



**Legal  
Services  
Society**

Providing legal aid  
in British Columbia  
since 1979

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# **Submission to the Public Commission on Legal Aid**

**September 1, 2010**

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# Introduction

As the organization established by the provincial government to provide legal aid in BC, the Legal Services Society (LSS or the society) is uniquely positioned to contribute to the Public Commission on Legal Aid.

The society has earned an international reputation for developing innovative, cost-effective, prudently managed programs that help people resolve their legal issues and get on with their lives, often without going to court. Our work also facilitates the efficient operation of the justice system by reducing the number of unprepared or unrepresented litigants in court.

While none of the six organizations that established the commission is directly involved in providing legal aid, the fact that they have come together with the stated purpose of “seeking progressive solutions to improve the delivery of legal aid” demonstrates the legal profession’s commitment to serving the interests of the disadvantaged in British Columbia. In the society’s view, the measure of the commission’s success will be the number of British Columbians who receive more and better legal aid as a result of the commission’s report.

## Outcome-focused legal aid

Legal aid has gone through a radical transformation over the past 40 years, not just in BC, but around the world.

In 1970, when the Legal Aid Society (the predecessor of LSS) was established, the conventional wisdom was that legal aid should focus on court process. It was assumed that a person’s legal needs flowed exclusively from the immediate criminal charges or lawsuit and that those needs were best met by appointing a lawyer to represent the person in court.

Over the years, empirical research and legal needs studies have challenged that approach. Forty years later, the conventional wisdom recognizes that legal aid plays an important role in the economic and social health of the entire community and, to make its maximum contribution, must take an outcome-focused approach (also referred to as a “client-centred approach”) and concentrate on helping people find timely and lasting resolutions to their legal problems.

Legal aid now encompasses a full spectrum of services ranging from education programs and self-help information aimed at the general public, through outreach services to assist vulnerable communities, to legal advice and representation for individual clients.<sup>1</sup> Modern legal aid programs also endeavour to integrate their work with other social services agencies to

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<sup>1</sup> The commission’s original terms of reference defined “legal aid” as “legal services ordinarily provided by a lawyer.” LSS drew to the commission’s attention that this definition excluded public legal education, information and outreach. The commission subsequently changed the terms of reference to include these important facets of legal aid. See Appendix A for a copy of LSS’s letter to the commission on this subject.

address underlying issues, such as poverty, addiction, or homelessness, that have an impact on an individual's legal problems and the justice system.

The *Legal Services Society Act* (the act), which governs the provision of legal aid in BC, reflects this approach. Section 9 of the act states that one of the society's objects is "to assist individuals to resolve their legal problems and facilitate their access to justice." This client-outcome mandate is further supported in the legislation by the definition of "legal aid" as "legal and other services," and by additional provisions that authorize LSS to provide legal aid through public education and information programs.

This outcome-focused approach is at the heart of the society's vision for the future of legal aid. Treating a client's legal problems at an early stage, in collaboration with other necessary social services, will result in a better quality of life for the client as well as reduced costs for legal aid, the justice system and those related social services.

### **Structure of our submission**

Our submission is in three parts. Part 1 provides background information about LSS and the current state of legal aid in BC. Part 2 examines the client-centred approach to legal aid and discusses what is needed to build and sustain it. Part 3 contains our recommendations for what is needed to achieve our vision of British Columbia as a place where all people are able to find timely and lasting solutions to their legal issues.

Our submission also includes two appendices. The first includes references for our primary statistical information about the society and legal aid. The second provides references for the documents referred to in the submission.

# Part 1: The current state of legal aid in BC

## I. Mandate, governance, strategic planning, reporting, and management

### Mandate

Created by the *Legal Services Society Act*<sup>2</sup> in 1979, the society's mandate, as set out in s. 9, is:

- “to assist individuals to resolve their legal problems and facilitate their access to justice,
- to establish and administer an effective and efficient system for providing legal aid to individuals in British Columbia, and
- to provide advice to the Attorney General respecting legal aid and access to justice for individuals in British Columbia.”

Section 9 of the act also lists the principles that guide the society's work:

- “...to give priority to identifying and assessing the legal needs of low-income individuals in BC;”
- “...to consider the perspectives of both justice system service providers and the general public;”
- “...to coordinate legal aid with other aspects of the justice system and with community services;” and
- “...to be flexible and innovative in the manner in which it carries out its objects.”

Two other sections of the act are worth mentioning as they both have an impact on the society's work. The first is s. 11(3), which states that legal aid services must be proportional to the client's needs. The second is s. 11(4), which prohibits LSS from providing legal aid beyond what “a reasonable person of modest means would employ to resolve the problem.”

Under section 21 of the act, the society determines the range of services it will provide within the framework of a Memorandum of Understanding negotiated with the provincial government.

### Governance

LSS is an independent organization governed by a nine-member board of directors. Five of the directors are appointed by the province's Lieutenant-Governor in Council on the recommendation of the Attorney General, and four are appointed by the Law Society of BC

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<sup>2</sup> *Legal Services Society Act*.

after consultation with the BC Branch of the Canadian Bar Association.<sup>3</sup> Section 4(5) of the act states that directors should provide the board with the skills and experience in the following areas:

- “(a) business, management and financial matters of public and private sector organizations;
- (b) law and the operation of courts, tribunals and alternate dispute resolution processes;
- (c) the provision of legal aid;
- (d) the cultural and geographic diversity of British Columbia;
- (e) the social and economic circumstances associated with the special legal needs of low income individuals.”

The act states that the society is not an agent of the government or the Law Society.

Board practices are reviewed regularly to ensure they meet best practices for corporate governance and the society’s ongoing operational needs.

### **Strategic planning, reporting, and management**

The society ensures its operations meet best organizational practice standards through a rigorous strategic planning and reporting process and by ensuring we have sound management. By anyone’s analysis, LSS runs a cost-effective, efficient legal aid program.

Our annual service plans describe the society’s strategic priorities for meeting the legal needs of people with low incomes for the coming three-year period. We also prepare a report on performance at the end of each fiscal year. Both documents are prepared pursuant to guidelines established by the provincial government’s Crown Agencies Resource Office and are tabled in the Legislature.<sup>4</sup>

The society also commissions independent evaluations of its programs, which are posted on its website.<sup>5</sup>

## **II. Current funding**

The society receives approximately 90% of its revenues from the provincial government.<sup>6</sup>

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<sup>3</sup> See Appendix A for board member biographies.

<sup>4</sup> Annual Reports and Service Plans.

<sup>5</sup> Service and Program Evaluations.

<sup>6</sup> Annual Reports and Service Plans.

It also receives funding from the Law Foundation of BC and the Notary Foundation of BC, which collect interest earned on lawyer and notary trust accounts and pay a portion to LSS.

The federal government reimburses the province for legal aid costs related to immigration and federal prosecutions.

In 2009/2010, LSS had total revenues of \$76.3 million. Provincial government funding was \$69.5 million, virtually unchanged from the previous year. Law Foundation funding increased slightly to \$4.9 million while Notary Foundation funding dropped to \$347,000 from \$1.6 million a year earlier. Interest income and miscellaneous sources account for the remainder of the revenue.

Expenditures in 2009/2010 were \$79.3 million, which resulted in a planned deficit within authorized limits.

In 2010/2011, Law Foundation revenues should remain unchanged while revenues from the Notary Foundation are expected to remain at a historic low for another year. Revenues from the provincial government are expected to be \$68.5 million, due primarily to a change in the funding of large criminal cases.

In 2009, LSS had expenditures of \$82 million dollars, of which 69 percent (\$56 million) went to advice and representation by private bar lawyers. In 2001, LSS had expenditures of \$89 million of which 58 percent (\$52 million) went to advice and representation by private bar lawyers.

Many people urge the government to restore funding to the level it was at in 2001. When you factor in inflation and population growth, LSS would need an additional \$47 million to match 2001 funding.

### **III. Services for legal aid clients and the public**

Today, LSS has 33 offices around the province providing services at more than 50 locations including local agent offices, courthouses and community agencies.<sup>7</sup> At each of these locations, you can get legal information and referrals to other social service agencies, and apply for legal aid.<sup>8</sup>

The society currently offers legal representation for financially eligible people with serious family, child protection, criminal, or immigration problems, as well as information and advice services designed to help people resolve legal problems on their own.<sup>9</sup>

The society also provides the following services:

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<sup>7</sup> For more information about the services provided by local agents, see Appendix A.

<sup>8</sup> For a list of locations, see [www.legalaid.bc.ca/legal\\_aid/legalAidOffices.asp](http://www.legalaid.bc.ca/legal_aid/legalAidOffices.asp).

<sup>9</sup> See Appendix A or LSS fact sheets at [www.legalaid.bc.ca/media/factSheets.asp](http://www.legalaid.bc.ca/media/factSheets.asp).



- **Information, education and outreach:** Free public legal education and information (PLEI) through legal information outreach workers, the LSS website, the Family Law in BC website, and our publications. Our family law website alone is used 23,000 times a month. In 2009/2010, LSS distributed more than 100,000 publications and our legal information outreach workers responded to more than 5,000 information requests. LSS also trains intermediaries and advocates so they have basic legal information and are able to refer clients to appropriate resources from LSS, government, or other service providers in their communities.
- **Legal advice:** This is provided primarily through duty counsel and our Brydges Line (telephone advice for persons in custody). Last year, these lawyers provided help more than 140,000 times.
- **Representation by a lawyer in court:** In the last fiscal year, more than 26,000 clients received representation assistance.

## IV. Current challenges

The society's key challenges are largely driven by external factors such as the economy, the number of people charged with criminal offences, family break up, immigration policies, the number of children placed in government care, and the revenue available to the society.

LSS has developed robust statistical models to predict future demand for, and cost of, legal aid services, but with so many external drivers involved the task remains difficult. Moreover, in a fluctuating economy, the demand for legal aid does not follow historical patterns.

### Revisiting priorities

In 2009/2010, these external challenges obliged the society to revisit its priorities. Fluctuating demand combined with static government revenues and declining revenues from interest-based sources meant that LSS had to make very difficult choices. The society decided that the priority had to be services to clients. The result was three significant initiatives.

