

Type of law:
**CIVIL & CRIMINAL
LAW**

IDENTITY THEFT, FRAUD, & SCAMS



A 2021 ALBERTA GUIDE TO THE LAW

IDENTITY THEFT, FRAUD, & SCAMS OVERVIEW

Anyone can become a victim of identity theft and fraud.

71,023

Canadian Reports of Fraud in 2020

42,130

Canadian Victims of Fraud in 2020

Since 2010, the rate of identity theft and fraud has increased by

64%

In 2020 there was

\$104.4 million

lost to fraudsters with \$66.7 million already lost since April 30, 2021

IF IT HAPPENS TO YOU:

1

Gather all relevant documents like emails and texts.

2

Contact your financial institutions and report the incident.

3

Contact the police and report the incident.

4

Reach out to the Canadian Anti-Fraud Centre either through their Fraud Reporting System (FRS) or by phone at 1-888-495-8501

5

Contact any other websites or organizations involved to report the incident (Kijiji, Canada Post, etc.)



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GENERAL

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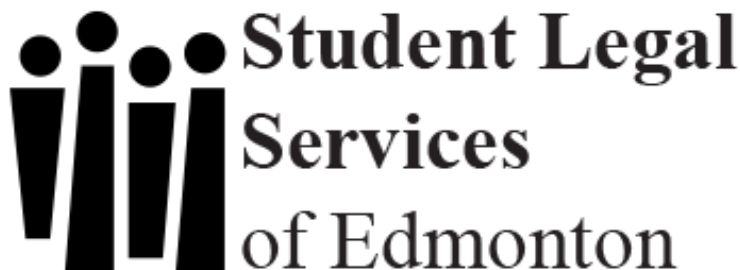


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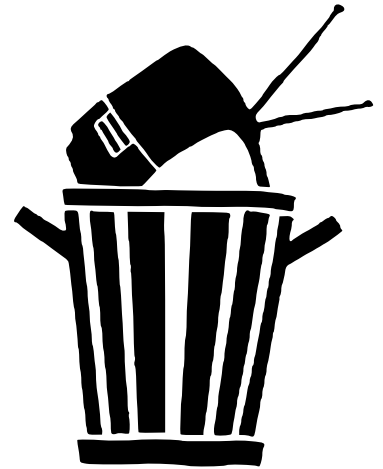
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IDENTITY THEFT & FRAUD



Identity theft and identity fraud refer to when your personal information has been compromised by someone who wants to commit fraud in your name.

Identity theft is the gathering of personal information for criminal use. Identity theft includes anything from dumpster diving and mail theft to database breaches.



Identity fraud refers to an individual who uses the stolen personal information of the victim.

An individual can use your information for a number of fraudulent purposes such as accessing your computer, transferring bank balances, or receiving government benefits

Fraud is a general term that describes dishonest or deceptive behavior intended to result in personal gain for the fraudster and does harm to the victim.

The Criminal Code of Canada defines identity fraud as **someone who personates another person with the intent to gain advantage for themselves or another**, to obtain property or an interest in property, to cause the person being personated or another to be disadvantaged, or to avoid arrest to obstruct justice.

Someone found guilty of identity theft or trafficking identity information (i.e. distributing stolen identity information) can be found guilty of an indictable offence and may be liable to imprisonment for not more than five years.

Or, the person can be found guilty of a summary offence (this could include a fine or a short jail time). Generally, an indictable offence is a more serious crime and has more serious consequences than a summary offence.

Someone committing identity fraud may be found guilty of an indictable offence and liable to imprisonment for not more than 10 years or found guilty on a summary conviction.

CAN THIS HAPPEN TO ME?

Anyone can become a victim of identity theft and fraud; it doesn't matter how old you are or whether you are an individual or a business.

- The rate of identity theft and identity fraud has increased 64% since 2010.
- In 2022 there were 92, 078 Canadian reports of fraud and 57,578 Canadian victims of fraud.
- There was approximately \$165 million dollars lost to fraudsters in 2020 with \$530 million lost in 2022.

