



**Evaluation of the
Expanded Family Duty Counsel
Summative Evaluation Report**

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Prepared for:

Legal Services Society of British Columbia

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Executive summary

This report presents the summative evaluation findings for the Legal Services Society (LSS) of British Columbia's Expanded Family Duty Counsel (EXP FDC) pilot project. The pilot project provides family duty counsel services using a new model of delivery that increases the number of available service hours per client; allows clients to schedule appointments; provides greater continuity of counsel; and provides more administrative support to duty counsel.

The summative evaluation considers the implementation and delivery of the pilot and its success in achieving its intended outcomes during its first year and a half of operation. This report covers the pilot project's activities from September 24, 2014 to May 3, 2016. The lines of evidence for the process evaluation included a review of key documents (including financial information); an analysis of the project database; a review of family court data provided by the Court Services Branch; interviews with key informants (LSS personnel and external stakeholders); and a survey of clients who had received services from the pilot. The summative evaluation also included a systems efficiencies analysis that considered the potential impact of the EXP FDC to avoid court costs through earlier and more efficient resolution of cases. The conclusions and recommendations for the summative evaluation are summarized below.

Conclusions on implementation and delivery of the EXP FDC

Key informants believe that the pilot has generally operated as expected since its implementation. Challenges encountered were mainly with regard to a higher than anticipated administrative workload, some duty counsel volume challenges on family list day, which were viewed as affecting the timeliness of court, and some staffing changes; LSS made changes to address any internal challenges.

The placement of the pilot within the Justice Access Centre (JAC) is viewed as a key positive influencing factor for the FDC with respect to the synergies produced, particularly the ability for cross references with the resource room and the Family Justice Counsellors.

Most key informants and clients appear to view the current tools and resources at the FDC as sufficient. LSS made some adjustments to meet the administrative demand and family list day volumes by adding an additional part-time administrator and additional duty counsel support on list day. The majority of surveyed clients said the longest they waited for an appointment was no more than one week and most thought their wait time was about right.

Key informants generally believe the current processes and structure of the EXP FDC support its efficient and effective delivery. The current staff and roster lawyer complement, the ability for clients to schedule appointments and still use drop-in services, the file management system, the additional time with clients, and the pilot's location at the JAC all contribute to efficient, effective delivery.

Main identified lessons learned to consider for the Victoria FDC or for any future EXP FDCs at other locations are to ensure all duty counsel are properly trained on necessary paperwork, and to increase communications with JAC partners and other court services to ensure all have an understanding of roles and responsibilities.

Conclusions on early indications of outcomes

The outcome evaluation of the EXP FDC occurred at early stages in the pilot's operations. Consequently, the evaluation findings should be read with the caveat that the pilot project is still in its very early stages, and evidence of achievement of outcomes is preliminary and based on the best available evidence. Conclusions for outcomes are summarized briefly below:

- ▶ The FDC pilot appears to be providing increased access to duty counsel services through the potential for up to six hours of duty counsel assistance at the JAC and the clients' ability to schedule appointments. Some concerns exist that not all potential clients are aware of the services.
- ▶ Continuity of services from one lawyer does not appear to be occurring to the extent the model originally envisioned. However, the improved file management system under the pilot is viewed as contributing toward continuous and consistent services.
- ▶ Clients show a high level of satisfaction with the assistance provided by the FDC, saying the assistance helps them in understanding the legal process and their family law matters and in making decisions on their options for resolving their matters.
- ▶ The FDC is viewed as making a positive contribution toward clients' ability to manage and resolve their legal issues. The improved understanding received through duty counsel assistance helps clients to make decisions based on reasonable approaches, and to move forward in their chosen directions.
- ▶ It is not possible to make definitive conclusions about whether the FDC is helping clients achieve early resolution of their family law matters, although the majority of client survey respondents said they had achieved at least some resolution (all or partial).
- ▶ Clients receive referrals to other services that can assist them, and most frequently are referred to the JAC resource room and family justice counsellors (FJCs).
- ▶ The FDC is well integrated with other services at the JAC to the benefit of clients. The hub of services at the JAC is viewed as providing a one-stop shop for clients that is facilitated by the cross-referrals that occur between the FDC and the other services.
- ▶ The FDC is viewed as having the potential to create efficiencies for both LSS and other justice service providers. The appointments and file management make better use of duty counsel time, and better prepared clients are expected to make more effective use of court time.
- ▶ Data are not available to make conclusions on net system savings due to efficiencies gained; the evaluation used available data to make some estimates based on several scenarios, which translated to potential avoided court costs of \$50,633 to \$253,163.

Recommendations to further enhance the EXP FDC

Recommendation 1: Look for ways to increase interactions and communications both between FDC service providers (i.e., lawyers) and with other services at the JAC.

Recommendation 2: Take steps to further inform all relevant stakeholders of the availability of the FDC.

Recommendation 3: If not already available, compile and provide a list of available legal and non-legal resources to roster lawyers.

Recommendation 4: Going forward, look for ways to streamline and improve upon the pilot's administrative processes.

Recommendation 5: Make considerations as to whether the average of 1.2 hours of the duty counsel time that clients are using is sufficient for their matters or if they are underutilizing the FDC, and if the latter, why that is the case.

1.0 Introduction

This report presents the summative evaluation findings for the Legal Services Society (LSS) of British Columbia's Expanded Family Duty Counsel (EXP FDC) pilot project. This evaluation is one of five evaluations of pilot projects implemented under the Justice Innovation and Transformation Initiatives (JITI) being conducted.

The EXP FDC evaluation includes a process evaluation with a focus on implementation and early progress toward achieving outcomes and a summative evaluation, which focusses on outcomes achieved. The first stage of the evaluation — the process evaluation — covered the pilot project's activities from its implementation on September 24, 2014 to June 5, 2015, and concluded on November 6, 2015. This summative evaluation report covers the pilot project's activities from its implementation to May 3, 2016.

The objectives of the summative evaluation are as follows:

- ▶ collect information regarding the efficiency and effectiveness of the pilot project in order to support recommendations
- ▶ assess and report on the client-focussed outcomes of the pilot project
- ▶ assess the extent to which clients were better able to manage and resolve their family law issues
- ▶ investigate the system efficiency at the program level for the pilot project

2.0 Methodology

The summative evaluation consists of the following lines of evidence: a document review, a review of client information maintained on the FDC database, interviews with key informants (LSS personnel, roster lawyers, and external key informants), a telephone survey of clients, data extracted by Court Services Branch from their Civil Electronic Information System (CEIS), and financial information on the FDC pilot as provided by LSS. An EXP FDC Project Working Group (WG), comprised of representatives from the LSS and the British Columbia Ministry of Justice (MOJ), is guiding the evaluation process.

An evaluation matrix that linked together evaluation questions, indicators, data sources, and expected outcomes was developed for the process evaluation in consultation with the WG. The evaluation matrix has been revised somewhat for the summative evaluation, based on the experiences and lessons learned during the process evaluation and in consultation with the WG. Appendix A contains the logic model and Appendix B contains the revised evaluation matrix.

Below we describe the methods used for the summative evaluation component.

2.1 Document and data review

Relevant pilot project documents were reviewed for the process evaluation, including the project manual and charter; descriptions and diagrams of the EXP FDC model; forms used by the pilot to collect information on its clients and the types of assistance provided; communication materials; and documents related to pilot implementation and quality improvement (e.g., WG materials, change timelines, decision records). As the pilot project continued to evolve, pilot forms were revised and provided for review for the summative evaluation.

The data review for the summative evaluation involves a review of available data from the pilot project database, as well as data provided by the Court Services Branch (CSB) of MOJ, and other data provided by LSS as follows:

- ▶ LSS provided an extract of the pilot database for all EXP FDC clients from the time of implementation (September 24, 2014) to May 3, 2016; this included clients that were provided either only brief services in court, or only services at the Justice Access Centre (JAC), or received services both in court and at the JAC. Tables based on the FDC database are primarily shown giving data for closed, open, and total files, as services for open files may be still be ongoing and the information in the files may be incomplete.
- ▶ LSS provided financial information on the pilot, including actual costs for year 1 and 2, which included salaries, office expenses, overhead, and in-kind expenses (e.g., value of office space provided at no charge to LSS).
- ▶ Data provided by CSB included numbers of initiating and subsequent family applications filed at Victoria Provincial or Supreme Court between 2012 and October 31, 2015. As approximately three months are required for court data to stabilize, October 31, 2015 was the latest time period for which data could be provided.

Regarding this last point, a series of meetings was held with CSB data analysts to discuss data availability for providing context information as well as for contributing to the efficiency analysis. Family cases can be protracted and lengthy with respect to the parties working through the various issues involved. In order to make some considerations of the characteristics of family cases heard in Victoria Provincial or Supreme Court, after consultation with CSB it was determined that an

illustrative data set would be to focus on those applications filed in 2012 and how they proceeded through the court system. CSB provided data on the total number of initiating and subsequent applications in 2012, as well as data on a range of court activities that occurred for these 2012 initiating and subsequent applications up to October 31, 2015. CSB also provided information on all subsequent applications that arose from the 2012 initiating applications up to October 31, 2015, to give a sense of the subsequent applications generated from initiating activities. No court characteristics data are provided for those subsequent applications occurring after 2012, as there would be greater likelihood that court activity related to these applications may still be ongoing and would not be represented in the court data.

2.2 Key informant interviews

The summative evaluation included interviews with key informants to obtain their perspectives on pilot project delivery and early evidence of outcomes. Interview guides were developed in consultation with the WG and are provided in Appendix C. Interviews were conducted by telephone and involved 13 interviews with the following 17 key informants:

- ▶ internal key informants (n=8)
 - EXP FDC project lead and the two co-lead lawyers
 - five roster lawyers
- ▶ external key informants (n=9)
 - one *Child, Family, and Community Services Act* (CFCSA) director’s counsel and one Family Maintenance Enforcement Program (FMEP) counsel
 - three JAC representatives (resource room, administrative manager, local manager)
 - two court services representatives (court clerk, court registry)
 - two judges

2.3 Client survey

To obtain feedback from EXP FDC clients, PRA conducted a telephone survey of FDC clients. PRA developed a survey questionnaire in consultation with the WG. The target was to obtain 200 completes; the survey achieved 244 completes, of which 44 respondents (18%) were given brief advice only at the courthouse and 200 respondents (82%) received assistance either at the JAC only (57%) or both the JAC and the courthouse (25%). The survey focussed on the clients’ experience and satisfaction with the EXP FDC services. To help improve the response rate, the clients were provided with a flyer explaining the research and notifying them that they might be contacted for the survey. The survey was in the field from March 1–30, 2016. The survey questionnaire is provided in Appendix C.

Tables based on client survey, the FDC database, or CSB data are all labelled accordingly.

2.4 System efficiency analysis

The system efficiency analysis considers the potential of the EXP FDC to achieve system efficiency by estimating the potential impact of the project to avoid court costs through earlier and more efficient resolution of cases. Early and more efficient resolution can be demonstrated, for example, by the following:

- ▶ an increase in cases that reach agreement without court involvement
- ▶ a reduction in the number of court appearances and/or potentially more effective and therefore reduced use of court time during appearances, which should both result in reduced court hours
- ▶ a reduction in the time to resolution
- ▶ an increase in cases resolved without a trial

If the pilot is able to achieve its intended objectives (described in Section 3.0) then such reductions in court hours might be expected to occur such as when the FDC assists clients in realizing the value of non-court options (e.g., mediation), or when through the assistance received clients' court forms are better prepared, or clients are better prepared for the court appearances they make, resulting in fewer and shorter appearances, or fewer adjournments, and fewer trials.

Court activity data provided by CSB (described in Section 2.1 and that is also used to develop the profile in section 4.0) can be used with pilot data and average court costs per hour to make some estimates around potential savings as a result of reductions of court hours and court trials. Hourly court costs provided by LSS include the cost for a court clerk, a deputy sheriff, a provincial court judge, and court registry staff for provincial family court, and the cost of a court clerk, Supreme Court Justice, and court registry staff for Supreme Family Court; however, for each it does not include the cost of judicial support services, sheriff out-of-court activities, or court overhead.¹

It should be noted that it is not possible to make any conclusive statements on efficiencies gained or cost savings, as no data as to the extent that the pilot has resulted in such impacts as described above are available. The analysis uses statistics on family court cases at Victoria law courts as provided by CSB, along with pilot data to make some estimates of potential cost savings if the FDC could result in some of the early resolution impacts identified above, using different scenarios. Based on this information, estimates of potential future efficiencies (i.e., cost avoidance) are made based on a scale of success in reducing the number of court hours and trials (lower rate of success – 10% reduction; medium success – 30% reduction; higher rate of success – 50% reduction). Further details on the calculations used are provided in the efficiency analysis section (evaluation question 15).

¹ Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on MOJ data.

2.5 Evaluation limitations

There are several methodological limitations that affect the evaluation.

- ▶ Both the process and outcome evaluations occurred at early stages. Typically, only project implementation and its success toward achieving immediate outcomes would be explored within one year of a project's inception. Evidence related to the achievement of intermediate and long-term outcomes is usually not available for at least two to three years. Consequently, the evaluation findings should be read with the caveat that the pilot project is still in its very early stages, and evidence of achievement of outcomes is preliminary and based on the best available evidence.
- ▶ With respect to the EXP FDC database, one third (33%) of the client files are still open and, therefore, services to these clients may still be ongoing. As a result, many of the database fields associated with these open files may be incomplete (e.g., total hours of service provided, number of client meetings, services provided). Those tables provided in the evaluation that are based on data that may be affected by the case status illustrate the data for closed, open, and total files. Data on the closed files would be expected to be the most illustrative of the EXP FDC clients.
- ▶ Given the early time frame of the evaluation as well as that family law matters often require considerable time to resolve, no pilot or court data were available to make any assessments on whether the pilot has had a measurable impact on early resolution of clients' family law matters and if they were resolved without the need for a court trial, or indeed any court involvement. The FDC lawyers do not have ongoing interactions with clients once they have received their services and, therefore, the pilot cannot track client outcomes past the time of service. Although the pilot database has a field on legal outcomes, as is shown in a later section of the evaluation only a small proportion of clients show any type of interim or final order, with most showing an outcome of having received advice only. Furthermore, the CSB data provided for the evaluation was intended to be used to illustrate the average characteristics of family law matters at Victoria law courts. These averages were helpful for the system efficiency analysis for estimating potential cost savings if various scenarios occurred because of the pilot. However, no conclusions can be made as to what extent these scenarios were or might be achieved at this point in the timeframe of the pilot.
- ▶ Certain limitations also existed with the information that could be obtained from the CSB data due to the complexity and volume of court data, and how various court activities are accounted for on CEIS. For example, the number of adjournments could be provided only as adjournments that occurred prior to the scheduled appearance and not those that occurred on the day of a scheduled appearance.

3.0 Brief overview of EXP FDC

Family duty counsel is a service that provides brief in-person legal advice to financially eligible clients with family law issues. Duty counsel can provide advice about parenting issues,² guardianship/custody, child support, spousal support, child protection, family violence, tentative settlement agreements, court procedures, debt and property issues (to a limited extent), and non-court resolution options, including mediation. In addition to advising on these matters, duty counsel can speak on a client's behalf in court for simple matters. However, they can provide services for a limited time only, and they cannot represent clients at trial.

Duty counsel are available by appointment on Monday, Tuesday, Wednesday, and Friday, from 9:00 am to 4:00 pm, and by limited drop-in services (one hour daily). On Thursdays (family list days), there are three duty counsel available in the morning and two in the afternoon in provincial court to assist clients who have court matters. The court registry provides a list of parties who are attending court, and duty counsel provide eligible clients with legal advice and with information on how to address the court and present evidence. There are no office appointments booked on Thursdays, when all duty counsel are in court.

Through JITI funding, the program is being expanded through a pilot project to provide greater continuity of advice and new services. The pilot is located in the Victoria JAC. The project implements a model of family duty counsel which includes the following new or modified features:

An appointment-based approach: The EXP FDC make efforts to schedule appointments so that clients may work with the same lawyer throughout the service, thereby ensuring greater lawyer continuity; in the old model, the service was accessible by drop-in only, and clients would usually speak with a different lawyer during each visit.

Up to six hours of service per client: Under the old model, clients received a maximum of three hours of service.

Expanded hours: The new model will provide 74 overall hours of duty counsel service per week, up from the previous number of 38 hours per week.

Administrative support: A full-time pilot administrator will support the project in various ways, from answering phones to scheduling appointments and maintaining client files; this support was not available under the old model. The full-time administrator is also supported by a part-time administrator.

Coaching for clients to represent themselves in court: Duty counsel are able to instruct clients on aspects of the court process, such as how to address the judge and present their case. Coaching services were not available under the old model.

Articling student support: The original EXP FDC model intended to include an articling student to provide assistance to the duty counsel. A decision was made in Year 1 of the FDC that it was not practical to incorporate an articling student at this location.

² Parenting issues include those related to custody and access according to the language of the *Divorce Act*, and guardianship, parenting time, allocation of parental responsibilities, and contact according to the language of the *Family Law Act*.

As stated in its project charter, the objectives of the EXP FDC are the following:

- ▶ increase clients' understanding of their legal problems at the earliest opportunity
- ▶ increase clients' understanding of the family justice system
- ▶ increase clients' ability to resolve their family law problems
- ▶ improve clients' ability to use public legal education and information tools
- ▶ increase clients' ability to make meaningful and effective appearances in court
- ▶ increase the availability of family duty counsel and advice services at the courthouse and the Victoria JAC
- ▶ increase continuity of service for clients
- ▶ increase the future capacity of family law practitioners and legal aid practitioners

The EXP FDC pilot project is directly served by the following staff positions:

- ▶ a lead family duty counsel (lead lawyer), who manages the EXP FDC site, supports the roster duty counsel, supervises the pilot administrator, and provides EXP FDC services to clients; as of January 2016, the lead lawyer position is now shared by two co-leads;
- ▶ one full-time and one part-time pilot administrator, who are responsible for answering phones, determining the urgency of client matters, determining clients' eligibility for EXP FDC services, creating and maintaining client files, scheduling appointments for roster duty counsel, and other assorted duties; and
- ▶ 10 roster duty counsel, who provide EXP FDC services to clients, and who work about one full day shift every two weeks at the JAC, plus the duty counsel services at the courthouse.

