



Legal
Services
Society

Improving lives by making justice work

Speaking Notes

**Tom Christensen, Former Chair, The Legal Services Society
and
Suzette Narbonne, Chair, The Legal Services Society
Speech to the Law Society of BC Benchers, September 25, 2015**

TOM CHRISTENSEN

INTRODUCTION

Thank you for allowing me and Suzette to take a few minutes of your time this morning.

We want to take this opportunity to let you know about some of the projects the Legal Services Society is working on that are showing considerable promise for helping people resolve their legal problems faster and for saving money in the justice system.

We also want to talk about what you, the Benchers, and the Law Society can do to help our respective organizations achieve our common goal of a better justice system that works for all British Columbians.

But first, an explanation of why you're getting two speakers today.

The Law Society appointed me to the LSS board in 2009 and I was elected chair of the board of directors in 2013.

I have now completed six years on the board which is the maximum allowed by statute.

Speaking Notes

You appointed Suzette to the board in 2011 and she became the society's acting chair when I stepped down. Barring unforeseen circumstances, she will be elected chair at LSS's board meeting in October.

We thought that this transition on the board of directors was the ideal time to speak to you which is why you are getting a tag-team speech today.

LSS'S STRATEGY

During my time on the board, the Legal Services Society's strategic plan has focused on justice innovations that help people find early, stable and fair solutions to their legal problems.

The reason for this approach is twofold.

First, it's what people want. LSS's research shows that people don't want to spend months waiting for a court date then spend several days and a lot of money in a trial.

They want to resolve their legal problem as quickly as possible and get on with their lives. Yes, some cases need to be litigated; but they are the exception and not the rule.

The second reason is that this approach allows LSS to serve more clients at less cost which, in turn, ensures we have the necessary money to pay for those cases that need to be litigated.

If you doubt this, approach take a look at the various service evaluations on the LSS website that show tremendous client satisfaction with various front-end services such as duty counsel or our family law telephone advice service.

Speaking Notes

JUSTICE TRANSFORMATION PROJECTS

As most of you will know, this was the approach we recommended to Attorney General Shirley Bond in 2012 when she asked LSS for advice on ways in which legal aid could be used to help clients resolve their legal problems faster and with less cost to the justice system.

Shirley Bond and her successor Suzanne Anton saw the benefits of our recommendations and in the 2014/15 budget gave the Legal Services Society \$2 million a year until 2017 for five pilot projects to test our ideas.

And I would like to thank both Attorney Generals along with Ministry staff for their support.

The five pilot projects are described on pages 10 and 11 of the Legal Aid Today briefing deck that was distributed to you and were described by the Attorney General in the most recent edition of *The Advocate*. Here's a quick overview.

- An expanded version of family duty counsel at the Victoria Justice Access Centre that helps self-represented litigants prepare for court.
- Expanded version of our province-wide family law telephone advice line that assists clients to prepare court documents and helps them prepare for court.
- A joint project with Mediate BC that provides mediation services to people with family law problems.
- The Parents Legal Centre at the Robson Square courthouse that offers an innovative way to deal with child protection cases.

Speaking Notes

- And an expanded criminal duty counsel project at the Port Coquitlam courthouse.

The pilot projects were rolled out between September 2014 and April 2015.

As I mentioned, the funding for them expires in 2017. LSS has retained a well-known, independent research firm to evaluate each of the pilots and we will be submitting business cases in 2016 for continued funding for the projects that show the most promise.

The last two that I mentioned – the Parents Legal Centre and criminal duty counsel – appear to be having a significant impact already. Suzette will tell you more about that in a moment.

Day-to-day at LSS

But first I want to remind you about the day-to-day work the Legal Services Society's staff do when they're not leading the charge on justice system change.

In a typical year, they provide lawyers for 26,000 people with serious criminal, family, child protection and immigration problems.

They produce dozens of legal publications and organize training workshops for legal advocates.

They schedule duty counsel at courthouses around the province and run criminal and family law telephone advice services.

They maintain a family law self-help website that gets more than a million visitors a year.

Speaking Notes

And they process more than 138,000 lawyer invoices in a year with an average turnaround time of about 8 days.

My six years on the LSS board has not been without challenges. But it has been rewarding. The society has a strong, cohesive board whose members are committed to justice reforms that make a meaningful impact on the lives of those less fortunate. The same is true of LSS's CEO, Mark Benton, and his staff who are all just as committed to changes that will make a difference in people's lives.

I want to thank the Law Society for appointing me to the LSS board and I pass the baton to Suzette.

SUZETTE NARBONNE

INTRODUCTION

Thanks Tom.

It's great to be back.

For those of you who don't know me, I was the Bencher for Prince Rupert County from 2009 to 2011 when I relocated to the Sunshine Coast. And I'm glad to see that Prince Rupert County remains in good hands with Sarah.

I served as a Bencher because I believe in public service. I also believe in helping those who are less fortunate. So when the Law Society asked if I would consider an appointment to the Legal Services Society board of directors, I immediately said "Yes."

Being a board member, and now chair, of LSS is a weighty obligation.

Speaking Notes

I am one of 9 people overseeing an organization with an \$80 million budget.

That is a significant obligation on its own, but even more significant is our obligation to help the least fortunate people in British Columbia resolve their legal problems. These are people who, without LSS, would probably never have access to justice. And the board is acutely aware that these people are relying on LSS for help.

And should any of you think our decisions are easy, let me remind you that all of our discussions at the board table take place in a matrix of finite resources and competing demands.