The first was to reduce the scope of the society's work to those areas that have secure funding. This was done to focus on protecting core services in family, criminal, child protection, and immigration law. This move significantly limited the society's groundbreaking work on integrated services as mentioned in the introduction and to be discussed further in Part 2. LSS continues to believe an integrated approach to legal aid better serves people with low incomes, the justice system, and the people of BC as a whole. However, this approach to legal aid is not sustainable given our current levels of funding.

The second initiative was to develop a new service delivery model that reduced infrastructure costs. This led to a 40 percent workforce reduction, the replacement of 5 regional centres with

7 local agent offices, the elimination of civil law services (including the LawLINE telephone advice service) and withdrawal of most services from the Nanaimo Justice Access Centre. These changes have had a significant impact on the society and its staff, but were needed to sustain and improve the broad range of information, advice, and representation services the society offers to individual British Columbians.

The third initiative was to embark upon a process to simplify the LSS tariff system by consolidating almost 100 tariff items into a smaller number of billing categories. This change provides greater cost certainty for the society, easily understood retainer parameters for clients, and a streamlined billing process for lawyers.<sup>10</sup>

While the choices made in reducing expenditures put services to clients first, it did not make the loss of important services (such as LawLINE) and the loss of dedicated and seasoned employees any more palatable.

### **Reinstating services**

As a result of these changes, LSS has redirected its funding and has reintroduced (or plans to reintroduce) some, but not all, of the services that were reduced or eliminated in early 2009. LSS also plans to provide some new services. These include:

- Extended services for clients in particularly difficult family law matters.
- New family duty counsel programs to provide legal advice between court appearances and outside the court setting.
- Services for civil issues such as foreclosure, bankruptcy, housing, and debt that are related to a family law problem.
- Funding to enhance our award-winning family law website.
- Outreach services for community engagement and training, online outreach, and development of publications.
- Funding to continue and enhance public legal education initiatives around BC and in Aboriginal communities.
- New criminal duty counsel assistance for people charged with minor criminal offences; in particular, the procedural offences that were cut in 2009.
- Reinstatement of tiered rates for criminal duty counsel.

### **Legal aid tariffs and lawyer retention**

The society does not have adequate funding to pay private bar lawyers what they deserve to be paid for the work they do. Further, many lawyers have indicated to LSS that they do not feel

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<sup>10</sup> LSS tariff guides are available at [www.legalaid.bc.ca/lawyers/tariffGuide.asp](http://www.legalaid.bc.ca/lawyers/tariffGuide.asp).

recognized for the contribution they are making.<sup>11</sup> It is very difficult to engage the legal profession in discussions about integrated services or other innovations to legal aid when the tariff does not provide adequate remuneration for legal aid work.

An additional consequence of inadequate tariffs is that fewer private bar lawyers are willing to take legal aid work. The number of lawyers accepting referrals has dropped from more than 1,700 in 1996 to fewer than 1,000 in 2009. See Appendix A for a chart showing the decline.

Since 2005, with the publication of the report, *Managing for Results*, LSS has been working to:

- establish and maintain tariffs that attract private bar lawyers who will provide quality services to meet the legal needs of LSS clients;
- establish and maintain tariffs that promote efficiency and effectiveness within the legal aid system and the larger justice system; and
- establish methods and criteria for regular evaluation of the tariffs as an integral part of LSS administration to ensure that the legal aid system is sustainable and responsive to changing needs.<sup>12</sup>

The most effective way to demonstrate recognition of the value of lawyer services and to stem lawyer attrition is to increase the tariff to adequate levels.

### Additional challenges

Two other critical challenges must also be mentioned as they both have a significant impact on the delivery of legal aid in BC.

The first is serving the needs of Aboriginal communities throughout the province. In many regions, Aboriginal people represent more than 25 percent of legal aid clients. In 2007, LSS commissioned a report, *Building Bridges*, to assist us in improving legal services for Aboriginal peoples.<sup>13</sup> LSS is now implementing the report's recommendations.

The second challenge is large criminal cases. The society's large case management program has received significant praise across Canada. The *Report of the Review of Large and Complex Criminal Case Procedures*, written by the Honourable Patrick LeSage, QC, and the Honourable Mr. Justice Michael Code for the Ontario government, recommended that Ontario adopt several of LSS's procedures and policies to address the problems associated with the ever-increasing cost and complexity of large criminal cases.<sup>14</sup> But a small number of cases — the so-called "guns-and-gangs" cases — cost significantly more than what "a reasonable person of

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<sup>11</sup> See the Lawyer Satisfaction Surveys at [www.legalaid.bc.ca/about/evaluations.asp](http://www.legalaid.bc.ca/about/evaluations.asp).

<sup>12</sup> Legal Services Society, *Managing for Results*.

<sup>13</sup> Legal Services Society, *Building Bridges*.

<sup>14</sup> Ontario Ministry of the Attorney General, *Report of the Review of Large and Complex Criminal Cases*.

modest means” would have available to pay a lawyer and, therefore, come within the prohibition in s. 11(4) of the act. LSS is working collaboratively with the Ministry of Attorney General to develop an appropriate funding model for these cases.

The society is working to address both of these important challenges.

## Part 2: Client-centred legal aid

### V. The evolution of legal aid — from court to client

In the early days of legal aid, a principled and strong adversarial process was seen as the best way to facilitate access to justice (particularly in the criminal context). This court-centred approach focused on the legal process, and legal aid programs assumed a client's needs could be met by appointing a lawyer to represent the client throughout that process.

The result was that the client's legal problem was treated in isolation, disconnected from the disadvantages and disabilities that often affect the specific legal issue. The legal process became more important than helping clients resolve their legal problems.

Several decades later, legal aid programs have moved beyond this court-centred approach to a client-centred approach that focuses on helping clients resolve their problems in a way that will stand the test of time and allow them to get on with their lives.

Today, as the Canadian Bar Association notes in its June 2010 report, *Moving Forward on Legal Aid*, "most Canadian legal aid organizations provide a spectrum of services on a continuum from providing legal information to advice, assistance and representation."<sup>15</sup>

Public education programs, self-help information, and engagement with community advocates are now as fundamental to legal aid as representation by a lawyer.<sup>16</sup> Legal advice and representation have been and will remain the backbone of any legal aid program, but it is now recognized that they are not the sole method of assisting clients.

More importantly, however, legal aid programs no longer look at a client's legal problem in isolation and are now beginning to work closely with other social service agencies to address underlying issues, such as poverty, homelessness, or addiction, that have an impact on a client's legal problems and on the justice system. Vancouver's Community Court is but one example of this approach. Another is LSS's partnership with the Sheway drop-in centre in Vancouver's downtown eastside and the Fir Square Combined Care Unit at BC Women's Hospital. These

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<sup>15</sup> The Canadian Bar Association, *Moving Forward on Legal Aid*, 77.

<sup>16</sup> For a discussion of LSS's experience with public legal education up to 2007, see Legal Services Society, *PLE Review*. For a discussion of public legal education in the UK, see Public Legal Education and Support Task Force, *Developing Capable Citizens: The Role of Public Legal Education*.

programs provide services for pregnant women, and women with infants who face alcohol and drug dependency issues.<sup>17</sup>

This shift from court-centred legal aid to client-centred legal aid is a fundamental one and it is important to understand its evolution.

### Empirical research leads to change

From the 1970s through to the 1990s, legal needs empirical research began to examine legal problems from the point of view of the people who experience them. *Moving Forward on Legal Aid* provides an excellent summary of that research.<sup>18</sup> For example, the 1994 *Consortium on Legal Needs* research<sup>19</sup> in the United States and the 1997 *Paths to Justice* research<sup>20</sup> in the United Kingdom focused attention on a broad framework for understanding how people experience a legal problem, and looked at unmet legal needs. In Canada, research findings have been consistent with those in the US and the UK; see for example the various studies carried out by Dr. Ab Currie of the Department of Justice.<sup>21</sup>

Key findings of the legal needs research include the following:

- People may not recognize that the problems they experience have a legal aspect or a potential legal solution.
- People may experience a variety of barriers in accessing assistance to resolve their legal problem. These barriers typically include lack of money, not knowing what to do, and not having a strong sense of self-efficacy.
- The formal justice system may not be the most appropriate or effective way to resolve their problem.

The research has also provided evidence about the needs of people seeking legal advice; in particular, that:

- people who are vulnerable, marginalized, or socially excluded tend to experience more problems;
- a high proportion of people suffer multiple problems;
- legal problems often appear in clusters;

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<sup>17</sup> See Appendix A for more information about these programs and for a citation for a newspaper report about a hospital-based legal aid partnership in Texas.

<sup>18</sup> Canadian Bar Association, *Moving Forward on Legal Aid*, 37–53.

<sup>19</sup> ABA Consortium on Legal Services and the Public, *Report of the Legal Needs of the Low-Income Public, Findings of the Comprehensive Legal Needs Study and Report of the Legal Needs of the Moderate-Income Public, Findings of the Comprehensive Legal Needs Study*.

<sup>20</sup> Genn, *Paths to Justice: What People Do and Think About Going to Law*.

<sup>21</sup> Currie, “Legal Problems of Everyday Life.”

- a cascade effect often occurs; i.e., one problem will have the effect of triggering others;
- such problems — particularly if unresolved — can have serious impacts on lives; for example, family breakdown, unemployment or loss of income, ill-health, and disability; and,
- need exists as a continuum, rather than as an “either/or” concept.

In 2010, Professor Dame Hazel Genn, the author of *Paths to Justice*, summed up the research as follows:

“The broad findings of *Paths to Justice* and those that followed around the world were that everyday legal problems are ubiquitous and that the most common strategy adopted by the public is to try to settle their disputes themselves. Moreover, the types of civil justice problems most commonly experienced by the public seem to be similar all around the world: consumer disputes, debt problems, problems with landlords, problems with neighbours, employment problems and problems with benefits.... The studies tell us that when faced with legal problems what people want is to have an end to the dispute and to get on with their lives.”<sup>22</sup>

All of these findings have led legal aid funders and administrators to the conclusion that legal aid can be more efficient and effective, and can make better use of scarce fiscal resources, by focusing on outcomes for clients and not just court process.

