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A handwritten logo consisting of the letters 'e', 's', 'p', and 'c' in a stylized, cursive font. The 'e' and 's' are connected, and the 'p' and 'c' are also connected. The letters are black and appear to be written with a pen or marker.

**The Legal Needs of Low-Income  
Edmontonians:**  
.....

**A Needs Assessment**  
.....

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## 1.0 INTRODUCTION

*The Legal Needs of Low-Income Edmontonians: A Needs Assessment*, funded by the Edmonton Community Foundation, assesses the need for legal services among low-income Edmontonians. It also assesses whether the current complement of services meets those needs. A group of volunteers with a particular interest in assessing legal needs in Edmonton guided the needs assessment.

A needs assessment is a systematic process for finding out who has the need, how important it is to fill the need and how many people are experiencing the need. Needs assessments should go beyond identifying a need to exploring whether this need would be satisfied by a particular service and what kind of service would be appropriate.

In Canada, the judicial system protects and enforces formal justice. Access to the legal system should be a basic entitlement of citizenship. In other words, legal services for low-income people are linked to social justice.

What use is a Charter of Rights and Freedoms guaranteeing your right to life and liberty, freedom of speech or equality before the law, if you cannot defend yourself against unjust accusations or discriminatory treatment?  
*National Council of Welfare (1995).*

Until now, no one has assessed the degree to which the legal system in Edmonton assures this basic right of citizenship, or what kind of service model would best meet unmet needs.

## 2.0 METHODOLOGY

The needs assessment relied on telephone and face-to-face surveys with 88 low-income people using Edmonton's Food Bank. Face-to-face and telephone surveys with low-income Edmontonians allowed us to survey actual rather than perceived needs.

The assessment chose not to rely on key informant surveys—interviews or questionnaires with people knowledgeable about the legal needs of low-income Edmontonians. Key informant surveys would have gathered perceived needs, which may be distinct from actual needs. Furthermore, key informants without legal backgrounds might not themselves recognize problems as legal problems (Sykes 1968).

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The respondents included 48 women and 40 men, ranging in age from 16 to 76 years. The majority (41 per cent) were between 28 and 40 years of age. Twenty-six (26) per cent were between 40 and 52 years.

Most respondents (41 per cent) were single. Thirty-three (33) per cent were married or co-habiting. Twenty-six (26) per cent were separated, divorced or widowed. Sixty-eight (68) per cent of respondents had children.

The respondents represented a range of educational levels. Thirty-one (31) per cent had post-secondary education—22 per cent had attended a post-secondary institution, and 9 per cent had completed post-secondary education. Twenty-four (24) per cent had completed high school, while 26 per cent had attended but not completed high school. Fourteen (14) per cent had only completed junior high. Five (5) per cent classified their educational level as other.

All respondents had incomes below Statistics Canada's Low Income Cut-Off (LICO). The majority (42 per cent) had monthly incomes between \$500 and \$1,000. Twenty-eight (28) per cent had monthly incomes below \$500. Eleven (11) per cent had monthly incomes between \$1,000 and \$1,500, while another 11 per cent had monthly incomes between \$1,500 and \$2,000. Seven (7) per cent had incomes between \$2,000 and \$2,500. One (1) respondent had a monthly income between \$2,500 and \$3,000.

### **3.0 LEGAL SERVICES FOR LOW-INCOME EDMONTONIANS**

Throughout Edmonton, governments, courts and numerous societies provide legal services, advice and information. The needs assessment measured whether low-income Edmontonians are using these services.

The assessment found that about half (between 43 and 50 per cent) of low-income Edmontonians have turned to the police, Legal Aid and the Landlord and Tenant Advisory Board (LTAB).

Low-income Edmontonians are either unaware of or unwilling to use the other public services. One quarter (between 18 and 26 per cent) have turned to Student Legal Services, the Lawyer Referral Service, Correctional Services and the Alberta Attorney General. Between 1 and 16 per cent of low-income Edmontonians had used any of the other 18 public services.

The Legal Aid Society of Alberta provides much of the legal services for low-income people. Applicants must apply for legal aid services. After the Legal Aid Society gives approval, the client can approach any lawyer to take the case, or ask the Society to assign a lawyer.

