Abstract:

LegalAve is a new public legal information website in Alberta, Canada. The project was initiated by public and law librarians to help deal with the gap in legal information delivery and access to justice in Alberta.

The founding librarians recognized that while much legal information can be found freely on the internet, this increased access can mean trouble for many members of the public who are not discerning consumers of legal information. Information overload, confusion over jurisdiction, and a disconnect between substantive law and the legal process are continual concerns for law librarians committed to making “access to justice” a reality for their users. Similarly, geographical hurdles, language barriers, funding challenges, and navigating the fine line between legal information and advice affect law librarians’ ability to deliver legal information to Albertans.

Faced with these challenges, the founding librarians determined that, rather than trying to bring Albertans to the legal information, law libraries should instead work with other experts in the field, and with the reigning paradigms and inescapable hurdles, to bring legal information (and the law library) to Albertans. Thus was born LegalAve.

Through LegalAve, librarians and other legal information providers reach the public indirectly, contributing their resources and information to its non-threatening online environment. LegalAve’s “Guided Pathway” feature helps users find the information that fits their situation based on question-and-answer “decision trees.” The website makes the connections between legal information, community services, legal processes, and the basics of legal research (including referrals to law libraries for further assistance). In short: LegalAve is a success story about how Alberta law
Librarians brought together the strengths of all members of the legal community, and thereby expanded their role to meet the needs of users while remaining a key player in facilitating access to justice.

**Keywords:** access to justice, role expansion, innovation, legal information, family law

**INTRODUCTION**

The Alberta Legal Information Society (ALIS) was founded in 2012 by a group of diverse librarians with a shared concern about Albertans’ access to justice. While quality online public legal education and information (PLEI) was available in the province, it was scattered across individual organizations and government departments. Public and law librarians alike struggled to teach their users how to access this information under strained circumstances: the legal topics were often new concepts (which required some coaching in Alberta-specific terminology), the research process was often stressful given its personal nature and the high stakes of failure, and the legal information needs of Albertans are incredibly diverse. Moreover, these concerns only applied to the users who actually interacted with libraries—many more Albertans were “slipping through the cracks” without access to a law library or legal resources due to location, availability, or simple lack of awareness of where to locate legal information.

Other provinces in Canada had already addressed similar concerns with consolidated legal information websites specific to each province’s laws, organizations, and demographics: Quebec’s Éducaloi, Ontario’s Your Legal Rights, and British Columbia’s Clicklaw. Each website took different approaches to reach the same goal: to make quality, relevant legal information available to their residents in order to increase access to justice.

With this in mind, ALIS was founded to create a website that would serve as Albertans’ first point of access to legal information. Work on the website (called “LegalAve”) began in July 2014, with an initial focus on family law. ALIS’s objectives are to:

1. gather existing legal content under a single virtual “roof”;
2. identify and—where possible—start to fill gaps in existing legal information; and
3. increase Albertans’ awareness of their legal rights and how to exercise them both in and out of court.

**THE CHALLENGES**

**Standard challenges**

Providing any sort of information in the “Age of Google” is a challenge. There is a myth that all answers can be found through a brief online search, and anything that takes longer than a few moments, or involves multiple steps, is not worth the trouble. In fact, the increased accessibility to online information, combined with the variety of questionable sources found online, compounds people’s confusion. Librarians find themselves regularly addressing issues such as information overload and lack of information literacy.

In legal research specifically, misconceptions about the law often affect users’ search terms, leading to irrelevant or skewed results due to confirmation bias. The increase in access to information requires users to be more discerning consumers of information—something that isn’t always possible.
Confusion over jurisdiction

In Alberta, misconceptions about the law often stem from a confusion about jurisdiction.

Is it Canadian law?

Due to Canada’s proximity to the United States, and regular exposure to U.S. legal processes on television and in movies, many Albertans have serious misconceptions about the law. Legal information providers often struggle to convince their clients that the law in Alberta does not match that of the U.S.

Federal law or provincial law (and why does it matter)?

Canada has a federalist system of government, with legislative authority divided between the federal and provincial governments. Although these powers were intended to be distinct, for certain areas of law, both the federal and provincial governments can have some legislative authority.

For example, in family law, the legislative power over divorce was given to the federal government. The Divorce Act, which deals with divorce itself, as well as some of the associated topics (such as child and spousal support), is a federal law. However, the power over “property in the province” was given to the provinces. This means that, although the law of divorce is the same throughout Canada, the law around the division of matrimonial property is not. The power over “civil rights in the province,” including non-married romantic relationships, was also given to the provinces. In Alberta, the legislation in this area is called the Family Law Act—it deals with family breakdown (but not divorce), including child support and partner support (but not division of property).