### **What is outcome-focused legal aid?**

In any legal dispute, the ideal outcome is a speedy resolution that stands the test of time so the parties can get on with their lives. Legal aid clients are no different, but achieving the ideal outcome for them often involves helping them address the non-legal issues that have an impact on their legal problems.

An outcome-focused response goes beyond the traditional definition of legal aid as “advice from a lawyer and representation by a lawyer.” Instead, it looks at providing escalating forms of assistance as required for the resolution of the problem.

An appropriate service response to the problem could include:

- public legal education, information, and outreach services;
- referral to other justice services and to relevant social and healthcare services;
- legal advice to assist with self-help, mediation, and other forms of out-of-court dispute resolution; and

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<sup>22</sup> Genn, *Judging Civil Justice*, 72.

- legal representation.

Legal aid in BC and in comparable jurisdictions (in the United States, United Kingdom, and the province of Ontario, for example) now frame legal aid services in terms of a continuum of service, and seek to provide integrated, client-centred services that are focused on lasting outcomes.

An outcome-focused approach deals with a client's legal issues in a way that takes into account related, non-legal issues — such as poverty, homelessness, or addiction — that have an impact on the legal problem. For example, in a criminal context, it takes into account a number of client characteristics in order to achieve a resolution that has stronger preventative or reparative aspects for that particular individual.

Compare this with the traditional court-centred approach, where the focus is on the legal process. In a court-centred approach, the assumption is that the client's legal needs in a criminal matter flow almost exclusively from the arrest, the offence, and the court process, and that legal aid can meet the client's needs by providing advice or representation.

These two approaches are not, however, mutually exclusive.

In a criminal legal aid matter, for example, a client-centred approach recognizes that the core business of legal aid is advice and representation, and that fairness in the court's process remains a dominant concern. But it also acknowledges the need for vertical integration (identifying client needs throughout the criminal justice process), horizontal integration (addressing the client's non-criminal legal problems), and external integration (working with social service providers to address the client's non-legal issues).

Rather than assuming a person's legal aid needs flow exclusively from the charges and the court process, the client-centred approach recognizes that better outcomes can be achieved by complementing the lawyer's services with other services that address the root cause of the criminal activity.

Client-centred advocacy is seen as facilitating a more effective and efficient criminal justice system because, with more information about clients' lives and circumstances, and with more client engagement, defence counsel are better able to present appropriate options to prosecutors or judges, often at an early stage of the process.<sup>23</sup>

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<sup>23</sup> See Currie, *The Unmet Need for Criminal Legal Aid*.



This approach extends equally to civil law. A 2008 study by LSS found that 80 percent of British Columbians reported experiencing a civil law problem that was serious and difficult to resolve in the previous three years.<sup>24</sup>

In real life, the survey results might look like this: A family gets into debt (the number two problem identified in the survey). This could lead to family discord (number five on the list) and the spouses separate. The stress of the separation leaves one of the spouses an emotional wreck (60 percent said legal problems triggered emotional health problems) and unable to work. Without work, he or she is forced to seek social assistance. Debt troubles continue, and costs to the justice, healthcare, and social services systems mount up.

Obviously, this all-too-common downward spiral (and its burden on the social safety net) could have been averted through a client-centred approach that provided early legal advice and debt counselling.

### **Integration with other social services**

In a fully client-centred approach, the focus is on integrating legal aid services with other social services to contribute to long-term resolutions that benefit clients and communities. This approach promotes a shift toward preventing disputes or resolving them quickly.

Examples of how this might work include lawyers or outreach workers providing advice or information at native friendship centres, women's agencies, welfare offices, or hospitals. Or it might involve lawyers and information workers coordinating their services with healthcare providers, housing advocates, or addiction counsellors.

Legal advice and representation are of pre-eminent importance in ensuring both fairness in, and proper functioning of, the justice system, and many BC lawyers provide exemplary service to the poor and disadvantaged through the legal aid program. But imagine what could be achieved if legal aid worked in concert with all the various social service providers to address all facets of a person's problems — including legal problems — at an early stage before those problems festered and became even more costly. We would have a much greater chance of achieving that ideal outcome — a speedy resolution that stands the test of time so the parties can get on with their lives.

## **VI. Building and sustaining client-centred legal aid**

Client-centred legal aid is only possible if two factors are present. The first is a commitment to collaboration on the part of government ministries, professionals, and organizations that provide services to the poor and disadvantaged. In BC, we are already seeing examples of this

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<sup>24</sup> Legal Services Society. *Legal Problems Faced in Everyday Lives of British Columbians*.

collaboration in the Vancouver Community Court and the Justice Access Centres. Another example was the collaboration in 2003 between LSS, the Ministry of Children and Family Development, and the Ministry of Attorney General to promote mediation in child protection proceedings.

The second factor is that an integrated approach to client service *must* include poverty law services.

“Poverty law” refers to the civil law problems experienced by low-income people. These typically include problems with welfare, housing, disability benefits, and pension incomes. They also include problems in the areas of consumer, money/debt, employment, wills/probate, and personal injury.

In previous years, the society received funding to provide poverty law services. LSS delivered these services through a four-pronged approach aimed at addressing the continuum of need. Our services focused on (a) providing education and information materials, (b) advice from paralegals, (c) building capacity through outreach programs to community groups, and (d) providing representation by a lawyer where necessary.

The research is unequivocal about the need for poverty law services.<sup>25</sup> Individuals with low incomes and groups who have distinct legal needs (Aboriginal people, single parents, visible minorities, people with disabilities, and the unemployed) are more likely than others in the population to be dealing with multiple legal problems; more likely to face associated health, housing, literacy, and other barriers; and are more vulnerable to a “downward spiral” if their problems are unresolved. Particularly when combined with life events such as family breakup and the onset of physical or mental illness, poverty law problems result in a cascade of other legal and life problems.

The research has also consistently suggested that addressing these complex problems demands a coordinated response from a range of service providers, especially as the resolution to many civil problems lies outside the arena of litigation.

A full-spectrum, integrated, client-focused approach that includes poverty law services is entirely consistent with BC’s justice reform initiatives in both the family and civil areas.

In order to move forward, however, it is necessary to allocate funds so that LSS can provide these services. It is also necessary to ensure that the integrated approaches to justice, health and social services that are currently being developed by various agencies and ministries have the necessary support to succeed. The anticipated outcomes of these initiatives include

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<sup>25</sup> In the Canadian context, see *Legal Problems Faced in Everyday Lives of British Columbians* and Currie, “Legal Problems of Everyday Life.”

stronger and healthier communities and systemic savings to the justice system and to social services.

In short, building and sustaining a client-centred legal aid model ultimately requires (a) funding that enables LSS to provide integrated services; and (b) an inter-ministerial approach to funding support.

## Part 3: LSS recommendations for the future of legal aid

### 1. The need for sustainable and adequate funding

Within its current services, LSS continues to focus on delivering maximum benefit to clients with available funding. However, the society does not have adequate funding to provide the services it believes are necessary to serve legal aid clients fully. Nor does LSS have adequate funding to compensate lawyers properly for the work they do. Funding must be sufficient so that tariffs can be maintained at a level that will attract private lawyers and promote efficiency and effectiveness in the justice system.

Funding must also be sustainable and based on multi-year budgets, but should be flexible enough to accommodate exigent circumstances such as the recent arrival of nearly 500 Tamil refugees. Funding must also recognize that demand often increases when the economy declines.

*LSS recommends that the commission highlight the need for adequate and sustainable funding for legal aid.*

### 2. Foster a fully outcome-focused approach

While LSS has of necessity adopted a set of narrower service goals in the current economic climate, it remains committed to a fully client-centred approach. Such an approach necessarily includes assistance with the full range of legal problems that threaten an individual's liberty, employment, or access to healthcare and basic benefits, or otherwise affect an individual's ability to support him- or herself and family. This scope of services (commonly referred to as poverty law services) is needed if BC is to gain the full benefit of publicly funded legal services.

*LSS recommends that the commission highlight the need to provide fully client-centred legal aid services to people with low incomes in BC, including assistance with a full range of legal problems.*

### 3. Collaborate for integrated service delivery

Integrated service delivery will require breaking down silos between government ministries and agencies, additional funding, and innovative approaches to funding across ministries and agencies.

*LSS recommends that the commission call upon the provincial government to continue to pursue the development of integrated justice, health and social services by ensuring there is a coordinated budgeting process and communications network that provides sufficient resources in all ministries to support these innovations.*

#### **4. Support a telephone and Internet-based legal information and advice system**

One of the most efficient and effective means of providing basic legal information to the public is through telephone and Internet-based services. LSS formerly operated a telephone information and advice service, LawLINE, but was forced to terminate the service due to the lack of ongoing funding. Telephone and Internet information services work best when linked with trained intermediaries who can assist users and develop links to hard-to-reach communities (e.g., Aboriginal communities). These programs are often used to assist in the delivery of poverty law services. They are also a cost-effective way of helping people who do not qualify for legal aid but who cannot afford a lawyer resolve their legal problems.

*LSS recommends that the commission highlight the need for telephone and internet-based legal information and advice services.*

#### **5. Support and enhance lawyer capacity to provide services**

The justice system is becoming increasingly complex and lawyers must have an increasingly broad skill-set to fulfill their obligations. Many of these skills are not traditional lawyer skills; for example, project management skills for complex litigation, information technology skills for electronic disclosure, or social services skills for assisting marginalized clients. LSS is ideally situated to help lawyers develop these skills should funding become available.

*LSS recommends that the commission highlight the role the society can play in enhancing lawyer capacity to provide legal aid services should funding become available.*

#### **6. Support and enhance the provision of public legal education and information and outreach services**

For people to make use of public legal education and information (PLEI), it needs to be accessible to them where and when they need it. While LSS has long been a leader in the provision of PLEI, more needs to be done to reach the target audiences. LSS requires greater capacity to keep pace with current information technologies and to build and sustain its network of diverse community links. In particular, it needs to be able to reach communities that face specific barriers in accessing the justice system, such as Aboriginal and immigrant communities. PLEI services are also critical to the delivery of poverty law services.