WHAT INFORMATION DO THEIVES LOOK FOR?

Thieves are looking for information surrounding your:

- Your address and name;
- Passport Number;
- Social Insurance Number (SIN);
- Healthcare Number;
- Personal Identification Numbers (PIN) and Online Passwords;
- Birth certificates;
- Driver's License;
- Banking and Credit Card Information; or
- Signature



HOW TO PREVENT IDENTITY THEFT



You can take precautionary measures to avoid becoming a victim of identity theft.

BOYLE STREET ID BANK

Boyle Street Community Services has an ID bank where you can store your ID in a secure place for free:

Address: 10112 105 Ave, Edmonton AB (entrance located in Four Directions Bank)

Phone: (780) 424- 4106

PERSONAL INFORMATION

- Periodically check your bank and credit card statements to ensure that there are no purchases that you have not made
- Only carry essential cards and documents that you need with you in your purse or wallet. It is unnecessary to carry around your passport or social insurance number when you do not require them. Store them in a secure place instead
- Keep an eye on your purse or wallet
- Shred documents containing confidential information, such as credit/debit card receipts, bank account numbers, and your social insurance number (SIN)
- Do not write down your Personal Identification Numbers (PIN) or your passwords.



Memorize them and make sure they are not associated with anything easily identifiable such as your date of birth. If you think someone knows your PIN number or password, change it.

- **Choose strong PIN numbers or passwords that do not include your personal information.**

- When entering your PIN try to do so out of the sight of others by shielding the keypad.



- **Do not give out personal information over the phone, online, or by mail unless you are confident that the person or organization you are dealing with is legitimate and will keep your information secure.** Keep in mind that you should be giving this information out as a result of you contacting the organization, not the other way around.

- **Notify your bank if your credit/debit cards have been lost or stolen or if your PIN for these cards may be compromised.**



- **If you do not know why someone is requesting your personal information, you can ask them why they want it.** There are rules for how governments, businesses, and organizations should handle personal information.

- **Educate yourself. If you are a victim of a scam you will often be targeted again.** Scammers will contact you promising for the previously stolen money to be recovered by sending more money to them.



- **Educate your friends and family about current scams.**



ONLINE ACTIVITY

Here are some actions you can take to prevent the theft of your personal information while online.

- **Try to avoid storing your password and allowing apps/websites to automatically log you into your accounts.** Enter your password every time you access these accounts or online services.
- **When using public unsecured Wi-Fi do not send any personal or private information over the network.**
- Only shop online with trusted companies.
- **Turn off the geotagging features on your mobile phone.** This will help keep your locations private.
- **Think before you post on social media.** This includes considering the content that you are posting and who is able to view this information.
- **Choose restrictive security settings for your social media accounts.**

ELECTRONIC DEVICES

Here are some actions you can take to prevent the theft of your personal information while using electronic devices.

- Create passwords that are difficult for individuals to identify. **Use a combination of upper- and lower-case letters, numbers, and symbols.** Avoid using commonly known information such as your name, date of birth, or pet's names.
- **Keep your anti-virus, firewall, and anti-spyware software up to date.**
- Avoid sending confidential information by email or text message.
- Ensure that you are using a secure web page when making online transactions. Secure websites include the following:
 - The website handle begins with the following `https://`
 - There is a lock or key in the address bar of the website. The key should be intact, and the lock should be locked.
- **Do not follow a link in an email to start an online transaction. Instead, you can go directly to the organization's website**
- Do not recycle your devices without ensuring that all personal data is wiped from the hard drive.



HOW DO YOU KNOW YOUR IDENTITY HAS BEEN STOLEN?



These are signs that your identity may have been compromised:

- If there are **suspicious transactions** on your credit card or debit card statement.
- **You do not receive bills and statements when you are supposed to** (because they may have been stolen from your mailbox or someone changed the mailing address).
- **The banks/credit card companies let you know that you have either been approved or declined on an application that you never applied for.**
- **You are contacted by a collection agency that tells you that your account is in default**, and they are looking to collect when the account was never opened by you.