Clients may contact or be referred to the EXP FDC in a number of ways. In most cases, regardless of how the client contacts or is referred to the program, the EXP FDC pilot administrator must complete a triage process with the client to collect information and determine if their case is appropriate for the pilot project. Clients may do the following:

- ▶ approach the EXP FDC directly in court, in which case the lead or roster duty counsel collects information on paper forms and provides the forms to the pilot administrator for processing; there is no triage of clients who have court that day;
- ▶ contact the EXP FDC at the pilot project offices in the JAC, at which point the pilot administrator will conduct triage;
- ▶ be referred to the EXP FDC through LSS intake; intake staff assess clients to determine their appropriateness for various LSS services, including the EXP FDC, and if a client is referred through LSS intake, they must still be triaged by the EXP FDC pilot administrator;
- ▶ be referred to the EXP FDC through another LSS service; clients who are receiving other LSS services will sometimes be referred to the EXP FDC for legal advice, and the pilot or service is responsible for contacting the EXP FDC on behalf of the client, but again, the client must still be triaged by the EXP FDC pilot administrator before receiving its services; and
- ▶ be referred to the EXP FDC through family justice counsellors (FJCs) or another agency; FJCs will often refer clients to LSS services for legal advice or other legal services, in which case the FJC or another agency contacts the EXP FDC, whose pilot administrator will triage the clients.

3.1 Profile of EXP FDC clients

Table 1 provides an overview of the clients accepted since the pilot’s inception on September 24, 2014 to May 3, 2016. The FDC has served 2,167 clients since its launch, and of these cases, 67% were closed and 33% were still open as of May 3, 2016.

Of these 2,167 clients:

- ▶ 59% are female;
- ▶ about half (49%) are 40 years of age or younger;
- ▶ just over one third (35%) identify themselves as single, and one third (33%) as separated; and
- ▶ 10% indicated they are of Aboriginal ancestry (about 22% declined to specify).

Table 1: Client demographics (n=2,167) – FDC database		
	#	%
Gender		
Female	1,268	59%
Male	857	40%
No data	42	2%
Age		
18 to 25	103	5%
26 to 30	250	12%
31 to 40	718	33%
41 to 50	626	29%
51 and over	452	21%
No data	18	1%
Marital status		
Common law	139	6%
Divorced	274	13%
Married	269	12%
Separated	714	33%
Single	766	35%
Widowed	5	<1%
Aboriginal ancestry		
Yes	208	10%
No	1,484	69%
No data	475	22%
Source: EXP FDC database as of May 3, 2016.		
Note: Percentages may not sum to 100% due to rounding.		

The most common opposing party types for EXP FDC clients include ex-spouses (42% of cases), the other parents (30%), and spouses (17%). Table 2 contains a complete listing of the opposing party types in client cases.

Opposing party type	#	%
Ex-spouse	908	42%
Other parent	639	30%
Spouse	358	17%
Common law spouse	79	4%
Other relative	24	1%
Other	159	7%
Source: EXP FDC database as of May 3, 2016. Note: Percentages may not sum to 100% due to rounding.		

From the available EXP FDC pilot project data, about 68% of client cases involved the BC provincial court, while 27% of cases involved the BC Supreme Court.

The most common types of legal issues addressed are the following:

- ▶ parenting issues (55% of cases)
- ▶ child support (54% of cases)
- ▶ property division or spousal support (21% of cases for each)
- ▶ divorce (20% of cases)

See Table 3 for the complete listing of legal issues identified.

Legal issue addressed	Closed files (n=1,459)	Open files (n=708)	Total files (n=2,167)
	%		
Family law legal issues			
Parenting issues*	54%	57%	55%
Child support	52%	58%	54%
Property division	21%	22%	21%
Spousal support	21%	21%	21%
Divorce	20%	19%	20%
Denial of parenting time	8%	15%	10%
Maintenance enforcement	8%	12%	9%
Family violence	6%	8%	7%
Protection order (family member)	6%	7%	6%
Relocation	3%	4%	3%
Hague convention	<1%	<1%	<1%
CFCSA issues			
Removal	4%	3%	4%
Risk of removal	3%	3%	3%
Transfer a child to a non-parent	1%	1%	1%
Access	1%	1%	1%
Cancellation of CCO	<1%	<1%	<1%
Not identified	1%	1%	1%
Source: EXP FDC database as of May 3, 2016. Note: Cases could include more than one legal issue; totals sum to more than 100%. *Parenting issues include those related to custody and access according to the language of the <i>Divorce Act</i> , and guardianship, parenting time, allocation of parental responsibilities, and contact according to the language of the <i>Family Law Act</i> .			

Table 4 shows the number of client meetings and court appearances per case for those files where client meetings/court appearances were indicated in the FDC database, showing the data for both closed and open files as well as total files. Of these clients, close to two thirds (63%) had only one meeting with the lawyer, while 19% had two meetings, and 8% had three meetings. Only 11% of cases included four or more client meetings, with the largest number being 14 meetings (two clients). The majority of clients that had a court appearance with an FDC lawyer had one appearance (60%) and one quarter (25%) had two appearances.

Table 4: Total number of client meetings and court appearances per case – FDC database*			
Number of client meetings at JAC	Closed files (n=1,065)*	Open files (n=559)*	Total files (n=1,624)*
	%		
1	67%	54%	63%
2	18%	21%	19%
3	8%	9%	8%
4	3%	8%	5%
5	2%	3%	2%
6 or more	3%	5%	4%
Number of court appearances with duty counsel	(n=514)**	(n=297)**	(n=811)**
1	62%	57%	60%
2	26%	22%	25%
3	8%	13%	10%
4	3%	4%	3%
5 to 7	1%	4%	2%

Source: EXP FDC database as of May 3, 2016.
 Note: Totals may not sum to 100% due to rounding.
 *Only includes files that had client meetings indicated.
 **Only includes files that had court appearances indicated.

Considering the total 2,167 clients assisted by the EXP FDC lawyers since the pilot was implemented, 75% had a client meeting indicated. The remaining 25% were primarily assisted only by the duty counsel in court. However, the pilot was not tracking client meetings in the initial stages of the pilot and, therefore some clients who were helped by the duty counsel at the JAC are not included in the above table. As well, half (50%) of the total clients were assisted only by the FDC at the JAC and not through a court appearance.

3.2 Cost of the EXP FDC pilot

Table 5 below provides pilot costs for the first two years of the pilot and includes a calculation of the unit costs of providing its services in its first full year of operations (Year 2).³ A unit is defined as a client file for the purposes of the FDC. Pilot costs were \$277,039 for 2015–16 and the pilot served 1,290 clients, which relates to a cost of \$215 per client.

Item	Year 1 2014–15 Actual	Year 2 2015–16 Actual
Full-time lawyer (Lead FDC)	\$60,000	\$120,000
Roster lawyers – FDC shifts*	\$76,000	-
Pilot administrators	\$27,945	\$72,964
Office expenses	\$8,118	\$14,075
Subtotal for EXP FDC expenses	\$172,063	\$207,039
In-kind: Overhead on lawyer salaries	\$20,400	\$18,000
In-kind: Office space	\$23,500	\$52,000
Total	\$215,963	\$277,039
Number of FDC clients	-	1,290
Unit cost	-	\$215

Sources: Calculations made based on pilot database and LSS data.
 *Roster lawyer costs are offset by existing out-of-custody FDC services.

³ The EXP FDC unit cost analysis is not intended for comparison to costs of other LSS services for similar family matters, such as the regular family duty counsel service or representation contracts. The unit cost analysis includes costs for LSS overhead, while tariff rates do not include similar LSS overhead costs (e.g., application processing, invoice processing). For the same reason, overall pilot costs are not intended for direct comparison with costs avoided through system efficiencies, which do not include costs avoided for comparable overhead (including facilities, out-of-court activities, etc.).

4.0 Profile of general family law cases at Victoria law courts

To give some context of the environment in which the EXP FDC is operating, this section provides a brief profile of family law cases at Victoria law courts. As shown in Table 6, the Victoria law courts handled over 3,200 total applications annually for 2012 to 2014. A total of 2,750 applications were dealt with in 2015, up to October 31. If proportioned to the end of the year, this number would also amount to just over 3,200 applications. Subsequent applications to provincial court account for the majority of total applications, ranging from 1,716 to 1,831 between 2012 and 2014. Annual initiating applications are almost double in the Supreme Court compared to provincial court. CSB could not provide data on subsequent applications in the Supreme Court — subsequent applications are not specifically tracked as such in the Supreme Court.

Table 6: Number of general family law applications filed annually at Victoria Law Courts, 2012 to October 31, 2015 – CSB data

Year	Provincial court		Supreme Court	Total applications
	Initiating applications	Subsequent applications*	Initiating applications	
2012	521	1,801	970	3,292
2013	519	1,716	1,010	3,245
2014	500	1,831	966	3,297
2015 (up to October 31)	412	1,462	876	2,750

Source: Data provided by Court Services Branch.
 *Includes all subsequent applications filed annually and may be related to applications initiated in earlier years.

Family law cases can be protracted and lengthy with respect to the family’s involvement with the court system. In order to make some considerations of the characteristics of family law cases that are dealt with at the Victoria law courts, after consultation with CSB it was determined that an illustrative data set would be to consider 2012 initiating and subsequent applications and how these proceeded through the court system up to October 31, 2015 (i.e., the first row in Table 6 above). The rationale for this time period was that the 2012 applications should have had sufficient time by October 31, 2015 for achieving some type of resolution.

Table 7 below illustrates the number of subsequent applications that can be generated from initiating applications in Victoria Provincial Court. From the 449 initiating applications for 2012, another 886 subsequent applications were filed up to October 31, 2015, with 45% (399) of these filed in 2012 and 26% (230) in 2013. On average, 2.0 subsequent applications were filed for every initiating application.

Table 7: Number of initiating applications filed at Victoria Provincial Court in 2012 and number of subsequent applications filed annually to October 31, 2015 on those applications initiated in 2012 – CSB data

Year	Number	
2012 initiating applications	449*	
Subsequent applications from the initiating applications	Number	Percent of total
2012	399	45%
2013	230	26%
2014	156	18%
2015 (up to October 31)	101	11%
Total	886	
Average subsequent applications per case	2.0	

Source: Data provided by Court Services Branch.
 *72 non-application initiating applications are not included here.

As shown in Table 8, the most common issues in Victoria Provincial Court for initiating applications was for custody/guardianship (95%), followed by child support (37%). Issues for subsequent applications varied with no particular issue or issues representing a substantial proportion of applications. The most common issues were for custody/guardianship (28%), access/contact/parenting time (18%), child support (17%), and parenting issues (16%). The most common issues for initiating applications in Victoria Supreme Court were divorce (83%) followed by parenting issues (25%).

Table 8: Most common issues for initiating and subsequent applications at Victoria provincial and Supreme Courts in 2012 – CSB data

Issue	Provincial court			Supreme Court Initiating (n=970)
	Initiating (n=449)	Subsequent (n=2,942)	All (n=3,391)	
Custody/guardianship	95%	28%	37%	2%
Child support	37%	17%	19%	15%
Access/contact/parenting time	20%	18%	18%	<1%
Protection order	9%	5%	5%	3%
Spousal support	7%	2%	3%	15%
Relocation	6%	4%	4%	1%
Parenting issues	3%	16%	14%	25%
Possession of home	<1%	-	<1%	3%
Support arrears	<1%	4%	4%	-
Divorce	-	-	-	83%
Maintenance enforcement	-	<1%	<1%	<1%
Property division/debt division	-	-	-	19%
Transfer a child to non-parent	-	<1%	<1%	-
Other*	39%	83%	77%	30%

Source: Data provided by Court Services Branch.
 *Other issues are mainly administrative in nature, such as to shorten time to serve a notice or document, to transfer a file to another court registry, or to produce financial statements or other documents.

Table 9, next page, outlines the characteristics of the 2012 initiating and subsequent applications for Victoria Provincial Court and initiating applications for Supreme Court.

From Table 9, each initiating and subsequent application in provincial court had an average of 1.7 and 2.1 scheduled appearances, respectively, as well as 0.3 and 0.4 adjournments.⁴ However, as described earlier, a limitation is that the latter only includes those adjournments that occurred prior to the scheduled appearance, and does not include adjournments that occur on the day of the hearing. Applications initiated in the Supreme Court had an average of 1.3 appearances and 0.4 adjournments. As with the provincial court data, these adjournments do not include those that occurred on the day of the hearing.

There was an average of 86 days between filing an application and the first appearance for initiating applications and an average of 56 days for subsequent applications for provincial court; The Supreme Court took much longer, with an average of 169 days to the first appearance. The average court time required per application and including all appearances associated with an application was close to 1.0 hours for both initiating and subsequent applications for provincial court and just over 3.0 hours for the Supreme Court. Considering each initiating application in

⁴ Schedule court appearances for family law matters are those that are scheduled to be before the court for a specific reason, such as the first appearance, case conference, or trial.

provincial court has an average of 2.0 subsequent applications, each case that has some type of court appearance requires approximately 3.0 hours of total court time, on average.

Table 9: Court activity of family cases at Victoria law courts – average activity up to October 31, 2015 for 2012 initiating and subsequent applications – CSB data				
Element	Provincial court			Supreme Court initiating
	Initiating	Subsequent	All	
Number of applications	449	1,587	2,036	970
Average scheduled appearances	1.7	2.1	2.0	1.3
Average number of adjournments*	0.33	0.42	0.40	0.41
Average days to first appearance**	85.9	55.9	60.9	168.9
Average days to first order***	112.4	91.7	95.7	200.6
% of applications going to trial+	8.9%	15.2%	13.9%	2.8%
Average days to first trial appearance+	276.2	234.7	240.0	467.1
Average days to last trial appearance+	351.0	309.5	314.8	570.1
Days between average first and last trial appearance (calculated)	74.8	74.8	74.8	103.0
Average court hours per application++	0.99	1.00	1.00	3.15

Source: Data provided by Court Services Branch.
 * Includes adjournments that occurred up to a court hearing, including those occurring the same day as the hearing but not adjournments that occurred at the court hearing.
 **Of 229 initiating and 1,143 subsequent applications in provincial court and 252 in Supreme Court that had a first appearance.
 ***Of 190 initiating and 773 subsequent applications in provincial court and 844 in Supreme Court that had a first order.
 +Of 40 initiating and 273 subsequent applications in provincial court and 27 in Supreme Court that had a trial/hearing.
 ++Court hours include time for all appearances for 229 initiating and 1,142 subsequent applications in provincial court and 252 initiating applications in Supreme Court (those with some type of court appearance).

Wait times for half-day as well as two-day or more family hearings/trials at Victoria Provincial Court declined somewhat between 2014 and 2015, as shown in Table 10.

Table 10: Wait time for provincial court appearances for Victoria for 2014 and 2015		
Type of court appearance	Wait times as of October in months	
	2014	2015
Family case conference	2	2
Half-day family hearings/trials	4	2
Two-day or more family hearings/trials	7	3

Source: Data provided by Court Services Branch with permission of the Office of the Chief Judge, Provincial Court of British Columbia.

5.0 Findings

The summative evaluation findings are presented based on the evaluation questions, which focus on the delivery of the pilot project and its progress toward achieving its intended outcomes.

5.1 Delivery of the EXP FDC

1. Did the EXP FDC operate as expected in Year 1? What, if any challenges were met in Year 1? How were challenges addressed and improvements made to the model?

Most internal key informants believe that the pilot operated as expected since implementation, with a few exceptions mentioned. Some external key informants were not entirely clear on the activities and intent of the pilot, while others could speak on the pilot mainly with respect to their own interactions with clients who have received services from the pilot. Interviewees who identified any challenges that had been encountered during implementation primarily also observed that mitigating steps had been taken. Examples of such challenges include the following:

- ▶ a higher than anticipated amount of administrative work for the administrative support staff, particularly with respect to data entry and maintenance of client records, as well as the scheduling of appointments and responding to client queries. In response, LSS added a part-time, or a 0.6 full-time equivalent, administrative position to assist with the administrative work load;
- ▶ the pilot experienced some staffing changes since the process evaluation, beginning with the departure of the lead lawyer near the end of October. The lead lawyer position is now being shared by two co-leads who had both also been roster lawyers and so are familiar with the pilot as well as with court services. The full-time pilot administrator recently left for personal reasons; the pilot is currently in the process of recruiting for this position. A roster lawyer recently left for a new position. Additional roster lawyers have been added to replace the lawyers that became co-leads as well as the one departing roster lawyer;
- ▶ several internal key informants commented that the file continuity has not occurred as expected with respect to continuity of service to clients from one lawyer; however, this was not viewed as unexpected given that, other than the lead lawyer, the duty counsel may only be available at the FDC every second week. Plus, interviewees believe the pilot's case file management, including the detailed notes maintained for each case, is a strong contributing factor to continuity of services;
- ▶ a few internal and external key informants observed that there had initially been some concerns that matters were not being dealt with on family list day in an expeditious manner and were being set down for hearings and creating bottlenecks on the family list day. However, key informants noted that some changes have been made and matters were now being dealt with in an efficient and effective manner;

- ▶ also contributing to the above, the initial two duty counsel providing client services on family list day were viewed as not sufficient to handle the high client volumes and a third duty counsel was added, which has been reduced to three duty counsel in the morning and two in the afternoon, as the third was deemed not required for the afternoon; and
- ▶ several other comments from internal key informants were that files were not well-organized initially and that there were times when there were gaps of time between appointments created by no-shows, but that these issues have improved.