*LSS recommends that the commission highlight the ongoing need for PLEI and outreach that keeps pace with changing technologies and reaches effectively into diverse communities.*

#### **7. Collaborate to address the impact of large cases**

The impact of large criminal cases is an issue of concern to legal aid plans across Canada. As noted earlier, LSS's large case management program has received significant praise across

Canada, particularly in Ontario where the LeSage-Code report recommended the adoption of several of the society's procedures and policies to address the problems associated with the ever-increasing cost and complexity of large criminal cases.

In terms of responding to the need to ensure a fair trial while at the same time controlling costs, LSS has been a leader in predicting costs and preparation needs for lengthy cases, and in providing case management services. An integrated response involving Crown, police, legal aid, the judiciary, and the Law Society is, however, needed to address the problems posed by large criminal cases.

*LSS recommends that the commission call upon key provincial and federal justice system stakeholders to collaborate with LSS to jointly develop a strategy to address ways in which the court system and apparatus can be better structured to ensure system solutions to large case costs.*

## **8. Build a legal aid culture**

Traditionally, the legal profession has recognized the central importance of legal aid not only to low-income individuals but also to society as a whole. Many lawyers have done legal aid work out of a desire to “give back” by assisting the most vulnerable members of society who cannot resolve their legal problems without help, and many have attested to the great professional satisfaction that comes from providing such assistance.

In past decades it has been a tradition for talented young lawyers to “cut their teeth” on legal aid and for senior lawyers to take part in legal aid work out of an ongoing sense of social justice and also in order to show leadership in their firms.

However, there are now proportionally fewer lawyers providing legal aid service in BC than there were ten years ago.

There is an urgent need to promote and support legal aid work within law schools and within firms. Steps need to be taken to facilitate the capacity of lawyers to provide legal aid without putting their careers on hold or in jeopardy.

*LSS recommends that the commission call upon the legal profession (in particular, the members of the commission's steering committee), government, and justice system partners to work together to explore mechanisms to develop and support legal aid lawyers, including the renewal of the relationship between legal aid and members of the private bar.*

## 9. Foster ongoing research into legal aid services and outcomes

BC is fortunate in having an extensive background in legal aid and justice system research. The Law Foundation, in particular, has been a significant player in funding research into the legal needs of people with low incomes.

More work needs to be done, particularly in the area of assessing client outcomes. How can we best measure and demonstrate the success of legal aid services? What cost benefits result from intervention at different points in the legal aid continuum?

There are many additional areas for investigation into (a) what legal services should be provided as a matter of law, (b) what services are desirable on social justice and other policy grounds, and (c) what services, if not provided, end up costing citizens and taxpayers more.

*LSS recommends that the commission call upon the legal profession, government, justice system partners, and community stakeholders to work together with the society to develop mechanisms that foster research into legal aid policy development and service delivery.*

## 10. Support and sustain justice reform initiatives

The future of legal aid will be realized only within the context of widespread access to justice and other justice reform initiatives ongoing within BC.

Broader reform initiatives directly impact legal aid clients. To name just one example, given that approximately 75 percent of criminal legal aid cases are resolved without trial, the court system and apparatus need to be restructured in a way that facilitates early resolution.

Justice reform initiatives must also recognize their impact on legal aid. A simple procedural change that adds one additional court appearance to each criminal case can increase legal aid costs by as much as \$1 million.

*LSS recommends that the commission call upon the legal profession, government, justice system partners, and community stakeholders to work together to develop mechanisms that support and sustain ongoing justice system reform.*

## Appendix A — Statistics and additional information

1. LSS fact sheets ([www.lss.bc.ca/media/factSheets.asp](http://www.lss.bc.ca/media/factSheets.asp))
  - Snapshot of services
  - Case management
  - Child protection services
  - Choice of lawyer
  - Criminal law services
  - Family law services
  - Financial eligibility
  - Immigration law services
  - Mandate, funding, and governance
  - Mental health law services
  - Services and coverage
2. Medical-legal projects
  - “Medical joins with legal to aid clients.” *The Brownsville Herald*, 2010-07-22.
  - Legal Advice for Mothers at Sheway and Fir Square.
3. Chart
  - Lawyers accepting legal aid cases
4. Commission terms of reference
  - LSS correspondence July 9, 2010
5. Local agent services
  - Schedule to local agent contracts
6. Board member biographies





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## Legal aid facts

### Snapshot of services 2009 - 2010

#### Information services

<b>LawLINE information/referral requests:</b> Phone service for financially eligible people that provides information on a variety of legal issues	Client calls: 3,195
<b>Publications:</b> Legal information, self-help manuals, and legal aid awareness materials produced by the Society	Publications distributed: 109,104
<b>LIOWs:</b> Legal information outreach worker information requests	Questions answered: 5,197
<b>LSS website:</b> Features publications on various aspects of the law, as well as information about LSS and legal aid services	Visits/month: 23,069
<b>Family Law in BC website:</b> Helps people to understand and use the law to resolve their family law problems	Visits/month: 20,259

#### Advice Services

<b>Criminal duty counsel:</b> Provide accused persons with advice about the charges against them, court procedures, and legal rights	Client visits: 86,811
<b>Immigration duty counsel:</b> Duty counsel for people in detention at the Canada Border Services Agency's enforcement centre in Vancouver	Client visits: 1,460
<b>Family duty counsel and advice lawyers:</b> Advise on family law matters and child protection issues	Client visits: 30,039
<b>Brydges line:</b> Province-wide, toll-free telephone advice service for persons who have been arrested, detained, or are under active investigation by a law enforcement agency	Client calls: 29,584
<b>LawLINE advice:</b> Phone service for financially eligible people that provides advice on a variety of legal issues	Client calls: 4,836



## Snapshot of services 2009 - 2010

### Representation by a lawyer

<b>Criminal:</b> Financially eligible clients charged with all but the least serious offences and if convicted, face a risk of jail, loss of livelihood, or immigration complications	Client referrals: 19,113
<b>Family:</b> Financially eligible clients facing situations where their safety or the safety of their children is at risk, they have been denied access to their children, or there is a risk that a child will be permanently removed from the province	Client referrals: 4,059
<b>CFCSA:</b> Financially eligible clients whose children have been, or are at risk of being, removed from the client's home by the Ministry of Children and Family Development, or clients who are facing legal proceedings initiated by the director of the MCFD, or if there are custody or access issues relating to a child in the care of the MCFD.	Client referrals: 2,211
<b>Immigration:</b> Clients whose cases have a reasonable chance of success and who need help with a refugee claim, have an immigration problem that could lead to their removal from Canada or are appealing an immigration decision	Client referrals: 1,237

### Typical case costs

In the 2009 – 2010 fiscal year, there were 902 lawyers in BC who took legal aid cases, 50% of whom billed LSS for less than \$35,000.

Type of case	# of cases	Avg. cost
<b>Criminal:</b> Category II (e.g., drugs possession, summary assault)	8,751	\$391
<b>Criminal:</b> Category III (e.g., drugs trafficking, break and enter)	9,265	\$688
<b>Criminal:</b> Category IV Non-SCAP (e.g., aggravated sexual assault, murder)	491	\$3,672
<b>Criminal:</b> Strategic Case Assessment Program (more than ten days in court)	92	\$9,640
<b>Family:</b> Serious family situations (e.g., wife requires restraining order, interim custody order)	4,088	\$1,669
<b>CFCSA:</b> Legal problem under the <i>Child, Family, Community Services Act</i> (e.g., child apprehended by the Ministry of Children and Families)	2,210	\$1,077
<b>Immigration</b> (e.g., representation at a Refugee Protection Division hearing)	1,021	\$884



## Services and coverage

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### Legal aid is information, advice and representation

Information is available to anyone through publications, websites, self-help centres and outreach workers. Topics include family, criminal, immigration and civil law matters. Advice is available to [financially eligible](#) people through family, criminal and immigration duty counsel, telephone services and advice lawyers. Representation by a lawyer is available for [financially eligible](#) people with serious family, child protection, criminal or immigration problems.

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### Information services

**Publications:** LSS staff produce legal information and self-help materials in a number of languages to help clients identify, avoid and resolve common legal problems. Topics include: Aboriginal law; children; criminal; consumer and debt; family law; housing; immigration and refugee law; pensions; and welfare rights. A complete list is available at [legalaids.bc.ca/publications](http://legalaids.bc.ca/publications).

**Family law website:** Includes self-help guides, informational videos and fact sheets on a variety of family law topics including custody, access, guardianship, child and spousal support and uncontested divorces. The site also includes direct links to court forms, legal information publications and other helpful organizations. See [familylaw.lss.bc.ca](http://familylaw.lss.bc.ca).

**LSS website:** Includes information about the Legal Services Society, how to apply for a legal aid lawyer, information and advice services, online publications office locations and more. See [lss.bc.ca](http://lss.bc.ca).

**Clicklaw:** LSS is a contributor organization for Clicklaw, a website designed to give the general public access to all of the public information resources available through participating legal organizations. See [clicklaw.bc.ca](http://clicklaw.bc.ca).

**Supreme Court Self-Help Centre:** LSS works in partnership with government agencies and community organizations to provide legal information through the Supreme Court Self-Help Information Centre in Vancouver. See [supremecourtselfhelp.bc.ca](http://supremecourtselfhelp.bc.ca).

**Advocate and education support:** LSS provides community advocates and intermediaries with legal education and advocacy training to help them assist their clients.

**Legal Information Outreach Workers:** LIOWs help low-income people find legal information and understand court forms. They also provide referrals to other resources and give presentations at Aboriginal, women's, immigration, social service, and other community agencies.

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### Advice services

**Duty counsel:** LSS contracts with private lawyers to provide legal advice (but not representation) at courthouses around BC.



## Services and coverage

- Family duty counsel advise on family law matters and child protection issues. They can also assist clients at family case conferences and judicial case conferences.
- Criminal duty counsel provide accused persons with advice about the charges against them, court procedures and legal rights. Duty counsel can also represent people at a guilty plea and sentencing, or on an application for release.
- Immigration duty counsel at the Canada Border Services' Vancouver enforcement centre provide legal advice to people who are being held in custody as a result of immigration proceedings. Duty counsel represent clients at initial detention hearings and may represent them at subsequent hearings if there has been a change in circumstances that could result in release.

