cent of respondent cases), gave information about court procedures (42 per cent), helped prepare the client's case (26 per cent), completed documents (30 per cent), made phone calls (53 per cent),²² wrote letters (27 per cent) and arranged meetings (32 per cent). Numerous respondents specifically mentioned special support and assistance given them.

Clients we surveyed obviously appreciated the extent of paralegal involvement in legal aid referral cases. Although based on only 12 cases, 42 per cent of respondents said that the paralegal was mainly responsible for the client's feeling prepared in the case (Table 12-4) and 53 per cent identified the paralegal as the main person keeping respondents informed.

Community and judicial system respondents who were closest to the paralegal's activities emphasized the thoroughness of her work with clients. For example, the court administrator cited the paralegal's frequent attendance at the court house during sittings (she is there for first appearances, adjournment lists, during young offender cases and family/small claims matters), making accused persons and witnesses feel comfortable with what normally would be bewildering procedures. She also appreciated the paralegal's role as "interpreter of the system" with parents of young offenders, and also with victims in cases where the accused had a private lawyer. The senior probation officer for Fort St. John, who has also at times served Fort Nelson, appreciated the extent of the paralegal's work not only at court sittings but also in between sittings. He compared her role

²² The high percentage of cases involving phone calls on behalf of clients suggests that for overall case activity, this type of assistance is greater than that reported in Table 7-10 for short service cases alone. The latter may also have been underreported.

Table 12-3 Services Provided by Paralegal to FNLIS Clients

Type of Service	Total Responding	Whether Service Provided	
		YES	NO
Got information			
1. Interviewed/talked with client to understand problem	73 100%	72 99%	1 1%
2. Got particulars of case (criminal only)	11 100%	11 100%	0 0%
3. Completed a form to determine eligibility for legal aid	72 100%	17 24%	55 76%
4. Did research on problem	73 100%	46 63%	27 37%
Gave information			
5. Gave client general information about dealing with problem	73 100%	68 93%	5 7%
6. Gave written information (e.g. pamphlets) about dealing with problem	73 100%	24 33%	49 67%
7. Gave information about court procedures	73 100%	31 42%	42 58%
Gave assistance			
8. Gave assistance in preparing case	72 100%	19 26%	53 74%
9. Helped client complete documents necessary for case	73 100%	22 30%	51 70%
10. Made phone call(s) for client	73 100%	39 53%	34 47%

Table 12-3 cont'd

Type of Service	Total Responding	Whether Service Provided	
		YES	NO
11. Wrote letter(s) on client's behalf	73 100%	20 27%	53 73%
12. Arranged a meeting for client	73 100%	23 32%	50 68%
Made referrals			
13. Made referral to legal aid lawyer	73 100%	19 26%	54 74%
14. Referred client to agency	73 100%	18 25%	55 75%
Represented client			
15. Appeared on behalf in court	72 100%	1 1%	71 99%
Other			
16. Offered support/sympathy/ extra assistance	20 100%	20 100%	

Source: Client survey.

Note: Unlike other items in the lists, item #16 under "other" was not solicited from the respondents. It was a comment that respondents felt was important enough to mention on their own when asked "was there any other way she (the paralegal) gave you help that I haven't mentioned?"

Table 12-4 Who the Client Felt was Mainly Responsible for His/Her Feeling Prepared in Legal Aid Referral Cases

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Paralegal (mainly or all)	5 42%	2 50%	3 38%	1 33%	4 44%	2 40%	3 43%
Lawyer (mainly or all)	3 25%	1 25%	2 25%	2 67%	1 11%	0 0%	3 43%
Combination of above	4 33%	1 25%	3 38%	0 0%	4 44%	3 60%	1 14%
Total responding	12 100%	4 100%	8 101%	3 100%	9 99%	5 100%	7 100%

Source: Client survey. Total percentages may not add to 100% due to rounding.

Note: Of 15 clients referred to a legal aid lawyer by FNLIS, 13 responded to the question of whether they felt prepared for their case. Only 1 felt unprepared and blamed himself for the lack of preparedness. The above table reports on the remaining 12 who did feel prepared.

with what he saw the full-time probation officer achieving prior to the restraint-induced cutbacks of 1983. He described the probation role as a type of "glue in the system," filling in gaps, "walking" cases through the whole system, and playing a developmental role in the community. Although the paralegal's role is clearly different from that of a probation officer, he feels that she has nonetheless had a tremendous impact on those who are intimidated by government bureaucracies, who lack sophistication, who lack education or who are from outlying areas. He stressed impacts in two areas: in providing quick access to justice and in giving a direct response to issues that arise suddenly and which might require legal aid. In this latter respect he noted that many family court matters consist of "crisis work", e.g., a couple separating or a child apprehension, where people are immediately looking for answers. In these situations the paralegal is the first source of service, and carries out important screening, information gathering/giving and referral functions not dissimilar to those provided by the LSS staff lawyer in Fort St. John.

One representative of a community advocacy group felt that the paralegal was not pushy and assertive enough to play a strong advocate role on behalf of clients. It is true that the paralegal is a quiet, "low key" person, and does not have an aggressive manner. However, as several other community respondents have pointed out, it is these characteristics and her caring manner that in part inspire the confidence of the people she is serving. In fact, one respondent felt that if she does have a fault, it is one of doing too much rather than too little on behalf of her clients. Several community respondents cited her understanding of her own limits and willingness to seek information when in doubt. They feel this self-knowledge allows her to act effectively and confidently, and also inspires confidence in both her clients and principal actors in the judicial system.

When prompted to suggest additional ways that the paralegal could extend her service, community respondents suggested several areas. These were suggested not because they perceived an inadequacy in her performance, but because they felt confident that she could handle other areas. Several respondents would like to see her playing a larger role in small claims court matters by helping clients understand procedures, being realistic about their claims, and where appropriate, being of assistance in filing claims. One respondent claimed that at present about one-half the small claims matters are adjourned, with consequent loss of efficiency and time.

Other respondents would like her to play a similar role in family court matters, encouraging greater realism of clients in matters that could go to mediation rather than through court. The paralegal feels that this is primarily the role of the family court counsellor, but as pointed out above, she already fills a screening and referral function. She does feel, however, that she could play a greater role in child apprehension cases by gathering evidence and/or trying to

get certain matters settled (e.g., access to children) if a case has been adjourned to the next setting.

Several respondents felt the paralegal capable of playing a greater role in criminal cases (e.g., speaking to sentence, gathering particulars), but there are some constraints on these roles. The fact that the LSS defence lawyer is automatically present on circuit courts makes it unnecessary for the paralegal to speak to sentence in most cases. The RCMP detachment sergeant would appreciate more paralegal involvement in gathering particulars. His hope is to streamline the court process and avoid having his officers waste time in court when they are not likely to be called to give evidence. The paralegal does routinely ask for particulars from crown attorney in Fort St. John when a client has come to FNLIS for assistance, but obviously cannot do so if a charged person does not come for assistance, or as often happens, does not come until a day or two before court. Her capacity to play a streamlining and advance preparation role, as with family court matters, is often limited by circumstance.

In summary, both clients and community/judicial system respondents have felt the paralegal has been very effective in the extent of direct service she has provided. Justice system respondents have been impressed enough with her competence that they would like her to play an even greater role in certain areas. While some of those roles may not be feasible in the Fort Nelson context, they suggest that the parameters of a paralegal's activities in even remoter settings, given qualifications commensurate with those of the FNLIS paralegal, could be wide indeed.

There are two areas of indirect service in which the paralegal's initiatives could be extended further. Both have been touched on before. The first is in relation to the variety of paralegal workshops she has offered (see recommendation #4 and discussion in section 11.3.2). The second is in increasing her level of advocacy training (see section 5.3). In the latter regard the paralegal has been somewhat constrained by the existence of an advocate and anti-poverty group in Fort Nelson. It has dealt rather forcefully with a range of administrative law and landlord-tenant matters that would normally be handled by a service such as FNLIS. In Table 11-20 (see also discussion in section 11.5.1) it is evident that this group is mentioned by social assistance recipients as their first-line resource on social assistance matters, and as a secondary resource for landlord-tenant matters. The paralegal is understandably reluctant to engage in turf battles with such a group, but this fact has limited the exposure she might otherwise have to a wider range of administrative problems.

Changes in the organization in late 1989 may mean that she will become more involved in these issues. One member of the group expressed interest in

her members receiving some formalized advocacy training, particularly in relation to family matters. This would seem a logical extension of the paralegal's work, and may ultimately involve her in more administrative advocacy cases and training as well.

12.2.3 Accuracy/clarity of information

Especially when dealing with legal matters, accuracy and clarity of information is a core element of effectiveness. We have already dealt with mechanisms to ensure project quality in section 6. In the client and PLE participant survey, we asked respondents about the accuracy and clarity of the information they received. The information is not presented in tables, as it constituted almost a unanimous response. Ninety-nine per cent of the clients said the paralegal's instructions were clear (29 per cent) or very clear (70 per cent); only one per cent said they were only "ok". All clients felt her information was accurate. Obviously many clients would not know whether the information was in fact accurate, but it is likely that some would have discovered inaccuracies by suffering consequences of bad information.

In regard to information presented in PLE workshops, we explored with participants the issues of organization and style as aspects that might inhibit clarity of information. On a four-choice scale, no participants found the paralegal's presentation "very" or "quite disorganized"; 53 per cent found it "quite organized" and 47 per cent "very organized". Again on a four-choice scale, no participants found the material presented in a "very boring" manner, three per cent (one) found it presented in a "boring" manner, 78 per cent (25) "interesting" and 19 per cent (six) in a "very interesting" manner.