<b>Use of Legal Services</b>	<b>% of Respondents who use services</b>
Alberta Human Rights Commission	8%
Alberta Arbitration and Mediation Society	2%
Alberta Attorney General (Courts)	24%
Canadian Human Rights Commission	6%
Correctional Services	18%
Crimes Compensation Board	3%
Dial-A-Law	23%
Elizabeth Fry Society	8%
Employment Standards	16%
Family Mediation/Court Services	14%
Housing and Consumer Affairs	9%
John Howard Society	9%
Landlord and Tenant Advisory Board	43%
Law for the Layperson	2%
Lawyer Referral Service	26%
Legal Aid	49%
Legal Education Society	1%
Legal Resource Centre	1%
Native Counselling-Court Services	8%
Office of the Provincial Ombudsman	10%
Office of the Public Trustee	10%
Public Legal Education Network of Alberta (PLENA)	1%
RCMP/Edmonton Police	50%
Salvation Army Correctional Services	5%
Student Legal Services	18%
Other	13%

To determine financial eligibility, the Society considers the following, with the first two factors receiving the most consideration:

- gross monthly family income
- family size
- yearly income, and
- assets and liabilities (McCrank et al. 1988-89)

The Legal Aid Society claims to be flexible with these guidelines (McCrank 1988-89), but critics have argued that these guidelines are too strict (Cawsey 1991).

The Legal Aid Society also screens applicants based on:

- the consequences of the cases to the applicant, and
- the legal merit of the case

Consequences to the applicant refers to whether the conviction would lead to incarceration or loss of livelihood. In practice, this guideline tends to exclude civil cases, such as divorce, child custody, property action, child welfare and immigration.

Seventy (70) per cent of legal aid services and expenditures in Alberta are allocated to criminal cases (Havelock 1994). These cases include breaking and entering, theft, possession of stolen property, assault and impaired driving (Havelock 1994). Only 25 per cent of all legal aid cases relate to civil law, such as divorce, child welfare and income maintenance (Havelock 1994). Most low-income Edmontonians involved in civil cases must defend themselves without legal representation (Abel 1985; Feldman 1995).

The geographic location of offices, physical accessibility (especially important for the disabled), and knowledge of English (Mulder and Currie 1995; Gibson and D'Elias 1997) also restrict access to legal aid services. Lack of knowledge of available services is also a great determinant of access to legal services (Cass 1975).

## **4.0 THE LEGAL NEEDS OF LOW-INCOME EDMONTONIANS**

Forty-nine (49) of the respondents had contacted a lawyer. Of those, 23 had faced a crime-related legal problem. With 18 of those respondents, the lawyer had accepted the case. When the lawyer had not accepted the case, it was either because the respondent could not afford legal services or did not qualify for legal aid.

Twenty-five (25) of the respondents had contacted a lawyer for a legal problem that was not crime-related. The problems involved accidents, employment, family, income benefits or other. With 16 of those respondents, the lawyer accepted the case. When the lawyer did not accept the case, it was either because the respondent could not afford legal services or could not qualify for legal aid.

**T**he company went bankrupt and the respondent was only paid \$250 for a month's work. The respondent thought the company's management was taking care of situation.

## **1. Employment & Financial**

Seventy-seven (77) of the respondents had experienced employment and financial problems. This translates into 88 per cent of respondents. Many respondents had experienced several employment and financial problem. Nineteen (19) had been unfairly denied employment. Thirty-one (31) had problems getting paid. Forty-two (42) had problems collecting on a loan, while 43 had problems repaying a loan. Sixteen (16) had other employment or financial problems.

Of those 77, only 31 felt they needed help, and only eight (8) had received any help. Of the eight (8), only one (1) received help from a lawyer. Two (2) received help from Alberta Labour. Two (2) received help from a community agency.

### ***Reasons for not seeking or getting legal advice***

The 23 respondents who felt they needed help but did not receive any cited several reasons. Nine (9) said they could not afford help. Two (2) said the lawyer would not take the case. Another two (2) did not know where go for help. Ten (10) cited the reason as "other."

The interviewers described the situations as follows:

1. The respondent was denied a job because of a mental health issue but didn't think legal action was worth it.
2. The respondent was fired from a good job but was afraid of the legal system and "being exposed." The respondent did not like the "win-lose situation" that a legal challenge would have created.
3. The respondent is having trouble collecting pay from a former employer. Labour Relations has received written documentation from respondent but has not followed-up.
4. The employment for which the respondent was having trouble collecting pay was "under the table."
5. The respondent was not paid for work completed, called Student Legal Services but never heard back.
6. The company went bankrupt and the respondent only received \$250 for a month's work. The respondent thought the company's management was taking care of situation.
7. The respondent was fired without two weeks notice and boss did not pay the respondent for the final hours of employment. The respondent did not pursue the issue because the respondent did not really need the money at the time.
8. The employer was unjustly withholding pay as "expenses paid to employee" and failing to pay holiday wages. The respondent was "glad to get out of the employment situation."