Clients must meet a [financial eligibility test](#) for family duty counsel services. There is no financial eligibility test for criminal or immigration duty counsel advice.

**Family law advice lawyers:** Low-income parents experiencing separation or divorce may be eligible for up to three hours of free legal advice from a family advice lawyer. These lawyers can provide advice about: custody; access; guardianship; child support; property (limited advice); tentative settlement agreements; and court procedures. This service is available in family justice counsellors' offices in Kelowna and Vancouver, at the Justice Access Centre in Nanaimo, and in Port Alberni. You must be referred to a family advice lawyer by a family justice counsellor or a child support officer.

### **Criminal law telephone advice services:**

- LSS maintains a province-wide, toll-free telephone advice service for persons who have been arrested, detained or are under active investigation by a law enforcement agency. This service is available 24 hours a day, seven days a week.
- LSS also maintains a province-wide, toll-free telephone advice service for persons in custody awaiting a bail hearing outside normal office hours, on weekends or on statutory holidays.

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## **Representation by a lawyer**

**Family:** Representation by a lawyer is available to financially eligible clients who are facing serious family situations where their safety or the safety of their children is at risk; they have been denied access to their children on an ongoing basis; or there is a risk that a child will be permanently removed from the province. For more information, see the [Family law services fact sheet](#).

**Child protection:** LSS provides legal representation to financially eligible clients who have a legal problem under the *Child, Family and Community Service Act* and the children have been removed or are at risk of being removed from the home by the Ministry of Children and Family Development, the client is facing legal proceedings initiated by the Director, or there are custody and access issues



## Services and coverage

relating to a child in the care of the Ministry. For more information, see the [Child protection services fact sheet](#).

**Criminal:** Legal representation is available to financially eligible adults who are charged with all but the least serious offences and if convicted, face a risk of jail (including house arrest), loss of livelihood, or immigration complications that could result in deportation. Legal representation is also provided to financially eligible applicants who have a mental or physical disability that prevents them from representing themselves or are Aboriginal, have a defense based on Aboriginal rights, and their ability to follow a traditional livelihood of hunting and fishing could be affected if convicted. Youth charged with federal offences are also eligible for representation. For more information, see the [Criminal law services fact sheet](#).

**Immigration:** LSS provides legal representation for financially eligible clients with cases that have a reasonable chance to succeed and who need help with a refugee claim, have an immigration problem that could lead to their removal from Canada to a country where they would be at risk or are appealing an immigration decision. For more information, see the [Immigration law services fact sheet](#).

**Mental health:** LSS contracts the Community Legal Assistance Society to provide representation services at Mental Health Review Panels hearings for people who have been involuntarily detained in a mental health facility under the *Mental Health Act*. CLAS and private lawyers also provide representation at BC Review Board hearings under the *Criminal Code* for people found to be not criminally responsible for a crime or unfit to stand trial by reason of a mental disorder. For more information, see the [Mental health law services fact sheet](#).

**Appeals:** Applicants who are financially eligible *may* receive legal representation if they are responding to appeals initiated by another party (such as a Crown appeal from an acquittal) and the case is one the society normally would cover. Otherwise, LSS funds only those appeals that fall under the society's regular coverage criteria and have a reasonable chance of success.

**Prison law:** Legal representation may be provided for prisoners facing internal disciplinary hearings, involuntary transfers to higher security, detention hearings at the point of statutory release, segregation, and parole suspension or revocation.



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## Legal aid facts

### Mental health law services

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#### ***Mental Health Act* review panels**

People involuntarily detained in a health care facility under the *Mental Health Act* have a right to have their detention reconsidered by a Mental Health Review Panel.

LSS maintains a contract with an outside agency to provide assistance for these hearings throughout the province. LSS does not issue referrals for BC Review Panel hearings.

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#### **BC Review Board hearings**

Review Board hearings are held pursuant to the Criminal Code to review the detention of persons found by the courts to be not criminally responsible for an offence by reason of a mental disorder, or unfit to stand trial.

These people have the right to counsel at the hearings, as review boards make decisions about their liberty. The Legal Services Society provides legal representation to financially eligible persons at these hearings.

These services are provided through the Community Legal Assistance Society in the Lower Mainland and by private lawyers elsewhere in the province.



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## Legal aid facts

# Mandate, funding, and governance

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### Mandate

The Legal Services Society (LSS) provides legal aid in British Columbia. Created by the Legal Services Society Act in 1979, LSS is a non-profit organization that remains independent of government. Our priority is to serve the interests of people with low incomes.

Under section 9 of the LSS Act, the society's mandate is: to help people resolve their legal problems and to facilitate access to justice; to establish and administer an effective and efficient system for providing legal aid to people in BC; and to provide advice to the Attorney General about legal aid and access to justice for people in BC.

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### Vision and mission

Our vision is a British Columbia where all people are able to find timely and lasting solutions to their legal issues.

Our mission is to provide innovative and collaborative legal aid services that enable people with low incomes to effectively address their issues within the justice system.

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### Funding

The society receives approximately 90% of its revenues from the provincial government. It also receives funding from the Law Foundation of BC and the Notary Foundation of BC, which collect interest earned on lawyer and notary trust accounts and pay a portion to LSS. The federal government reimburses the province for legal aid costs related to immigration and federal prosecutions.

In 2009/2010, LSS had revenues of \$76.3 million, including \$66.9 million from the provincial government, \$3.6 million from the Law Foundation, and \$347,000 from the Notary Foundation.

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### Governance

The society is governed by a nine-member board of directors. Five are appointed by the Lieutenant-Governor in Council on the recommendation of the Attorney General, and four are appointed by the Law Society of BC after consultation with the executive of the BC Branch of the Canadian Bar Association.

LSS is committed to strong corporate governance practices that enable public accountability and transparency. The society adheres to the governance principles established by the Board Resourcing and Development Office (BRDO) and is in full compliance with BRDO guidelines. To maintain excellence in board governance, LSS reviews its governance framework regularly to ensure it meets the society's ongoing business needs while being consistent with recognized best practices.



## Immigration law services

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### Immigration law information services

**Publications:** LSS staff produce legal information and self-help materials in a number of languages to help clients identify, avoid, and resolve common legal problems. Topics include immigration and refugee law. A complete list is available at [legalaids.bc.ca/publications](http://legalaids.bc.ca/publications).

**Legal Information Outreach Workers:** LIOWs help low-income people find legal information and understand court forms. They also provide referrals to other resources and give presentations at Aboriginal, women's, immigration, social service, and other community agencies.

There is no financial eligibility test for legal information services.

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### Immigration law advice services

**Duty counsel:** Immigration duty counsel at the Canada Border Services Vancouver enforcement centre provide legal advice to people who are being held in custody as a result of immigration proceedings. Duty counsel represent clients at initial detention hearings and may represent them at subsequent hearings if there has been a change in circumstances that could result in release.

There is no financial eligibility test for immigration duty counsel.

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### Representation by a lawyer

LSS provides legal representation for [financially eligible](#) clients with cases that have a reasonable chance to succeed, and who:

- need help with a refugee claim;
- have an immigration problem that could lead to their removal from Canada to a country where they would be at risk (e.g., Pre-removal Risk Assessment and Humanitarian and Compassionate applications); or
- are appealing an immigration decision.





## Financial eligibility

### Financial eligibility for legal representation

To be eligible for legal representation, the case must fall within LSS's coverage rules and the applicant must meet LSS's financial eligibility rules. Verification of income, personal property, assets, and expenses is required. The onus is on the applicant to satisfy LSS eligibility requirements.

Household Size	Net Household Monthly Income	Personal Property Exemption
1	\$1,420	\$2,000
2	\$1,980	\$4,000
3	\$2,540	\$4,500
4	\$3,100	\$5,000
5	\$3,660	\$5,500
6	\$4,230	\$6,000
7 or more	\$4,800	\$6,000

**Household income:** Usually includes all money or benefits earned or received by adult family members who are living together. A limited number of income sources are not included such as the BC family bonus and child tax benefits. A limited number of deductions are also made including daycare expenses, required medication, and child or spousal maintenance payments.

**Personal property:** Includes but is not limited to: accounts receivable; antiques; bank accounts; cash; collections (coins, stamps); household furnishings; insurance policies; jewellery; livestock; other personal property; pending settlements; recreational equipment; recreational boat; stocks/bonds/investments; and works of art.

**Assets:** Applicants whose income is below the guidelines may own some assets and still be eligible for legal representation. However, if their share of equity in assets is above the asset guidelines, they are ineligible for legal representation regardless of their net monthly income.

- Generally the family home is *not* exempt if the applicant's available equity in it exceeds \$100,000. Exceptions include when a lending institution denies the applicant a loan against the property and, in family cases, when the applicant and opposing party lived in the family home.
- Applicants are ineligible if their total share of disposable real property (other than the family home) exceeds \$10,000.
- Applicants are ineligible if their total share of equity in vehicles exceeds \$15,000. Exceptions include a moderately priced vehicle for employment, or a vehicle needed for personal use in a remote area, or a vehicle modified to accommodate a disability.
- Applicants are ineligible if they have any available equity in business assets unless the assets are required to generate the person's income, the applicant cannot borrow against them, or the assets cannot be sold within a reasonable time for fair market value.



## Financial eligibility

- Applicants are ineligible if their total equity in personal property or savings exceeds the limits based on household size. RESPs and children's savings are exempt.
- Residential school settlement payments (except for monies paid as an income replacement) are exempt from LSS's asset test for legal representation services.

**Reassessments:** Clients may be reassessed to determine if they are still financially eligible for legal representation. Reassessments may occur if a client's financial circumstances change, the client changes lawyers, or the client receives money or assets as a result of the case. If the client is no longer financially eligible, his or her referral is terminated and the client must make private arrangements with his or her lawyer.

### Financial eligibility for legal advice

LSS uses a separate financial eligibility test for LawLINE advice services and most family duty counsel and family advice lawyer services.

Financial Eligibility Guidelines for Legal Advice	
Household size	Net household annual/monthly income
1 - 3	\$37,200/\$3,100
4	\$37,200/\$3,100
5	\$44,000/\$3,665
6	\$51,000/\$4,250
7 or more	\$57,600/\$4,800

There is no asset test for advice services.