2. What external factors have influenced the implementation and success of the EXP FDC?

As with the process evaluation, key informants viewed the placement of the EXP FDC within the JAC and at the courthouse as a significant benefit to the pilot. In particular, having access to the resource room for assistance with documents, as well access to the FICs is viewed as complementary to pilot services. Other positive influencing factors identified are that the pilot is supported by a strong group of experienced roster lawyers who are knowledgeable of Victoria’s court services and other resources, and also that the duty counsel are supported by administrative staff.

3. Did the EXP FDC have sufficient tools, resources, and capacity to meet demand and any intended targets?

The EXP FDC pilot has had 2,167 clients up to the end of April, 2016. Figure 1 shows the number of files opened per month since implementation, based on the date of first service. The number of files opened was highest in October, 2014 with 154 files opened, and has shown a downward trend since, with 92 files opened in April, 2016. This would likely be expected, however, with the pilot initially accepting a large number of “new” clients, but then over time having fewer spots available for “new” clients as existing clients schedule follow-up visits.

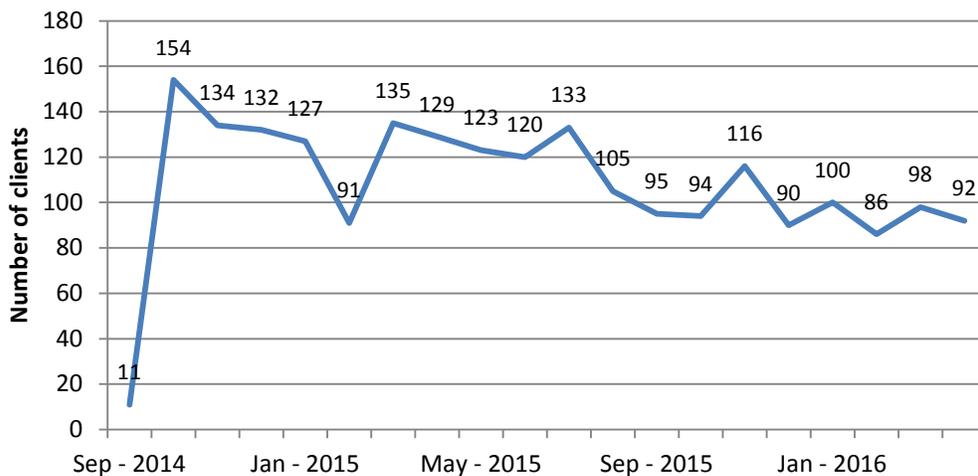


Figure 1: Intake data for EXP FDC – number of clients per month based on first service date
Source: EXP FDC database as of May 3, 2016

As described in Section 3.0, the FDC has a lead lawyer position and 10 roster lawyers to provide the expected legal services. Two lawyers are available at the JAC on a daily basis (other than family list day on Thursdays) to provide appointment and drop-in services, with the latter provided for one hour per day. Roster lawyers work a shift at the JAC about every two weeks depending on scheduling, including their own schedules, as most have a private practice as well. Duty counsel are supported by pilot administrators, plus the pilot can draw on the services of other resources at the JAC.

Internal key informants all believe the pilot has a sufficient number of lawyers, noting again that roster lawyers were added to replace the departing lawyer and the two lawyers that took on the co-lead positions. Roster lawyers all contributed to and picked up extra shifts during the staff transitioning periods. As noted above, a part-time administrator position was added to meet the administrative demands and, to manage the volume in the courtroom, a third lawyer was added on family list days (this was then reduced to three lawyers in the morning and two in the afternoon as it was realized the third lawyer was not needed for the afternoon). Internal and external key informants commented that the additional duty counsel in court contributed to matters being heard in a more timely fashion. The physical space of the JAC offices and the access to the other resources at the JAC are also viewed as positive resources.

Several concerns expressed with respect to resources include the following:

- ▶ There is some belief that not all people who could benefit from the FDC know about its services, and that not all organizations are referring people to the FDC; therefore, as more people become aware of the FDC this will create resource challenges.
- ▶ A few internal key informants identified a lack of tools in certain areas, such as paper for the printer, out of date computers, and slow provision of needed computer programs, such as Divorce Mate.
- ▶ The expectations for lawyers to see seven to eight clients at the JAC per day when appointments and drop-ins are included is high and is exhausting for the lawyers.
- ▶ While not a comment on the resources of the FDC, the increased referrals from the FDC to the JAC resource room are creating the need for additional staff at the resource room to handle the demand.
- ▶ The 1.6 administrative positions may not be sufficient for meeting all the data entry demands; 2.0 full-time equivalents may be more appropriate.

Resources appear to be sufficient to meet clients' needs in terms of appointments. From the client survey, the majority (66%) of clients said the longest they had to wait for an appointment was one week or less (Table 11, next page), and most clients (79%) believe the wait time overall for their appointments was about right (Table 12, next page). Those few that thought the wait time was too long said it was because they needed help or advice right away or that the waiting was stressful or frustrating.

Table 11: The longest clients waited for an appointment – client survey	
<i>Q15: What was the longest you had to wait for an appointment?</i>	
Longest wait for an appointment	(n=164)
Same day	16%
Less than one week	26%
1 week	24%
2 weeks	21%
3 weeks	2%
Other	2%
Don't know/can't recall/no response	8%
Note: Totals may not sum to 100% due to rounding.	

Table 12: Reasonableness of appointment wait time, and, if too long, why – client survey	
<i>Q16: Thinking about all the appointments you have had, do you think, overall, the wait time was about right or too long?</i>	
<i>Q17: Why do you think it was too long and how did this affect your family law matter?</i>	
Wait time was...	(n=125)
About right	79%
Too long	21%
Don't know/can't recall	-
Why it was too long	(n=26)
Needed help/advice right away	35%
Waiting was stressful, frustrating	27%
Just mentioned was prolonged/too long	19%
Said did not affect their case	8%
Other	19%
Don't know/can't recall/no response	4%
Note: Respondents could provide more than one answer; totals may sum to more than 100%.	

4. To what extent do the current processes and structure of the EXP FDC support its efficient and effective delivery?

Key informants gave many examples of how they perceive that the pilot structure supports efficient and effective delivery. The current level of roster lawyers and the lead position are viewed as a good number of lawyers for providing services, with one of the co-leads and a roster lawyer at the JAC every day, such that roster lawyers provide a shift once every two weeks. The file system maintains client information and advice/assistance given so that even if a different lawyer has to pick up a file they have the information on the case that they need. Giving clients the options both of appointments and drop-in services is beneficial to and provides some flexibility for clients.

As well, the location of the FDC at the JAC and the cooperation between the services is viewed as complementing the FDC and other JAC services; together these provide a convenient and available hub of services for other stakeholders to refer clients to.

Favorable comparisons were made between Victoria post- and pre-pilot as well as between Victoria and other locations, such as Duncan, where family court lists would take longer because court would have to stand down waiting for duty counsel to meet with people. Now, considering

the option in Victoria for people to see duty counsel in advance of court, a few key informants noted that the waiting and standing down has been reduced. However, another comment was that there is often still the need to wait while duty counsel talk to clients, and a suggestion that duty counsel come to court early in order to meet with people.

Some other comments and suggestions on the current processes and structures include the following:

- ▶ As in the process evaluation, the paperwork for administration and lawyers is still viewed as somewhat burdensome. While there is some recognition that the high level of information is needed to contribute to evaluating the pilot, some reconsideration on the forms and the amount of information collected may be needed going forward.
- ▶ A noted challenge is that the pilot administrators are employed by and answer to the local agent office, which is viewed as creating difficulties for both pilot management and the administrators in that any concerns have to be channeled through the local agent. As well, any feedback to the administrators on their work is received from someone they do not work with directly.
- ▶ One question raised is whether the change to scheduled appointments and reduced drop-in times has affected the overall number of people accessing the services, whether the current structure meets the needs of people requiring emergency services, and if it is primarily higher capacity clients who are making appointments. It was suggested that rather than daily one-hour drop-in sessions there be one full day of drop-in services. Plus, there are often no-shows for appointments on Monday mornings which creates inefficiencies.
- ▶ While it is helpful when the same lawyer can first help the client at the JAC and then follow up and see them in court, this does not seem to occur in a coordinated fashion, particularly as matters are often rushed on court day.
- ▶ External to the pilot is that while duty counsel will refer clients to mediators there is a perceived insufficient amount of free mediation services, which can then create backlogs and adjournments in court.

5. What are the lessons learned for either continuing the EXP FDC in Victoria or for establishing Expanded Family Duty Counsel in other locations in the province?

Lessons learned identified by key informants mainly repeated strengths and suggestions identified under earlier evaluation questions. Factors viewed as contributing to increased quality of services to clients include the ability to schedule appointments and provide clients with one hour of service at each appointment and a total of six hours. The file management as well as the limited number of roster lawyers also contributes to continuity of services for clients. The level and type of service provided gives clients needed assistance but also supports them to self-represent and make use of all available resources, and not consider the duty counsel service as their personal lawyer.

Co-housing the pilot at the JAC and the cross-referrals between JAC services gives the client access to other resources and increases the likelihood they will make use of these available

resources. Several lawyers mentioned walking clients over to other services and introducing them to the appropriate staff members. Support from the pilot administrator allows lawyers to focus on the legal aspects of the client's needs. As well, while there have been and continue to be some challenges with respect to the level of paperwork required for forms and the file management, duty counsel are beginning to recognize the usefulness for tracking clients and measuring outcomes. Also important is that the lead duty counsel communicates and liaises with other court services to ensure information flow and to effect policy that will be of benefit to the client.

Some internal and external key informants made suggestions for strengthening communications and collaborations within the pilot and between the pilot and other services. These suggestions included:

- ▶ arrange group lunches or meetings with all duty counsel to share experiences;
- ▶ train and share with the duty counsel the purpose of the forms — the forms make more sense once their purpose and how the data will be used is explained; and
- ▶ have further conversations with the other court services such as judges and court clerks so that they have an understanding of what the expanded services are as well as to assist the FDC in better understanding the processes that judges want to see in the courtroom. This is viewed as particularly affecting provincial court where the judiciary is more hands-on regarding processes, whereas Supreme Court is more rules-oriented.

5.2 Progress toward outcomes

6. To what extent did the EXP FDC pilot increase client access to Family Duty Counsel services? Were there any gaps in the types of clients reached?

Key informants believe that the EXP FDC pilot increases client access significantly, although, as described earlier, one question was posed as to whether the reduced drop-in services was adequately meeting the needs of everyone, particularly those people requiring emergency services. Internal key informants compared the current services to what was available prior to the pilot, when clients could not make appointments and would have to stand in line for lengthy periods. And because of the high numbers of people waiting to see a lawyer, duty counsel could spend little time with each client. Now with two lawyers available at the JAC every day, the option to schedule appointments, and with the length of the appointments (one hour) and the total of six hours, plus the potential to see the same lawyer again, clients have much better access to the lawyers and lawyers can provide much better service.

Key informants also said that the space at the JAC is physically accessible and is easily reachable to and from court, as it is also located at the courthouse. Accommodations are also made for language or other barriers; for the former, the FDC can arrange for interpreter services as necessary. Key informants also observed that lawyers are supportive of clients with physical or other types of disabilities bringing their own support persons, such as family members or outreach staff, to appointments. Most surveyed clients also said that the JAC was in a convenient location (89%) and that the office was open at the right hours for them (90%).

A few gaps identified by key informants include the following:

- ▶ Several key informants believe that not all people who can benefit from the FDC are aware of the services and gave several examples of such gaps. One example given is that few Aboriginal clients come to the JAC for FDC services, although duty counsel do assist some Aboriginal clients in court. Another was that some people struggling with meeting support payment requirements could have benefited from assistance by the FDC prior to their issue progressing to the court stage. Several suggestions were to conduct outreach activities to specific groups or to distribute a newsletter or other types of promotional material.
- ▶ A few key informants commented that the FDC financial guidelines are too stringent and that there are many people who are not eligible for services but cannot afford to pay for legal advice.

With respect to the first bullet above, from the FDC database, 10% of FDC clients identified themselves as Aboriginal (see Table 1), although this would include clients assisted at the courthouse only, at the JAC only, or at both.

When considering how clients found out about the FDC, of the respondents to the client survey that were helped only at the courthouse, the majority (59%) said they found out about the FDC from someone at the courthouse, suggesting these clients were not aware of the service prior to coming to the courthouse (Table 13). As well, for those survey respondents who were helped at either the JAC only or both the JAC and at court, 25% said they also found out about the service at the courthouse, while 21% said they were told about the service through a friend, relative, or acquaintance.

Table 13: Most common sources of how clients found out about the FDC – client survey			
<i>Q1: How did you first find out about the Expanded Family Duty Counsel and the help you could get from the lawyers?</i>			
How clients found out about the FDC	FDC assistance at the...		Total (n=244)
	Courthouse only (n=44)	JAC only or both (n=200)	
At the courthouse (e.g., the duty counsel, someone else at the courthouse)	59%	25%	31%
A friend, relative, or acquaintance	5%	21%	18%
Saw it online/through internet	2%	18%	15%
Family justice counsellors or someone else at the JAC	14%	13%	13%
Someone at legal aid	9%	8%	8%

Note: Not all responses are shown; totals do not sum to 100%.

Although the majority of client files had no referral to the FDC identified (52%), looking at the FDC database and how clients were referred to the FDC, a wide range of services do appear to be making referrals to the FDC, albeit in small numbers for the most part (Table 14). Of note is that friends and family told the client about the FDC for only 2% of closed files but for 16% of open files. Considering open files have generally been opened more recently than closed files this suggests that awareness of the FDC through word of mouth is growing.

Referring organization or individual	Closed files (n=1,459)	Open files (n=708)	Total files (n=2,167)
	%		
Family justice counsellor	14%	13%	14%
Legal services/legal aid	7%	8%	7%
Friends or family	2%	16%	7%
Court staff or judiciary	3%	7%	5%
FMEP	3%	4%	4%
JAC – resource room or self-help	3%	4%	3%
Other government agency	2%	3%	2%
Advocate or community agency	2%	2%	2%
Online/internet	1%	5%	3%
LSS Family LawLINE	1%	2%	1%
Social worker	1%	2%	1%
Private lawyer	1%	1%	1%
Health professionals	1%	1%	1%
Access Pro Bono	1%	1%	1%
Aboriginal community agency	1%	1%	1%
Immigrant settlement or multicultural organization	1%	1%	1%
Police or victim services	1%	<1%	1%
Law students' clinic or program	1%	<1%	1%
Child Support Officer (CSO)	<1%	1%	1%
Mediate BC	<1%	1%	1%
Income assistance	<1%	1%	1%
Crown counsel or prosecutor	<1%	1%	<1%
Private mediator	<1%	<1%	<1%
Courthouse library	<1%	<1%	<1%
Justice Access Centre (JAC)	<1%	-	<1%
JAC Interviewer	-	<1%	<1%
None identified	57%	41%	52%

Source: EXP FDC database as of May 3, 2016.
 Note: Totals may not sum to 100% due to rounding.

The expanded service gives clients the opportunity of receiving up to six hours of lawyers’ assistance, compared to three hours in the previous model. Based on the service hours recorded by the pilot, however, most (86%) clients are using no more than a total of two hours, plus the mean and median for total files is 1.3 hours and 1.0 hour, respectively, indicating most clients are using far less than the maximum six hours (Table 15). No data are available on the amount of FDC time clients used in the previous model for comparison purposes to assess whether clients are accessing more lawyer time under the pilot. Plus, the ability for more time with the lawyer during individual visits through the scheduled appointments, as well as the potential for increased follow-up on directions provided to clients (e.g., for completing forms) through the file management process, should result in more effective lawyer-client time, and thereby contribute to increased access.

Table 15: Service hours per client – closed and open files – FDC database			
Number of hours per client	Closed files* (n=1,127)	Open files* (n=564)	Total files* (n=1,691)
	%		
0.1 to 0.5 hours	25%	18%	23%
0.6 to 1 hours	44%	38%	42%
1.1 to 1.5 hours	10%	12%	11%
1.6 to 2 hours	9%	11%	10%
2.1 to 2.5 hours	3%	5%	4%
2.6 to 3 hours	3%	5%	4%
3.1 to 3.5 hours	1%	4%	2%
3.6 to 4 hours	1%	2%	2%
4.1 to 4.5 hours	<1%	2%	1%
4.6 to 5 hours	1%	1%	1%
5.1 to 5.5 hours	1%	<1%	1%
5.6 to 6 hours	<1%	<1%	<1%
6.1 to 6.5 hours	1%	<1%	1%
6.6 to 7.0 hours	<1%	<1%	<1%
7.1 to 7.5 hours	<1%	<1%	<1%
7.6 to 8 hours	-	<1%	<1%
8.1 to 8.5 hours	-	<1%	<1%
8.6 to 9.0 hours	<1%	-	<1%
Averages and medians			
Mean	1.2	1.5	1.3
Median	1.0	1.0	1.0
Source: EXP FDC database as of May 3, 2016. Note: Totals may not sum to 100% due to rounding. *Only includes those clients where service hours were identified.			

Clients who access the FDC at the JAC appear to be making use of both the drop-in and appointment options, with 15% using the drop-in only, 45% using appointments only, and 37% using both (Table 16). Therefore, just over half (52%) of clients used drop-in services and 82% made appointments.