In general terms, from a client perspective, the paralegal can be said to have been effective in conveying legal information.

12.2.4 Helpfulness of information and assistance

Even when clients understand the context in which they receive information (i.e., the paralegal's role), appreciate the extent of the paralegal's effort, and feel the information is clear and accurate, it cannot be said to be effective if it is not helpful. On this score again, there was virtual unanimity in client responses. No respondent reported finding any item of service from the paralegal "unhelpful". Of the 25 clients who received written information from the paralegal, 100 per cent found it useful. Table 12-6 shows services which clients found particularly helpful (given a maximum of four choices each).

Because many clients received some services but not others, depending on case circumstances (see Table 12-3), it is difficult to attribute too much meaning to the table. However, those who received extra assistance (e.g., preparation of documents, phone calls, arranging meetings) seemed particularly appreciative of those services (if compared to overall numbers in Table 12-3).

Table 12-7 gives feedback on the helpfulness of information received in PLE workshops. Ninety-seven per cent found it "helpful" or "very helpful." However, only 50 per cent of the participants have actually used the information. Since many of the workshops related to the preparation of wills, in many cases this meant the participants had not got around to finalizing a will. In terms of written PLE information received at the PLE workshop, 96 per cent of respondents found it useful.

More of the community respondents who had directed clients to the paralegal said either that they had received good feedback about the referral or none at all, but were convinced that they would have heard of any negative comments. A respondent from one community group -- who had stated that the paralegal was not assertive enough to do effective advocacy (see section 12.2.2) -- did not feel the paralegal was effective. The evaluator encouraged the respondent to give an example of ineffectiveness or unhelpfulness. The example given, in the evaluator's estimation,²³ constituted an entirely appropriate and ethical response on the part of the paralegal to the situation described.

Other than the example just noted, feedback from community and justice system respondents was uniformly positive about the helpfulness of the paralegal. For example, one crown attorney felt she played a particularly useful role in obtaining crown attorney particulars for the clients. The Women's Resource Center respondents had received excellent reports from their clients; they felt she would "go anytime, anywhere" to help their clients. They also had heard supportive comments from old age pensioners who had used FNLIS. We noted in section 12.2.2 the probation officer's appreciation of the paralegal's role in crisis situations. Other community respondent comments are noted in sections 12.4.1 and 12.4.2.

²³ The evaluator has a background in paralegal service and in presentation of legal information.

Table 12-5 Who Kept the Client Informed in Cases Referred to Legal Aid Lawyer?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Paralegal (mainly or all)	8 53%	1 25%	7 64%	4 67%	4 44%	2 29%	6 75%
Lawyer (mainly or all)	3 20%	2 50%	1 9%	2 33%	1 11%	2 29%	1 13%
Secretary (mainly or all)	1 7%	0 0%	1 9%	0 0%	1 11%	1 14%	0 0%
Combination of above	3 20%	1 25%	2 18%	0 0%	3 33%	2 29%	1 13%
Total responding	15 100%	4 100%	11 100%	6 100%	9 99%	7 101%	8 101%

Source: Client survey. Total percentages may not add to 100% due to rounding.

Note: All clients referred to a legal aid lawyer by FNLIS reported that they were kept adequately informed about what was happening in their case.

Table 12-6 FNLIS Services Which Client Found Particularly Helpful
(4 Responses per Client Possible)

Service con- sidered par- ticularly helpful	Total	ANCESTRY		SEX		TYPE OF PROBLEM	
		Native	Non- Native	Male	Female	Civil	Criminal
A. Got information	12 16%	2 18%	10 16%	2 14%	10 17%	10 16%	2 18%
Interviewed/ talked to understand problem	3 4%	1 9%	2 3%	1 7%	2 3%	2 3%	1 9%
Got the par- ticulars of your case (criminal)	6 8%	0 0%	6 10%	1 7%	5 8%	5 8%	1 9%
Did research on your pro- blem	3 4%	1 9%	2 3%	0 0%	3 5%	3 5%	0 0%
B. Gave information	38 52%	8 73%	30 48%	3 21%	35 59%	36 58%	2 18%
Gave general info about the problem	37 51%	8 73%	29 47%	3 21%	34 58%	35 56%	2 18%
Gave written info about the problem	1 1%	0 0%	1 2%	0 0%	1 2%	1 2%	0 0%
C. Gave assistance	18 25%	3 27%	15 24%	5 36%	13 22%	14 23%	4 36%
In preparing your case	1 1%	0 0%	1 2%	0 0%	1 2%	1 2%	0 0%
Helped com- plete documents necessary for case	7 10%	2 18%	5 8%	2 14%	5 8%	7 11%	0 0%
Made phone calls for you	3 4%	0 0%	3 5%	1 7%	2 3%	3 5%	0 0%

Table 12-6 cont'd

Service con- sidered part- icularly helpful	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non- Native	Male	Female	Civil	Criminal
Arranged a meeting for you	7 10%	1 9%	6 10%	2 14%	5 8%	3 5%	4 36%
D. Made referral	20 27%	4 36%	16 26%	3 21%	17 29%	14 23%	6 55%
Made referral to a legal aid lawyer	12 16%	3 27%	9 15%	3 21%	9 15%	6 10%	6 55%
Referred you to an agency	8 11%	1 9%	7 11%	0 0%	8 14%	8 13%	0 0%
E. Repre- sented client	1 1%	0 0%	1 2%	0 0%	1 2%	1 2%	0 0%
Appeared on your behalf in court	1 1%	0 0%	1 2%	0 0%	1 2%	1 2%	0 0%
F. Other	13 18%	4 36%	9 15%	2 14%	11 19%	11 18%	3 18%
Offered support/ sympathy/ extra assistance	12 16%	4 36%	8 13%	2 14%	10 17%	10 16%	2 18%
Other	1 1%	0 0%	1 2%	0 0%	1 2%	1 2%	0 0%
G. All of the above	10 14%	0 0%	10 16%	3 21%	7 12%	9 15%	1 9%
Total responding	73	11	62	14	59	62	11

Source: Client survey.

Because clients were allowed more than one response, the total number of responses (112) exceeds the total number of clients responding to the question (73). The % is the % of clients or category of clients who mentioned the item. Therefore, percentages do not total 100%.

Table 12-7 Helpfulness and Use of Information from PLE Workshops

		Total
1.	How helpful was the information?	
	Unhelpful	1 3%
	Helpful	19 59%
	Very helpful	12 38%
	Total responding	32 100%
2.	How was information used?	
	Not used/not used yet	15 50%
	Used for decision-making, problem-solving	4 13%
	Used for legal process	7 23%
	Used in work	4 13%
	Total responding	30 99%

Source: Public legal education participant survey.

In regard specifically to written PLE information (e.g., pamphlets or information sheets) received at the workshop), 96% of respondents found them useful. Percentages do not necessarily total 100% due to rounding.

12.3 Outcomes for Clients in Direct Service

What happens as a result of service provided by FNLIS (i.e., the outcome) is obviously a relevant measure of impact. However, the meaning of the outcome of paralegal service is not as decisive or clearcut as, for example, the outcome of a court case (i.e., did the client win?), of a training program (were certain skills acquired?) or of a technologically oriented project (how many kilowatts of electricity was generated?). In most cases, matters do not go to court, and where they do (e.g., on a legal aid referral), it is unreasonable to attribute the outcome -- negative or positive -- solely to the paralegal's efforts. Obviously, in such cases the legal aid lawyer and the case particulars are also major components of case outcomes.

The intent of this section is thus descriptive rather than analytical. We simply describe what happens to clients as a result of various levels of service provided by FNLIS, and at the level of referrals, by FNLIS and the legal aid lawyers involved.

12.3.1 Outcomes from intake interviews

Tables 12-8 to 12-13 present data on outcomes of criminal and civil intake interviews.²⁴ These tables should also be considered in relation to Table 7-1, as both give a sense of the streaming of clients. In regard to criminal intake cases, approximately 61 per cent of FNLIS intakes resulted in some form of legal aid referral ("private bar" and "staff" in Tables 12-9 to 12-10),²⁵ whereas in civil intake cases (Tables 12-13), 13 per cent resulted in legal aid referrals. Twenty per cent of criminal intakes were either referred to other agencies, or more frequently, returned as a referral to the paralegal for short service, while 39 per cent of civil cases were dealt with in this way. Twelve per cent of criminal intakes were resolved through self-help, i.e., assistance provided by the paralegal so that

²⁴ In the analysis that follows, the overall percentages mentioned include figures for the pre-FNLIS period, simply to facilitate the reader's following the discussion in relation to the tables. Technically, the pre-FNLIS figures should not be included; in any event, they would only marginally alter the results discussed here if eliminated.

²⁵ The corresponding (and more accurate) figure from Table 7-1 is 155 of 287 cases, or 54 per cent. Some of the "staff" category results in short service rather than legal aid referrals, so there would be some slippage down from the 60 per cent figure. Tables 12-8 and 12-12 are not referred to here for the overall analysis because they do not include data for 1986-1987.