It is, however, rewarding work. And it is particularly rewarding when you see your work as a board member turning into something that provides a direct benefit to legal aid clients.

Which is why I want to talk to you about two of our pilot projects that are already showing signs of success.

CRIMINAL DUTY COUNSEL

The first is a new criminal duty counsel program that started in Port Coquitlam in April.

As many of you will know, duty counsel traditionally involves a roster of private lawyers who provide services on individual days. This means clients receive advice from whichever lawyer is serving as duty counsel on that particular day.

As a result, there is limited file continuity between duty counsel and limited opportunities to resolve matters at an early stage.

Speaking Notes

The pilot project takes a completely different approach.

Instead of a roster, we have a single lawyer with an office in the Port Coquitlam courthouse who is there every day. She retains conduct of files that are amenable to early resolution. These are usually the less serious offences.

While the pilot has only been operational for six months, there are early indications of success.

For closed client files, the rate of resolution is 96 per cent along with a significant reduction in the time required to resolve a case. Right now, we are seeing the average number of court appearances reduced from about 8 to just 2 or 3. This has the potential for a 60 to 70 per cent reduction in court time and the savings that go along with it.

I have to emphasize that this is a very preliminary assessment. At this point, we have not yet done the full evaluation and we don't know what the larger impact will be.

But current trends suggest the final evaluation will show considerable efficiencies in the resolution of less serious criminal offences.

PARENTS LEGAL CENTRE

The other pilot project is the Parents Legal Centre which was launched at Vancouver's Robson Square courthouse in March 2015.

I want to pause here for a minute to respond to a question I've been asked about why these projects are both based in the Lower Mainland.

Speaking Notes

Rest assured, it's not because of a big-city bias. After all, I am a small-town lawyer.

These are pilot projects. To do proper evaluations, we must have a critical mass of data in a very short time as well as control groups for comparison purposes. This can only be done in a larger centre.

Any business case for continued funding will certainly discuss the advantages of expanding these services outside the Lower Mainland.

Back to the Parents Legal Centre.

It is a new way of dealing with children who have been taken into government care.

Instead of simply paying private lawyers to go to court on behalf of the parents, the Centre employs a lawyer and an advocate who focus on early, collaborative solutions.

Because so many child protection clients are Aboriginal, LSS hired a highly experienced Aboriginal lawyer and an Aboriginal advocate for the project.

Here's a startling statistic. Aboriginal people make up about 5 per cent of BC's population. But 40 per cent of our legal aid child protection clients are Aboriginal – 40 per cent.

Our lawyer and advocate work with parents and social workers at an early stage in the child protection process often before children are even taken into government care.

Speaking Notes

Early indications are that this model is working for the institutions involved and for the families. It has driven earlier mediation of cases and is resolving cases faster and with better results. It also appears to be generating high client satisfaction rates.

Obviously, this is the best solution for the parents, the children, and the Ministry of Children and Families and it saves money for the justice system.

We are hopeful the other three pilot projects will be just as successful and I will do my best to keep you informed as our assessments of those projects progresses.

NEXT STEPS

I want to turn now to what the Law Society can do to further the cause of legal aid.

In the Strategic Plan Report that was distributed with the July Benchers' agenda, one of the initiatives is "Examine the Law Society's position on legal aid including what constitutes appropriate funding."

This is something LSS welcomes. A firm commitment from the Law Society on funding issues will enhance the debate.

One note of caution though: The initiative mentions looking for "other sources of funding aside from government." This is something LSS discussed in our 2012 report *Making Justice Work*.

Speaking Notes

After considerable research, we were unable to find potential funding sources that would provide a predictable, stable income of a sufficient amount to warrant pursuing.

Moreover, most options would require another organization or the government to give up an existing revenue stream – something that is unlikely to happen.

So you might want to focus your energy on another area.

I note that the Strategic Plan Report says “At present, there is no work underway” on the legal aid initiative.

I don’t know if that is still the case, but if it is, I urge you go get started.

Your report also says legal aid “is [a] complex [topic] and engages political considerations.”

That is absolutely correct – access to justice is complex and political. And that is why the Law Society, the Ministry of Justice and the Legal Services Society must work together to make access to justice a reality.

I have two suggestions for things the Law Society can do that will enhance the delivery of legal aid in BC.

The first relates to Aboriginal justice.

Earlier this year, the Truth and Reconciliation Commission urged the Federation of Law Societies to ensure that lawyers receive Aboriginal cultural competency training.

Speaking Notes

I urge the Law Society to make this a priority and not to wait for the Federation to get started.

As I noted earlier, a significant portion of legal aid clients are Aboriginal. And it's a matter of common knowledge that Aboriginal people are over-represented in the justice system.

Aboriginal justice is priority for the Legal Services Society board. And having a legal profession that understands and knows how to address Aboriginal justice issues will go a long way toward helping LSS achieve its Aboriginal justice goals.

My second suggestion is that Law Society use its resources to provide an economy of scale that will enable small-firm and solo practitioners to reduce their overheads.

These are the lawyers who typically take on legal aid cases. And outside the Lower Mainland, they are the only lawyers who take legal aid cases.

The Law Society could help them cut costs by, for example, providing cloud computing services or bulk purchasing options.

The Law Society could also provide cost-cutting tips in the same way you have provided risk-management tips on insurance issues.

Lower overheads might make it easier for more lawyers to take legal aid work.

And when that happens, you will have advanced the cause of access to justice for everyone.

Thank you.