**T**he landlord refused rental accommodation to the respondent because they did not want to rent to "single parents." The respondent found a home and therefore did not ask for help.

## **2.0 Housing**

Fifty-seven (57) of the respondents had experienced housing problems. Thirty-eight (38) had experienced trouble with their landlords. Thirty-one (31) had been evicted. Twenty-five (25) had been unfairly refused housing, while 11 had experienced another housing problem.

Of those 57, only 34 felt they needed help, and only 10 had received any help. Two (2) had received help from a lawyer. Five (5) had received help from the Landlord and Tenant Advisory Board. One (1) had received other legal help. The other two (2) had received help from a social service agency or other community service.

### ***Reasons for not seeking or getting legal advice***

The 24 respondents who felt they needed help but did not receive any cited several reasons. Nine (9) said they could not afford help, while four (4) didn't know where go for help.

The interviewers described the housing problems as follows:

1. The landlord refused to repair the rental accommodation, so the respondent filed with small claims court. The respondent referred to the situation as a "rental scam."
2. The landlord refused rental accommodation to the respondent because they did not want to rent to "single parents." The respondent found a home and therefore did not ask for help.
3. The respondent could not get on a waiting list for subsidized housing because the provider had disqualified the respondent. The respondent wasn't sure what to do and gave up.
4. The respondent was on a rent strike because the landlord refused to repair the house and appliances. The landlord then evicted the respondent due to non-payment of rent. The Landlord and Tenant Advisory Board (LTAB) could not "guarantee" the information they provided over the phone.
5. The respondent was refused housing but did not ask for help because they did not feel desperate.
6. The respondent had agreed to move in and therefore signed the welfare cheque over to the landlord. After moving in, the respondent found the housing unsafe. When confronted, the landlord was indifferent. The respondent vacated the premises, and the landlord only returned \$80 of the \$400 welfare cheque. The respondent was not aware the situation was a legal issue and therefore did not ask for legal help.
7. The respondent was evicted so the housing could be repaired but felt the issue was not worth pursuing because the landlord has the rights, not the tenants.



8. The landlord turned off power and drastically hiked the rent but the respondent was afraid to take legal action.

**T**he respondent was denied SFI but their mind was on other pressures—finding and keeping a home and taking care of the kids.

### **3.0 Income Security**

Fifty-three (53) of the respondents had experienced income security (welfare) problems. Thirty-eight (38) had trouble qualifying. Thirty-one (31) had trouble receiving their welfare cheques. Eleven (11) described their income security problems as “other.”

Of those 53, only 19 felt they needed help, and only five (5) received any help. One (1) had received help from a lawyer. One (1) had gone to another legal service. One (1) had turned to a social service agency.

#### ***Reasons for not seeking or getting legal advice***

The 14 respondents who felt they needed help but did not receive any cited several reasons. Four (4) said they could not afford help. Two (2) said they didn't know where to go for help. Eight (8) cited the reason as “other.”

The interviewers described the situations as follows:

1. The respondent was denied SFI between winter and fall terms in school because the government considers the respondent “employable.” The respondent feels the process of challenging takes too long.
2. The respondent was denied SFI but their mind was on other pressures—finding and keeping a home and taking care of the kids.
3. The respondent was denied SFI but had a cast on one leg so taking action was too much trouble.
4. Alberta Family and Social Services (AFSS) said the respondent had to claim Canadian Pension Plan (CPP) and is now garnisheeing the respondent's AISH cheques. The respondent felt unable to do anything about the situation.
5. The respondent was denied SFI because AFSS considers the respondent employable, but AFSS refuses to pay for child care while the respondent looks for work. The respondent cannot obtain student assistance because of an outstanding student loan default. The respondent cannot afford child care and therefore is not able to get out and challenge AFSS.
6. The respondent chose not to fight the WCB's failure to pay the entire claim because the respondent did not feel strong enough to see the process through.