Table 12-8 Results of Paralegal Service for FNLIS Criminal Intake Cases, by Sex, 1986-89*

Result for client:	NA/NR					MALE					FEMALE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Private Bar	--	--	--	--	--	2	--	5	5	12	1	--	--	1	2	3	--	5	6	14
	--	--	--	--	--	10%	--	7%	7%	7%	50%	--	--	4%	4%	14%	--	5%	6%	7%
Staff	--	--	1	1	2	16	--	40	34	90	1	--	6	12	19	17	--	47	47	111
	--	--	100%	100%	100%	80%	--	55%	49%	56%	50%	--	29%	52%	41%	77%	--	49%	51%	53%
Reciprocal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Referred	--	--	--	--	--	2	--	16	17	35	--	--	10	5	15	2	--	26	22	50
	--	--	--	--	--	10%	--	22%	25%	22%	--	--	48%	22%	33%	9%	--	27%	24%	24%
Resolved	--	--	--	--	--	--	--	1	2	3	--	--	--	--	--	--	--	1	2	3
	--	--	--	--	--	--	--	1%	3%	2%	--	--	--	--	--	--	--	1%	2%	1%
Self-help	--	--	--	--	--	--	--	7	4	11	--	--	5	5	10	--	--	12	9	21
	--	--	--	--	--	--	--	10%	6%	7%	--	--	24%	22%	22%	--	--	13%	10%	10%
Refused only	--	--	--	--	--	--	--	3	--	3	--	--	--	--	--	--	--	3	--	3
	--	--	--	--	--	--	--	4%	--	2%	--	--	--	--	--	--	--	3%	--	1%
Abandoned	--	--	--	--	--	--	--	--	1	1	--	--	--	--	--	--	--	--	1	1
	--	--	--	--	--	--	--	--	1%	1%	--	--	--	--	--	--	--	--	1%	0%
YOA/Court	--	--	--	--	--	--	--	1	6	7	--	--	--	--	--	--	--	1	6	7
	--	--	--	--	--	--	--	1%	9%	4%	--	--	--	--	--	--	--	1%	6%	3%
TOTAL	--	--	1	1	2	20	--	73	69	162	2	--	21	23	46	22	--	95	93	210
	--	--	100%	100%	100%	100%	--	100%	100%	101%	100%	--	101%	100%	100%	100%	--	99%	100%	99%

Source: LSS Management Information System.

* Data for 1986-87 could not be generated for this table. Data for 1985 (pre-FNLIS) is included here only to make the data set complete, but due to low number of female clients, is of little interpretive value regarding sex. Percentages do not necessarily total 100% due to rounding. "Private Bar" and "Staff" (including the paralegal) are primarily legal aid referrals. "Referred" can involve referrals to other agencies or a return to short service with the paralegal. "Self-help" means giving the client sufficient assistance to resolve their own problem. "Refused only" is a legal aid rejection, with no extra help. "YOA/Court" is a court-ordered appointment of a lawyer for a young offender otherwise ineligible for legal aid.

Table 12-9 Results of Paralegal Service for FNLIS Criminal Intake Cases, by Native Ancestry, 1986-89, with Comparison for Fort Nelson Cases in 1985-86 (Pre-FNLIS)

Result for client:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Private Bar	2 10%	1 6%	-- --	-- --	3 5%	1 50%	-- --	1 2%	3 6%	5 4%	-- --	1 3%	4 12%	3 9%	8 8%	3 14%	2 3%	5 5%	6 6%	16 6%
Staff	16 80%	6 35%	4 31%	1 14%	27 47%	1 50%	22 71%	33 67%	34 64%	90 67%	-- --	20 69%	10 30%	12 36%	42 44%	17 77%	48 62%	47 49%	47 51%	159 55%
Reciprocal	-- --	1 6%	-- --	-- --	1 2%	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	-- --	-- --	1 0%
Referred	2 10%	3 18%	2 15%	5 71%	12 21%	-- --	1 3%	10 20%	10 19%	21 16%	-- --	2 7%	14 42%	7 21%	23 24%	2 9%	6 8%	26 27%	22 24%	56 20%
Resolved	-- --	1 6%	1 8%	-- --	2 4%	-- --	1 3%	-- --	-- --	1 1%	-- --	1 3%	-- --	2 6%	3 3%	-- --	3 4%	1 1%	2 2%	6 2%
Self-help	-- --	3 18%	5 38%	1 14%	9 16%	-- --	6 19%	2 4%	3 6%	11 8%	-- --	5 17%	5 15%	5 15%	15 16%	-- --	14 18%	12 13%	9 10%	35 12%
Refused only	-- --	-- --	1 8%	-- --	1 2%	-- --	1 3%	2 4%	-- --	3 2%	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	3 3%	-- --	4 1%
Abandoned	-- --	1 6%	-- --	-- --	1 2%	-- --	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 3%	1 1%	-- --	1 1%	-- --	1 1%	2 1%
YOA/Court	-- --	1 6%	-- --	-- --	1 2%	-- --	-- --	1 2%	3 6%	4 3%	-- --	-- --	-- --	3 9%	3 3%	-- --	1 1%	1 1%	6 6%	8 3%
TOTAL	20 100%	17 101%	13 100%	7 99%	57 101%	2 100%	31 99%	49 99%	53 101%	135 101%	-- --	29 99%	33 99%	33 99%	95 99%	22 100%	77 99%	95 99%	93 100%	287 100%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding. For explanation of terms, see Table 12-8.

Table 12-10 Results of Paralegal Service for FNLIS Criminal Intake Cases, by Adult/Young Offender, 1986-89*

Result for client:	NOT CHARGED					ADULT					YOUNG OFFENDER					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Private Bar	--	--	--	--	--	2	2	4	3	11	1	--	1	3	5	3	2	5	6	16
	--	--	--	--	--	14%	3%	5%	4%	5%	13%	--	6%	18%	9%	14%	3%	5%	6%	6%
Staff	--	--	--	--	--	10	41	33	43	127	7	7	14	4	32	17	48	47	47	159
	--	--	--	--	--	71%	61%	45%	61%	56%	88%	70%	78%	24%	60%	77%	62%	49%	51%	55%
Reciprocal	--	--	--	--	--	--	1	--	--	1	--	--	--	--	--	--	1	--	--	1
	--	--	--	--	--	--	1%	--	--	0%	--	--	--	--	--	9%	1%	--	--	0%
Referred	--	--	1	1	2	2	5	25	17	49	--	1	--	4	5	2	6	26	22	56
	--	--	33%	17%	22%	14%	7%	34%	24%	22%	--	10%	--	24%	9%	--	8%	27%	24%	20%
Resolved	--	--	1	2	3	--	3	--	--	3	--	--	--	--	--	--	3	1	2	6
	--	--	33%	33%	33%	--	4%	--	--	1%	--	--	--	--	--	--	4%	1%	2%	2%
Self-help	--	--	1	3	4	--	13	10	6	29	--	1	1	--	2	--	14	12	9	35
	--	--	33%	50%	44%	--	19%	14%	9%	13%	--	10%	6%	--	4%	--	18%	13%	10%	12%
Refused only	--	--	--	--	--	--	1	2	--	3	--	--	1	--	1	--	1	3	--	4
	--	--	--	--	--	--	1%	3%	--	1%	--	--	6%	--	2%	--	1%	3%	--	1%
Abandoned	--	--	--	--	--	--	1	--	1	2	--	--	--	--	--	--	1	--	1	2
	--	--	--	--	--	--	1%	--	1%	1%	--	--	--	--	--	--	1%	--	1%	1%
YOA/Court	--	--	--	--	--	--	--	--	--	--	--	1	1	6	8	--	1	1	6	8
	--	--	--	--	--	--	--	--	--	--	--	10%	6%	35%	15%	--	1%	1%	6%	3%
TOTAL	--	--	3	6	9	14	67	74	70	225	8	10	18	17	53	22	77	95	93	287
	--	--	99%	100%	99%	99%	97%	101%	99%	99%	101%	100%	102%	101%	99%	100%	99%	99%	100%	100%

Source: LSS Management Information System.

* Data for 1985 (pre-FNLIS) is included for comparison purposes. In situations where the FNLIS interview involved a criminal matter but the client had not been charged, no record was made of whether the client was an adult or juvenile. Percentages do not necessarily total 100% due to rounding. For explanation of terms, see Table 12-8.

Table 12-11 Results of Paralegal Service for FNLIS Criminal Intake Cases, by Whether Plea Entered Before Intake Interview, 1986-89

Result for client:	NA/NR					YES					NO					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Private Bar	--	--	--	--	--	--	--	1	1	2	--	2	4	5	11	--	2	5	6	13
	--	--	--	--	--	--	--	4%	6%	3%	--	4%	6%	7%	6%	--	3%	5%	6%	5%
Staff	--	4	--	1	5	--	13	18	12	43	--	31	29	34	94	--	48	47	47	142
	--	67%	--	20%	33%	--	81%	67%	71%	72%	--	56%	45%	48%	49%	--	62%	49%	51%	54%
Reciprocal	--	--	--	--	--	--	--	--	--	--	--	1	--	--	1	--	1	--	--	1
	--	--	--	--	--	--	--	--	--	--	--	2%	--	--	1%	--	1%	--	--	0%
Referred	--	1	1	1	3	--	2	5	2	9	--	3	20	19	42	--	6	26	22	54
	--	17%	25%	20%	20%	--	13%	19%	12%	15%	--	5%	31%	27%	22%	--	8%	27%	24%	20%
Resolved	--	--	1	1	2	--	--	--	--	--	--	3	--	1	4	--	3	1	2	6
	--	--	25%	20%	13%	--	--	--	--	--	--	5%	--	1%	2%	--	4%	1%	2%	2%
Self-help	--	1	2	2	5	--	--	3	1	4	--	12	7	6	25	--	13	12	9	34
	--	17%	50%	40%	33%	--	--	11%	6%	7%	--	22%	11%	8%	13%	--	17%	13%	10%	13%
Refused only	--	--	--	--	--	--	1	--	--	1	--	--	3	--	3	--	1	3	--	4
	--	--	--	--	--	--	6%	--	--	2%	--	--	5%	--	2%	--	1%	3%	--	2%
Abandoned	--	--	--	--	--	--	--	--	--	--	--	2	--	1	3	--	2	--	1	3
	--	--	--	--	--	--	--	--	--	--	--	4%	--	1%	2%	--	3%	--	1%	1%
YOA/Court	--	--	--	--	--	--	--	--	1	1	--	1	1	5	7	--	1	1	6	8
	--	--	--	--	--	--	--	--	6%	2%	--	2%	2%	7%	4%	--	1%	1%	6%	3%
TOTAL	--	6	4	5	15	--	16	27	17	60	--	55	64	71	190	--	77	95	93	265
	--	101%	100%	100%	99%	--	100%	101%	99%	101%	--	100%	100%	99%	101%	--	101%	99%	100%	100%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding. Pre-FNLIS data (1985-86) is not available for this table. For explanation of terms, see Table 12-8.