WHAT CAN YOU DO IF IDENTITY THEFT HAPPENS TO YOU?



Authorities may not always be able to help, but by reporting the scam the authorities can alert others.

The Government of Canada recommends the following approach if you are the victim of identity theft:

1

Make sure that you have gathered all the documents you have regarding the fraud like emails, text messages, documents, or receipts.

2

Contact your financial institutions and report the incident.

You can place flags on your accounts, change your passwords, and report the fraud to credit bureaus like Equifax and TransUnion to flag your account and indicate an incident of identity theft.

3

Contact the police and report the incident. This notifies the police of the businesses and individuals that are being targeted by scams. Get a file number for future reference. If you find more suspicious activity, update your file with the police. If your credit card shows suspicious behaviour you can update your file.



Reach out to the Canadian Anti-Fraud Centre either through their Fraud Reporting System (FRS) or by phone at 1-888-495-8501.



If the fraud occurred online (e.g Kijiji, Facebook, etc.) make sure to **report the fraud directly on the website** through their “report” function.



Report the incident to any other involved organization. If your mail was re-directed, for example, contact Canada Post. If you have lost, stolen, or misused immigration documents, contact Citizenship and Immigration Canada.

OTHER COMMON SCAMS

There are common scams other than identity theft. The following provides actions you can take to protect yourself. There are many more scams out there, but these eleven are the ones that are more likely to affect you, your family, and friends:

SUBSCRIPTION SCAMS

These are scams where you are offered a trial of products or services for a “low cost” or no cost at all. Most commonly offered goods are beauty products (anti-aging creams), health foods, and pills.

These scams usually require your credit card information for the cost of shipping. With this information you are subsequently signed up for a monthly subscription, unknowingly. It is very hard to stop the billing of your credit card every month.

Protecting Yourself

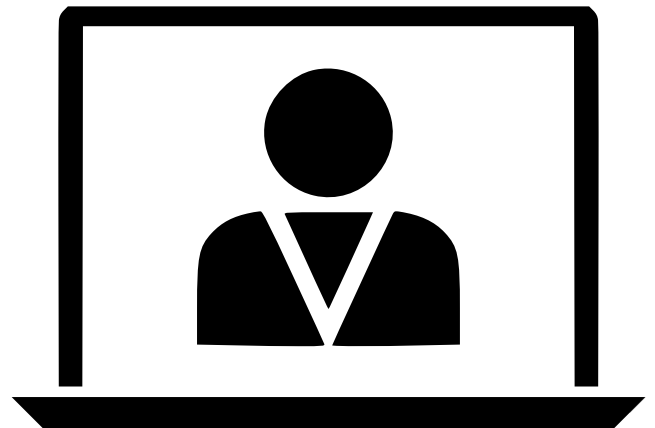
- If you are uneasy about the offer, don't subscribe.
- Gather information on the company and look at reviews before signing up for a “low-cost” or free trial. The Better Business Bureau offers good information.
- If, after looking at the terms and conditions, you still do not understand them, then don't subscribe. This also applies if the terms or conditions appear to be missing.

- If you subscribe for the trial period, make sure to keep any information you have relating to this.
- Regularly check your credit card statements for unknown charges.
- Reach out to police or your credit card company if you are having trouble with cancelling the subscription.

CEO SCAMS

This is a scam that targets those working in an organization, specifically in the area of accounting and finance, where employees have the authorization and/or ability to move money.

In this scam an individual will impersonate a company executive and, through email, urgently ask for money to be moved into a specific account. This realistic-looking email will make it seem like this is a confidential matter and is needed to either update a supplier's information or complete a transaction.



Protecting Yourself

- Keep your antivirus software up to date and maintain strong passwords.
- Ensure that the request for money is legitimate by confirming it either over the phone or in person. Do not use the contact information provided in the email.
- Carefully review the email address of the sender to ensure that it is legitimate and conforms to the format of those used within your organization.
- Be cautious when posting information on your company website or social media. Scammers will use this available information to defraud you.
- Create a standard multi-step approval process within your organization for money transfers.