Table 16: How clients visited the FDC at the JAC (drop-in, appointment, or both) – client survey	
<i>Q14: About how many were times you went to the Justice Access Centre and saw the lawyer that same day, and how many were times you had to schedule an appointment for a different day and time?</i>	
Visit type	(n=200)
Drop-ins only	15%
Appointments only	45%
Both	37%
Don't know/can't recall/no response	3%
Note: Totals may not sum to 100% due to rounding.	

Most surveyed clients (70%) said they saw the FDC at the JAC one to two times, while 22% visited three to four times and 9% five or more times (Table 17). Almost half of clients that used drop-ins as well as those that made appointments said they did so once (48% and 47%, respectively).

Table 17: Number of times they saw the duty counsel at the JAC, and number that were drop-ins and appointments – client survey			
<i>Q11: About how many times did you go to see one of the duty counsel at the Justice Access Centre office?</i>			
<i>Q14: About how many were times you went to the Justice Access Centre and saw the lawyer that same day, and how many were times you had to make an appointment for a different day and time?</i>			
Number	Visits to the JAC (n=200)	Drop-ins (n=104)	Appointments (n=164)
One	45%	48%	47%
Two	25%	23%	26%
Three	15%	18%	15%
Four	7%	3%	5%
Five	4%	5%	4%
Over five	5%	3%	4%
Don't know/can't recall/no response	-	-	-
Note: Totals may not sum to 100% due to rounding.			

7. Did the pilot project improve the continuity and consistency of the Family Duty Counsel services?

The appointment-based approach of the FDC pilot is expected to provide opportunities for clients to work with the same lawyer through their potential six hours of services, thereby providing greater continuity of services in that the lawyer will become familiar with the case and the client and lawyer will form something of a relationship. From Table 18, 70% of closed files and 60% of open files involved only one lawyer. In total, only just over 14% of files involved three or more lawyers.

Number of lawyers per case	Closed files (n=1,457)	Open files (n=708)	Total files (n=2,165)*
	%		
1	70%	60%	67%
2	19%	21%	20%
3	7%	10%	8%
4	3%	5%	4%
5	1%	2%	1%
6	<1%	2%	1%
7	<1%	-	<1%

Source: EXP FDC database as of May 3, 2016.
 Note: Totals may not sum to 100% due to rounding.
 *Although there were 2,167 cases in the EXP FDC project database, data regarding the lawyers on file were available for 2,165 cases only.

Table 19 below compares the number of lawyers involved in a file to the number of client meetings at the JAC, keeping in mind that the number of lawyers may also include duty counsel that assisted a client in court. As illustrated below, the number of lawyers involved increases with the number of client meetings. Where clients had more than one meeting at the JAC, the majority had more than one lawyer involved in their case. However, it is not possible to determine how often this was because the client was assisted by a different duty counsel at the courthouse, although from Table 4, 65% of closed files did not have a court appearance identified.

Number of client meetings	Number of lawyers involved in the case*							Total
	1	2	3	4	5	6	7	
1*	89%	7%	3%	1%	-	-	-	712
2	27%	59%	12%	3%	-	-	-	191
3	18%	36%	34%	11%	1%	-	-	83
4	25%	21%	29%	14%	7%	-	4%	28
5	19%	19%	19%	31%	13%	-	-	16
6	20%	20%	20%	20%	20%	-	-	10
7	8%	23%	23%	23%	23%	-	-	13
8	-	33%	17%	17%	17%	17%	-	6
9	-	-	-	50%	-	50%	-	2
10-14	-	-	-	33%	67%	-	-	3

Source: EXP FDC database as of May 3, 2016.
 *Number of lawyers includes duty counsel that assisted the client in court; therefore a client with only one client meeting may have more than one lawyer involved if they had were assisted by a different duty counsel in court.

The client survey illustrates a greater level of continuity of lawyers at the JAC office itself. Of those respondents who had visited the FDC at the JAC more than once, 42% said they saw the same lawyer each time, while 31% said they saw two lawyers, and 27% saw three to five lawyers (Table 20). When asked why they were not able to see the same lawyer, most said that the lawyer was not available at either their next scheduled appointment (30% of 61 respondents), or when they dropped in for services (26% of 61 respondents), or they just said that the lawyer they had already seen was not available (16% of 61 respondents).

Table 20: Number of lawyers respondents saw, for those visiting the FDC at the JAC more than once, and reasons for seeing more than one lawyer – client survey	
<i>Q18: Thinking of all the times that you saw the duty counsel at the Justice Access Centre office did you see the same lawyer each time?</i>	
<i>Q19: How many different duty counsel did you speak with?</i>	
Number of duty counsel seen	(n=111)
One	42%
Two	31%
Three	17%
Four	5%
Five	1%
Don't know/can't recall/no response	4%

Internal key informants acknowledged that while continuity is not yet being fully achieved, the pilot is striving to facilitate this process as much as possible and continues to make changes for improvements. For example, the pilot is trying to ensure more consistency with lawyer scheduling by assigning each lawyer to the same weekday and with shifts no more than a few weeks apart to the extent possible, taking into consideration that lawyers have other commitments. Pilot administrators have also been reminded that when scheduling appointments to try to schedule clients with the same lawyer, where possible. It was observed that there is greater potential for file continuity clients of the co-lead lawyers who are at the FDC more frequently than roster lawyers.

As well, some internal key informants believe the file maintenance that occurs with the pilot is a positive feature that contributes toward file continuity. Client files contain background on the client's case, such as the client acknowledgment form that gives detailed information on the client and their family matter, the advice given form that outlines advice and instructions provided in previous meetings with duty counsel, case summary forms, and copies of client documents. Where a different lawyer assists the client at a subsequent meeting they can review this information and easily become familiar with the case and the advice and instructions given to date. Several key informants commented on how helpful this was for file continuity and that this type of information was not maintained on clients under the previous model. Key informants observed that the file system now means that duty counsel have more complete information and do not have to rely on the client's attempts to recall what previous lawyers told them. The fact that instructions to clients are now recorded in files also places some accountability on clients for following through and makes for more effective use of duty counsel time.

Some key informants also commented that some clients are not as interested with working with the same lawyer as they are with seeing the first available lawyer or seeing a lawyer at a time when they themselves are available.

Few external key informants could speak to file continuity. One observation was that in the initial stages of the pilot clients often appeared to be seeing more than one lawyer and were at times confused over what they perceived as different advice, but that file continuity seems to be increasing. File continuity was perceived as a positive aspect in that the client would not have to re-explain their matter to different lawyers and would receive consistent advice.

Almost all (85%) of the survey respondents that had worked with the same lawyer said this was helpful or very helpful to them (Table 21). Respondents said this was because the lawyer was familiar with their case (54%), or they did not have to re-explain to different lawyers (28%), or because they got to know the lawyer and were comfortable with them (26%). Of those clients who worked with different lawyers, 41% said it was helpful or very helpful and 21% said it made no difference. Respondents mainly said this was because the lawyers were all helpful in providing them assistance (37%), or because they got to hear different opinions from the lawyers (32%). Of the 33% of respondents that said it was not helpful or not at all helpful to work with different lawyers, this was mainly because they had to repeat their situation each time (75%), they got different opinions or advice from the lawyers (30%), or because the lawyers were not all familiar with their case (25%).

Table 21: Helpfulness of working with either the same lawyer or different lawyers – client survey

Q21: How helpful or unhelpful was it to you to work with different lawyers rather than just one lawyer?

Q24: How helpful was it to you to work with the same lawyer compared to if you had had different lawyers?

Helpfulness	Different lawyers (n=61)	Same lawyer (n=47)
Very helpful	16%	70%
Helpful	25%	15%
Made no difference	21%	6%
Not helpful	28%	2%
Not at all helpful	5%	2%
Don't know/no response	5%	4%

Note: Totals may not sum to 100% due to rounding.

8. Have the EXP FDC services improved clients' knowledge of the process, family law, and their legal options?

Improved knowledge of the process, family law, and legal options

It was primarily internal key informants that could speak to this evaluation question, saying that the one-hour appointments and the total of six hours available enable duty counsel to spend sufficient time with clients to assist them in understanding their legal issues and options, and prepare for their next steps, and to do so in a more relaxed manner. Prior to the pilot, when duty counsel saw many clients in one day on a drop-in basis, there was little time to spend with each client, and conversations were short and rushed.

Furthermore, as already discussed, the pilot client file system allows lawyers to refer back to what has occurred to date and the advice and instruction provided in previous sessions. And with clients now having the ability to schedule additional appointments, duty counsel can give clients instructions on next steps and then follow up at the next appointment regarding how these were carried out. The location of the FDC at the JAC also gives clients easy access to the resource

room for assistance with completing their documents, plus duty counsel can encourage clients to make use of the FJCs.

However, a few key informants commented that the complexities and the amount of information can still be overwhelming for many clients, but that this also depends on the client. Some clients have a high capacity and can make progress on their matter with some guidance from the duty counsel, while others have barriers that impede their ability to understand and will struggle at each step.

External key informants could not comment on this evaluation question to any extent other than to say that the time available with the duty counsel should be helpful, and that clients appear satisfied and have a greater understanding of their next steps.

From the FDC database, most clients are receiving procedural advice on the court process (73%) and substantive advice regarding a legal issue or issues (70%), with some variation in these proportions between closed and open files (Table 22). As well, almost one quarter (24%) of clients received advice on document preparation, and over a third (35%) were assisted at a court attendance.

Table 22: Services provided by the FDC to clients – FDC database

Services provided	Closed files (n=1,459)	Open files (n=708)	Total files (n=2,167)
	%		
Procedural advice regarding court process	71%	77%	73%
Substantive advice regarding legal issue(s)	67%	76%	70%
Court attendance	34%	36%	35%
Document preparation – advice	23%	27%	24%
Document preparation – drafting	13%	14%	13%
Coaching	9%	21%	13%
Document preparation – editing	5%	6%	5%
Substantive advice about a mediated agreement	4%	4%	4%
Referral to non-LSS service	3%	6%	4%
Substantive advice about a negotiated agreement	<1%	2%	1%
Case conference attendance	<1%	<1%	<1%
Successive coaching sessions	-	<1%	<1%

Source: EXP FDC database as of May 3, 2016.
 Note: Cases could involve more than one service; totals will sum to more than 100%.

As a component of the clients’ case summary forms, duty counsel are to assess each client’s understanding of a number of elements and to do so both at the start of assistance and after each appointment (Table 23, next page). For each of the elements below, a higher proportion of duty counsel rate the client’s understanding/abilities as low at the start of the file, and, in fact, a majority of clients are rated low for *understands the legal process that relates to their case and is organized and prepared to address their legal issues*. In all cases, some progress is made in understanding and abilities between the initial and end assessments, for both closed and open files, with duty counsel assessments graduating mainly from low understanding to some understanding. Few clients are assessed as able, even for end assessments.

Table 23: Clients' understanding of their legal issue as assessed by lawyer – FDC database						
Clients' understanding levels by element	Closed		Open		Total	
	Start	End	Start	End	Start	End
	%					
Understands their family law issues	(n=1,268)	(n=1,002)	(n=692)	(n=348)	(n=1,960)	(n=1,350)
Able	6%	5%	9%	10%	7%	6%
Some	31%	33%	41%	47%	34%	36%
Low	44%	36%	47%	40%	45%	37%
Not applicable	20%	26%	3%	3%	14%	20%
Understands the legal processes that relate to their case	(n=1,267)	(n=,1003)	(n=691)	(n=347)	(n=1,958)	(n=1,350)
Able	3%	3%	4%	5%	3%	4%
Some	21%	26%	32%	39%	25%	29%
Low	56%	44%	62%	53%	58%	46%
Not applicable	20%	26%	3%	4%	14%	20%
Is able to prepare and submit provincial court documents	(n=1,141)	(n=910)	(n=674)	(n=337)	(n=1,815)	(n=1,247)
Able	3%	3%	4%	7%	3%	4%
Some	22%	23%	29%	30%	25%	25%
Low	47%	40%	45%	37%	47%	39%
Not applicable	29%	34%	22%	26%	26%	32%
Is able to prepare and submit Supreme Court documents	(n=844)	(n=697)	(n=644)	(n=328)	(n=1,488)	(n=1,025)
Able	3%	3%	2%	3%	2%	3%
Some	15%	17%	14%	16%	14%	17%
Low	35%	27%	30%	22%	33%	26%
Not applicable	47%	53%	54%	59%	50%	55%
Is organized and prepared to address their legal issues	(n=1,263)	(n=1,007)	(n=682)	(n=357)	(n=1,945)	(n=1,364)
Able	2%	2%	5%	6%	3%	3%
Some	18%	23%	29%	37%	22%	27%
Low	58%	48%	60%	50%	59%	49%
Not applicable	21%	27%	6%	6%	16%	21%

Source: EXP FDC database as of May 3, 2016.

Note: Cases could include more than one legal issue; totals sum to more than 100%.

Clients themselves said they are getting a wide variety of assistance from the FDC, with over two thirds of respondents saying they received help in each of the areas identified in Table 24. In particular, almost all said the duty counsel explained to them and provided them with information on their family law matter (92%) and also explained the legal process to them (86%). Furthermore, almost all (87%) respondents said the assistance was either very helpful (50%) or helpful (37%) to them for understanding the legal process and their family law matter, and almost all (82%) said this was either very helpful (45%) or helpful (37%) for understanding and making decisions on their options for handling their family law matter. The few that said the assistance was either not helpful or not at all helpful (13% for understanding the legal process/their family law matter and 16% for understanding their options) mainly said this was because they did not feel they got enough assistance, information, or advice (60% and 47%, respectively).

Table 24: Type of information and assistance provided by the duty counsel – client survey

Q27: Which of the following types of information and assistance did the Duty Counsel give to you?

Information/assistance received	Respondents that received the assistance (n=200)
Explain and provide you with information about your family law matter	92%
Explain the legal process to you	86%
Tell you about your different options for handling and resolving your legal matter	80%
Specifically talk to you about ways you could resolve your matter without going to court	69%
Help with forms or documents needed for your legal matter	68%

9. Have the EXP FDC services increased clients' ability to manage and resolve their legal issue?

Key informants, particularly internal key informants, gave many examples of how they believe the FDC is helping clients to better manage and resolve their legal issues. Duty counsel give clients advice about the law and the process for the various routes, such as mediation or court. The lawyers will also advise them on what to expect from the various routes, how to prepare and present their case, questions to expect and how to prepare responses, and how to speak to the judge if they do go to court. Duty counsel can also provide guidance on the documents to complete and get them started on the documents, reviewing them once completed. External key informants observed that people are coming to both court registry and court with better prepared documents, which facilitates the processing of documents at the court registry and reduces court adjournments because of incomplete documents.

Key informants also said that duty counsel assistance helps clients to make better decisions and to avoid putting forth unreasonable or inappropriate claims. Duty counsel can also help clients understand how to advocate for themselves, and provide guidance on how to negotiate with a lawyer if the opposing side has legal representation. Plus, duty counsel promote mediation and negotiations so that clients understand there are other options besides court; this approach is appreciated by external key informants with a few observing that there appear to be more mediations occurring. However, another observation was that while duty counsel encourage mediation, as does the *Family Law Act*, a limitation is that there are few free mediation services. That said, there is anecdotal evidence from key informant interviews that the assistance from the FDC is resulting in a decrease in unnecessary court appearances and that clients are assisted in

achieving some type of consent order, at least interim orders; sometimes these interim orders end up as the final order.

A few key informants again mentioned that this assistance is particularly helpful to motivated clients who are well positioned to use the information and move forward on their own with some guidance, but that there is a large proportion of people who continue to be challenged even with the duty counsel assistance and find the process overwhelming. As was noted in the previous evaluation question and as was shown in Table 23, duty counsel assessed a majority of close to half of clients as low for *is organized and prepared to address their legal issues* at both the start and end of the process. Some clients may be facing barriers with respect to language, literacy, or comprehension, or may have resource constraints such as lack of access to a computer or even a telephone. Or they may be at a disadvantage in that the opposing side has legal representation while they are trying to represent themselves. One suggestion made was that it would be helpful if the FDC could provide clients with access to a telephone and fax machine to give them the capability to contact organizations and receive needed information for their documents at the FDC.

Clients themselves were also positive about many of the examples given above. Of the clients who said the FDC assisted them with documents, 64% said the duty counsel gave them information and advice on completing the forms on their own, while 46% said the duty counsel assisted them in completing some or all of the forms (Table 25). Almost all (92%) of respondents said this assistance was very helpful (60%) or helpful (32%) to them.

Table 25: Assistance provided by the duty counsel on forms and documents – client survey	
<i>Q32: What help did the Duty Counsel give you on forms and documents needed for your legal matter?</i>	
Assistance	(n=135)
Information and advice on how to complete the forms on their own	64%
Assistance in completing some or all of the forms	46%
Gave them the forms or told where to find them	6%
Reviewed their forms	3%
Other	3%
Don't know/can't recall/no response	3%
Note: Respondents could provide more than one answer to the type of assistance provided; totals may sum to more than 100%.	

Just over half (56%) of all survey respondents who accessed the FDC at the JAC said they submitted court documents on their own (Table 26). A slightly higher proportion of those clients who said they received duty counsel assistance with their documents (i.e., the assistance indicated in Table 25) said these documents were accepted the first time they submitted them, compared to those who did not receive duty counsel help with documents (80% versus 76%).

Table 26: Submittal of forms and documents to the court registry – client survey		
<i>Q34: Did you submit any documents to the court registry or court services?</i>		
<i>Q35: Were they accepted the first time you tried to submit them?</i>		
Documents submitted	(n=200)	
Their lawyer submitted the documents	3%	
Yes	56%	
No	40%	
Don't know/can't recall/no response	2%	
Documents accepted the first time they tried to submit	Duty counsel helped with forms (n=89)	Duty counsel did not help with forms (n=21)
Yes	80%	76%
No	19%	24%
Don't know/can't recall/no response	1%	-
Note: Totals may not sum to 100% due to rounding.		