### Services with no financial eligibility requirements

There are no financial eligibility requirements for:

- Legal information
- Criminal duty counsel
- Immigration duty counsel
- Criminal telephone advice services.



## Family law services

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### Information services

**Family law website:** Self-help guides, informational videos, and fact sheets on a variety of family law topics including custody, access, guardianship, child and spousal support, and uncontested divorces. The site also includes direct links to court forms, legal information publications, and other helpful organizations. See [familylaw.lss.bc.ca](http://familylaw.lss.bc.ca).

**Publications:** LSS staff produce legal information and self-help materials in a number of languages to help clients identify, avoid, and resolve common legal problems. Topics include family law. A complete list is available at [legalaids.bc.ca/publications](http://legalaids.bc.ca/publications).

**Legal Information Outreach Workers:** LIOWs help low-income people find legal information and understand court forms. They also provide referrals to other resources and give presentations at Aboriginal, women's, immigration, social service, and other community agencies.

There is no financial eligibility test for legal information services.

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### Advice services

**Family duty counsel:** Family duty counsel are lawyers who can help low-income people deal with family law and child protection problems. Located in most courthouses, they can:

- give legal advice about custody, access, guardianship, child support, property (limited), tentative settlement agreements, and court procedures;
- speak for clients in court on simple matters such as adjournments, consent and emergency restraining orders, and uncontested custody, access, and support hearings;
- attend family case conferences and judicial case conferences with clients; and
- help clients draft documents, review documents to be filed in court, and negotiate and settle issues.

Duty counsel do not provide representation at trial.

Family duty counsel are available in most Provincial Courts and in the busiest Supreme Courts. There is a [financial eligibility test](#) for most family duty counsel services.

**Family law advice lawyers:** Low-income parents experiencing separation or divorce may be eligible for up to three hours of free legal advice from a family advice lawyer. These lawyers can provide advice about: custody, access, guardianship, child support, property (limited advice), tentative settlement agreements, and court procedures.



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### Family law services

Family law advice lawyers are available at the [Vancouver Justice Access Centre](#), the [Nanaimo Justice Access Centre](#), the Family Justice Centre in Kelowna, the New Westminster Family Justice Counsel office, and at courthouses in Kamloops, Prince George, Surrey, and Victoria. Services are available by referral from a [family justice counsellor](#) or a child support officer.

There is a [financial eligibility test](#) for most family law advice services.

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#### Representation by a lawyer

Representation by a lawyer is available to [financially eligible](#) clients who are facing serious family situations where:

- the client's safety or the safety of her or his children is at risk;
- the client has been denied access to her or his children on an ongoing basis; or
- there is a risk that a child will be permanently removed from the province.

These services are available for matters under the *Family Relations Act* or the *Divorce Act*, and in both the Provincial Court and the Supreme Court.

Generally, only one referral for serious family situations services will be issued. There must be a change in the client's circumstances to be eligible for another emergency services referral.



## Criminal law services

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### Information services

**Publications:** LSS staff produce legal information and self-help materials in a number of languages to help clients identify, avoid, and resolve common legal problems. Topics include criminal law. A complete list is available at [legalaids.bc.ca/publications](http://legalaids.bc.ca/publications).

**Legal Information Outreach Workers:** LIOWs help low-income people find legal information and understand court forms. They also provide referrals to other resources and give presentations at Aboriginal, women's, immigration, social service, and other community agencies.

There is no financial eligibility test for legal information services.

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### Advice services

**Duty counsel:** LSS contracts with private lawyers to provide legal advice to accused persons at Provincial Courts throughout the province. Duty counsel provide advice about the charges a person is facing, court procedures, and legal rights. Duty counsel may also represent people at bail hearings or on a guilty plea.

**Telephone advice services:**

- LSS maintains a province-wide, toll-free telephone advice service for persons who have been arrested, detained, or are under active investigation by a law enforcement agency. This service is available 24 hours a day, seven days a week.
- LSS also maintains a province-wide, toll-free telephone advice service for persons in custody awaiting a bail hearing outside normal office hours, on weekends or on statutory holidays.

There is no financial eligibility test for these services.

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### Representation by a lawyer

Legal representation is available to [financially eligible](#) adults who:

- are charged with all but the least serious offences and, if convicted, face a risk of jail (including house arrest), a direct loss of livelihood, or immigration complications that could result in deportation;
- have a mental or physical disability that prevents them from representing themselves; or
- are Aboriginal, have a defence based on Aboriginal rights, and their ability to follow a traditional livelihood of hunting and fishing could be affected if convicted.



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## Legal aid facts

### Criminal law services

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#### Youth representation

The federal *Youth Criminal Justice Act* provides for the appointment of counsel for anyone under 18 years of age who is charged with a federal offence, regardless of whether they qualify for a legal aid lawyer. However, LSS financial and coverage criteria apply to young offenders charged with provincial offences, such as motor vehicle offences.

Permanent or temporary wards of the Ministry for Children and Families are not eligible for a legal aid lawyer. The Ministry will provide lawyers for these young persons.



## Choice of lawyer

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### Clients' choice of lawyer

LSS normally refers clients to the lawyer of their choice if the lawyer practices within 80 kilometres of the court in which the matter will be heard, and is willing to take the case.

In criminal cases, clients may choose a lawyer from outside the community where the case will be heard if: the sentence will be life imprisonment on conviction; the client faces dangerous offender proceedings; the trial is to be conducted in French; or no local counsel is available.

In family cases, counsel is appointed from the community where the case is being heard. If no local counsel is available, a lawyer from a different community may be appointed.

In all other situations, clients may be referred to a lawyer of their choice from outside the community where the case will be heard only if that lawyer agrees to waive travel fees and expenses.

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### Assistance with choosing a lawyer

Clients who do not request a specific lawyer are referred to the next available lawyer from the LSS roster. If a client wants a lawyer meeting specific criteria (e.g., a lawyer who speaks a specific language or an Aboriginal lawyer), LSS will endeavour to find lawyers who match that criteria and provide the client with a choice.

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### Change of lawyer

Client- or lawyer-initiated changes of counsel are allowed during the first 90 days of a referral unless the obvious intent is to delay the trial.

Requests to change counsel after 90 days must be based on valid reasons (e.g., the client has legitimate concerns about the quality of service or the client/lawyer relationship has broken down).

Before approving a change of counsel, LSS consults with the client and the current lawyer to determine whether the request is reasonable and whether assigning a new lawyer is likely to help resolve the client's legal issues.

A client's eligibility for legal aid is reassessed when he or she requests a change of lawyer.



## Child protection services

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### Child protection information services

**Family law website:** Self-help guides, informational videos, and fact sheets on a variety of family law topics including child protection and removal issues. The site also includes direct links to court forms, legal information publications, and other helpful organizations. See [familylaw.lss.bc.ca](http://familylaw.lss.bc.ca).

**Publications:** LSS staff produce legal information and self-help materials in a number of languages to help clients identify, avoid, and resolve common legal problems. Topics include child protection and removal issues. A complete list is available at [legalaid.bc.ca/publications](http://legalaid.bc.ca/publications).

**Legal Information Outreach Workers:** LIOWs help low-income people find legal information and understand court forms. They also provide referrals to other resources and give presentations at Aboriginal, women's, immigration, social service, and other community agencies.

There is no financial eligibility test for legal information services.

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### Child protection advice services

**Duty counsel:** Family duty counsel services are available in most Provincial Courts and a number of Supreme Courts across BC. They provide legal advice and assistance to unrepresented clients with family law and child protection problems, and can speak for clients in court on simple matters and uncontested matters. There is a [financial eligibility test](#) for most family duty counsel services.

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### Representation by a lawyer

LSS provides legal representation to [financially eligible](#) clients who have a legal problem under the *Child, Family and Community Service Act* in these circumstances:

- The client's children have been, or are at risk of being, removed from the client's home by the Ministry of Children and Family Development.
- The client is facing legal proceedings initiated by the director of the Ministry of Children and Family Development.
- There are custody or access issues relating to a child in the care of the Ministry of Children and Family Development.

Lawyers who receive referrals to represent clients in CFCSA matters may:

- negotiate on a client's behalf;
- appear as counsel at court hearings, conferences and trials; or
- participate in mediations.





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Providing legal aid and legal education for British Columbia

## Legal aid facts

### Child protection services

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#### Independent legal advice/representation for children

Under an agreement with the Ministry of Children and Family Development, LSS has created a province-wide roster of lawyers who can provide independent legal advice to children over 12 when their consent is required for a court-ordered plan of care.

The CFCSA requires independent representation for children who are made a “party to the proceedings.” The child’s social worker arranges for appointment of counsel through the Ministry of Attorney General.



## Case management

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### Strategic Case Assessment Program (SCAP)

SCAP helps the society develop budgets and predict costs and preparation needs for lengthy cases.

Under SCAP, counsel in all criminal cases anticipated to take longer than 20 half-days of court time, regardless of projected fees and disbursements, must provide LSS with an outline of evidence, issues, and the time required for preparation. The outline is then reviewed by case review lawyers and a budget is set proportionate to the needs of the case.

SCAP benefits:

- encourages earlier assessment and preparation; and
- better cost projections and case management.

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### Large case management

Cases identified through SCAP with projected fees and disbursements over \$50,000 are subject to additional management by LSS.

Counsel must prepare a trial plan that allocates hours to specific areas of the case and sets periodic reviews to ensure the budget remains current.

Cases with projected fees over \$100,000 must be billed monthly.

Benefits of large case management:

- ensures the budget is applied to the specific items it has been allocated to;
- ensures work is carried out by most appropriate person (e.g., research work can be budgeted for a researcher rather than lead counsel);
- allows budgeting flexibility if trial strategy changes;
- continued cost predictability as trial circumstances change; and
- ensures timely billing.



## Medical joins with legal to aid clients

By JAZMINE ULLOA, The Brownsville Herald

2010-07-22 21:58:56



Maria Castilleja's heart sunk, she says, when housing authorities threatened to oust her out from her apartment because she forgot to report a \$5 increment in food stamp benefits.