HEALTH & MEDICAL SCAMS

These “miracle cures” will commonly pop up on your social media feed or on websites you visit. These pop-ups will advertise alternative cures for serious illnesses that appear to be legitimate medicine, known as “miracle cures”.

Other health scams include weight loss programs, which may appear to be attested to by individuals who have been successful or by celebrities.

Discounted drugs offered by online pharmacies without a prescription are also a common scam. Even if you do receive the promised products, there is no guarantee they will be the real thing.

Protecting Yourself

- Remember there are no miracle cures for quick weight loss or medical conditions.
- Seek information from a healthcare professional rather than trusting what these “miracle cures” claim to do.
- Do not make a purchase under pressure.
- Any real pharmacy will require you to have a prescription. If a valid prescription is not required then it is probably not a legitimate online pharmacy.
- Be cautious when relying on endorsements of celebrities to advertise health or medical products.



ROMANCE SCAMS

On the internet it can be hard to determine whether the person you are actually speaking to is who they say they are. Scammers will appear on both legitimate and fake dating websites to gain your trust.

They will then slowly start asking you for money. They may say that they need this money to afford travel to meet you in person or for an ill-family member.

Additionally, scammers might set up fake dating websites where you are required to pay to send and receive messages.

They will entice you to write back by sending vague messages that declare their love and interest to you.



Protecting Yourself

- Do not provide financial information or send money through a dating website.
- Keep in mind that someone declaring their unconditional love to you after just a few messages is highly unlikely.
- Be cautious in the dating website you are using. Check the web address to ensure that it is a legitimate dating site. Read terms and conditions before signing up. Know which services are free, which cost money, and how to cancel your account.

BUSINESS SCAMS

These scams can target businesses of any size. They can take the shape of a company proving a bid to list your business in a directory or advertisement.

They will ask for your business address and other necessary details. Your accounting department will receive a bill from the fraudster and pay it, unknowingly not receiving or directing this service.

Other types of business scams include being told to update your safety training or supplies by an individual impersonating a representative from the federal government. This demand will be time sensitive. Or you **may be sent office supplies that you never requested and are now required to pay for them.**



In these scams the fraudsters will harass you to collect payment that you “owe” them. They may even go so far as to threaten to report you to a collection agency if you don’t pay them.

Protecting Yourself

- Review invoices before sending any payments.
- Create a list of all the companies that you frequently transact with.
- Entrust certain employees with the authority to purchase and pay vendors.
- Create policies for management of invoices, including confirmation and payment.
- Educate yourself and employees to be cautious of unsolicited calls and emails.
- Carefully inspect logos, invoices, and email addresses.

PHISHING AND SMISHING SCAMS

Phishing is in the form of an email, while smishing is through text message.

Either method requires you to either provide personal information or ensure that it is accurate by visiting a website through a provided link or sending an email.



These scammers use logos that imitate trusted organizations like banks or government agencies. Your bank is not going to email or text you asking for your account information or your PIN number.

Protecting Yourself

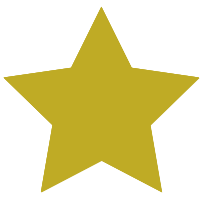
- Know that reputable organizations will not ask for your personal information through email or text.
- Review a hyperlink by placing your mouse over it. This will result in the full hyperlink appearing and will allow you to verify that it is legitimate.
- If you don't know the contact who is messaging or emailing you then ignore it. Disregard spam messages.
- Delete suspicious messages because they can carry viruses.
- Keep your anti-virus software up to date on all of your devices.
- Do not use the phone number or email address provided in suspicious messages.
- If you want to contact the organization use the contact information from their verifiable website.

TAX SCAMS

This scam occurs when an individual calls or emails you and are claiming that they work for the Canada Revenue Agency (CRA).

They may either ask for you to **provide your banking information to claim a refund or threaten you with jail time** and/or contacting the police if you do not immediately pay a certain amount that you supposedly owe.





If you are unsure if you either owe the CRA money or are expecting to receive money you can call 1-800-959-8281 or visit “My Account” on the Government of Canada’s website.