Table 12-12 Results of Paralegal Service for FNLIS Civil Intake Cases, by Sex, 1986-89*

Result for client:	NA/NR					MALE					FEMALE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Private Bar	--	--	--	--	--	--	--	1	1	2	1	--	3	2	6	1	--	4	3	8
	--	--	--	--	--	--	--	1%	1%	1%	25%	--	2%	1%	2%	13%	--	1%	1%	1%
Staff	--	--	--	--	--	3	--	6	5	14	2	--	16	8	26	5	--	22	13	40
	--	--	--	--	--	75%	--	6%	6%	7%	50%	--	9%	5%	8%	63%	--	8%	5%	7%
Reciprocal	--	--	--	--	--	--	--	--	1	1	--	--	--	1	1	--	--	--	2	2
	--	--	--	--	--	--	--	--	1%	1%	--	--	--	1%	0%	--	--	--	1%	0%
Referred	--	--	1	3	4	1	--	38	41	80	--	--	67	83	150	1	--	106	127	234
	--	--	100%	38%	44%	25%	--	36%	52%	42%	--	--	36%	55%	44%	13%	--	36%	54%	44%
Resolved	--	--	--	1	1	--	--	9	1	10	--	--	9	9	18	--	--	18	11	29
	--	--	--	13%	11%	--	--	8%	1%	5%	--	--	5%	6%	5%	--	--	6%	5%	5%
Self-help	--	--	--	4	4	--	--	51	30	81	1	--	88	47	136	1	--	139	81	221
	--	--	--	50%	44%	--	--	48%	38%	43%	25%	--	48%	31%	40%	13%	--	48%	34%	41%
Refused only	--	--	--	--	--	--	--	--	--	--	--	--	1	--	1	--	--	1	--	1
	--	--	--	--	--	--	--	--	--	--	--	--	1%	--	0%	--	--	0%	--	0%
Abandoned	--	--	--	--	--	--	--	1	--	1	--	--	1	--	1	--	--	2	--	2
	--	--	--	--	--	--	--	1%	--	1%	--	--	1%	--	0%	--	--	1%	--	0%
TOTAL	--	--	1	8	9	4	--	106	79	189	4	--	185	150	339	8	--	292	237	537
	--	--	100%	101%	99%	100%	--	100%	99%	100%	100%	--	102%	99%	99%	102%	--	100%	100%	98%

Source: LSS Management Information System.

*Data for 1986-87 could not be generated for this table. Data for 1985 (pre-FNLIS) is included here only to make the data set complete, but due to overall low number of clients, is of little interpretive value regarding sex. Percentages do not necessarily total 100% due to rounding. For explanation of terms, see Table 12-8.

Table 12-13 Results of Paralegal Service for FNLIS Civil Intake Cases, by Native Ancestry, 1986-89, with Comparison for Fort Nelson Cases in 1985-86 (Pre-FNLIS)

Result for client:	NA/NR					NATIVE					NON-NATIVE					TOTALS				
	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years	85-86	86-87	87-88	88-89	All Years
Private Bar	1 13%	-- --	1 2%	-- --	2 1%	-- --	2 5%	1 2%	-- --	3 3%	-- --	8 4%	2 1%	3 2%	13 2%	1 13%	10 4%	4 1%	3 1%	18 2%
Staff	5 63%	8 15%	4 8%	2 6%	19 13%	-- --	10 26%	6 12%	4 18%	20 18%	-- --	31 17%	12 6%	7 4%	50 9%	5 63%	49 17%	22 8%	13 5%	89 11%
Reciprocal	-- --	1 2%	-- --	2 6%	3 2%	-- --	-- --	-- --	-- --	-- --	-- --	1 1%	-- --	-- --	1 0%	-- --	2 1%	-- --	2 1%	4 1%
Referred	1 13%	21 38%	19 40%	19 54%	60 41%	-- --	10 26%	19 39%	12 55%	41 37%	-- --	50 27%	68 35%	96 53%	214 38%	1 13%	81 29%	106 36%	127 54%	315 39%
Resolved	-- --	4 7%	2 4%	1 3%	7 5%	-- --	4 10%	3 6%	3 14%	10 9%	-- --	13 7%	13 7%	7 4%	33 6%	-- --	21 7%	18 6%	11 5%	50 6%
Self-help	1 13%	19 35%	21 44%	11 31%	52 36%	-- --	13 33%	18 37%	3 14%	34 31%	-- --	82 44%	100 51%	67 37%	249 44%	1 13%	114 41%	139 48%	81 34%	335 41%
Refused only	-- --	-- --	-- --	-- --	-- --	-- --	-- --	1 2%	-- --	1 1%	-- --	2 1%	-- --	-- --	2 0%	-- --	2 1%	1 0%	-- --	3 0%
Abandoned	-- --	2 4%	1 2%	-- --	3 2%	-- --	-- --	1 2%	-- --	1 1%	-- --	-- --	-- --	-- --	-- --	-- --	2 1%	2 1%	-- --	4 1%
TOTAL	8 102%	55 101%	48 100%	35 100%	146 100%	-- --	39 100%	49 100%	22 101%	110 100%	-- --	187 101%	195 100%	180 100%	562 99%	8 102%	281 101%	292 100%	237 100%	818 101%

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding. For explanation of terms, see Table 12-8.

the client could resolve the matter on his/her own, whereas 41 per cent of civil cases were handled through self-help. Only four criminal and three civil cases involved rejection of legal aid eligibility without further assistance being provided by the paralegal. This represents less than one per cent of all FNLIS intake cases.

Several outcome patterns can be discerned within the overall outcome results. They include the following:

- the percentage of legal aid referrals as an outcome (combining private and staff referrals) is significantly higher for native clients than for non-native clients, both for civil matters (Table 12-13) and criminal matters (Table 12-9). This is most likely a reflection of the fact that proportionately more natives are financially eligible for legal aid than non-natives. The percentage of self-help outcomes is significantly lower for natives than for non-natives;
- the patterns noted in section 7.1 and Table 7-1, i.e., that the rate of legal aid referrals fell and short service increased from year to year, are also evident in Tables 12-9 and 12-13 (taking "referred" as a surrogate for "short service"). These trends reflected the paralegal's growing self-confidence;
- male client referrals to criminal legal aid in 1987-1988 were double the rate of female referrals; in 1988-1989 they were at the same level. For both years the rate of criminal matter self-help outcomes was twice as high for females as opposed to males (Table 12-8). There were no such differences in civil matters (Table 12-12);
- rates of criminal legal aid referrals tend to be higher for young offenders than for adults, especially if court appointed counsel under the YOA is included. Self-help is proportionately higher as an outcome for adults than for young offenders (Table 12-10); and
- rates of criminal legal aid referrals are higher for clients who have already entered a plea. This is most likely because their plea is not guilty, and their purpose in coming to FNLIS is to get a lawyer (Table 12-11).

12.3.2 Outcomes from short service

Table 12-14 shows outcomes for short service provided by the paralegal. Twenty-three per cent of cases are settled within the two-to-three hours taken for a short service. Thirty per cent are resolved through enough assistance by the paralegal to allow the client to handle the matter him/herself (sometimes through further involvement with a PLE workshop). This percentage is significantly higher in civil cases than in criminal cases. Twenty-four per cent result in some other form of referral (as opposed to legal aid referral, which is covered under "converted to tariff"). Approximately 19 per cent of cases are abandoned (e.g., a criminal matter is stayed, or a civil party disappears, or the client decides not to pursue the issue).

Table 12-14 Short Service Dispositions for FNLIS Cases, 1986-89

Disposition:	Civil				Criminal				Total			
	86/ 87	87/ 88	88/ 89	All Years	86/ 87	87/ 88	88/ 89	All Years	86/ 87	87/ 88	88/ 89	All Years
Resolved/ settled	4 11%	19 25%	18 28%	41 23%	1 9%	5 23%	8 26%	14 22%	5 10%	24 25%	26 27%	55 23%
Converted to tariff	-- --	1 1%	1 2%	2 1%	3 27%	1 5%	3 10%	7 11%	3 6%	2 2%	4 4%	9 4%
Other referral	14 37%	16 21%	13 20%	43 24%	4 36%	5 23%	7 23%	16 25%	18 37%	21 22%	20 21%	59 24%
Self-help/ PLE	16 42%	30 40%	14 22%	60 34%	2 18%	6 27%	4 13%	12 19%	18 37%	36 37%	18 19%	72 30%
Abandoned/no problem	4 11%	9 12%	19 29%	32 18%	1 9%	5 23%	9 29%	15 23%	5 10%	14 14%	28 29%	47 19%
NR	3 --	4 --	5 --	12 --	-- --	2 --	-- --	2 --	3 --	6 --	5 --	14 --
TOTAL	41 101%	79 99%	70 101%	190 100%	11 99%	24 101%	31 101%	66 100%	52 100%	103 100%	101 100%	256 100%

Source: LSS Management Information System.