Castilleja, 58, had been living at Paseo de Plaza apartments on Paredes Line for at least three years under Section 8, a federal housing program that provides assistance to low-income renters and homeowners. The eviction notice came in the mail for her in May — nearly a year after her food stamp benefits increased by a few dollars, as they do every year, she said.

"The letter said I had failed to report an increase in benefits, and that we had 30 days to get out. It was only a few dollars. I had completely forgotten to report it," said Castilleja, who took in her three grandchildren after her daughter died of cancer seven years ago. "I was desperate, we had nowhere to go. ... I cried a lot."

The family would have moved out had a neighbor not taken Castilleja to the Brownsville Community Health Center — not just to treat her anxiety but to provide her with legal help through the hospital's Medical-legal Partnership.

For years, the traditional health-care system and the legal system have treated low-income, underserved populations in isolation, despite the strong connection between social stressors and health, partnership members said. But the health center's medical-legal partnership, which was founded in Brownsville in 2008, allows doctors and attorneys to work together to help patients like Castilleja.

"(It takes) a holistic approach to help vulnerable populations, providing health and legal aid services so that legal issues are not an impediment to treatment," said David Hall, executive director for Texas RioGrande Legal Aid, the agency that joined with the city's health center for the program.

The partnership has been a "resounding success" thus far, said Hall, who has been in touch with organizations looking to imitate the health-legal services model in Hidalgo and Bexar counties.

Indeed, raising awareness of the program is not a problem, but resources are, he said. In the Brownsville area alone, there is only one attorney for every 25,000 potential clients, he said.

Medical professionals say they too have seen the importance of the program through the high number of clients in just the last two years, said Paula Gomez, executive director for the Brownsville Community Health Center. The program's mission also has helped medical professionals look into other issues that might be hurting the patient aside from the illness, she said.

"When patients come in, they tell you they hurt some place, but they don't always tell you the real story behind their hurt," Gomez said. A child with a stomachache, for instance, might not just be hurting from an infection, she explained. He or she might be over-hearing their parents speak about financial problems at home.

"I think (the partnership) offers one more avenue that helps the family solve some of their problems and do

better physically and emotionally,” she said.

Castilleja said she has been more than helped, she has been “blessed.” Attorneys from Texas RioGrande Legal Aid helped her sign a settlement with housing authorities to get her benefits back.

“I am a very timid person. I would just have accepted what was happening to me,” she said. The attorneys “helped me out so much, and I am thankful.”

julloa@brownsvilleherald.com

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## **Legal advice for mothers at Sheway and Fir Square**

The Legal Services Society has partnered with two organizations that provide assistance for pregnant women and women with infants who face alcohol and drug dependency issues.

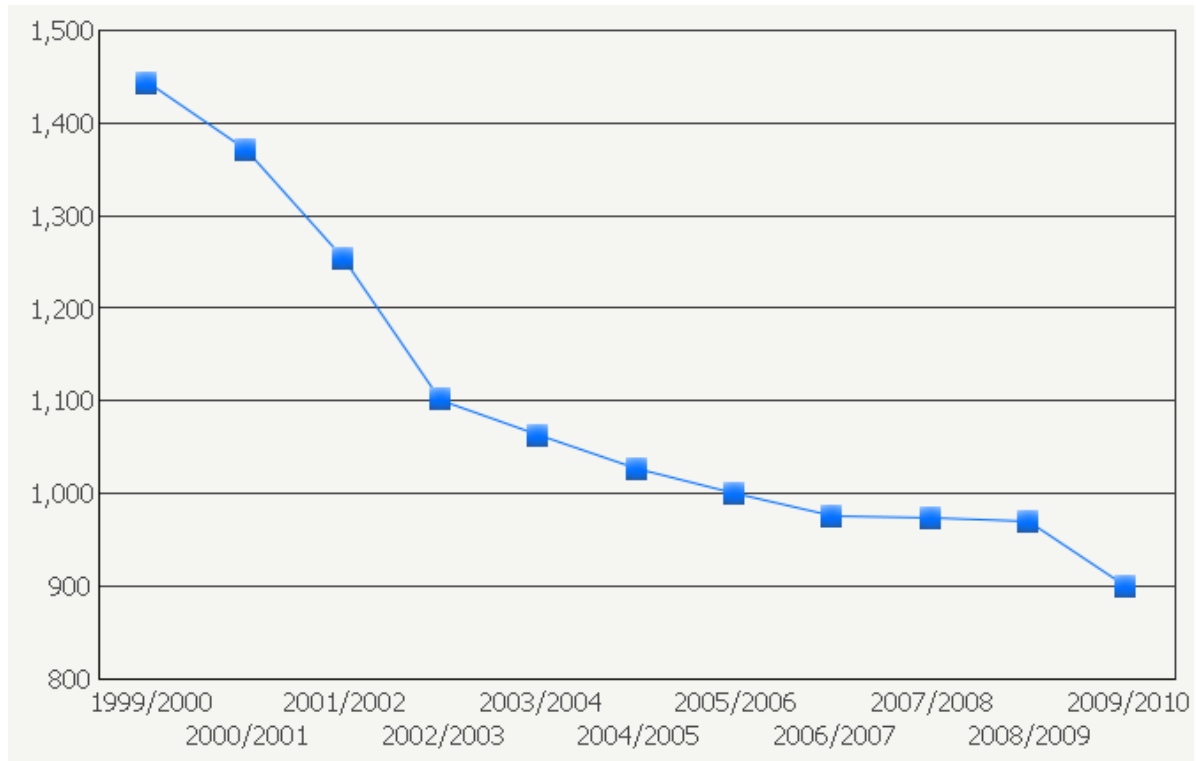
Women at the Sheway drop-in centre in Vancouver's downtown eastside and at the Fir Square Combined Care Unit at BC Women's Hospital often experience legal problems, including the risk that their children will be taken into government care.

Sheway, where many of the women are aboriginal, provides access to drug and alcohol counselors, community health nurses, nutritionists, a First Nations support worker, a pediatrician, an occupational therapist, and a speech/language pathologist. Other services include a hot food program; advocacy for medical care, housing, and social benefits; and baby care and more.

Fir Square provides care for substance-using mothers and substance-exposed infants. The program helps women and their babies stabilize and withdraw from substances, and keeps mothers and babies together wherever possible by providing ante-partum and post-partum care between hospital and community. Fir Square's goals include reducing risky behaviours, improving outcomes for mothers and babies and increasing the percentage of mothers who can safely retain custody of their infants. The unit is staffed by a multidisciplinary team of doctors, social workers, life skills/parenting counselors, and addictions counselors.

The clients of Sheway and Fir Square are members of a vulnerable, at-risk group that may not otherwise seek legal advice at a government office or courthouse. The Legal Services Society has contracted the services of an Aboriginal lawyer to provide advice at the clinics. The advice clinics are held every Tuesday and the lawyer splits her day between Sheway and Fir Square. The lawyer works closely with Legal Services Society intake staff to ensure a facilitated application process for those who qualify for legal representation.

## Lawyers accepting legal aid cases





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**Executive Office**

July 9, 2010

Stephen McPhee  
Chair of the Steering Committee – Public Commission on Legal Aid and  
Vice President, BC Branch, Canadian Bar Association  
10<sup>th</sup> Floor – 845 Cambie Street  
Vancouver, BC V6B 5T3

Dear Stephen,

I write regarding the definition of “legal aid” in the terms of reference for the Public Commission on Legal Aid.

The wording of the definition focuses on only one aspect of legal aid to the exclusion of many others and puts at risk the commission’s ability to make a meaningful contribution to legal aid in BC.

As you know, the Legal Services Society does not have a seat on the steering committee to ensure the commission remains independent. Nor does the society have the resources to make a financial contribution to the commission. For this reason, we did not have input into drafting the terms of reference.

The terms of reference define “Legal aid” as:

[L]egal services ordinarily provided by a lawyer which are provided to individuals who cannot afford them and which are paid for through public funds and/or funding mechanisms and entities other than the recipient of the legal services.

While services provided by lawyers are important and necessary, they are not the only component of a legal aid program. As the Canadian Bar Association notes in its June 2010 report *Moving Forward on Legal Aid*, “most Canadian legal aid organizations provide a spectrum of services on a continuum from providing legal information to advice, assistance and representation.”

By focusing on a single point on that continuum, it will be difficult for the commission to meet its stated mandate “to engage the British Columbia public on legal aid in British Columbia and to determine what the priorities of British Columbians are in regards to legal aid.”

Legal representation and advice cannot be looked at in isolation. If the commission wants to make a meaningful contribution to the legal aid debate, it must look at the entire continuum because all aspects of legal aid are interrelated. This includes the broad range of public legal education and information services that are a fundamental part of legal aid programs today, eligibility and coverage policies, the intake process, and the integration of legal aid with social services.

Legal aid has come a long way from the court-centred approach that was dominant when programs were first developed more than 40 years ago and which is inherent in the definition the commission proposes. Over the past four decades, legal aid plans around the world (*Moving Forward* acknowledges the Legal Services Society as a leader in this area) have moved to a client-centred approach that uses education and information programs, and partnerships with social service



providers to better serve the public. Vancouver's Community Court is but one example of the integrated, client-centred approach.

This shift in legal aid policy is recognized by the *Legal Services Society Act* which defines "legal aid" as "legal and other services." The legislation also specifically states that the society "may provide legal aid ... by providing public legal education and information." To give you an idea of how important our education and information services are the society distributed more than 100,000 publications in the last fiscal year and our Legal Information Outreach Workers responded to more than 5,000 information requests.

The restricted definition in the terms of reference also contradicts the Canadian Bar Association's official position on legal aid contained in the association's *Charter of Public Legal Services*. This is surprising given that the Public Commission on Legal Aid began as a CBA initiative. The *Moving Forward* report notes that the *Charter of Public Legal Services* "remains the core of the CBA's substantive legal aid policy today." Section 7 of that document states:

It is also essential that public legal education and advice is available for all members of society in order for them to know, respect and exercise their legal responsibilities and rights, to prevent legal problems, and to help themselves to resolve legal problems without or with limited need for lawyers and courts.