Of the 47 (24%) survey respondents who said they had a court trial, 32 (68%) said they represented themselves. These respondents said the duty counsel helped to prepare them by telling them:

- ▶ what to expect in court (69%)
- ▶ how the court process works (63%)
- ▶ what to bring to court (59%)
- ▶ how to present their case (44%)
- ▶ how to address the judge (41%)

As well, 33% of total survey respondents said they appeared before a judge for reasons other than a trial. Of these, 54% said the duty counsel gave them information on the court appearance, and most of these said the assistance was helpful to them for understanding:

- ▶ what would happen in court (94%)
- ▶ what they need to do to get ready (91%)
- ▶ what information they should bring (91%)
- ▶ what they should say (66%)

The majority of survey respondents who represented themselves in court, either at a trial (78%) or for some other court appearance (52%), said they felt either very prepared or prepared (Table 27). Both groups said this was mainly because they had everything prepared or had all the information they needed (44% and 39%). Moreover, those who represented themselves at a trial specifically said they felt very prepared or prepared because the duty counsel had given them all the information they needed and/or helped them prepare (40%).

Table 27: Preparedness in going to court without a lawyer		
<i>Q51: How prepared did you feel to handle the trial by yourself?</i>		
<i>Q59: How prepared did you feel to handle the court appearance or court appearances by yourself?</i>		
How prepared they felt to represent themselves in court	At a court trial (n=32)	At other court appearances (n=25)
Very prepared	28%	32%
Prepared	50%	20%
Not prepared	9%	24%
Not at all prepared	9%	20%
Don't know/no response	3%	4%

Note: Totals may not sum to 100% due to rounding.

Most (84%) survey respondents who were helped by the duty counsel at the courthouse said this was very helpful (52%) or helpful (33%) to them (Table 28). From Table 29 (next page), respondents primarily said this was because the duty counsel did such things as clarified things for them; gave them direction, support, and advice; prepared them; and informed them of options (40%). Respondents said the assistance provided by the duty counsel at the courthouse was helpful because the duty counsel understands what to do (16%), and because the duty counsel spoke on their behalf (15%).

Table 28: Helpfulness of having duty counsel assist them at the courthouse – client survey			
<i>Q6&62: How helpful was it to have the duty counsel assist you at the courthouse/at this appearance or these appearances?</i>			
Helpfulness of duty counsel assistance at the courthouse	FDC assistance at the...		Total (n=77)
	Courthouse only (n=44)	JAC and courthouse (n=33)	
Very helpful	43%	64%	52%
Helpful	41%	21%	33%
Not helpful	11%	6%	9%
Not at all helpful	5%	6%	5%
Don't know/no response	-	3%	1%

Note: Totals may not sum to 100% due to rounding.

Table 29: Why it was helpful/not helpful to have the duty counsel assist them at the courthouse – client survey

Q7&63: Why was it helpful or not helpful to have the duty counsel assist you at the courthouse?

Helpful	FDC assistance at the...		Total (n=76)
	Courthouse only (n=44)	JAC and courthouse (n=32)	
Duty counsel clarified; gave direction, support and advice; prepared them; informed them of options	39%	41%	40%
Duty counsel understands the process/know what to do	7%	28%	16%
Duty counsel spoke on their behalf and handled the process	11%	19%	15%
Good to have the support	14%	-	8%
Client not familiar with court process	11%	-	7%
Helped with paperwork	2%	-	1%
Not helpful			
Duty counsel rushed/trying to help too many people/not enough help	5%	16%	9%
Duty counsel did not give them enough help	7%	-	4%
Some duty counsel were helpful, some were not	2%	-	1%
Other	14%	-	8%
Don't know/no response	2%	3%	3%

Note: Respondents could provide more than one answer; totals may sum to more than 100%.

10. Are the EXP FDC services helping clients achieve early resolutions to their legal problems?

Internal key informants said the assistance provided by the FDC should help clients in resolving their legal issues and in achieving earlier resolutions, as opposed to what might occur without the assistance. These key informants believe that other stakeholders are referring clients to the FDC and so the clients are hopefully accessing the services early in the process. From the pilot database, the highest proportion (35%) of client files was opened before court proceedings or a written agreement (Table 30, next page). Plus, 16% were opened when court action was commenced but before a case conference, which might be considered early for a family law matter.

Table 30: Stage of client case when file opened – FDC database			
Stage of case	Closed files (n=1,458)	Open files (n=706)	Total files (n=2,164)*
Before court proceedings or written agreement	35%	35%	35%
After final order or agreement	16%	18%	17%
Court action commenced – before case conference	16%	17%	16%
Change final order or agreement	14%	12%	14%
Before final order	11%	12%	11%
After case conference – before interim orders	3%	1%	2%
CFCSA specific stages**			
New removal/presentation	3%	4%	3%
Protection stage	2%	1%	1%
Risk of removal	1%	<1%	1%
Cancellation of CCO	<1%	<1%	<1%
Continuing custody order (COO)	<1%	<1%	<1%
Extension	<1%	<1%	<1%
Source: EXP FDC database as of May 3, 2016. Note: Totals may not sum to 100% due to rounding. *Although there were 2,167 cases in the EXP FDC project database, data regarding the stage of client case when the file was opened were available for 2,164 cases only. **Clients that had CFCSA issues may also be included in other stages listed besides those specific to CFCSA files.			

Internal key informants also said that duty counsel can provide clients with assistance so that they can make more timely decisions, adjust their expectations to help them identify more achievable resolutions, and to negotiate and mediate rather than going to court, all of which should help clients resolve their issues and do so earlier. A few key informants believe that more mediations are occurring and more resolutions occurring through mediations, although they could not necessarily attribute this to the FDC. However, FDC lawyers are recognized for promoting and encouraging mediation. As well, the assistance from the duty counsel is also attributed to reducing the number of unnecessary court appearances and helping people achieve at least some interim agreement on family list day, which, as noted previously, sometimes becomes the final order.

However, a few internal key informants also noted that because they do not follow clients through to the end of their process it is difficult to ascertain to what extent clients are achieving resolution and whether this is occurring earlier than in the past.

Table 31(next page) looks at the length of time files are open, as indicated from the FDC database. It is not possible to make any definitive statements based on this information, given that it is not generally known if clients’ cases are resolved when closed, and given that many files are still open. The following just helps to provide some context in that:

- ▶ 28% of closed files were open for six months or less and 72% were open for over six months;
- ▶ almost half (47%) of closed files were open for over eight months, but only 15% for over a year, plus the mean and median length of time open for closed files is 8.3 and 7.7 months; and
- ▶ the majority of open files (70%) have been open for six months or less, with a mean and median of 5.3 and 3.9 months.

Months open	Closed files (n=1,447)	Open files* (n=706)	Total files (n=2,153)**
	%		
Up to 2 months	1%	26%	9%
2.1 to 4 months	8%	27%	15%
4.1 to 6 months	19%	17%	19%
6.1 to 8 months	25%	7%	19%
8.1 to 10 months	19%	7%	15%
10.1 to 12 months	13%	5%	11%
12.1 to 14 months	6%	6%	6%
Over 14 months	9%	6%	8%
Averages and medians	Months		
Mean	8.3	5.3	7.3
Median	7.7	3.9	6.9

Source: EXP FDC database as of May 3, 2016.
 Note: Totals may not sum to 100% due to rounding.
 *Length of time for open files is calculated up to date of extract, May 3, 2016.
 **Although there were 2,167 cases in the EXP FDC project database, data regarding the date the file was opened and the date the file was closed were available for 2,153 cases only.

The FDC also tracks legal outcomes, although in some respects this is a service outcome, in that the information does not necessarily indicate the final legal outcome for the client (Table 32). The most common outcome was for advice only (77%), followed by appearance – adjournment (21%) and appearance – interim order (13%).

Legal outcome	Closed files (n=1,459)	Open files (n=676)	Total files (n=2,135)*
	%		
Advice only	76%	81%	77%
Appearance – adjournment	19%	25%	21%
Appearance – interim order	11%	15%	13%
Order – interim	8%	9%	8%
Order – final	3%	3%	3%
Appearance – final order	2%	3%	2%
Unresolved – client abandoned	2%	-	1%
Unresolved – referred to intake	2%	1%	1%
Unresolved – file closed	1%	<1%	1%
Agreement	1%	<1%	<1%
Access granted	<1%	-	<1%
CFCSA specific outcomes**			
Child in care	2%	1%	2%
Child with client - supervision	1%	2%	1%
Child transferred to non-parent	<1%	<1%	<1%
Child with other parent	<1%	<1%	<1%
CCO granted	<1%	-	<1%
Unknown	25%	4%	18%

Source: EXP FDC database as of May 3, 2016.
 Note: Cases could involve more than one service outcome; totals will sum to more than 100%.
 *Although there were 2,167 cases in the EXP FDC project database, data regarding the legal outcome were available for 2,135 cases only.
 **Clients that had CFCSA issues may also be included in other legal outcomes listed besides those specific to CFCSA files.

Survey respondents were asked about the current status of their family law matter that they went to the FDC for assistance about (Table 33). The majority (60%) of respondents said they had achieved at least some resolution, with 36% saying all issues had been resolved through agreement or an order from a judge and 24% saying that some issues had been settled and some were still unsettled. Of those who had settled some or all issues, 59% said they did so out of court, and of these, 54% did so through working out an agreement on their own with the other party and 33% did so through mediation.

Table 33: Current status of their family law matter, and how some or all issues were resolved – client survey	
<i>Q42: Which of the following best describes the current status of your family law issues that you went to see the duty counsel about?</i>	
<i>Q43: For your issues that are resolved, were you able to resolve them out of court without a trial, after a trial, or some issues were resolved out of court and some issues after a trial?</i>	
<i>Q44: How were you able to resolve all or some of your matters out of court without a trial?</i>	
Current status	(n=200)
All issues have been resolved or settled either through agreement or an order from a judge	36%
Some issues have been resolved or settled, but some are still unsettled	24%
No issues are yet resolved	39%
Don't know/no response	3%
How some or all issues were resolved	(n=118)
They were all settled out of court without a trial	59%
They were all settled through an order from a judge after a trial	32%
Some settled out of court and some through an order from a judge after a trial	8%
Don't know/can't recall/no response	2%
How some or all issues were resolved out of court	(n=78)
Worked out an agreement on your own with the other party	54%
Taking part in mediation with a mediator	33%
Taking part in a Family Case Conference or Judicial Case Conference	15%
By default (other party gave up, didn't show up)	4%
With help from a lawyer	3%
Other	1%
Don't know/can't recall/no response	1%
Note: Totals may not sum to 100% due to rounding.	
Note: Respondents could provide more than one answer to how issues were resolved; totals may sum to more than 100%.	

Of those survey respondents who settled their matters out of court, most (72%) said the assistance from duty counsel was either very helpful (42%) or helpful (30%) to them in resolving all or some of their matters out of court, and 15% said this was not applicable to them as they had not received help from duty counsel (Table 34). When asked why they found the assistance helpful the majority (53%) of respondents said things like it was good to have the advice and guidance and/or the FDC explained the process to them.

Table 34: Helpfulness of the assistance from the duty counsel in resolving some or all matters out of court – client survey	
<i>Q45: How helpful was the information or assistance you received from the duty counsel in resolving all or some of your matters out of court?</i>	
Helpfulness	(n=67)
Very helpful	42%
Helpful	30%
Not helpful	5%
Not at all helpful	9%
Not applicable, did not get assistance from duty counsel for this	15%
Note: Totals may not sum to 100% due to rounding.	

Of those clients who have not resolved some or all of their family law matter issues, 39% said they plan on trying to resolve the matter without a trial, 7% said they were planning on mediation or a case conference, 21% said they plan on having a trial, and 21% were not sure of their next steps. Of those planning a trial, 42% said they plan on hiring a private lawyer, 39% said they plan on representing themselves, and 19% did not know. The majority of clients thought the assistance they had received from the duty counsel would be helpful to them in resolving their matter; 67% of those who planned for a trial said the assistance would be helpful or very helpful, and 55% of those planning on trying to resolve the matter out of court thought the assistance would be helpful or very helpful.

**11. Are clients satisfied with their experience using the added EXP FDC services?
What, if anything, can be done to improve clients' experiences?**

A few key informants said they have received positive feedback from clients such as that they now have some understanding of their family law matter, they feel more empowered, and they have some idea of what they should do about their legal issues. As well, internal key informants said both clients and lawyers are more relaxed when clients have a designated hour of duty counsel time.

Clients themselves expressed a high level of satisfaction, with 83% of survey respondents saying that overall they were either very satisfied (51%) or satisfied (32%) with the help and support they received from the FDC (Table 35). As well, 91% of respondents said that they felt treated with respect by the duty counsel and 85% said they felt the duty counsel listened to them and took the time to understand their legal issues.

Table 35: Level of satisfaction with the Expanded Family Duty Counsel services– client survey	
<i>Q73: Overall, how satisfied were you with the help and support you received through the Expanded Family Duty Counsel services?</i>	
Satisfaction level	(n=200)
Very satisfied	51%
Satisfied	32%
Unsatisfied	10%
Very unsatisfied	8%
Don't know/no response	1%

Note: Totals may not sum to 100% due to rounding.

Had the FDC services not been available, just over one third (34%) of respondents said they would have hired their own lawyer and 28% said they would have tried to do everything themselves (Table 36).

Table 36: What they would have done without the Expanded Family Duty Counsel service– client survey
Q70: What would you have done if the Expanded Family Duty Counsel service was not available?

What they would have done	(n=200)
Hired their own lawyer	34%
Tried to do it all themselves	28%
Tried to find another service to help	12%
Represented themselves in court with no help	8%
Dropped the matter/done nothing	7%
Relied on the duty counsel available in court	3%
Tried to resolve the matter out of court	2%
Conducted more online research	2%
Tried to get help from legal aid	2%
Would just do the same as what they're doing right now	2%
Get help from friends	2%
Other	2%
Don't know/no response	13%

Note: Respondents could provide more than one answer; totals may sum to more than 100%.

When asked about suggested improvements to the EXP FDC, just over one quarter of client survey respondents (29%) said they had no suggestions; others made a variety of suggestions with no particular suggestion or suggestions mentioned by a substantial proportion of respondents. The two most frequent suggestions were to allow more time with the lawyer (16%) and to have more lawyers available (14%); a detailed list of suggestions is provided in Table 37.

Table 37: Suggestions for improving the Expanded Family Duty Counsel services– client survey
Q74: What, if anything, would you change about the Family Duty Counsel to make the services better?

Suggestions	(n=200)
No suggestions, services were good	29%
Allow more time with the lawyer	16%
Have more lawyers available	14%
Make sure the client works with the same lawyer all the time	7%
More communication/advertising to let people know it is available	7%
Offer evening hours/expanded hours	6%
Lawyers should listen more to client/show compassion	4%
Less wait time for appointments	3%
Give more information on the client's options/alternatives for resolution, what to do	3%
Lawyers should be familiar/knowledgeable on the various family matters	3%
Expand the types of issues they can cover	2%
More assistance with document preparation	2%
Increased accessibility, such as more offices, access for clients outside of Victoria	2%
Use plain language that non-legal people understand	2%
More flexible financial guidelines/make service available to everyone	2%
More coaching/preparing/what to expect	2%
Allow the lawyer to represent you in court	1%
Provide information sheet that explains what help they can give	1%
Give more assistance when the other party is represented by a private lawyer	1%
Better match lawyers' areas of expertise with clients' legal needs	1%
Decrease wait time at courthouse/more time with lawyer at court house	1%
Documentation on preparing for meeting with lawyer/on legal processes/family law	1%
Comments not applicable to FDC	4%
Other	9%
Don't know/no response	5%

Note: Respondents could provide more than one answer; totals may sum to more than 100%.

12. Are the EXP FDC referrals to other resources helpful to clients in resolving their family law issues?

The FDC lawyers are all considered to be experienced lawyers with good knowledge of community resources. In addition, most roster lawyers mentioned that as family law lawyers they will regularly refer clients to needed resources and services for both their legal and non-legal needs. A few key informants commented that the pilot itself does not do anything specific to promote referrals, but rather relies on the experience of the lawyers to know resources and when to make referrals. The resource room at the JAC is considered a helpful source of information to clients on other available resources. Plus, a few internal informants commented that the checklist of resources on the case summary form serves as a good reminder of other services available. A few suggestions, though, were that it would be helpful to have a list of available resources and contact information, and that it would be helpful for roster lawyers to communicate with each other as well as with other services at the JAC to keep each other informed about the resources available.

From the FDC database, the most common referral was to the JAC resource room (28%), while of the total files just over a third (36%) received no referral (Table 38). A substantially higher proportion of closed files had no referral source identified (43%), compared to open files (22%), plus these proportions were almost reversed for referrals to the JAC resource room, at 20% for closed files and 43% for open files. Considering open files have generally been opened more recently than closed files, this suggests either that with time the FDC lawyers are making more referrals to the resource room, or that more complete records of referrals are now being maintained. Referrals to some of the other types of resources are somewhat more common for open files than closed.