Protecting Yourself

- The CRA is never going to make you pay an amount that you owe them in gift cards or pre-paid credit cards.
- The CRA does not communicate through text messages. Any communications through email will never request you to provide financial information nor will they have financial information provided.
- The CRA will not be threatening to send the police to your residence or arrest you.
- The CRA will not use Interac e-transfer as a means of collecting payment or sending money to you.
- The CRA’s accepted payment methods are through online banking, debit card, or pre-authorized debit.

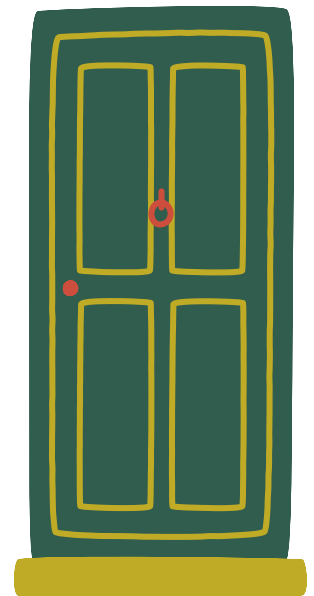
DOOR-TO-DOOR SCAMS

These are aggressive sales tactics from an individual trying to push a product or service onto you. These products can include home services, charitable donations, investments, and appliances.

With these sale tactics you may receive the product or service of a significantly lower quality than expected, if you even receive it at all.

Protecting Yourself

- **Gather information about the individual and the organization they are representing.** This can include asking for photo ID, where the charitable donations get allocated to, or a business license number (most companies require a license to sell their goods).
- If you do not trust an individual, you can prevent them from accessing your property. **You can revoke permission for someone to be on your property at any time.**
- **Don’t share financial or personal information with a salesperson that knocks at your door.**
- Do not purchase the product or service due to the pressure being placed on you. Take your time to think, research, and read any print.
- **In Alberta, most companies or individuals selling products door-to-door need to be licensed and carry a company identification card** under the Consumer Protection Act and the Direct Selling Business Licensing Regulation.
 - **They must show you the identification card if you ask.**
 - The Government of Alberta has banned the door-to-door sales of furnaces and related products and services like water heaters and energy audits.



EMERGENCY SCAMS (GRANDPARENT SCAMS)

These are scams that usually target caring individuals, such as grandparents. An individual will claim that they are the grandchild and need some serious financial help.

Some troubling scenarios that the “grandchild” may claim include not being able to return home after a trip abroad or being involved in a car accident. You will be asked questions aimed at getting you to divulge personal information.

The caller will further express embarrassment and make you swear to not tell any other family member. The caller may also identify themselves as a lawyer, family friend, police officer, or past neighbour.



Protecting Yourself

- Identify the individual that you are speaking to. You can do this through asking them personal questions that only your family member could answer correctly.
- You can ask your loved ones if they know about the individual's whereabouts.
- Confirm the story by asking the individual seeking financial help to repeat what occurred and ask questions for more clarity.
- Do not reveal any personal information to the individual calling you. Nor should you send money to the caller if you are hesitant about their identity or do not trust them.

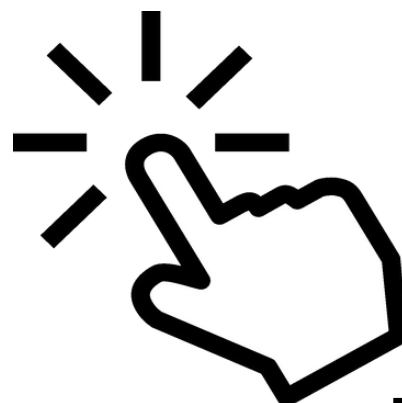
PURCHASE OF MERCHANDISE SCAMS

Scammers may set up accounts on sites such as Kijiji, Facebook Marketplace, eBay etc. The products will be advertised at low prices.



Even if you receive a product, it may not be what you expected - it may be of lower quality or an imitated product.