Percentages are calculated out of total actual responses, and do not include non-responses ("NR"). Percentages do not necessarily total 100% due to rounding.

12.3.3 Outcomes from referrals

Tables 12-15 to 12-17 present various aspects of FNLIS-derived criminal and civil legal aid referral outcomes. There were 141 criminal trials involving FNLIS clients from 1986-1989. Although there is some fluctuation, in approximately one-half of the criminal legal aid cases the client pleads or is found guilty; 30 per cent of cases are stayed; and in 10 per cent of cases the client is acquitted (Table 12-15). The rate of failures to appear dropped markedly in the latter two years of the project. This may have had to do with the increased confidence of the paralegal in trying to ensure that her clients are contacted and convinced to appear.

Considering the most serious sentences as outcomes, 19 per cent involved incarceration, 36 per cent probation and 43 per cent fines (Table 12-16).

In terms of family law referrals, approximately 77 per cent of cases (24/31) were resolved favourably.²⁶ For pro bono referrals approximately 70 per cent of cases (16/23) were resolved favourably.

12.4 Impact re Client Satisfaction

We have noted at various points in the report the appreciation community respondents had of the quality of the paralegal's work. Sometimes the respondent was able to report from the perspective of more than one job. For example, one person had held positions with the Ministry of Social Services and Housing, Drug/Alcohol Center, and Native Friendship Center, and in each case had had good feedback from clients he had referred to the paralegal. In the two sections which follow, we report respondent opinion about the service from the client survey and PLE workshop participant survey.

12.4.1 Direct service

Table 12-18 indicates the uniformly high degree of satisfaction (88 per cent "very satisfied" and 11 per cent "satisfied" on a five-choice scale). When asked to clarify their main reason for satisfaction, approximately three quarters of the responses were instrumental in tone (i.e., she "gave information needed", and showed "competence" and "ability", the advice worked, she "clarified options" and

²⁶ "Approximately", because sometimes a petition could be granted, but the FNLIS client is the respondent and would therefore not be pleased with the outcome.

**Table 12-15 Results of Cases Referred to Criminal Legal Aid by FNLIS, 1986-89,
Most Serious Charge Only**

	1986 - 87	1987 - 88	1988 - 89	All Years
Result:				
Total original charges	53	52	57	162
Reduced charges	2	6	3	11
Prior to trial:				
Failure to appear	1	2	--	3
Change lawyer	9	--	--	9
Withdrawal/stay	1	1	--	2
Preliminary hearing:				
Withdrawal/stay	1	2	--	3
Consent committal	--	1	--	1
Committed to trial	--	1	1	2
Trial:				
Failure to appear	7 18%	1 2%	1 2%	9 6%
Change lawyer	-- --	-- --	1 2%	1 1%
Withdrawal/stay	9 23%	12 27%	21 38%	42 30%
Guilty plea	15 38%	24 53%	25 45%	64 45%
Acquitted	5 13%	4 9%	5 9%	14 10%
Found guilty	4 10%	4 9%	2 4%	10 7%
Diversion	-- --	-- --	1 2%	1 1%
Total trial results	40 102%	45 100%	56 102%	141 100%

Source: LSS Management Information System. Percentages do not necessarily total 100% due to rounding.

Notes: 1. For several reasons, the "total original charges" do not normally equal the total of results in the result column. This is because:

- (a) "Reduced charges" is just a subset of the original charges, and is not exclusive of other results.
 - (b) "Change lawyer," which in most cases means change to another legal aid lawyer, is not exclusive of other results.
 - (c) The "results" are related to legal aid lawyer billings to the LSS. In most cases billings follow final dispositions, but in some instances interim billings occur.
 - (d) Preliminary hearing results may be of the same cases that appear under trial.
2. Trial results are internally consistent. For this reason, we have included percentage figures only for the results within the trial results group.
 3. These results are for a period 3 months later than intake figures in other tables in this report, to take into account time lag between intake and final result. This is an approximation to allow us to examine results of the same overall cases composition represented in intake tables.

Table 12-16 Sentence Outcome of Cases Referred to Criminal Legal Aid by FNLIS, 1986-89, Most Serious Charge Only

Sentence:	1986 - 87	1987 - 88	1988 - 89	All Years
Jail--concurrent (or single charge)	3 16%	-- --	5 16%	8 10%
Jail--consecutive sentence	1 5%	2 8%	2 6%	5 6%
Jail--intermittent sentence	-- --	1 4%	1 3%	2 3%
Probation	6 32%	11 42%	11 34%	28 36%
Fine	9 47%	11 42%	13 41%	33 43%
Conditional discharge	-- --	1 4%	-- --	1 1%
Total sentencing	19 100%	26 100%	32 100%	77 99%
Average concurrent or single sentence	35 days	--	143 days	103 days
Average consecutive sentence	90 days	228 days	105 days	151 days
Average probation time	378 days	327 days	336 days	341 days
Average fine amount	\$456	\$375	\$267	\$366

Source: LSS Management Information System.

Percentages do not necessarily total 100% due to rounding.

Table 12-17 Outcomes of Family Law and Pro Bono Referral Cases for FNLIS Clients, 1986-89

Outcomes/Results:	1986 - 87	1987 - 88	1988 - 89	All Years
Family law referrals:				
Consent order	1	6	6	13
Petition granted	2	2	3	7
Resolved without court	2	0	2	4
Petition refused	3	1	0	4
Unresolved	1	2	0	3
Total outcomes	9	11	11	31
Pro bono referrals:				
Matter resolved	5	4	3	12
Referred out	1	--	1	2
Abandoned by other side	--	1	--	1
Client to assist self	--	1	--	1
Service terminated	--	1	--	1
Abandoned by client	3	1	1	5
Client's petition refused	--	--	1	1
Total outcomes	9	8	6	23

Source: LSS Management Information System.

Note: These data are derived from lawyer billings. In most cases these billings are done after the conclusion of the case, but sometimes there are interim billings. Totals in this table may therefore not equal totals in other tables dealing with referrals, as some data would not reflect the entire case process.

Table 12-18 **Client Satisfaction with way Paralegal dealt with Problem**

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Neither dissatisfied or satisfied	1 1%	0 0%	1 2%	0 0%	1 2%	1 2%	0 0%
Satisfied	8 11%	1 9%	7 11%	1 7%	7 12%	7 11%	1 9%
Very satisfied	64 88%	10 91%	54 87%	13 93%	51 86%	54 87%	10 91%
Total responding	73 100%	11 100%	62 100%	14 100%	59 100%	62 100%	11 100%

Source: Client survey. Total percentages may not add to 100% due to rounding.

Note: No clients reported being either "very dissatisfied" or "dissatisfied."

referred appropriately). Another quarter focused on the qualitative dimensions of the service (i.e., her responsiveness and understanding attitude). Interestingly enough, these latter qualities were mentioned proportionately more frequently by males and persons with criminal matters (although the overall number of both categories is small).

Although the information derives from a smaller data base (N=15), client satisfaction under the legal aid lawyer was also very high (Table 12-20). One hundred per cent of respondents were "very satisfied" with their lawyer on criminal matters, versus 57 per cent "very satisfied" and 43 per cent satisfied with their civil legal aid lawyer. Approximately one-half of the respondents expressed satisfaction because of the matter being resolved or of getting a good court result; the other one-half appreciated the lawyer's communication, sympathy and ability to reduce the client's tension. Although overall satisfaction was, as pointed out, very high, we asked all clients who had used a lawyer for any basis of dissatisfaction. Of the 11 who responded, nine said they experienced a slight delay in receiving information (primarily in criminal cases) and two had difficulty contacting the lawyer at times. As per Table 12-21, 82 per cent (nine of 11) of clients were "very satisfied" with the outcome of their court case. Two were dissatisfied because although their cases were won, there was no enforcement.

Table 12-22 is derived from unprompted comments at the end of the client interviews. Over one-half the respondents volunteered a general, positive comment about the paralegal; others praised the quality of her information and her supportive attitude. The other focus of volunteered comments -- from approximately 25 per cent to 30 per cent of respondents in each case -- was on the value of FNLIS, the lack of alternatives, the cost of alternatives, and the value of this type of service in a small town. There were a total of three negative comments around location and frustration with the LSS lawyer, and 10 (out of 70 respondents) encouraging more advertising and secretarial support for the paralegal. Overall, the tone of volunteered comments was extraordinarily appreciative, not only for the paralegal, but of the availability of service.

12.4.2 Public legal education

As shown in Table 12-23, participant satisfaction with the workshop was high, but not quite as unconditionally enthusiastic as among clients of direct service. Seventy-two per cent of respondents felt the workshop lived up to their expectations, 16 per cent (five) would have liked more detail, 44 per cent were "satisfied" and 44 per cent "very satisfied". When asked what they liked best about the workshop, 50 per cent appreciated the information provided, whereas 44 per cent focused on style and interaction issues; only 25 per cent were able to identify

Table 12-19 What was the Main Reason for any Satisfaction that the Client Felt with the Way the Paralegal Handled the Problem?

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Gave information needed	24 33%	5 45%	19 31%	3 21%	21 36%	22 35%	2 18%
Responsive-ness	11 15%	0 0%	11 18%	4 29%	7 12%	9 15%	2 18%
Clarified options	6 8%	1 9%	5 8%	0 0%	6 10%	5 8%	1 9%
Understand- ing attitude	9 12%	2 18%	7 11%	2 14%	7 12%	6 10%	3 27%
Compe- tence/ability /advice worked	19 26%	2 18%	17 27%	3 21%	16 27%	17 27%	2 18%
Referred appropriately	4 5%	1 9%	3 5%	2 14%	2 3%	3 5%	1 9%
Total responding	73 99%	11 99%	62 100%	14 99%	59 100%	62 100%	11 99%

Source: Client survey. Total percentages may not add to 100% due to rounding.