Married couples can choose to deal with some of their separation issues (such as support) under provincial law or federal law, but must deal with some issues under federal law (divorce) and must deal with others still under provincial law (division of property). Non-married couples have no such choice (all of their legal options are under provincial law), and some topics (division of property) have no governing legislation. What’s more, for topics covered in both laws, such as child support and partner support, the exact entitlements and obligations are sometimes different.

This amounts to an intricate array of laws that can be baffling for both average Albertans and PLEI providers alike.

It may be provincial law, but is it Alberta law?

Although all provinces have the same law-making powers, not all provinces deal with their powers in the same way. As a result, Alberta’s provincial laws may be quite different than those of neighbouring provinces. However, online searches often retrieve out-of-province results. Different provinces’ legislation may also have similar names—for example, the Family Law Act, which is the title of similar legislation in Ontario and British Columbia. Although the Acts share the same name, each has very different provisions, and each only applies within its own province. Moreover, since 2010, Alberta has led the nation in receiving interprovincial migrants—and these new Albertans may assume that the law in Alberta is the same as the law in their previous province.

Alberta’s two-court system

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Further muddling the concept of jurisdiction is the fact that Alberta has two levels of court at the provincial level: the Provincial Court of Alberta (the lower court), and the Court of Queen’s Bench (the higher court). While some legal issues can only be addressed in the higher court (such as divorce, property issues, and criminal issues), other issues can be dealt with in either court—under the same provincial law, but with different forms, processes, and requirements. An example of this is Alberta’s Family Law Act. Most Albertans are not even aware there are different levels of courts until they find themselves having to choose which court to use.

Alberta’s diversity
Alberta is diverse both geographically and culturally. This presents numerous challenges for PLEI providers.

Geographic diversity
Alberta covers a large geographic area. At over 660,000 square kilometres, Alberta is more than 2.5 times bigger than the United Kingdom, with a fraction of the population: in 2014, its population was just over 4 million, while the UK’s was just over 64 million. Such a large geographic area has led to regional differences in resource availability. These differences are especially pronounced when comparing urban and rural areas.

For example, access to law libraries is much more limited outside of the major centres. Only the two main cities of Calgary and Edmonton have extensive government-run law libraries, and only nine other smaller centres have any law library at all. The smaller the centre, the smaller the collection. Smaller centres also have greatly reduced operating hours—some as few as 12 hours per week. None are open evenings, weekends, or holidays.

The same is true in relation to other legal information providers: the smaller and more rural the area, the fewer options, and the less access to legal information. Although Alberta is steadily becoming more urbanized, as of 2011, 17% of the population still lived in rural areas. Many more Albertans live in small towns that can be tens, if not hundreds, of kilometres away from the nearest in-person source of legal information. This reduced access is only exacerbated by the fact that there is generally no form of public transportation.

In 2015, one might think the internet could provide a solution to the problem of access. However, the reality is that, on its own, it cannot. Many internet and cellular service providers do not operate in the more rural areas, resulting in lack of choice and high prices, and what internet service does exist is often intermittent and very slow. In addition, southern cellular systems can roam over the U.S. border, which may cut off cellular access or result in high international fees.

Alberta’s geographic diversity has also led to regional differences in the practical application of the law. In some courthouses, court workers have developed area-specific forms or procedures to meet their residents’ needs, and these forms or procedures may not exist anywhere else in the province. Providers of public legal information (including law librarians), often only have knowledge of the

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4 Calgary and Edmonton have a combined population of 2.1 million.


processes and approaches in their own immediate areas. As a result, attempts at creating province-wide legal information can lead to inaccuracies that only cause more frustration and confusion for the people who need the information the most.

Cultural and linguistic diversity

Although English is the most commonly spoken language in Alberta, it is not the only one. At the last census, just over 2% of Albertans identified French (Canada’s other official language) as the language they speak at home, and the Aboriginal population of 220,700 had speakers of at least seven different native languages.7

Alberta is also a popular destination for international immigrants. This is due in large part to the strong labour market provided by the oil industry in the north of the province, and the farming and meat-packing industries in the south.8 As of the 2011 census, international immigrants made up 18% of the Alberta population,9 while 10% of Albertans spoke a non-official language (neither English nor French) at home.10

Despite this linguistic and cultural diversity, there is very little public legal education provided in languages other than English. For many, this lack of multilingual resources results in a significant barrier to access to justice. This can be seen even more acutely when one examines the over-representation of the immigrant and aboriginal populations in the Alberta justice system.11