Scammers may also convince you to click on a provided link that will direct you what appears to be a legitimate website. You will not be able to claim any benefits or perks that the real website actually offers.



Protecting Yourself

- Purchase from companies that have good reputations or that you have had a positive past experience with.
- Keep the transaction within the website. Do not conduct business, such as exchanging money, outside of the website.
- Beware of sellers from far away or who have few reviews.
- Beware of websites with spelling mistakes.
- A credit card is a safer way to purchase products online. In many cases credit card companies offer protection against fraud and may even issue you a refund if you are defrauded.
- Before purchasing anything online make sure you read the return and refund policy.
- Remember that if the deal is too good to be true, it probably is.

SALE OF MERCHANDISE SCAMS

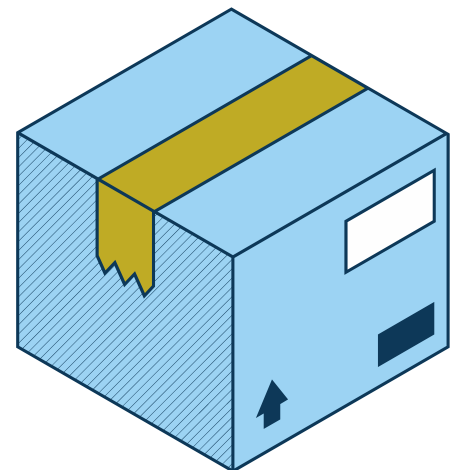
If you are a seller who uses the internet to offer goods for sale then you need to be careful that the buyer does not defraud you of the item or money.

Once you are contacted by a scammer about your goods for sale you may receive an email that notifies you of payment pending.

The email will say that the payment will only be deposited into your account after you have given the scammer a tracking number for the shipped goods.

Often times, you will provide the tracking number and later find out that the payment was never actually real when the goods have already been shipped.

There is also the ability of the scammer to pay you by fraudulent means, whether this is with an improper cheque, stolen card, or an illegitimate transfer of funds.



Protecting Yourself

- Complete the sale in a public place, where you feel safe.
- Beware of generic emails with poor spelling and grammar.
- Double check the email address of the sender.
- If the sender asks for money in order for you to receive payment from the sale, do not send this initial payment.

PYRAMID SCHEMES & MULTI-LEVEL MARKETING PLANS



MULTI-LEVEL MARKETING PLANS

Multi-Level Marketing plans (MLM) are legal in Canada. In an MLM plan, the focus is on promoting products to participants. There are at least three levels in the organization, but often times there are more.

The supply of products to participants of the MLM plan and those outside of it generates compensation for the MLM plan participants.

MLM plans share similar characteristics to pyramid schemes, which are illegal.

Examples of MLM plans include:

- Mary Kay
- Avon
- Herbalife
- Amway

MLM plans are subject to some regulations. **They cannot:**

- offer compensation for recruitment
- require purchases in order to participate (except for a start up kit sold at cost)
- require you to buy a large amount of inventory that can't be sold or used in a reasonable amount of time
- fail to offer a buy-back guarantee on reasonable commercial terms (the ability to send back and receive a refund on inventory)

PYRAMID SCHEMES

Pyramid selling is a criminal offence in Canada. Individuals are lured into these schemes by promising significant wealth to individuals and in turn, financial security.

They often do not involve the sale of products, but rather profit is generated through the recruitment of individuals.

If products are offered for sale they are usually not of high value and the incentives for selling them are small.

In a pyramid scheme, **profit is generated from interested individuals paying money to become part of it.** Often times members of the scheme will only receive significant returns once people they have recruited to join the scheme have successfully recruited individuals themselves.



Many people at the lower levels of the pyramid do not make money, while a few senior individuals can earn a significant amount.