Note: When asked for any reasons for dissatisfaction with the way the paralegal handled their problem, 66 experienced no dissatisfaction, 4 said they did not achieve what they had hoped for as a result, 1 would have liked more advocacy and 1 didn't like the FNLIS answering machine and felt a secretary was necessary. One had no response.

Table 12-20 Satisfaction of Clients with Legal Aid Lawyer*

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
1. Overall satisfaction:							
Satisfied	3 20%	1 25%	2 18%	1 17%	2 22%	3 43%	0 0%
Very satisfied	12 80%	3 75%	9 82%	5 83%	7 78%	4 57%	8 100%
Total responding	15 100%	4 100%	11 100%	6 100%	9 100%	7 100%	8 100%
2. Reason for any satisfaction:							
Got matter resolved/ good court result	7 47%	1 25%	6 55%	3 50%	4 44%	4 57%	3 38%
Communicated well/ sympathetic manner	6 40%	2 50%	4 36%	2 33%	4 44%	2 29%	4 50%
Reduced tension	2 13%	1 25%	1 9%	1 17%	1 11%	1 14%	1 13%
Total responding	15 100%	4 100%	11 100%	6 100%	9 100%	7 100%	8 100%
3. Reason for any dissatisfaction:							
Slight delay in receiving info	9 82%	3 75%	6 86%	5 100%	4 67%	2 50%	7 100%
Difficult to contact at times	2 18%	1 25%	1 14%	0 0%	2 33%	2 50%	0 0%
Total responding	11 100%	4 100%	7 100%	5 100%	6 100%	4 100%	7 100%

Source: Client survey.

Total percentages may not add to 100% due to rounding.

* No client expressed overall dissatisfaction with his/her lawyer.

Table 12-21 **Client Satisfaction with Results of His/Her Court Case**

	Total	ANCESTRY		SEX		TYPE OF PROBLEM	
		Native	Non-Native	Male	Female	Civil	Criminal
Dissatisfied	2 18%	1 33%	1 13%	0 0%	2 29%	2 67%	0 0%
Very satisfied	9 82%	2 67%	7 88%	4 100%	5 71%	1 33%	8 100%
Total responding	11 100%	3 100%	8 100%	4 100%	7 100%	3 100%	8 100%

Source: Client survey.

Note: There were 5 categories of satisfaction ranging from "very dissatisfied" to "very satisfied." The above two were the only response categories used. Reasons for dissatisfaction (2 respondents) were that although court case was won, there was no enforcement. All 11 respondents reported reasons for feeling satisfaction, even if they were dissatisfied with the results. 7 were satisfied because they had won their case or not been jailed or because the process was over. 4 expressed satisfaction specifically with the competence of their lawyer.

Total percentages may not add to 100% due to rounding.

Table 12-22 General Client Comments re FNLIS Direct Service

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
General positive comment re paralegal	36 51%	8 80%	28 47%	8 57%	28 50%	27 46%	9 82%
Availability reduces isolation	9 13%	0 0%	9 15%	2 14%	7 13%	7 12%	2 18%
Paralegal gives high quality information	13 19%	0 0%	13 22%	2 14%	11 20%	12 20%	1 9%
Confidentiality of service	1 1%	0 0%	1 2%	1 7%	0 0%	1 2%	0 0%
Alternate sources inconvenient	17 24%	3 30%	14 23%	1 7%	16 29%	17 29%	0 0%
Saves money can't afford alternatives	22 31%	6 60%	16 27%	5 36%	17 30%	18 31%	4 36%
Facilitates court process	2 3%	0 0%	2 3%	0 0%	2 4%	2 3%	0 0%
No alternative service	17 24%	3 30%	14 23%	6 43%	11 20%	12 20%	5 45%

cont'd

Table 12-22 cont'd

	ANCESTRY			SEX		TYPE OF PROBLEM	
	Total	Native	Non-Native	Male	Female	Civil	Criminal
Calm, supportive, helpful attitude	9 13%	2 20%	7 12%	2 14%	7 13%	7 12%	2 18%
Inconvenient location	1 1%	0 0%	1 2%	0 0%	1 2%	1 2%	0 0%
LSS lawyer was helpful	4 6%	0 0%	4 7%	1 7%	3 5%	3 5%	1 9%
LSS lawyer not helpful, frustrating	2 3%	1 10%	1 2%	0 0%	2 4%	2 3%	0 0%
Service like this needed in small town	23 33%	4 40%	19 32%	4 29%	19 34%	21 36%	2 18%
More advertising needed	7 10%	0 0%	7 12%	1 7%	6 11%	6 10%	1 9%
Needs secretarial support	3 4%	1 10%	2 3%	0 0%	3 5%	3 5%	0 0%
Good not to have to go to a lawyer	6 9%	1 10%	5 8%	2 14%	4 7%	5 8%	1 9%
Total responding	70	10	60	14	56	59	11

Source: Client survey.

Percentages are of number of people responding. Since up to 4 responses are possible per person, the percentages do not add up to 100%.

Table 12-23 **Satisfaction of Participants with PLE Workshops**

		TOTAL
1.	Did workshop live up to participants' expectations?	
	NO	4 13%
	YES	23 72%
	Mixed response	5 16%
	Total responding	32 101%
2.	In what way did workshop (not) live up to expectations?	
	<u>Positive comments</u>	
	Got information, able to use it	24 77%
	Able to follow up information from workshop with paralegal	2 6%
	<u>Negative comments</u>	
	Wanted more detail on a particular issue	5 16%
	Too complicated	1 3%
	No written information	1 3%
	No lawyer present	1 3%
	Total responding	34 108%

Table 12-23 cont'd

3. Overall satisfaction with workshop		
Neither satisfied nor dissatisfied	4	13%
Satisfied	14	44%
Very satisfied	14	44%
Total responding	32	100%
4. What participants liked best about workshop		
No response	2	6%
Got information needed/amount of information	16	50%
Easy to ask question, good discussion	4	13%
Manner of presentation	10	31%
Total responding	32	100%
5. What participants liked least about workshop		
No complaints	24	75%
Inadequate publicity	1	3%
Hard to fit into schedule	1	3%
Better to have lawyer	1	3%
No written materials	1	3%
Location	3	9%
Inadequate detail	1	3%
Total responding	32	100%

Table 12-23 cont'd

6. How workshops could be improved		
No way	13	43%
Want family rate for husband and wife	1	3%
Someone with more experience (lawyer)	5	17%
Better publicity/more workshops	3	10%
Explicit follow-up to insure accuracy	2	7%
Written materials	3	10%
More information	2	7%
Better location	1	3%
Total responding	30	100%
7. Would participants recommend workshop to friends?		
NO	2	6%
YES	30	94%
Total responding	32	100%
8. Have participants already recommended workshop to friends?		
NO	14	48%
YES	15	52%
Total responding	29	100%

Source: Public legal education participant survey.

More than 1 answer possible. Percentages are of total respondents, not of responses, so may not total 100%. No participants said they were "dissatisfied" or "very dissatisfied."

something they "liked least", and the responses varied considerably; similarly, recommendations for improvement were varied in nature. Fully 94 per cent of participants surveyed said they would recommend the workshop to friends; 52 per cent had already done so.

General respondent comments (Table 12-24) tended to focus on advertising because that was one of the areas mentioned by the interviewer. Again, responses as to appropriate advertising methods varied considerably. Respondents' general willingness to take up the theme of advertising can probably be taken as reinforcement of our recommendations for an advertising strategy (see discussion in section 11-5.1 and recommendation #6 in section 11.5.2).

When asked to suggest other types of workshops the paralegal might organize, participant responses were "all over the map." This makes it awkward to make specific recommendations to follow up recommendation #4 (section 11.3.2). It may be that no other workshops will have quite the same universal appeal as those about wills. In attempting to diversify, the paralegal may best make choices about workshops in the process of networking with agencies. Workshops may be tailored much more to specific requests by group and for groups following networking dialogues established by the paralegal.

12.5 Impact of Paralegal Activity on Staff Lawyer

Two lawyers worked most closely with the paralegal during the period examined in this report. One was the LSS staff lawyer in Fort St. John and the other a private lawyer in Dawson Creek who has handled criminal legal aid matters under contract with LSS from October 1987 to the present. The staff lawyer handled civil matters throughout the federally funded period and criminal matters until October 1987. Another staff lawyer from Dawson Creek occasionally filled in for the Fort St. John staff lawyer. All these lawyers were highly appreciative of the positive impact the paralegal had had on their ability to serve the residents of Fort Nelson. Although this relationship is discussed below in terms of comments made by the three lawyers, the effectiveness of the relationship was noted by several community respondents and judicial system respondents who were close enough to have knowledge of it.

We have already noted in section 12.2.2 and Table 12-4 that clients identified the paralegal as a major player in preparing them and keeping them informed in legal aid referral cases. We also provided time data in section 10.2 and Table 10-5 that show the considerable involvement of the paralegal in legal aid referral cases. The lawyers emphasized the helpfulness of the paralegal in several major areas:

Table 12-24 General Comments by PLE Workshop Participants
(More than 1 Answer Possible)

Re: Advertising		
Target specific groups for workshop	1	5%
Wider general advertising needed	5	23%
Use newspaper more	3	14%
Use local business to advertise	1	5%
Make workshop advertising more specific	2	9%
Personal contact advertising best	3	14%
Use posters more	3	14%
Some information is best handled by advertising	1	5%
Brochures useful	1	5%
Re: Workshops		
More and varied workshops needed	2	9%
More focus on youth	2	9%
Other		
Generally positive comments	3	14%
Paralegal is overworked	1	5%
Total responding	22	

Source: Public legal education participant survey.