Funding challenges

The province’s geographic reality means that many residents cannot make it to a law library. Moreover, law libraries’ decreased funding in recent years (down 30% in 2013 alone) has also meant reductions in staff and hours of operation, making it a challenge even to provide remote help.12 Similarly, Legal Aid Alberta (LAA) has seen extensive cuts, with 6 offices, many serving the north of the province, closed in 2014.13 In addition, the income eligibility for legal aid has been reduced to

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12 Only recently has provincial funding begun to recognize the population changes in Alberta and the role libraries play for newcomers and/or those experiencing financial difficulty. See: Library Association of Alberta, “LAA Response to Alberta Budget 2015-2016,” accessed May 20, 2015, http://www.laa.ca/page/news/elst_item_0ed08f27-ed64-4cbb-aa56-5d5aa6dcdcc2.aspx#.VV7qWmT1UX.
well below poverty line,\footnote{Legal Aid Alberta, “Getting Legal Aid: Eligibility,” accessed May 20, 2015, \url{http://www.legalaid.ab.ca/help/Pages/Eligibility.aspx}; Action to End Poverty in Alberta, “Poverty Facts,” accessed May 20, 2015, \url{http://www.actiontoendpovertyinalberta.org/poverty_facts}.} leaving a huge gap for low- and middle-income earners, who do not qualify for legal aid, yet cannot afford legal representation. This has only increased the number of self-represented litigants who rely on PLEI.

Financial challenges are also being faced by major funders, including ALIS’s funder, the Alberta Law Foundation.\footnote{“The Alberta Law Foundation is the recipient of the interest which banks, credit unions, trust companies, and treasury branches pay on clients’ funds held in lawyers’ pooled trust accounts. (This does not include interest paid on a specific trust investment held for an individual client). The interest is made available by the Foundation by way of grants to organizations engaged in activities which are considered to be in keeping with the Foundation's objects.” See Alberta Law Foundation, “Welcome to the Alberta Law Foundation,” accessed May 20, 2015, \url{http://www.albertalawfoundation.org}.} As the economy struggles, the available funds decrease, and there is less money to be shared between the province’s PLEI providers. This has highlighted the need to work together and ensure that efforts are not duplicated.

THE APPROACH

Faced with all of the above challenges, the founding librarians determined that they should help bring legal information to Albertans. It was clear that this had to occur within the current paradigms: the barriers could not be removed—they had to be acknowledged and worked around.

The format

It was determined that the best solution was an electronic one: a website where legal information providers could meet Albertans where they expect to find legal information: freely available online. However, the website had to be more than a traditional law library or standard PLEI website. Instead, it had to provide a single starting point for all legal questions: substantive law, legal process (for both courts), and referrals to community organizations that can assist. It had to make the connections between legal information, legal processes, law-related services, and the basics of legal research (including information about law libraries). It had to create the segues between the legal information people need to know, why they need to know it, and how to go about resolving their legal issues. Given accessibility issues, the website also had to do more than simply exist: it should, instead, become a standard tool for all librarians, PLEI providers, and legal service providers in Alberta.

The goals and steps

In order to create a website that met all of the objectives outlined above, ALIS established four main goals.

1. Reach the right users
2. Identify and address information gaps
3. Find the content
4. Design in accordance with what was learned

Each of these goals then led in turn to the identification and development of the building blocks and guiding principles that ALIS continues to apply to LegalAve.

1. Reaching the right users

The path to ensuring that LegalAve reached the correct users started with a clear conceptualization of who those users were, and what their various legal needs and goals might be.
The general public

LegalAve’s primary user is the general Alberta public. This group is not a monolith: it includes individuals from all geographic areas, cultural and linguistic groups, and from a complete spectrum of socio-economic and educational backgrounds. Some time had to be dedicated to determining what these individuals’ varied needs and goals might be.

From this process, a few very specific guiding principles emerged:

- The “average person” includes those with a lower reading level. In addition, individuals experiencing legal issues are, in general, in a period of high stress. This often affects information-seeking behaviour and leads to a lowered ability to consume information. As a result, all information must be in the plainest language possible, and in smaller, “bite-sized” pieces.
- The “average person” does not think like a lawyer or a librarian—the structure and organization of the website had to be created with them in mind.
- Although self-representation is not generally encouraged, the reality is that, for many Albertans, there is no other choice. The result has been over-crowded courtrooms, unprepared litigants, and increasingly overburdened court staff (including judges). LegalAve had to address the ever-increasing trend towards self-representation.¹⁶
- Not all lawyers are capable, or have the time, to provide detailed explanations of every step to their clients. LegalAve should also be useful to those individuals.
- Not all issues require the court process. LegalAve had to provide information to help people decide whether to work with a lawyer, and if not, identify alternate forms of dispute resolution.
- In the past 10 years, Alberta has consistently had high rates of domestic violence. Victims of domestic violence are hindered in their ability to access, find, and consume legal information—their specific needs had to be kept in mind.
- Many individuals now access the internet on mobile devices. Therefore, all information had to be presented in both desktop and mobile-friendly formats.