The Competition Bureau of Canada defines a pyramid scheme as including the following:

- You are required to pay a fee to join a plan, and in turn you have the right to receive benefits when you recruit others (“head-hunting fees”).
- You are required to purchase product in order to join or participate. The price of purchasing this product exceeds the seller’s cost.
- Participants are provided with a level of inventory that is commercially unreasonable to sell and the individual responsible for the MLM plan knows this. What is considered unreasonable is based on considerations such as the type of product, sales history, and the size of the market for example.
- There is no buy-back guarantee provided. This means that the participants are unable to return products that are in reasonable condition, on reasonable terms. What is reasonable depends on factors such as the type of product, the percentage of the cost refunded, and the consequences of returning the product (like termination). Participants need to also be informed of the buy-back guarantee and how it can be used.

WHO CAN I CALL FOR MORE HELP OR INFORMATION



Canadian Anti-Fraud Centre

Ph: 1-888-495-8501 (Toll- Free)

Web:

www.antifraudcentre-centreantifraude.ca/

The Canadian Anti-Fraud centre collects data on fraud and ID theft. Contact them if you are a victim of fraud to report it or if you want more information on scams currently affecting Canadians.

Equifax Canada

Ph: 1-800-465-7166

Web: www.equifax.ca

Equifax Canada Inc. is a major credit reporting agency. They will be able to help put a warning on your file if you believe your personal information is compromised or if you are a victim of identity theft. You can request your credit record from them to review your credit history as well as report any incorrect information that it may contain.

TransUnion of Canada

Ph: 1-800-663-9980

Web: www.transunion.ca

TransUnion of Canada Inc is another major credit reporting agency. They will be able to help put a warning on your file if you believe your personal information is compromised or if you are a victim of identity theft. You can request your credit record from them to review your credit history as well as report any incorrect information that it may contain.

Competition Bureau Canada

Ph: 1-800-348-5358

Web: www.competitionbureau.gc.ca

The Competition Bureau of Canada is responsible for ensuring a competitive and innovative market in Canada for both businesses and consumers. They are a law enforcement agency that creates and enforces various acts surrounding the conduct of business in Canada. To keep update about the current scams affecting Canadians visit the website.

Canada Revenue Agency

Ph: 1-800-959-8281

Web: www.canada.ca/en/revenue-agency.html

Main Floor

9700 Jasper Avenue

Edmonton, AB T5J 4C8

The CRA is a federal agency that provides tax information, enforces tax compliance, and manages tax payment and refunds. If you are unsure whether the collection or issuance of payment regarding your taxes is legitimate you can contact the CRA to find out.

Service Canada

Various Locations in Edmonton
Downtown: Main Floor, Canada Place
9700 Jasper Avenue Edmonton, AB T5J 4C1

SIN Card Inquiry: 1-866-274-6627
Passport/Canadian Citizenship Program:
1-800-567-6868
Web: www.servicecanada.gc.ca

Service Canada is a starting point for individuals seeking to access federal government services and benefits, such as employment insurance and passports. Service Canada can also help if you suspect that someone has used your social insurance number or you have lost it.

Student Legal Services – Civil Law Project

11036-88 Ave NW
Edmonton, AB T6G 0Z2

Ph: 780-492-8244
Web: sisedmonton.com

The Civil Law Project of Student Legal Services consists of law students and who provide basic legal information on various topics in civil law, such as landlord-tenant matters, employment, and certain small claims. They can also provide information on various resources if you require more in-depth assistance. The caseworkers are also able to act as an agent in certain civil law matters, such as with Residential Tenancy disputes and wrongful dismissal. These caseworkers are able to provide free assistance on certain matters and work under the guidance of an advising lawyer. Keep in mind that the services available are subject to eligibility criteria, except for legal information and referrals.

Lawyer Referral Service

Ph: 1-800-661-1095 (Toll Free)
Web:

<https://www.lawsociety.ab.ca/public/lawyer-referral/lawyer-referral-request/>

The Lawyer Referral Service can connect you with lawyers who can help with your issue. When you call, you will speak to an operator and you will describe the nature of your problem to them. The operator will then provide you with the contact information for up to three lawyers who may be able to assist you. When contacting these referred lawyers, make sure to let them know that you were given their information by the Lawyer Referral Service. The first half hour of your conversation with a referred lawyer will be a free consultation and brief advice session. Note: It is not intended for the lawyer to provide free work.



NOTES

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