Table 38: Referrals from EXP FDC to other organizations or individuals – FDC database

Organization or individual	Closed files (n=1,459)	Open files (n=708)	Total files (n=2,167)
	%		
JAC – resource room or self-help	20%	43%	28%
Legal services/legal aid	14%	17%	15%
LSS family law website	8%	24%	13%
Family justice counsellor	9%	21%	13%
Court staff or judiciary	11%	15%	12%
Private lawyer	7%	12%	9%
FMEP	5%	10%	7%
Other government	5%	7%	6%
Private mediator	3%	6%	4%
LSS Family LawLINE	2%	3%	3%
Social worker	1%	4%	2%
Courthouse library	3%	1%	2%
Law students' clinic or program	2%	3%	2%
Police or victim services	2%	3%	2%
Health professionals	1%	3%	2%
Advocate or community agency	1%	2%	1%
Access Pro Bono	1%	1%	1%
Immigrant settlement or multicultural organization	1%	<1%	1%
Income assistance	<1%	1%	1%
Aboriginal community agency	<1%	-	<1%
Crown counsel or prosecutor	<1%	-	<1%
None identified	43%	22%	36%

Source: EXP FDC database as of May 3, 2016.
 Note: Cases could involve more than one referral; totals will sum to more than 100%.

Of the client survey respondents, 25% said the duty counsel referred them to other resources outside of the JAC, and of these, 57% said they used the resource and 68% said the resource was either very helpful or helpful.

13. Does the EXP FDC improve the level of integration across available legal supports and services at the Victoria site?

As described previously, the co-housing of the FDC at the JAC with other resources and the cross-referrals that occur between the services is considered one of the key positive features of the pilot. Access to the resource room enables clients to work on their documents and undertake instruction given by the duty counsel, plus clients are more likely to use the resource room when it is housed at the same facility. Key informants said that the JAC staff person managing the resource room is very knowledgeable regarding court forms, which is very helpful to clients and the duty counsel.

Key informants said it is also helpful to have easy access to the JAC's other services to refer clients to, such as the FJCs and the student law centre. Internal key informants spoke of taking clients over to the services, further ensuring the linkages occur. Plus, other services can refer their clients to the FDC when legal advice is needed or to review agreements reached in mediation. Both internal and external key informants referred to the benefits of this co-location of related services, with a few referring to it as one-stop shopping for clients. Key informants also said that if clients had to be referred to other locations rather than within the same building, it is likely that many would not follow through on the referral.

Several suggestions made for further facilitating integration are provided below.

- ▶ A few internal key informants observed that they had received no formal introductions to the other services or staff at the JAC and that it has been up to individuals to take these steps on their own. Suggestions were made for some type of group event to meet with staff of the other services and learn of each other's roles and responsibilities. This could be in the form of team building activities, roundtables, or even informal gatherings. Such gatherings could further instill a team approach, help all services gain a greater understanding of services they can provide, and strengthen the connections between the hub of services.
- ▶ Further to the above, another suggestion was that it would be helpful to look for ways to increase the coordination between duty counsel and the FJC's, in that the FJC's may have clients who could benefit from some legal assistance from the FDC.

As was shown in Table 38, according to the FDC database, 28% of FDC clients were referred to the JAC resource room and 13% to the FJC. And from Table 14, 14% of FDC clients were referred to the pilot by a FJC, but only 3% by the resource room. The latter could partially be because many people using the resource room had already received FDC assistance or were aware of the FDC.

Of the client survey respondents, 51% said the duty counsel referred them to another service at the JAC, while 24% of respondents said they had already used the JAC resources prior to seeing the duty counsel (Table 39, next page). Of those referred, 73% said it was a helpful referral. Plus, 91% of respondents who either had been referred to the JAC or had already used one of the resources said it was very helpful or helpful to have the duty counsel at the JAC with the other resources, with 69% saying it was very helpful.

Table 39: Use of other resources at the JAC – client survey

Q37: Did the duty counsel tell you about and suggest you go to any of these for more help (resource centre, family justice counsellors)

Q37a: If yes, was that a helpful referral to you?

Q38: How helpful was it to you to have the duty counsel along with these other resources all in one place at the Justice Access Centre?

Duty counsel referred them to other resources at the JAC	(n=200)
Yes	51%
No	21%
They had already used JAC resources before seeing the duty counsel	24%
Don't know/can't recall/no response	5%
Whether this was a helpful referral	(n=101)
Yes	73%
No	15%
Did not use the resource	11%
Don't know/can't recall/no response	1%
Helpfulness of having the duty counsel at the JAC with the other resources	(n=150)
Very helpful	69%
Helpful	22%
Not helpful	3%
Not at all helpful	2%
Don't know/no response	3%

Note: Totals may not sum to 100% due to rounding.

14. Have the enhancements due to the EXP FDC project increased LSS and other service providers' efficiency?

Key informants mainly referred to the previously mentioned positive attributes of the FDC and how this can lead to efficiencies for LSS as well as for other justice stakeholders. Examples given include the following:

- ▶ The client files that track all information allow duty counsel to quickly familiarize themselves on clients' cases and make better use of duty counsel time with clients.
- ▶ The written instructions given to clients give them concrete steps to follow, increasing the likelihood they will come to their next appointment prepared rather than repeatedly returning to duty counsel for guidance.
- ▶ The additional time that the duty counsel are able to spend with clients through the scheduled one hour appointment and total of six hours assists clients in preparing for their next step. This in turn should help them to make better use of court time if their next step involves court and to reduce unnecessary court appearances.
- ▶ The FDC can guide clients in their decision making, which should reduce the consumption of court time due to unreasonable expectations. And, if clients are diverted to mediation or are able to come to an agreement with the other party, court time can be avoided altogether.
- ▶ The availability of the FDC decreases the time court registry must spend fielding requests for information and assistance, including assistance with court forms; now, court registry can refer people to the FDC.
- ▶ When court forms are better prepared, this too makes better use of court time.

15. To what extent has the EXP FDC pilot led to net system savings, due to efficiencies gained for LSS and/or other areas of the justice system?⁵

This section looks at potential efficiencies gained for LSS and/or other areas of the justice system as a result of the pilot and considers what costs might be avoided by the efficiencies gained from the operation of the pilot. As noted in the methodology section, it is not possible to make any conclusive statements about efficiencies gained or costs avoided due to the EXP FDC, as no data are available on the extent to which the pilot has resulted in such impacts as diversion of cases from the court system or reduced appearances, adjournments, trials, or shorter court appearances. Therefore, this section uses some statistics on family court cases at the Victoria law courts, as presented in Section 4.0, along with pilot data to make some estimates of potential costs avoided if the FDC could affect certain changes, and using different scenarios. As well, no information is available to attach any monetary estimates to any other potential savings to the justice system outside of court costs (e.g., reduced demands on court registry from people looking for assistance or direction).

In order to estimate savings on an annual basis, fiscal year 2015-16 is used since this is the one full year in which the pilot has operated. As was shown in Table 9, provincial court applications and Supreme Court applications that make a court appearance are not equal in their time requirements. Therefore, in order to make some considerations for FDC clients it is first necessary to look at the 1,290 clients served in 2015-16 with respect to their court level. From the FDC database, files went to each of the courts as follows:

- ▶ 725 to BC provincial court
- ▶ 269 to BC Supreme Court
- ▶ 18 to both BC provincial court and BC Supreme Court
- ▶ 44 were identified as other (which includes, for example, court in another jurisdiction or the Court of Appeal)
- ▶ 13 were identified as not applicable
- ▶ 221 had no level of court identified

The 18 files with both provincial court and Supreme Court identified as the level of court are assigned to both courts for the purposes of the evaluation. The 44 files identified as “other” and 13 identified as not applicable are not included in the estimates. Some assumptions need to be made to allow for including those files with no level of court identified in the estimates. While it is possible that some of these files may never go on to make a court application or appearance, it is also possible that those whose court level is identified may not go on to make a court appearance; these considerations are taken into account and explained in the estimates below. For the purposes of the scenario estimates it is assumed that those files with no court level identified would be distributed in a manner proportionate to those files whose court level for provincial and Supreme Court are identified. They are therefore redistributed between provincial and Supreme Court according to the distribution of each, when the 18 files at both courts are

⁵ We understand that any efficiency created in the system will be backfilled by cases waiting for a hearing. Thus, any court savings are at best costs avoided by these cases. The language used for question 15 has not been changed as it was approved during consultations for development of the summative evaluation matrix provided in Appendix B.

added to each of the provincial court and Supreme Court numbers and then the relative distribution between the two are calculated (i.e., provincial court is given a weighting of $(725+18)/1,030$ and Supreme Court a weighting of $(269+18)/1,030$).⁶

The 221 files with no level of court identified were then distributed between the two courts according to these weights. The resulting files for each court level then are:

- ▶ 902 provincial court
- ▶ 349 Supreme Court

Potential cost avoidance from reduced court hours

Many family law cases do not go to court and therefore the analysis needs to take this into consideration. According to CSB data, approximately 61% of provincial court and 26% of Supreme Court applications result in a court appearance at the Victoria law courts. For the purposes of these estimates each FDC file is treated as an application. As was shown in Table 9, and also for the Victoria law courts, provincial court applications that make a court appearance require an average of approximately one hour of court time and Supreme Court applications that make a court appearance require an average of approximately 3.15 hours. These include court appearances for any reasons. From data provided by LSS, court costs per hour are approximately \$581 for family provincial court and \$653 for family Supreme Court.⁷

From the above information, the following estimates can be made in Table 40. Based on these calculations, the family matters going to provincial court in Victoria would have required an estimated 550 total court hours for an estimated \$319,678 in total court costs, while family matters going to Supreme Court in Victoria would have required an estimated 286 total court hours for an estimated \$186,648 in total court costs.

Row #	Item	Victoria provincial court	Victoria Supreme Court
1	Number of FDC files (applications)	902	349
2	Percentage of applications that make a court appearance	61%	26%
3	Number of FDC files with an appearance (row 1 * row 2)	550	91
4	Average court hours per application that makes a court appearance	1.00	3.15
5	Total court hours (row 3 * row 4)	550.2	285.8
6	Court costs per hour*	\$581	\$653
7	Total court costs (row 5 * row 6)	\$319,678	\$186,648

Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data.
 Note: Numbers may not calculate exactly due to rounding.
 * Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on MOJ data.

⁶ The divisor of 1,030 is arrived at by adding the new values for provincial court and Supreme Court once the 18 that went to both is added to each, i.e. $(725+18) + (269+18) = 1,030$.

⁷ Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on MOJ data. Family provincial court costs include the cost of a court clerk, deputy sheriff, provincial court judge, and court registry staff, while family Supreme Court costs include a court clerk, Supreme Court Justice, and court registry staff; neither include the cost of judicial support services, sheriff out-of-court activities, or court overhead.

While we do not have any pilot data to indicate what happens to these cases once they have completed their services at the pilot, we can make some estimates based on scenarios. Below we provide some potential low, medium, and high impacts of the pilot, based on whether the services from the FDC were able to reduce the number of court hours per file by 10%, 30%, or 50%. These estimates are provided in Table 41.

Item	Provincial court	Supreme Court	Total
Total court costs	\$319,678	\$186,648	\$506,325
Reduce court hours by:	Annual court cost reduction		
10%	\$31,968	\$18,665	\$50,633
30%	\$95,903	\$55,994	\$151,898
50%	\$159,839	\$93,324	\$253,163
Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data. Note: Numbers may not calculate exactly due to rounding.			

Therefore, based on these estimates, the FDC pilot has the potential for avoided court costs of \$50,633 annually if court hours per file that makes a court appearance are reduced by 10%, and up to \$253,163 if court hours are reduced by 50%, assuming a similar number of client files is handled annually by the FDC as in 2015–16, as well as that the averages used hold. The estimates would be the same if, instead of reducing court hours, the scenarios considered diverting these same percentages from court altogether.

Potential cost avoidance from reducing court trials

Another set of scenarios (which would be a subset of the above) can be estimated if we just consider a reduction in the number of applications that end in a court trial as a result of the assistance from the FDC. From CSB data, approximately 13.9% of provincial court and 2.8% of Supreme Court applications in Victoria go to a trial. Trial durations are an average of 1.2 hours in provincial court and 3.04 hours in Supreme Court. Given that prior to going to trial most cases first have to go to a family/judicial case conference to try to resolve matters, it can be assumed that files that go to trial have also had a case conference. These conferences last an average of 0.87 hours in provincial court and 0.93 hours in Supreme Court.

From this information the following estimates can be made in Table 42, keeping in mind that these include only average costs for the trial and any associated family/judicial case conference. As well, it is assumed that the average court costs per hour can also be applied to case conferences.

Row #	Item	Provincial Court	Supreme Court
1	Number of FDC files (applications)	902	349
2	Percent of applications that go to trial	13.9%	2.8%
3	Number of FDC files that go to trial (row 1 * row 2)	125.38	9.77
4	Average family/judicial case conference duration (hours)	0.87	0.93
5	Average trial duration (hours)	1.20	3.04
6	Total average court hours per trial (row 4 + row 5)	2.07	3.97
7	Court costs per hour*	\$581	\$653
8	Total cost/trial (row 6 * row 7)	\$1,203	\$2,592
9	Total court costs for those going to trial (row 3 * row 8)	\$150,788	\$25,333

Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data.
 Note: Numbers may not calculate exactly due to rounding.
 * Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on MOJ data.

As with court appearances, we can make some estimates based on various scenarios. Below we provide some potential low, medium, and high impacts of the pilot based on whether the services from the FDC were able to reduce the number of files that go to trial and their associated case conferences by 10%, 30%, and 50%. These estimates are provided in Table 43. This scenario assumes that with the assistance from the FDC these clients are able to resolve their matters without the involvement of the judiciary through a trial and the associated case conference. Case conferences themselves are valuable for resolving matters and avoiding trials, or for narrowing the issues that need to be addressed at trials. This scenario does not include those files that might have a case conference only and then do not need to go on to a trial. It only considers the scenarios of reducing court trials and, along with this, their associated case conferences.

Based on these estimates, the FDC pilot has the potential for avoided court costs of \$17,612 annually if the average court trials that might be expected from the files handled by the FDC are reduced by 10%, and up to \$88,061 if trials are reduced by 50%, assuming a similar number of client files is handled annually by the FDC as in 2015–16, as well as the that the averages used hold.

Item	Provincial court	Supreme Court	Total
Total court costs	\$150,788	\$25,333	\$176,121
Reduce # of trials by:	Total annual court costs avoided		
10%	\$15,079	\$2,533	\$17,612
30%	\$45,237	\$7,600	\$52,836
50%	\$75,394	\$12,667	\$88,061

Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data.
 Note: Numbers may not calculate exactly due to rounding.

Therefore, based on these scenarios, the EXP FDC has the potential for avoided court costs of \$50,633 to \$253,163, depending on whether the pilot can effect a 10% to 50% reduction in court time by diverting cases from the court, reducing appearances, and/or reducing court time required for those cases that do make a court appearance of some type. Furthermore, looking at just court trials, the EXP FDC has the potential for avoided court costs for trials of \$17,612 to \$88,061, depending on whether the pilot can effect a 10% to 50% reduction in court trials (and their associated case conferences) through assisting clients in resolving their family matters in ways other than through a trial.

The ability of the pilot to create substantial efficiencies is affected by the volume of clients the pilot can serve as well as the extent to which it can achieve its desired objectives. An increase in the number of clients served at the Victoria EXP FDC will increase system efficiency gains and, correspondingly, the cost of LSS to deliver the service, unless the pilot is able to increase the number of clients served with the same resources that the pilot is currently using. However, from Figure 1, and what was discussed under evaluation question three, the number of “new” clients served by the pilot has shown a downward trend since its implementation. Expansion of the pilot to other locations of the province also has the potential to add to efficiency gains in terms of increasing volumes as well as additional costs to LSS for providing the service.

16. Were there any unintended consequences or outcomes of the EXP FDC project identified in Year 1?

Few unintended outcomes or consequences were revealed by the evaluation. One reported unexpected outcome was that the number of people using the JAC resource room has increased significantly, which could partially be attributed to the FDC given that, as mentioned previously, 28% of FDC clients were referred to the resource room. As a result, it was speculated that the resource room would require additional staff to handle the volume.

6.0 Conclusions

This section presents some brief conclusions on the summative evaluation.

6.1 Conclusions on implementation and delivery of the EXP FDC

Key informants believe that the pilot has generally operated as expected since its implementation. Challenges encountered were mainly with regard to a higher than anticipated administrative workload, some duty counsel volume challenges on family list day, which were viewed as affecting the timeliness of court, and some staffing changes; LSS made changes to address any internal challenges.

The placement of the pilot within the JAC is viewed as a key positive influencing factor for the FDC with respect to the synergies produced, particularly with the resource room and the FJC.

Most key informants and clients appear to view the current tools and resources at the FDC as sufficient. LSS made some adjustments to meet the administrative demand and family list day volumes by adding an additional part-time administrator and additional duty counsel support on list day. The majority of surveyed clients said the longest they waited for an appointment was no more than one week and most thought their wait time was about right.

Key informants generally believe the current processes and structure of the EXP FDC support its efficient and effective delivery. The current staff and roster lawyer complement, the ability for clients to schedule appointments and still use drop-in services, the file management system, the additional time with clients, and the pilot's location at the JAC all contribute to efficient, effective delivery.

Main identified lessons learned to consider for the Victoria FDC or for any future EXP FDCs at other locations are to ensure all duty counsel are properly trained on necessary paperwork, and to increase communications with JAC partners and other court services to ensure all have an understanding of roles and responsibilities.

6.2 Conclusions on early indications of outcomes

The FDC pilot appears to be having a positive effect on client access to duty counsel services. Key informants believe that the FDC increases client access significantly in comparison to the old model where duty counsel were only able to give clients short and rushed services. As well, the pilot is conveniently located close to the court as it is also in the courthouse building, and it is also close to other services and provides some flexibility in that clients can make appointments, although the pilot also offers a limited amount of drop-in services. Some concern exists, though, that not all clients who could benefit from the services may be aware of and/or using the pilot, and that the financial guidelines exclude some people who cannot afford to pay for legal services.