Intermediaries

Upon family breakdown, many individuals seek the help and advice of family members, friends, and others in their communities. This reality has to be reflected in the structure of LegalAve. This, coupled with the challenges of electronic access in the rural areas of the province, pointed to a need to ensure that the website also serves as a tool for intermediaries across Alberta. LegalAve therefore includes various advanced search functions and service provider-specific tools.

These intermediaries include traditional legal information and legal service providers across Alberta, but ALIS also considered less traditionally “legal” helpers, including religious and cultural elders, social workers and, in particular, public librarians. Alberta has an extensive system of public libraries, with more than 300 locations and many services to share resources across the province.¹⁷ All of these libraries are connected to the Alberta SuperNet: a broadband network built to connect public institutions across the province and enable them to access high-speed internet, video conferencing, and other services.¹⁸ For areas where poor internet connectivity could bar access to the website,

¹⁶ Most evidence in this regard is anecdotal, as official statistics are not kept. However, the anecdotal evidence does stem from the legal profession and the judiciary. An introduction the issue can be found here: The National Self-Represented Litigants Project, “What Court Staff Told Us: A Summary from the National Self-Represented Litigants Study, 2011-2012,” accessed May 20, 2015, https://representingyourselfcanada.files.wordpress.com/2014/03/nsrlp-what-court-staff-told-us.pdf.
residents have an alternative way of accessing the information and someone to help them navigate. In addition, libraries across Alberta are linked through an efficient interlibrary loan system.\(^{19}\)

2. Identifying and addressing information gaps

A key factor in creating a single point of access to legal information and services is identifying and finding a way to address gaps in the PLEI landscape.

Some gaps were found when examining pre-existing challenges: the regional variation in forms and procedures (some not even documented online), the paucity of legal information in languages other than English, and the general lack of understanding of jurisdictional issues. Recent developments have also caused gaps in available information: everything from legislative changes to large societal shifts (such as LGBTQ rights and issues in blended families).

One of the largest gaps identified was the disconnect between substantive law and the legal process. In Alberta, most PLEI resources focus on what the law says: topics such as rights, responsibilities, and entitlements. Very little PLEI covered procedural issues. The only PLEI resource really dealing with procedural matters was the Alberta Courts website. Although the site is very comprehensive, it is also very utilitarian. It was meant to ensure that forms and rules were made available to the public—it was never intended to provide the context and reasoning behind the forms and rules, nor to explain how all the forms fit with the law. This, in conjunction with the challenges around understanding jurisdiction, made it difficult to find the correct forms and rules. As a result, it was determined that LegalAve must contain information about both law and process, and because they do not exist elsewhere, it must create segues between the two.

3. Finding the content

Existing PLEI

In order to bring together existing PLEI, a complete audit of relevant PLEI materials was required. To do this, ALIS’s Information Specialist (Librarian) began by identifying and organizing more than 2,300 family law resources from various sources in the non-profit, government, and private spheres. This information was collated into a resource list, which is maintained for URL updates and continued accessibility. The resources were reviewed by the Staff Lawyer for accuracy, currency, and ease of use. Finding a variety of formats was a priority, including audio, video, and non-English.

Finding and consulting with experts

Although gathering existing PLEI materials was important, so was creating the segues that would link all of those resources. It is only through these connections that users could begin to understand how various legal topics are intertwined and how to access the justice system. Knowing your rights is significantly different from knowing exactly what to do to enforce those rights. As noted above, however, many of the identified challenges and gaps in PLEI related to very specialized, sometimes region-specific, issues. It quickly became apparent to the ALIS team that we did not have all of the knowledge we needed: instead, it existed as individual or profession-specific knowledge, with Alberta’s service providers.

As a result, ALIS established a collaborative research process that involved consultation across the province with a variety of service providers and stakeholders, including librarians, social workers, police, women’s shelter staff, lawyers (legal aid and private), judges, court workers, and legal clinic staff. We also consulted with intermediaries working with various cultural and linguistic groups (including immigrant and Aboriginal populations), with residents facing difficult social challenges (such as disabilities, poverty, and domestic violence), and with residents of rural areas. We asked many questions, including:

- Where are the gaps?
- How would you like to see the information presented?
- What do you wish people knew before they came to you?