**T**he respondent's abusive ex-spouse was charged with assault....the respondent did not know why she didn't ask for help.

#### **4. Family**

Forty-seven (47) of the respondents had experienced family legal problems. Thirty-one (31) had experienced a separation or divorce. Twenty-five (25) had alimony or child support problems. Twenty (20) described their family problems as "other."

Of those 47, 34 felt they needed help, and 17 had received help. Twelve (12) had received help from a lawyer. One (1) had gone to a para-legal. Three (3) had received help from another legal service. One (1) had turned to another community agency.

#### ***Reasons for not seeking or getting legal advice***

The 17 respondents who felt they needed help but did not receive any cited several reasons. Five (5) said they could not afford help. Twelve (12) cited the reason as "other."

The interviewers described the situations as follows:

1. The respondent was involved in a custody dispute but the lawyer told the respondent that they could not retain legal counsel if the spouse did not retain a lawyer.
2. The respondent was involved in a child support issue but believed they had to contact Maintenance Enforcement before contacting a lawyer.
3. The respondent has child visitation problems with the ex-spouse and was just beginning to think about seeking legal help.
4. The respondent's ex-spouse refuses to sign a separation agreement and pay child support. However, Maintenance Enforcement is currently handling the issue.
5. The respondent's abusive ex-spouse was charged with assault, and the respondent did not know why she didn't ask for help. The police said the respondent did not have to appear in court or be involved in criminal proceedings against the ex-spouse.
6. The respondent was unable to locate ex-spouse and collect child support but thought there was no point in pursuing issue.

#### **Accidents**

Forty-one (41) of the respondents had been in accident. Sixteen (16) had experienced an accident at work. Twenty (20) had been in a motor vehicle accident, while seven (7) had been in another form of accident.

**T**he respondent thought getting a lawyer or legal help would have been a lot of work.

<b>LEGAL ISSUE</b>	<b>% OF RESPONDENTS</b>	<b>% THAT FELT THEY NEEDED HELP</b>	<b>% THAT RECEIVED HELP</b>
Employment & Financial	88%	40%	10%
Housing	65%	62%	18%
Income Security	60%	36%	9%
Family	53%	72%	36%
Accidents	46%	44%	15%
Consumer	40%	29%	3%
<b>ON AVERAGE</b>	<b>59%</b>	<b>40%</b>	<b>15%</b>

Of those 41, only 18 felt they needed help, and only six (6) had received any help. Four (4) had received help from a lawyer. Two (2) had received help from a community service or other service .

***Reasons for not seeking or getting legal advice***

The 12 respondents who felt they needed help but did not receive any cited several reasons. Three (3) said they could not afford help. One (1) said he or she could not get legal aid, and two (2) didn't know where to go for help.

The interviewers described the situations as follows:

1. The respondent fell down an unsafe stairway but thought a lawyer would be of little help.
2. The respondent thought the injury was not serious and getting a lawyer or legal help would have been a lot of work.
3. The respondent suffered psychological harm when someone threatened them but didn't ask anyone for help or pursue the issue.
4. The respondent was hit by a cab but was in a foreign country and couldn't pursue the case.
5. The respondent was in a car accident and lost days at work but the lawyer gave the impression that a case would not be successful.
6. The respondent was burned on the leg and lost sight in one eye after being hit by a piece of steel. The respondent was advised that a legal suit could not be filed until the Workers' Compensation Board (WCB) had completed its investigation and decided on the case.

## **5. Consumer Problems**

Thirty-five (35) of the respondents had experienced consumer-related problems. Twenty-five (25) had problems with a project they had purchased. Nine (9) had problems with leases or rentals. Six (6) had problems with insurance claims, while four (4) had other consumer problems.

Of those 35, only 10 felt they needed help, and only one (1) had received any help. That person had received help from a lawyer.

### ***Reasons for not seeking or getting legal advice***

Three (3) of the respondents who needed help but did not receive any said they could not afford help. The other respondents cited "other" reasons.

The interviewers described the situations as follows:

1. The insurance company denied employment disability claim for a mental health issue but the respondent won the case without legal help.
2. The motor in a used truck was guaranteed for six months but failed after three. The respondent had no written proof of warranty.

## **6. Other**

Eleven (11) of the respondents had experienced some other form of legal problem. Four (4) had appealed a court decision. Two (2) had received help. One (1) had received help from a lawyer. One (1) had turned to another legal service. Of the eight (8) respondents who did not receive any help, four (4) said they could not afford help. Two (2) didn't know where to go for help. Two (2) cited the reason as "other."