Percentages are of total persons responding rather than total responses. Total percentages therefore exceed 100%.

Table 12-25 Types of Other PLE Workshops Recommended by Participants
(More than 1 Response Possible)

	Total
Business law	3 18%
RRSP's	1 6%
Peace bonds	1 6%
Adoptions	1 6%
Common-law	1 6%
Young offenders	1 6%
Law concerning young people or students	2 12%
Real estate, conveyancing, mortgages	3 18%
Small claims	1 6%
Family law/divorce/custody	4 24%
Spousal abuse	1 6%
Child sexual abuse	1 6%
Traffic violations	1 6%
Representing self in court	2 12%
Landlord and tenant	1 6%

Table 12-25 cont'd

Criminal court procedures	1 6%
Know rights in criminal law	1 6%
Taxation	2 12%
Total responding	17

Source: Public legal education participant survey.

Percentages are of total persons responding, not of total responses. The percentages therefore do not total 100%

- getting particulars in criminal cases;
- getting witness statements;
- in general having all the paperwork spread over time (i.e., between court sittings) rather than crammed into two-to-three days -- and sometimes one day -- of a circuit court hearing;
- getting accused persons to appear in court;
- preparing criminal case in same way as civil;
- explaining procedures to clients for both criminal and civil cases, so that they were emotionally prepared for the process;
- setting up appointments for the lawyer to interview clients;
- giving the lawyers verbal as well as written background on their cases; and
- researching matters and/or obtaining materials for cases while the court is sitting or during brief adjournments.

The key point is that the lawyers actually handle more cases while in Fort Nelson, but their activity is far less hectic and much more effective than in the pre-FNLIS period. As the staff lawyer said, "Before (i.e., pre-FNLIS) when we arrived in Fort Nelson everything was an emergency here and now." He feels that the fact that the paralegal offers continual service in Fort Nelson between court sittings allows her to deal with emergencies as they arise; all matters don't get repressed or fester until the few days allotted to the court sitting. The paralegal is also able to give advice that can prevent emergencies from arising, as individuals with civil or criminal problems are not left to work out inappropriate strategies on their own. The additional workload the paralegal might put on the staff lawyer at some moment between court sittings is far less than the type of demands that would (and used to) be placed on the lawyer during circuit court week.

12.6 Impact on Judicial System

There are two aspects of the impact of paralegal activity on the judicial system that were explored for this report: (1) quantitative impacts in terms of number of sittings, number of no pleas on first appearance and case age on completion of trial; and (2) qualitative impacts in terms of the pace and tone of sittings.

12.6.1 Quantitative impacts

There were no definable quantitative impacts on the judicial system that could be attributed to the paralegal.

12.6.2 Qualitative impacts

Judicial system respondents were not at all reluctant to attribute major positive impacts in the tone, pace and quality of the court sittings to the work of the paralegal. Following are some of the quotes that capture their sense of that impact:

"She makes it run a lot smoother; [if she weren't there] it would be like night and day" [legal aid lawyer];

"If [the paralegal] wasn't there, none of the legal aid preparation would be done. Tuesday A.M. [first appearances] would always be a headache. With [the

paralegal] there was never chaos on Tuesday A.M. There wasn't that nuthouse going on. First appearance court is always smooth-running. It's her effect. Legal aid lawyers [by themselves] couldn't have done it" [Probation Officer]; and

"If you take a guilty plea that you feel uneasy about, it doesn't improve the quality of justice. [With the paralegal there], the quality of justice is much improved. It makes my job easier. It's like ripples made in a pond by a pebble -- it makes everything easier. [For example, with the paralegal's interventions], it's easier to assess the amount of time to do trials. If there are unknown quantities, the trial list can be thrown into disarray. [With the preparation done by the paralegal], scheduling of court cases is better" [Judge].

The impacts described by these and other respondents fall into four categories:

- **avoiding or explaining nonappearances** -- because of her knowledge of many of the accused, she is sometimes able to remind people to appear. She also occasionally can act as an agent for an accused on first appearance to explain the reason for nonappearance, or to explain that the individual has been delayed. This avoids premature use of bench warrants;
- **smoothing out first appearances** -- The "nut-house effect" alluded to by the probation officer above was caused by (1) most individuals not knowing what was going on, what resources they might need, or what to consider in making a plea, and (2) deliberate arrival at the last minute so the matter could be adjourned to seek counsel or plea. This would make it impossible for the legal aid lawyer to deal with all potential clients in time. The paralegal usually gets the court list on the previous Friday, so is familiar with the type of charges and many of the individuals involved. The paralegal systematically approaches people in the courthouse hall and waiting room on first appearance, clarifying their needs, their options re plea and counsel, assisting with legal aid and or other documents, and generally helping them feel comfortable. She coordinates closely with the legal aid lawyer in the process, advising him of people who need assistance and arranging for interviews;

- **reducing the need for adjournments, or making same-day adjournments more effective** -- Accused persons, family court disputants, and small claims disputants who come to court inadequately prepared often become confused when their case is being heard. If unrepresented, they may suddenly decide they need a lawyer. They may wish to change their plea. They may simply not understand an issue, and the judge may want to explain it, but feel pressured by time and/or other cases. The advance work of the paralegal often clears up these problems before they materialize. She is also used at times during trials to get additional information for the defence lawyer, or by the judge to explain an issue that one or both parties are finding confusing. Adjournments can therefore be for only a few hours or less, rather than till the next sitting (usually six weeks away); and
- **avoiding family court appearances** -- Sometimes because of their access to FNLIS between court sittings, clients who would otherwise have taken their matter straight into family court can be encouraged to work out their needs with the family court counsellor through mediation.

In general, the provincial court judge who most frequently presided at Fort Nelson felt that the impacts of the paralegal on court sittings were more qualitative than quantitative; that is, there was a steady decline in the number of cases brought before the court from the peak period in 1981-1982 (which coincided with a peak in population, as per Table 4-2). But prior to 1986, the tenor of sittings, especially around first appearances, was still always confused and inefficient. Apart from direct service to her office-based clients, it can be said that the paralegal's greatest contribution through FNLIS has been to make the court sittings more manageable for all concerned.

12.6.3 Acceptance by judiciary of paralegal's role

As would be expected given the comments made in the previous section, the judges we interviewed were both impressed and very accepting of the role assumed by the paralegal, and were equally receptive to her taking on additional roles such as those discussed in section 12.2.2. In large measure their responsiveness is based on their assessment of the paralegal's competence and level-headedness. Viewed from the perspective of FNLIS and the paralegal role as a model of legal service delivery, it seemed that the judges were comfortable

with the method of paralegal involvement in any event, as they had dealt with court workers in Fort Nelson and other court locations.

12.7 Impact re Community Groups

Relations between FNLIS and community agencies have been discussed extensively in sections 11.5.2, 11.6.1 and 11.6.2. FNLIS has provided other groups with a reliable and valued source of referral. This has been especially important for courthouse staff, the women's center, and the native courtworkers' association. The paralegal has also been appreciated as a useful resource by Northern Lights College and the public schools as a PLE resource. We have discussed at length the fact that FNLIS could have even more impact on local community agencies and groups through a heightened commitment to networking (section 11.5.2, Recommendation #7).

12.8 Impact re Financial Costs

The per unit of service costs for the paralegal only (i.e., not including staff lawyer contributions to individual cases) are as follows:

- cost per intake client served \$ 36.66
- cost per short service client served \$181.65
- cost per legal aid client served \$209.98
- cost per PLE participant served (in workshop) \$105.71

12.9 Summary

FNLIS has been effective in conveying the fact that the service provider is a paralegal, as opposed to a lawyer. No clients surveyed felt that the paralegal not being a lawyer in any way affected their confidence in the information they were receiving.

Both clients and community/judicial system respondents felt the paralegal has been very effective in the extent of direct service she has provided. Justice system respondents have been sufficiently impressed with her competence that they would like her to play an even greater role in certain areas. While some of these roles may not be feasible in the Fort Nelson context, they suggest that the

parameters of the paralegal's activities in even remoter settings, given qualifications commensurate with those of the FNLIS paralegal, could be wide indeed.

The paralegal could extend her nondirect services by diversifying the topics of her workshops and by greater involvement in advocacy training.

Ninety-nine per cent of FNLIS client respondents said the information they received was clear or very clear. All respondents felt information they received was accurate. One hundred per cent of PLE participants surveyed found the workshop "quite organized" or "very organized", and 97 per cent found it "interesting" or "very interesting". No client that we surveyed found direct service information unhelpful; all found the written information they received helpful. Ninety-seven per cent of workshop participants found the workshop helpful. However, only 50 per cent of respondents had actually used the information at the time of the evaluation interview. Except in one instance, all community agency respondents were extremely positive about the helpfulness of the paralegal and her role in the community.

In terms of outcomes, approximately 61 per cent of FNLIS criminal intakes resulted in legal aid referrals, whereas 39 per cent of civil intakes resulted in legal aid referrals. Twenty per cent of criminal intakes resulted in referrals to other agencies or, more frequently referrals back to the paralegal for short service; the corresponding figure for civil intakes is 39 per cent. Twelve per cent of criminal intakes were resolved through self-help versus 41 per cent of civil intakes. Less than one per cent of all cases involved a refusal of legal aid without some form of assistance by the paralegal. The percentage of legal aid referrals as an intake outcome is higher for natives than non-natives, most likely a reflection of the fact that proportionately more native clients are financially eligible for service.