While continuity of services may not be occurring the way the model originally envisioned with respect to continuous service from one lawyer, internal key informants believe other aspects of the model contribute toward continuous and consistent services. The majority of clients who have more than one meeting at the JAC also have more than one lawyer involved in their file.⁸ Scheduling the same lawyer is often not feasible given duty counsel other than the lead lawyer are usually at the JAC only every second week, and that some clients are apparently more concerned with being able to schedule an appointment when they themselves are available. The pilot has made changes to try to ensure greater continuity of service from one lawyer. Plus internal key informants cite the file management system as enhancing continuity in that information on the client's case is readily available to all lawyers.

Clients report they received a wide range of assistance from the FDC and most said this was very helpful or helpful to them for understanding the legal process and their family law matter and for making decisions on their options for resolving their matter. Internal key informants reported that the scheduled appointments and additional available time gives lawyers more time to explain things to clients and to follow up with them on instructions. However, the complexities of the legal system are still considered a challenge for many people attempting to navigate through their family law issues.

The FDC is viewed as making a positive contribution toward clients' ability to manage and resolve their legal issues. Duty counsel can assist clients in better understanding their family law matters and in making decisions for taking reasonable approaches, including negotiating and taking part in mediation. Duty counsel also assist clients with how to prepare for and move forward in their chosen direction and with preparing the required court documents. Clients found this information helpful for preparing court documents and preparing for and attending court.

It is not possible to make definitive conclusions on whether the FDC is helping clients achieve early resolution to their family law matters, although the majority of client survey respondents said they had achieved at least some resolutions (all or partial). Key informants believe that the assistance provided should help clients make more timely decisions, to strive for achievable resolutions, and to be more open to negotiation and mediation.

⁸ Note that the departure of the lead lawyer and a roster lawyer may partially explain why some clients have seen more than one lawyer.

Clients show a high level of satisfaction with the assistance provided by the FDC, with many having no suggestions for improvements and a few suggesting either more time with a lawyer or to have more lawyers available.

Clients receive referrals to other services that can assist them, and most frequently are referred to the JAC resource room and FJCs. As experienced family lawyers, roster lawyers have good knowledge of other available resources.

The FDC is well integrated with other services at the JAC to the benefit of clients. The hub of services at the JAC is viewed as providing a one-stop shop for clients that is facilitated by the cross-referrals that occur between the FDC and the other services. Clients use the resource room in particular, with clients reporting that it was very helpful to have the FDC housed with these other resources. Some suggestions were made for improved integration.

The FDC is viewed as having the potential to create efficiencies for both LSS and other justice service providers. The appointments and file management make better use of duty counsel time and better prepared clients are expected to make more effective use of court time, make more appropriate decisions, and take actions to prevent unnecessary court appearances.

Data are not available to make conclusions on net system savings due to efficiencies gained, however the evaluation was able to make use of available data to make some estimates of the potential for avoiding court costs based on several scenarios.

The evaluation revealed few unintended impacts. In fact, the only unexpected impact identified was the increased use of the JAC resource room.

7.0 Recommendations to further enhance the EXP FDC

Below we provide a few recommendations for LSS's consideration.

Recommendation 1: Look for ways to increase interactions and communications both between FDC service providers (i.e., lawyers) and with other services at the JAC.

Given roster lawyers are only at the FDC every two weeks, it would be helpful for lawyers to have some forum for communicating with each other and sharing experiences and other information that can assist not only in keeping all FDC providers informed, but also for team building purposes. The evaluation has learned that since the data collection process for the evaluation took place, the EXP FDC has initiated periodic meetings between roster lawyers; continuation of such a process would be valuable. Similarly, integration with the other services at the JAC is seen as one of the key positive features of the FDC; initiatives and activities to further inform the FDC lawyers and the other JAC resources of each other's activities will assist in further improving communications and integration.

Recommendation 2: Take steps to further inform all relevant stakeholders of the availability of the FDC.

There is some concern that not all people who could benefit from the FDC are aware of the services. Some type of outreach, such as brochures or newsletters that are distributed to relevant organizations (including further distribution of any existing brochures or pamphlets), as well as targeted outreach to organizations/population groups perceived as underutilizing the FDC, could assist in raising awareness of the services.

Recommendation 3: If not already available, compile and provide a list of available legal and non-legal resources to roster lawyers.

While roster lawyers are considered experienced lawyers who are knowledgeable of the resources available in Victoria, a list of resources would be beneficial as an easily accessible tool, and would also facilitate consistency in referrals. If such resource lists already exist, periodic reminders to roster lawyers of their availability would be useful.

Recommendation 4: Going forward, look for ways to streamline and improve upon the pilot's administrative processes.

The evaluation heard that considerable time is spent by lawyers in completing the pilot forms and by pilot administrators in entering the data into the pilot database. Going forward, the pilot should look for ways to streamline this process to balance the need for information with time requirements. For example, consideration could be made as to whether it is necessary to assess clients' abilities for addressing their legal needs after each client meeting. The pilot should also consider whether it is effective and efficient for the pilot administrators to be under the supervision of the local agent rather than LSS (e.g., the project lead or the lead lawyers). Another potential area for improvement is to clearly identify in the database those clients that received assistance from the FDC at the courthouse only; such information would be useful for future analyses of pilot data.

Recommendation 5: Make considerations as to whether the average of 1.2 hours of the duty counsel time that clients are using is sufficient for their matter or if they are underutilizing the FDC, and if the latter, why that is the case.

The advice given form includes fields indicating whether another appointment should be set or whether there should be no more appointments for the client. These fields are not currently entered in the pilot database, but if entered, could provide the project with a means of assessing the extent to which clients who are expected to return for service are indeed returning for further service. Analyses could be made of time used by clients that did and did not return as expected. If clients appear to be underutilizing the FDC (i.e., not returning as expected), LSS should conduct an analysis of why and what steps could be taken to encourage optimum use of the FDC.

Appendix A – EXP FDC logic model

Program Logic Model – Expanded Family Duty Counsel Pilot Project

	Program activities	Program outputs	Short-term outcomes	Medium-term outcomes
SERVICES TO SUPPORT CLIENTS IN RESOLVING LEGAL PROBLEMS	Provide legal advice and information to qualifying low-income individuals	<ul style="list-style-type: none"> # of clients accessing EXP FDC service # of EXP FDC clients receiving summary legal advice # and type of different Family Law issues Amount of time (service hours) per client # of clients assisted at court 	<ul style="list-style-type: none"> Clients' knowledge of the legal process is increased Clients are more informed about family law and their legal options Clients are better prepared for their legal process Clients are more effective at representing themselves at all stages of their legal problem Clients are satisfied with the level of support received from EXP FDC 	<ul style="list-style-type: none"> EXP FDC clients achieve a resolution to their legal problem The client's ability to manage and resolve their legal issues is improved Efficiency of the LSS Family Law Services is improved and FDC at the Victoria site more integrated with other services
	Provide document preparation services to EXP FDC clients	<ul style="list-style-type: none"> # of EXP FDC clients receiving document preparation assistance for Supreme Court matters # of EXP FDC clients receiving document preparation assistance for Provincial Court matters Amount of time (service hours) spent on document prep/client 	<ul style="list-style-type: none"> The client's ability to prepare and submit court documents is improved 	
	Provide support for the development and finalization of agreements	<ul style="list-style-type: none"> # of full agreements reached # of partial agreements reached # of consent or orders filed # of agreements filed # of FJC clients provided summary advice on agreements 	<ul style="list-style-type: none"> The client's ability to prepare and finalize agreements is improved 	
	Provide referrals to, and receive referrals from, other supports and services (e.g., within the JAC)	<ul style="list-style-type: none"> #, type of services/resources to which clients are referred by EXP FDC (qualitative assessment only) #, type of services/resources in the JAC accessed by clients during their engagement with EXP FDC (qualitative assessment only) # of referrals to EXP FDC from Family Justice Counsellors 	<ul style="list-style-type: none"> Clients find the services/resources they were referred to by EXP FDC helpful in understanding/resolving their law issue 	
	Provide a continuous and consistent service to EXP FDC clients <ul style="list-style-type: none"> Scheduling appointments/follow-up with clients Provide a standard set of processes for each client Lawyers spend less time gathering repeat information on clients who call multiple times 	<ul style="list-style-type: none"> # of cases with full continuity of service (with a focus on file continuity: smooth case progression, even if the client sees different lawyers) # of hours spent per client 	<ul style="list-style-type: none"> Continuity of the EXP FDC service is improved 	

Appendix B – EXP FDC evaluation matrix

Framework for the Evaluation of the EXP FDC pilot project (revised, November 2015)		
Questions	Indicators	Data sources
Delivery questions		
1. Did the EXP FDC operate as expected in Year 1? What, if any challenges were met in Year 1? How were challenges addressed and improvements made to the model?	<ul style="list-style-type: none"> Stakeholder opinion on challenges/improvements Decision records of changes made to improve model 	<ul style="list-style-type: none"> Key informant interviews Document review
2. What external factors have influenced the implementation and success of the EXP FDC?	<ul style="list-style-type: none"> Stakeholder opinion EXP FDC WG meeting minutes documenting external factors Evidence that decisions, actions, policies of external organizations/stakeholders affect the EXP FDC 	<ul style="list-style-type: none"> Key informant interviews Document review
3. Did the EXP FDC have sufficient tools, resources, and capacity to meet demand and any intended targets?	<ul style="list-style-type: none"> Stakeholder opinion that the EXP FDC has sufficient tools and resources to satisfactorily meet demand Client opinion on the level of assistance provided by the EXP FDC 	<ul style="list-style-type: none"> EXP FDC database LSS CIS database Key informant interviews Client survey
4. To what extent do the current processes and structure of the EXP FDC support its efficient and effective delivery?	<ul style="list-style-type: none"> Stakeholder opinion on the current processes and structure to support the project 	<ul style="list-style-type: none"> Key informant interviews
5. What are the lessons learned for either continuing the EXP FDC in Victoria or for establishing Expanded Family Duty Counsel in other locations in the province?	<ul style="list-style-type: none"> Stakeholder opinion on lessons learned and factors to be considered for expansion to other locations/lessons learned/best practices Documentation/data related to Q1 to Q3 	<ul style="list-style-type: none"> Key informant interviews Document review
Outcome questions		
6. To what extent did the EXP FDC pilot increase client access to Family Duty Counsel services? Were there any gaps in the types of clients reached?	<ul style="list-style-type: none"> Stakeholder assessment of gaps in clients served with respect to low socio-economic status/low education, mental health concerns, and language barriers Client perception on accessibility of the EXP FDC and any barriers to accessibility 	<ul style="list-style-type: none"> LSS CIS database EXP FDC database Key informant interviews Client survey
7. Did the pilot project improve the continuity and consistency of the Family Duty Counsel services?	<ul style="list-style-type: none"> Number and percent of EXP FDC clients who have continuous contact with a single lawyer Extent to which EXP FDC clients felt it was helpful to work with the same EXP FDC lawyer Extent to which clients who saw different lawyers felt there was still file continuity in their case Lawyer perspective on the effectiveness/continuity of the new service model Stakeholder perceptions on case file continuity 	<ul style="list-style-type: none"> EXP FDC database Client survey Key informant interviews
8. Have the EXP FDC services improved clients' knowledge of the process, family law, and their legal options?	<ul style="list-style-type: none"> Extent to which clients believe their knowledge of family law and the legal process is increased Extent to which EXP FDC clients feel more informed about their legal options Key informant opinions on the extent to which clients increased their knowledge of the legal process Feedback from FJCs/JAC staff regarding clients' level of preparedness 	<ul style="list-style-type: none"> EXP FDC database Client survey Key informant interviews

Framework for the Evaluation of the EXP FDC pilot project (revised, November 2015)		
Questions	Indicators	Data sources
9. Have the EXP FDC services increased clients' ability to manage and resolve their legal issue?	<ul style="list-style-type: none"> • Extent to which clients felt prepared for their legal process (e.g., readiness for self-representation in court) • Key informant feedback on the improved ability of clients to represent themselves • Proportion of EXP FDC clients who believe they could prepare/submit court documents on their own • Proportion of EXP FDC clients who said documents they submitted were refused by the court because they were incomplete/inaccurate • Changes in roster lawyer reporting on client abilities between beginning and end of service 	<ul style="list-style-type: none"> • Client survey • Key informant interviews • EXP FDC database • EXP FDC client survey
10. Are the EXP FDC services helping clients achieve early resolutions to their legal problems?	<ul style="list-style-type: none"> • # and type of family law services provided to clients • Extent to which clients believe the EXP FDC helped them resolve their issues • Key informant assessment of EXP FDC impact on case resolutions • # and % of EXP FDC clients who had fewer legal issues (resolved or unresolved) after EXP FDC support than they did upon first engaging with EXP FDC 	<ul style="list-style-type: none"> • EXP FDC database • Client survey • Key informant interviews
11. Are clients satisfied with their experience using the added EXP FDC services? What, if anything, can be done to improve clients' experiences?	<ul style="list-style-type: none"> • Extent to which EXP FDC clients are satisfied with the level of support received from EXP FDC • Key informant opinions on the quality of EXP FDC services and improvements needed 	<ul style="list-style-type: none"> • Client survey • Key informant interviews
12. Are the EXP FDC referrals to other resources helpful to clients in resolving their family law issues?	<ul style="list-style-type: none"> • # and type of services connected to EXP FDC • # and type of referrals from EXP FDC to other services • Extent to which clients believe that the EXP FDC referral to a support resource got them closer to a resolution of their legal issue • Stakeholder input on extent to which referrals are helping clients • Key informant opinions on the effectiveness of referrals from EXP FDC services to other services 	<ul style="list-style-type: none"> • EXP FDC database • Client survey • Key informant interviews
13. Does the EXP FDC improve the level of integration across available legal supports and services at the Victoria site?	<ul style="list-style-type: none"> • Stakeholder impressions of the level of integration across the JAC (especially the benefits of physical co-location of services, and team approaches between lawyers providing different services) • Extent to which clients believe the services received at the JAC were holistic and effective in dealing with their family law issues • Ease or "seamlessness" of client movement between services within the JAC 	<ul style="list-style-type: none"> • Client survey • Key informant interviews
14. Have the enhancements due to the EXP FDC project increased LSS efficiency?	<ul style="list-style-type: none"> • Key informant assessment of the efficiency and appropriateness of referrals to EXP FDC • Decreased time spent by lawyers gathering repeat information from clients who call multiple times (anecdotal only; this was not tracked before the evaluation) • Extent that clients are provided continuous assistance from one lawyer 	<ul style="list-style-type: none"> • EXP FDC database • Key informant interviews
15. To what extent has the EXP FDC pilot led to net system savings, due to efficiencies gained for LSS and/or other areas of the justice system?	<ul style="list-style-type: none"> • EXP FDC average cost per case • Cost implications of estimates of avoided court costs based on costs of actual court activity • Comparison of budget allocation versus expenditures • Success of project in reaching clients (relative to commitments/expectations) • Key informant opinion 	<ul style="list-style-type: none"> • EXP FDC data • CSB data • Key informant interviews
16. Were there any unintended consequences or outcomes of the EXP FDC project identified in Year 1?	<ul style="list-style-type: none"> • Key informant opinion on unintended consequences or outcomes of the EXP FDC 	<ul style="list-style-type: none"> • Key informant interviews

Appendix C – Interview guides and client survey

**Legal Services Society of British Columbia
Expanded Family Duty Counsel Pilot Project Evaluation**

**Interview guide for internal stakeholders
(Project Lead, Lead Lawyer, Administrator, LSS intake, roster lawyers)**

The Legal Services Society of British Columbia (LSS) requires an evaluation of the Expanded Family Duty Counsel (EXP FDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP FDC.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview. Although we will take notes throughout the interview, no one outside of PRA will see these notes or listen to the recordings.

A process evaluation that focussed on the implementation of the EXP FDC project has been completed. This interview is for the summative evaluation component, where the focus is on the extent to which the pilot is achieving the expected outcomes, with consideration on the delivery of the pilot.

We realize you may not be able to answer all questions. If that is the case, please let us know, and we will skip to the next question.

Delivery of the EXP FDC pilot

1. Please briefly describe your role in the delivery of the EXP FDC project.
2. Based on your observations, did the pilot operate as expected in Year 1? If not, why not? What factors either internal or external to the EXP FDC pilot project affected, either positively or negatively, the operation and success of the pilot? If any challenges were encountered, how were they mitigated?
3. In your opinion, does the EXP FDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP FDC clients? Please explain why or why not. What steps has the EXP FDC taken to overcome any resource challenges?
4. In your opinion, does the current structure and processes of the EXP FDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model?
5. What have been the main lessons learned after the first year of the EXP FDC? What are the main lessons learned for any considerations to establish the EXP FDC in other locations in the province?