## **5.0 PERCEIVED LEGAL NEEDS**

The needs assessment measured respondents' perceptions of the law and legal system in Edmonton. Although only 15 per cent of the respondents received any legal help for their problems, most 82 (93 per cent) felt that lawyers could help with legal problems.

Seventy-eight (89 per cent) said they would use legal services if they were low cost. And 54 (61 per cent) felt there were not enough low-cost legal services in Edmonton.

Thirty-four (34) per cent felt the laws in the country were fair, and 35 felt that lawyers were helpful.

Although 93 per cent felt lawyers could help with legal problems, when discussing their individual legal situations, only 40 per cent felt they needed any help. The

other 60 per cent did not feel their individual situations warranted legal help. Thirty-five (35) per cent said they knew enough about the law. Twenty-nine (29) felt they knew enough about the legal system. Thirty-seven (37) said they knew enough about their rights.

## **6.0 UNMET LEGAL NEEDS OF LOW-INCOME EDMONTONIANS**

The needs assessment indicates that there are important unmet legal demands for low-income people. Only 15 per cent of low-income Edmontonians receive the legal help they need.

Poverty disempowers individuals. Low-income people work minimum wage and casual jobs. They rent cheap accommodation and must ask for government assistance. In many cases, divorce and separation lead to the poverty problem. Without job security, adequate salaries, home ownership and supportive spouses, low-income individuals and families can end up in situations that require legal help. The lack of affordable and accessible legal council further compounds these people's legal problems.

Although numerous organizations provide some form of legal assistance, very few low-income Edmontonians use these services. Either low-income Edmontonians have trouble accessing these services or these services do not meet the legal needs of low-income Edmontonians. With the Legal Aid Society, 70 per cent of legal aid services and expenditures in Alberta are allocated to criminal cases. Only 30 per cent of services go to civil cases. As a result, low-income Edmontonians with housing, employment or family problems cannot turn to this service.

In many cases, the respondents were reluctant to take legal action unless they were desperate. For example, one respondent did not take legal action, because they "did not really need the money at the time." A single parent who was refused housing failed to take legal action because they "found a home." Another respondent commented that they did not ask for help "because they did not feel desperate."

Seventy (70) per cent of respondents said they would use legal services if they were low cost. Although 93 per cent felt lawyers could help with legal problems, when discussing their individual legal situations, only 40 per cent felt they needed any help. The other 60 per cent did not feel their individual situations warranted legal help.

Seventy-one (71) per cent of respondents felt they did not know enough about the legal system, indicating a need for public education.

The Legal Aid Society of Alberta has defined its services to specifically exclude

educating the public on legal issues. As a result, it would be reasonable to expect many low-income people are unaware services are available. Furthermore, various studies have shown that low-income people often do not recognize their problems as legal problems, which further limits the likelihood that they will use of legal services (Cass 1975; Marks 1971, 1976).

Throughout Canada, the United States and other countries, legal aid services give low-income people some access to the justice system. Most major Canadian centres, including Calgary, have legal clinics, and the Law Society of Alberta is currently reviewing the issue of legal services for the poor. However, there are no legal clinics in Edmonton nor are there any legal education programs targeted at low-income people. In short, no organization considers or addresses the legal needs of low-income people in Edmonton in any way.

This is not to say that lawyers in Edmonton do not do pro bono legal work, or that organizations do not support low-income people with legal problems, but no formal or informal groups consistently address the problem.

## **7.0 SERVICE MODELS**

One service option is a legal clinic. In Canada, legal clinics are supplements to existing services (Legal Aid Review Team 1996). Legal clinics tend to concentrate their efforts in a specific geographical area or to a specific group (Trubek 1995). They tend to concentrate their efforts in a designated area of legal services through advocacy and law reform. This approach can empower the group or community by educating people of their rights and improving access to legal services (NCW 1995).

These clinics can be independent from government, which allows them to better defend low-income clients from government, i.e., denial of benefits, legality of certain legislation, etc. (Sykes 1968). Furthermore, these clinics can develop a number of service delivery locations (Trubek 1995). For example, the Calgary Legal Guidance Clinic visits immigrant community centres and women's shelters. This allows the service to reach a greater number of clients. The clinics are responses to identified gaps in the delivery of legal services.

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