For short service cases, 23 per cent are fully resolved during the short service consultation; 30 per cent of cases are resolved through self-help (i.e., paralegal assistance allows resolution by client); 24 per cent involve some form of nonlegal aid referral and 19 per cent are abandoned (e.g., because of a stay) or not pursued further.

Approximately 50 per cent of legal aid referrals involved guilty pleas or findings; 30 per cent of cases were stayed; 10 per cent involved acquittals. Nineteen percent of sentences involved incarceration. Seventy-seven per cent of family law cases and 70 per cent of pro bono cases were resolved favourably.

Eighty-eight per cent of direct service client respondents reported being very satisfied with the paralegal service and 11 per cent satisfied. Client

respondents also expressed a high level of satisfaction with the legal aid lawyer to whom they were assigned, especially in criminal matters. Participant satisfaction with PLE workshops was also high (44 per cent very satisfied and 44 per cent satisfied), but not quite as unconditionally supportive as for direct service clients.

The staff supervisory lawyer and criminal legal aid private lawyer were highly satisfied with their relationship with the paralegal. The paralegal's activities which the lawyers found supportive included getting case particulars and written statements, spreading paperwork over time (rather than all during the court circuit days), helping to get the accused to court, civil case preparation, explaining procedures, setting appointments, giving lawyers verbal and written case background, researching matters and obtaining materials. The main result was that the lawyers could handle more matters, and at a less hectic pace. The paralegal handled emergencies as they arose, rather than allow them to build up and become crises for the lawyers to deal with by long distance phone or during the court sittings.

There were no definable quantitative impacts on the judicial system that could be attributed to the paralegal, but judicial system respondents were extremely positive about the dramatic effects the paralegal has had on the quality of proceedings. Her main effects have been:

- reducing (or being able to explain) nonappearances of accused persons;
- smoothing out first appearances (parties who are better informed and prepared);
- reducing the need for adjournments, or making same-day adjournments more effective; and
- avoiding family court appearances by encouraging mediation.

Overall, the main presiding judge serving Fort Nelson felt the paralegal had made a significant contribution to the quality of justice in the court. In general, the judges were highly receptive of the paralegal's role, and were open to her taking even more initiatives on behalf of clients in the court.

Agency groups have appreciated the referral relationship with FNLIS. This relationship has been especially important for courthouse staff, the women's resource center and the native courtworkers association.

The unit costs of services offered by FNLIS over the 1986-1989 period were as follows:

- cost per intake client served \$ 36.66
- cost per short service client served \$181.65
- cost per legal aid client served \$209.98
- cost per PLE participant served in workshop) \$105.71

These figures do not include staff lawyer or private legal aid lawyer contributions on FNLIS legal aid cases.

13.0 CONCLUSIONS AND REPLICABILITY OF THE MODEL

FNLIS has been, and continues to be a highly successful example of a paralegal project based in and serving a remote community. The purpose of this section is to summarize those characteristics of the project and issues arising from them that should be kept in mind when assessing its portability or replicability in other communities.

13.1 Key Characteristics of FNLIS

- Paralegal is highly qualified (two years legal assistant training); born and raised in Fort Nelson; self-starter; non-native; low-key style; aware of her knowledge base and limits; systematically builds her skills.
- Paralegal is a full-time worker.
- FNLIS has a board, of which three members are active. These three have been with the project ever since it was conceived and remain highly dedicated and responsive. They are concerned with project quality and are supportive rather than intrusive. The board has a clear role in determining local community priorities.
- The wider support structure for FNLIS (i.e., the LSS) is a multifaceted organization that provides regular (three or four one-week) training sessions each year; PLE support materials; phone-in information and research capacity available to the paralegal; supportive but not intrusive assistance from a fieldworker (a trained lawyer); a supervisory relationship with a staff lawyer in Fort St. John, 232 miles southeast of Fort Nelson.
- Supervisory role of staff lawyer was strong, supportive and systematic in first year of project; the need for support is now largely determined by the paralegal; one staff lawyer called the relationship one of "supervised independence".
- The LSS training workshops are an important source of professional networking for the paralegal.

- By and large, FNLIS has been a one-community project, and in the first three years did not develop a systematic outreach strategy. Its strengths were in direct service and court-related activity, with a secondary emphasis on PLE.

13.2 Key Characteristics of the Community

- Fort Nelson is a remote, resource-based community; area population of approximately 5000; smaller communities which it serves are primarily strung out along the Alaska Highway; the community has a reasonably complete infrastructure in terms of recreational and commercial services.
- Fort Nelson is not a predominately native community; approximately 15 per cent of the population is native.
- Fort Nelson is served by a circuit court for three-to-four days, roughly every six weeks.
- Fort Nelson has at times had no private lawyers, and for only brief times had more than one private law office; most of the time there has been one lawyer present.
- The main provincial court judges serving the Fort Nelson area are highly supportive of the role of the paralegal in court.
- From the original conception of the project, the town council of Fort Nelson has been supportive of FNLIS; it contributes free office space to the project.

13.3 Factors and Issues Most Affecting Replicability of the Model

Based on our evaluation of FNLIS, we feel that a paralegal model of service delivery could be applicable in numerous other settings and circumstances. In applying the paralegal model elsewhere, the characteristics mentioned in the two previous sections need to be viewed relationally, that is how the absence or presence of given characteristics affects the need for others. Below are some of the key relational issues that arise from considering the question of transferability of the FNLIS model.

- Under the Legal Services Society Act, paralegals are afforded considerable latitude in terms of activities they are permitted to undertake and the circumstances of their supervision. In other jurisdictions the very structure and scope of a paralegal project would have to be considered in relation to the constraints of existing legislation.
- Had the paralegal been less qualified, the LSS start-up training would probably have been insufficient. A more comprehensive form of apprenticeship training would have been necessary. Similarly, the relatively relaxed form of supervision by LSS after the first year is largely a function of the obvious skills and good judgement of the paralegal. Other paralegals with less educational attainment, judgement and/or confidence would require longer monitoring and/or support.
- Regardless of the paralegal's competence, it is essential that personal and professional support be available to a paralegal in a remote setting. The following are elements of this support, several but not necessarily all of which should be present to avoid isolation of the paralegal:
 - regular training workshops that allow the paralegal to network with colleagues and other professionals;
 - strong support and responsiveness by a local community board;
 - placing the office in a multi-service setting within the community;
 - a policy of networking with other agencies and services in the community;
 - consideration of ways of logically combining more than one paralegal in the same office. For example, one paralegal serving a wider geographic area on an outreach basis, the other the more central area, or simply having central and outreach functions for each paralegal; use

-- if justifiable on a cost basis -- of secretarial assistance; and

- strong support from both a field office and a provincial legal service office.
- Direct service skills, PLE skills and community development skills are not always happily contained in one individual. Provincial legal aid bodies tend to focus on the first set of skills at the expense of the others. In larger urban settings, the sheer demand for direct service may obviate the need for other skills. In a remote setting, wider skill demands are often placed on individuals, simply because they are one of the few service providers in the area. It is therefore necessary to conceptualize both the hiring, training and ongoing support of the paralegal with these other types of demand in mind.
- Fort Nelson is predominantly a non-native community. For paralegal projects serving predominantly native communities, the need to have a native paralegal obviously increases. Equally, necessary, is the need to conceptualize the project to a greater degree in terms of community development and native justice. These two aspects are interrelated. With the increasing interest in and demand for native justice for native communities, paralegals serving such communities may play important community development roles in a transition from existing legal structures to native justice-based structures.
- Based on the FNLIS experience and other services we have evaluated in smaller communities, we believe there is value in nurturing an element of local control over services in remote communities. Advantages can include greater community commitment and contribution to the service, greater use of the service and a larger personal support network for the worker. However, these advantages are not always realized or realizable in every setting. Considerations in terms of local versus central (headquarters or regional) control include: existence of a large and varied enough talent pool to support the worker; degree to which the community is able to focus on the service (i.e., it may simply be of too minor concern relative to other issues facing the community); polarization and likelihood of schisms in the

community; existence of a cohesive umbrella agency, community organization or native body that could legitimately represent the community; possibility of developing a board that can reflect the catchment area of the service (i.e., central, as in Fort Nelson, or regional, as in northern circuit communities); time available by a central or regional fieldworker/supervisor to serve the paralegal; sensitivity of central or regional fieldworker/supervisor to community concerns.

- A service to many small communities is more demanding than that of FNLIS, which primarily serves Fort Nelson. Considerations required in conceptualizing a regional service include: willingness and capability of paralegal to travel; representativeness of board (if it exists); cultural differences of communities served; combination and location of paralegals if more than one is required (i.e., three or four out of one central office versus dispersal to smaller community offices); language and translation needs; cost and time involved in travel; supervision; relation to fly-in courts or other court circuits.
- From discussions we have had with judicial, community and LSS respondents, there is a difference in the tone and rhythms of communities served by periodic circuit courts (e.g., once every six weeks or two months); a regular weekly court on a given day; an ongoing court, and no court at all. For example, the value of the paralegal in Fort Nelson has been especially noted in relation to the role she could play in emergency matters between court sittings. This role is far less viable if the paralegal is serving in an outreach mode to communities every month or so, and less crucial if a court is held weekly. Consideration of lay community contacts to funnel emergency situations to a paralegal may be one way of dealing with outreach situations. In general the role of the paralegal needs to be considered in relation to the regularity of court sittings and the availability of a court at all.
- It is possible in remote communities requiring paralegal service but having a low population base that a paralegal function could be considered with, for example, a social service or probation function. Attention would have to be paid to role conflicts, and the very concept itself would

require some innovative cooperation at an interministerial level. However, it may be the only feasible way of serving settings even more remote than Fort Nelson.