Of greater concern, however, is that by focusing solely on services ordinarily provided by lawyers you run the risk of being perceived by the public and by government as a commission that is by lawyers and for lawyers rather than a public commission acting in the public interest.

As I said in my April 23, 2010 speech to the Law Society's Benchers (at which you were present), legal advice and representation are the backbone of any legal aid program and will always be. I also made it clear that more money is needed to support legal aid lawyers. But the focus of legal aid, and the focus of the commission, must be on helping clients. To do this, and to make meaningful recommendations, the commission must look at the full continuum of legal aid services, from education and information to advice and representation, and not just at one part in isolation.

Yours sincerely,

D. Mayland McKimm, QC  
Chair – LSS Board of Directors





### **LOCAL AGENT SERVICES**

1. Advertise to members of the community within the Services Area the nature and availability of the Services;
2. Receive applications for Legal Aid from any person who wants to make one, and provide toll free phone service within the local calling areas of the Location for Services;
3. Complete or ensure completion of the necessary LSS application documents;
4. Assess financial eligibility and coverage of legal issues, according to LSS Intake Policies and Procedures;
5. Approve Legal Aid for eligible applicants and advise rejected applicants of the appeal process;
6. Refer applicants to individuals, agencies or other sources, including other LSS services such as LawLINE, LawLINK, LSS and other applicable web sites and PLEI material, that may assist them to resolve their problems;
7. Where there is a tariff for the legal problem, refer approved applicants to lawyers who have an LSS Vendor Number on an equitable basis;
8. Enter intake information into CMS in an accurate and timely manner and as directed by LSS;
9. Issue referral forms to referral lawyers;
10. Complete all other LSS forms as required under the Policies;
11. Accept and, where stated in LSS policy, investigate client and third party complaints;
12. Appoint all duty counsel within the Location as directed;
13. Respond in a timely manner to applications for change of counsel, retroactive service requests, inquiries from administrative staff at the Vancouver Regional Centre, and any other requests related to the administration of applications and cases referred;



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14. Provide two hours of pro bono legal services each month. Pro bono services include, without limitation, summary advice, assistance or representation in the areas of family, criminal, and poverty law, public legal education and law-related community development;
15. Participate in LSS-sponsored conferences as Local Agent to outline services and local circumstances;
16. Perform such other functions reasonably related to the above.

## **Legal Services Society board member biographies**

### **D. Mayland McKimm, QC**

Chair, LSS Board of Directors

Chair, Executive Committee

D. Mayland McKimm has practised family and criminal law in most areas of British Columbia from his offices in Victoria since he was called to the BC Bar in 1984. Now a partner at McKimm & Wishart in Victoria, he was appointed Queen's Counsel in 2001. Mayland has litigated family and criminal cases at every level of Court in BC, as well as in the Provincial and Superior Court of Ontario and the Supreme Court of Canada. He has also been active in the Canadian Bar Association, BC Branch (CBABC), for almost 20 years, most recently as its president (1999 to 2000).

Over the years, he has contributed his time and expertise to LSS, including as a member of the Criminal Tariff Committee (1992 to 1994) and as the CBABC's representative on the society's Policy and Planning Committee (1996 to 1999). He has been a guest lecturer at annual Crown counsel conferences (1999 and 2000), a guest instructor on defending child sexual abuse family cases for the Continuing Legal Education Society, and a guest lecturer on criminal procedure and lawyer counselling for the Professional Legal Training Course. His previous board experience includes sitting on the board of directors of Glenlyon Norfolk School in Victoria (1995 to 1996) and of the Union Club of British Columbia (2000 to 2003).

### **Deanna Ludowicz**

Vice-chair, LSS Board of Directors

Member, Executive Committee

Deanna Ludowicz has spent her legal career serving the legal needs of people in smaller communities in British Columbia. She began her professional career as an articled student in Hazelton and has been a sole practitioner in Grand Forks since 1996, first with Ludowicz Law Office and now at Ludowicz Mellett Law Corporation, both general practices. From 1994–2002, she worked with the Legal Services Society as a family law lawyer and then as an Area Director. Deanna is actively involved with organizations in her community and sits on the Provincial Council of the Canadian Bar Association, BC Branch. She is an instructor at Selkirk College on law courses. Her anthropology background has provided her the opportunity to travel throughout BC on archaeological projects, including work with the Gitksan.

**Sheryl N. Lee, CA**

Chair, Finance Committee

Sheryl Lee is chief financial officer and corporate secretary for 2010 Legacies Now Society and Legacies in Action Society. In that position, Sheryl is responsible for the financial stewardship of a large not-for-profit organization focused on strengthening physical activity, sport and recreation, arts, literacy, accessibility, and volunteerism in communities throughout BC. She is a key liaison with the board of directors and was responsible for the development and implementation of a committee structure.

Sheryl is a chartered accountant with over 20 years experience in public accounting, private industry, and the not-for-profit sector. She has a strong history of volunteering, including 14 years as a director on the Greater Vancouver Food Bank Society and was appointed as a Lifetime Honorary Director in 2003. She is currently on a three-year term as treasurer and chair of the Finance Committee. She is a member of the Alpha Gamma Delta Women's Fraternity and was the finance advisor on the Executive Council. She is a director of the YWCA, from June 2009 to the present, and is a member of the Finance Committee. Sheryl is a member of the Institute of Chartered Accountants of BC (ICABC) and is a past member of the Board of Examiners and past chair of the Audit Examination Sub-Committee. Other volunteer activities have included special fundraising events for Canuck Place and the Canuck Foundation.

She brings to the LSS board a substantial background in board managerial, analytical, organizational, and administrative skills, as well as extensive experience in accounting, budgeting, financial analysis and reporting, and board management.

**Tom Christensen**

Chair, Stakeholder Engagement Committee

Member, Executive Committee

Tom Christensen, from Vernon, has a broad range of experience as a lawyer, including appearances for family law and child protection clients funded by the Legal Services Society and acting for the federal Crown. He was a Member of the Legislative Assembly for Okanagan–Vernon from 2001 to 2009, and in that time served as the Minister of Education, the Minister of Aboriginal Relations and Reconciliation, and as the Minister of Children and Family Development. Tom has a strong history of community involvement serving on numerous local boards. He is currently a director with the Junction Literacy Centre in Vernon and a director of the Southern Interior Development Initiative Trust.

He brings to the board extensive experience both in public policy development and in working with leaders from First Nations and government to resolve problems collaboratively.

**Barbara Brink, CM, OBC**

Member, Executive Committee

Member, Finance Committee

Barbara Brink is vice-president of Applied Strategies Ltd, a management-consulting firm.

Barbara has extensive board and business experience. She was a driving force behind the creation of British Columbia's Science World, and served as chair of the Board of Governors and as chief executive officer. She is the immediate past chair of the University of British Columbia and Vancouver General Hospital Foundation. Other recent community work includes serving on a number of boards, including the Provincial Capital Commission, the Salvation Army of Greater Vancouver Advisory Board, Junior Achievement of BC, and the West Vancouver Community Centre. She was a founder and chair of Leadership Vancouver and was the first Canadian to serve on the Community Leadership Association's board of directors. She has also served as vice-chair of the Laurier Institution.

Barbara is a member of the Order of Canada and the Order of British Columbia, and is a recipient of the Golden Jubilee Medal and the YWCA Women of Distinction award. She holds her Bachelor of Arts in Political Science and English from the University of British Columbia.

Barbara brings a substantial background in board governance and organizational leadership to the LSS board.

**David Crossin, QC**

Member, Stakeholder Engagement Committee

One of BC's most prominent trial lawyers, Vancouver's David Crossin, QC, has a broad range of litigation experience in all levels of court. Named one of Canada's best criminal defence lawyers by the Financial Post in 2006, he has also represented a diverse clientele in the field of commercial litigation. He regularly represents police officers in disciplinary matters. He has also been counsel for a number of legal aid or pro bono cases. He often instructs on a variety of legal issues for the Continuing Legal Education Society. He previously sat on the LSS board from 1995 to 1998, and in 2001 received one of the six inaugural LSS tariff recognition awards.

**Todd Ormiston**

Member, Stakeholder Engagement Committee

A Tutchone/Tlingit, Todd Ormiston is an instructor in the First Nations Community Studies program at Camosun College and in the Social Work department of the University of Victoria. He has more than 15 years of experience working with young people in conflict with the law, and has been a consultant to government agencies on youth and Aboriginal issues. A frequent speaker, Todd has also coordinated/ facilitated conferences around the world. Todd holds a Bachelor's degree in Social Work, a Master's degree in Public Administration from the University of Victoria, and is currently working on his Doctorate at UBC.

**Darrell Wickstrom**

Member, Finance Committee

Darrell J. Wickstrom is a partner in the Vancouver office of Fasken Martineau and specializes in personal tax and estate planning, with a particular emphasis on Canada–US matters. He is also an adjunct professor of law at the University of British Columbia. Professionally, he is a Fellow of the American College of Trust and Estate Counsel. He holds his Bachelor of Arts (Honours) from Simon Fraser University, his Bachelor of Laws from the University of British Columbia, and his Master of Laws in Taxation from the University of Washington. His community involvement includes Junior Achievement BC.

Darrell brings a sound understanding of the justice system and different approaches to dispute resolution to the board's work.

**Marion Wright**

Member, Stakeholder Engagement Committee

Lead board member on governance

Marion Wright is a former elected chief councillor and councillor of the Kwakiutl Indian Band in Port Hardy. She and her team were instrumental in developing an open, transparent land and resource model as the standard for economic development with businesses in Kwakiutl traditional areas. Her record as chief councillor was one of collaboration and partnerships with neighbouring communities and the private sector. She recently served as the chair of the Vancouver Island Aboriginal Transition Authority, a Crown corporation dedicated to protecting at-risk children by helping participating communities design and develop their own child and family service system framework. She has instructed courses for North Island College, University of Victoria, George Manual Institute, University of Regina, and the Native Education

Centre. She holds both her Bachelor of Education and her Master of Education Administration from the University of British Columbia. She is also a published children's author.

Marion brings to the board a keen appreciation of how the justice system affects the everyday lives of people in Aboriginal communities.

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