Whenever possible, consultation was in person. Although Alberta is very large, and the time spent traveling did take away from other tasks, this investment of time led to much more detailed information and helped considerably in relationship-building. Despite their incredibly busy schedules, subject-matter experts were generally very willing to meet with us, especially once they saw their suggestions and concerns being taken seriously.

Such consultation has continued throughout the development process, and currently includes external review by court workers and private lawyers, usability testing on-site at social service agencies, courthouses, and libraries, and further input from legal clinics and other service providers in the months leading up to the launch of the website. The ALIS team regularly provides stakeholders with updates, and showcases how their contributions are shaping the project.

The consultation process has served several longer-term purposes. It ensured a better quality product, and built trust with the intermediaries who will use, and who will directly benefit from, LegalAve. It has also made it clear to other PLEI providers that we are not in competition—we are there to showcase their resources and knowledge. Consultation has also created project awareness and buy-in, which will help to increase success after launch, and can lead to even more expert assistance. Lastly, it has created new opportunities for partnership. For example: some of the gaps we have identified are gaps that can be filled with the creation of further PLEI resources.

4. Designing in accordance with what was learned

The plans and requirements for the design of the website began to emerge at the same time as the ALIS team worked through determining audiences, gaps, and content. Three of the design elements not yet discussed are of particular importance from the perspective of law librarianship: parcelling the information, recognizing self-represented litigants, and developing the “Guided Pathway” feature.

Parcelling of information

In order to address the need to not present too much information at once, each area of law is separated into broad categories that can be easily understood. In the case of family law, the categories are:

1. Starting a family relationship
2. Issues in ongoing family relationships
3. Breakdown in family relationships
4. Family violence
5. Solving family legal problems

Within each of these categories, legal information is divided into very specific subtopics, and organized into “Information Pages” (IPs). Each IP is further divided into 4 “tabs”: Law, Process, Common Questions, and Myths. To meet the challenge of providing jurisdictional information, IPs pertaining to the Family Law Act are separate from those pertaining to the Divorce Act, the choice of law is explained on every Law tab, and, where applicable, each Process tab is further subdivided into two Court-specific, separately-loading process sections: one for Provincial Court, one for Queen’s
Bench. In this way, users are only given the information that applies to their situation, based on the law and the court that they have chosen.

**Recognizing self-represented litigants**

LegalAve encourages Albertans to resolve their legal issues outside of the courts when possible, but recognizes that this is not feasible in all situations. Therefore, LegalAve highlights community services that can help those who are representing themselves, such as legal aid and legal advice opportunities. LegalAve also introduces the basics of legal research and encourages the use of law, university, and public libraries to access the resources available beyond Google. Alberta Law Libraries has made itself available to rural Albertans and Albertans who can’t visit during business hours through its “Ask a Law Librarian” email reference program. Such resources are highlighted and recommended.

**The “Guided Pathway” feature**

By far the most defining feature of LegalAve is the Guided Pathway. This tool allows users to answer questions to find out what information they need. Users are directed to relevant Information Pages based on their responses. The Guided Pathway is available in nine languages in addition to English and French. It is also available as a mobile App.

The Guided Pathway tool also allows legal information providers to more easily navigate the issue of providing legal information, not legal advice. By directing their clients to the Guided Pathway, the user’s own responses determine which information is presented to them. The information is written in plain language to allow those unfamiliar with the legal system to make sense of their situation under Alberta law. When needed, users are directed to contact a lawyer or a community legal clinic to obtain legal advice.

**CONCLUSION**

LegalAve, which will launch in late 2015, is not yet complete. It is, however, already a success story about the power of innovation and collaboration. Through LegalAve, librarians successfully brought together the strengths of all members of the legal community to address some of the largest challenges in public legal education in Alberta: information overload, lack of information literacy, confusion over jurisdiction, geographical and linguistic barriers, and the disconnect between substantive law, legal processes, and community services. Through LegalAve, law librarians helped to bring law libraries to the people of Alberta, and thereby expanded their role to meet the needs of users while remaining a key player in facilitating access to justice.

Looking beyond LegalAve’s launch, ALIS will continue to incorporate law librarians’ perspectives, as well as those of their clients, to ensure LegalAve is reflective of Albertans’ legal needs and information-seeking behaviours, and the PLEI landscape of the province. Working together in this manner will continue to strengthen access to justice, and Alberta as a whole will become a more cohesive and inclusive province.

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