Progress toward achieving objectives

6. To what extent has the pilot project increased clients' access to Family Duty Counsel services? What steps does the pilot take to ensure accessibility for all eligible clients? Have there been any barriers to clients accessing EXP FDC services? If yes, what are the barriers and how are they being addressed? Do you have any suggestions for improving access? (*Probe: Is the pilot able to reach and serve all types of clients, including those with language barriers, mental health concerns, or other challenges?*)
7. To what extent is the EXP FDC able to give clients a good understanding of the family law process and their legal options (e.g., collaborative processes versus court)? How do you attribute this to the EXP FDC project?
8. How does the EXP FDC model ensure continuity of counsel for clients? In your opinion, what are the benefits to clients of having this continuity? Have there been any challenges in ensuring continuity of service to clients? If yes, what are the challenges and how are they being addressed? (*Probe: Is "file continuity" being maintained? I.e., is there smooth hand-off of cases between different lawyers?*)
9. In your opinion, how do EXP FDC services influence the client's ability to manage and resolve their own legal issue? What supports/information/tools does the EXP FDC provide clients that will result in increasing client capacity in this way? Specifically, how does the assistance with the preparation of court documents and preparing for court appearances assist clients?
10. How has the EXP FDC affected the integration between services offered at the JAC? Can you provide some examples? Do you have any suggestions for how the integration between the EXP FDC and other services at the JAC might be improved?
11. Please describe the EXP FDC approach to referring clients to non-legal resources? For example, how does the EXP FDC determine when and to what other non-legal resources to refer clients? What activities has the EXP FDC undertaken to network with and connect to non-legal resources in the community? Based on the experiences to-date, what are the benefits of these referrals for clients?
12. Overall, to what extent are the various EXP FDC services helping clients achieve resolutions to their legal problems? Are they achieving early resolution?
13. Have you received any feedback from clients about their experiences with the EXP FDC? Do you have any suggestions for how clients' experiences with the EXP FDC can be improved?
14. What do you consider to be the key improvements made by the EXP FDC? How have the expanded services affected, positively or negatively, the efficiency of the Family Duty Counsel service in Victoria? How has that affected the efficiency of LSS's family law services more generally? How about the efficiency of other areas of the justice system?
15. Have there been any unintended consequences or outcomes of the project, either positive or negative? If so, what were they?
16. Do you have any other suggested improvements for the EXP FDC that have not already been mentioned? Do you have any other comments?

Thank you for your time.

**Legal Services Society of British Columbia
Expanded Family Duty Counsel Pilot Project Evaluation**

**Interview guide for external stakeholders
(Judges, Director's Counsel [Family Maintenance Enforcement], Victoria JAC
staff, Court Registry)**

The Legal Services Society of British Columbia (LSS) requires an evaluation of the Expanded Family Duty Counsel (EXP FDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with EXP FDC.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview. Although we will take notes throughout the interview, no one outside of PRA will see these notes or listen to the recordings.

A process evaluation that focussed on the implementation of the EXP FDC project has been completed. This interview is for the summative evaluation component where the focus is on the extent that the pilot is achieving the expected outcomes, with also consideration on the delivery of the pilot.

We realize that you may not be able to answer all questions. If that is the case, please let us know, and we will skip to the next question.

Delivery of the EXP FDC pilot

1. Please briefly describe your involvement or interactions with the EXP FDC pilot project or with clients of the EXP FDC pilot project.
2. In your opinion, does the EXP FDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP FDC clients? Please explain why or why not. To your knowledge, has the EXP FDC taken steps to overcome any resource challenges?
3. In your opinion, does the current structure and processes of the EXP FDC support its effective and efficient delivery? Do you have any suggestions for improvements to the model?
4. Have you encountered any challenges in your interactions with the EXP FDC? If yes, have these challenges been addressed?
5. Can you identify any main lessons learned after the first year of the EXP FDC? What are the main lessons learned for any considerations to establish the EXP FDC in other locations in the province?

Progress toward achieving objectives

6. From your experience with the EXP FDC so far, to what extent has the pilot project increased clients' access to Family Duty Counsel services? Are you aware of any barriers to clients accessing EXP FDC services? If yes, can you speak to how the barriers are being addressed? (*Probe: Is the pilot able to reach and serve all types of clients, including those with language barriers, mental health concerns, or other challenges?*)
7. Have you been able to observe the extent to which the EXP FDC pilot is able to provide continuity of counsel for clients? In your opinion, what are the benefits to clients of having this continuity? What changes to the continuity model, if any, would you recommend, and why?
8. To what extent is the EXP FDC able to give clients a good understanding of the family law process and their legal options (e.g., collaborative processes versus court)? How do you attribute this to the EXP FDC project?
9. How has EXP FDC affected the integration between services offered at the JAC? Can you provide some examples? Do you have any suggestions for how the integration between the EXP FDC and other services at the JAC might be improved?
10. Do you refer individuals to the EXP FDC? If yes, how does that typically occur? (*Probe: To whom do you refer clients, at what point in the family law process do you typically refer clients?*) Have you encountered any difficulties in making a referral? (*Probe: Knowing to whom to refer — LSS intake or Family Duty Counsel; communication with the EXP FDC admin staff or lawyers regarding the clients who were referred.*)
11. Can you comment on how helpful the legal services from the EXP FDC are to clients? Specifically, is the assistance they receive with preparing court documents and preparing for court appearances helping clients in managing and resolving their legal issue? In general, do you believe that the clients' legal needs are being met by the EXP FDC?
12. Overall, to what extent are the various EXP FDC services helping clients achieve resolutions to their legal problems? Are they achieving early resolution?
13. Have there been any unintended consequences or outcomes of the project, either positive or negative? If so, what were they?
14. Do you have any other suggested improvements for the EXP FDC that have not already been mentioned? Do you have any other comments?

Thank you for your time.

**Legal Services Society of British Columbia
Expanded Family Duty Counsel Pilot Project Evaluation**

Survey questionnaire for clients

Pull in from database name, phone number

Hello, is this _____?

Hello, my name is _____ with PRA Inc. We are an independent research company that the Legal Services Society, you may know them as legal aid, has hired to help them on a study of one of their services, the Expanded Family Duty Counsel pilot project. This service has also been called Family Advice Lawyers. It is a family law service where lawyers provide eligible clients with in-person family law advice. The service is located at the Victoria Justice Access Centre. Lawyers provide advice on the family law process and legal options, including out-of-court resolutions. The program has recently been expanded to include new services to better help clients resolve their family law issues. We understand you first got help from the Duty Counsel around [ENTER MONTH AND YEAR FROM DATABASE; DATE OF FIRST SERVICE - COLUMN AK].

[ADD A NOTE WITH THE ADDRESS THAT INTERVIEWERS CAN REFER TO IF NEEDED: 225-850 Burdett Avenue]

Legal aid wants to know how well the Family Duty Counsel services are working for clients. We understand you were or still are a client of the Family Duty Counsel. That is why I am calling today, to invite you to participate in a short survey about the help you got from the Family Duty Counsel. Please be assured that I will not ask you anything personal about your family law matter, only about the services you received and how helpful these were to you. This information will help the Legal Services Society in identifying how the project has helped people and how it can be improved.

Your information will be combined with the responses of others and reported all together, so your name will not be mentioned in any report. No one outside of PRA will see your answers.

The survey should take up to 15 minutes. Would you be willing to participate in the survey? RECORD RESPONSE (Yes/No). Thank them and either proceed or end call.

1. How did you first find out about the Expanded Family Duty Counsel and the help you could get from the lawyers? (CHECK ALL THAT APPLY – DON'T READ UNLESS REQUIRE PROBING)

Family Justice Counsellors or someone else at the Justice Access Centre (JAC)

At the courthouse (e.g. the duty counsel, someone else at the courthouse)

A private lawyer

Saw it online/through internet

Someone at legal aid

Someone at the Family Mediation Referral Pilot

Someone at the Family LawLINE

A friend/relative

Other (specify)

Don't know/can't recall

2. As you may know, the Family Duty Counsel services are located in the Victoria Justice Access Centre, at 225-850 Burdett Avenue. Did you go and visit the Duty Counsel at the Justice Access Centre, or did you only get their help in court, or did you get their help both at the Justice Access Centre and at the courthouse?

Only saw them at the courthouse

Only at the Justice Access Centre [SKIP TO Q11]

Both at the Justice Access Centre and in court [SKIP TO Q10]

Don't know/can't recall

FOR THOSE THAT ONLY GOT HELP FROM FDC AT COURTHOUSE

3. What help did they give you at the courthouse, did they give you some legal information and advice, or attend a court appearance with you, or both? [CHECK ONE ONLY]

Legal information or advice only [SKIP TO Q6]

Attended a court appearance/appearances only

Gave legal information/advice and attended court appearance/appearances

Other (specify) [SKIP TO Q6]

Don't know/can't recall **GO TO END SURVEY**

END SURVEY – THE REST OF THE QUESTIONS ARE FOR CLIENTS THAT HAVE USED THE DUTY COUNSEL AT THE JUSTICE ACCESS CENTRE. THANK-YOU FOR PARTICIPATING.

4. About how many times did you get assistance from the Duty Counsel at a court appearance?

Insert number _____

Don't know/can't recall

5. What was the purpose of the court appearance or appearances that the Duty Counsel attended with you? [CHECK ALL THAT APPLY]
- To ask for an adjournment
 - To obtain an order where either the other side has agreed to the order (called a consent order) or the other party is not opposing the order
 - To obtain some type of emergency order
 - Other (specify)
 - Don't know/can't recall
6. How helpful was it to have the Duty Counsel assist you at the courthouse? Was it....?
- Very helpful
 - Helpful
 - Not helpful
 - Not at all helpful
 - Don't know
7. Why was it [INSERT RESPONSE FROM Q6] to have the Duty Counsel assist you at the courthouse?
- Specify
 - Don't know
8. Thinking of your overall assistance from the Duty Counsel in court how would you describe this experience? Did you feel treated with respect?
- Yes
 - No
 - Don't know
9. Do you feel they listened to you and took the time to understand your legal issue?
- Yes
 - No
 - Don't know

END SURVEY – THE REST OF THE QUESTIONS ARE FOR CLIENTS THAT HAVE USED THE DUTY COUNSEL AT THE JUSTICE ACCESS CENTRE. THANK-YOU FOR PARTICIPATING.

FOR THOSE THAT GOT HELP FROM FDC AT JAC

For the rest of the survey I'm just going to refer to the lawyers at the Family Duty Counsel as the Duty Counsel.

10. About how many times did you get assistance from the Duty Counsel at a court appearance?

Insert number _____

Don't know/can't recall

11. About how many times did you go to see one of the Duty Counsel at the Justice Access Centre office? (PROBE: IF NOT SURE ASK IF THEY WENT MORE THEN ONCE, AND IF SO, ABOUT HOW MANY TIMES IN TOTAL)

Insert number _____

Don't know/can't recall

The next set of questions are specifically about the services you received from the Duty Counsel when you went to see them at the Justice Access Centre and do not include any services you got from them in court if they also helped you there. Also, the survey is only about the Duty Counsel services at the Justice Access Centre and not about other services you may have gotten there.

12. Did you find the Justice Access Centre a convenient location to get to for using the Family Duty Counsel services?

Yes

No

Don't know

13. Was the office open at the right hours for you to be able to visit and use the services?

Yes

No

Don't know

14. Of all the times you saw the Duty Counsel at the Justice Access Centre , about how many were times you went to the Justice Access Centre and saw the lawyer that same day, and how many were times you had to make an appointment for a different day and time? [NOTE TO INTERVIEWER: THE TWO NUMBERS SHOULD ADD OR BE CLOSE TO THE NUMBER GIVEN IN Q11. IF THEY SAID DON'T KNOW IN Q11 ASK THIS QUESTION ANYWAYS. IF THEY ARE NOT SURE WHAT YOU MEAN BY APPOINTMENTS AND DROP-INS EXPLAIN - People who get help from the Duty Counsel at the Justice Access Centre are usually given scheduled appointments, but there are also certain times you could drop in for help without an appointment and see the next available Duty Counsel.]

a. Insert number of appointments _____ [IF ZERO SKIP TO Q18]

b. Insert number of drop-ins _____

c. Don't know/can't recall [SKIP TO Q18]

15. **[If they had at least one appointment]** What was the longest you had to wait for an appointment? [DON'T READ]
- Less than one week
 - 1 week
 - 2 weeks
 - 3 weeks
 - Other (specify) [SKIP TO Q18 if they say less than one day (e.g. minutes or hours)]
 - Don't know/can't recall [SKIP TO Q18]
16. Thinking about all the appointments you have had, do you think, overall, the wait time was about right or too long?
- About right [SKIP TO Q18]
 - Too long
 - Don't know/can't recall [SKIP TO Q18]
17. Why do you think it was too long and how did this affect your family law matter?
- Specify
 - Don't know
- [IF THEY SAID IN Q11 THEY ONLY WENT TO THE JAC ONCE SKIP TO Q27]
18. Thinking of all the times that you saw the Duty Counsel at the Justice Access Centre office did you see the same lawyer each time?
- Yes [SKIP TO Q24]
 - No
 - Don't know/can't recall [SKIP TO Q27]
19. **[If No]** How many different Duty Counsel did you speak with?
- Two
 - Three
 - Four
 - Other (specify)
 - Don't know/can't recall
20. Do you know why you did not get to speak to the same lawyer every time? [READ ONLY IF NECESSARY; CHECK ALL THAT APPLY]
- The lawyer or lawyers you had already seen were not available when you dropped in for services
 - The lawyer or lawyers you had already seen were not available at the time of your next scheduled appointment
 - Other (specify)
 - Don't know/can't recall

21. How helpful or unhelpful was it to you to work with different lawyers rather than just one lawyer? Was it....?

Very helpful

Helpful

Made no difference

Not helpful

[SKIP TO Q23]

Not at all helpful

[SKIP TO Q23]

Don't know

[SKIP TO Q27]

22. Why did you find it helpful or very helpful or made no difference? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

You got to hear different opinions from the lawyers

The lawyers had reviewed your file and/or were familiar with your case

Other (specify)

Don't know

[SKIP TO Q27]

23. Why did you find it not helpful or not at all helpful? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

You had to repeat your story each time

The lawyers were not all familiar with your case

You got different opinions/legal advice from the lawyers

There was no continuum of service

Other (specify)

Don't know

SKIP TO Q27]

24. [If Yes to Q18] How helpful was it to you to work with the same lawyer compared to if you had had different lawyers? Was it....?

Very helpful

Helpful

Made no difference

Not helpful

[SKIP TO Q26]

Not at all helpful

[SKIP TO Q26]

Don't know

[SKIP TO Q27]

25. Why did you find it helpful or very helpful or made no difference? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

- The lawyer was familiar with your case
- Didn't have to re-explain situation to different lawyers/keeping explaining each time
- You got to know the lawyer and were comfortable with them
- You got consistent advice/opinions throughout the process
- Other (specify)
- Don't know

[SKIP TO Q27]

26. Why did you find it not helpful or Not at all helpful? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

- You weren't satisfied with the advice the lawyer gave you
- You weren't satisfied with the amount of help the lawyer gave you
- You didn't get to work with the lawyer you had wanted to work with
- Other (specify)
- Don't know

LEGAL INFORMATION/ASSISTANCE RECEIVED

Next I'd like to ask you about the type of legal information and legal assistance the Duty Counsel gave you and how helpful this information was to you. This could include the help they gave you both at the Justice Access Centre and at court, if they helped you there.

27. Which of the following types of information and assistance did the Duty Counsel give to you?

- Yes, No, Don't know/can't recall for each
- Did they...
- Explain and provide you with information about your family law matter?
- Explain the legal process to you?
- Tell you about your different options for handling and resolving your legal matter?
- Specifically talk to you about ways you could resolve your matter without going to court?
- Help with forms or documents needed for your legal matter?

[IF SAID NO OR DON'T KNOW/CAN'T RECALL TO ALL SKIP TO Q34]

28. [If yes to any of Q27] How helpful was this information and assistance for understanding the legal process and your family law matter? Was it....?

- Very helpful [SKIP TO Q30]
- Helpful [SKIP TO Q30]
- Not helpful
- Not at all helpful
- Don't know [SKIP TO Q30]

29. **[If yes to any of Q27]** Why do you believe this information and assistance was either not helpful or Not at all helpful to you for understanding the legal process and your family law matter?

Specify

Don't know

30. **[If yes to any of Q27]** How helpful was this information and assistance to you for understanding and making decisions on your various options for handling your family law matter? Was it....?

Very helpful

[SKIP TO NOTE AFTER Q31]

Helpful

[SKIP TO NOTE AFTER Q31]

Not helpful

Not at all helpful

Don't know

[SKIP TO NOTE AFTER Q31]

31. **[If yes to any of Q27]** Why do you believe this information and assistance was either not helpful or Not at all helpful to you for understanding and making decisions on your various options for handling your family law matter?

Specify

Don't know

[NOTE: IF THEY DID NOT INDICATE THEY GOT HELP WITH FORMS IN Q27 SKIP TO Q34]

32. **[If yes to forms/documents in Q27]** What help did the Duty Counsel give you on forms and documents needed for your legal matter? For example, [READ RESPONSES; CHECK ALL THAT APPLY]

Did they give you information and advice on how you could fill out the forms or documents on your own

Did they actually help you in filling out some or all of the forms or documents

Anything else that they helped you with on the court documents (please specify)

(INTERVIEWER: IF THEY SAID NO TO EITHER OF THE ABOVE ASK THEM HERE WHAT THE LAWYER DID HELP THEM WITH ON THE FORMS OR DOCUMENTS)

Don't know/can't recall

[SKIP TO Q34]

33. Overall, how helpful was this assistance to you for preparing your own forms and documents? Was it....?

Very helpful

Helpful

Not helpful

Not at all helpful

Or is it not applicable, you did not prepare own documents

Don't know

34. Did you submit any documents to the court registry or court services?
Their lawyer submitted the documents [DON'T READ] [SKIP TO Q37]
Yes
No [SKIP TO Q37]
Don't know/can't recall [SKIP TO Q37]

35. [If yes to Q34] Were they accepted the first time you tried to submit them?
Yes [SKIP TO Q37]
No
Don't know/can't recall [SKIP TO Q37]

36. [If No to Q35] Why were they not accepted the first time you tried to submit them? Was it because you were told that... [READ AND CHECK ALL THAT APPLY]
there was information missing
the forms were not completed correctly
Other (specify)
Don't know/can't recall

REFERRALS PROVIDED BY FDC

37. In the same offices as the Duty Counsel at the Justice Access Centre there is also a resource centre with a resource staff person, some computers, and pamphlets and other information on family law matters. There are also Family Justice Counsellors that can help you with mediation and other types of support for your family law matter. Did the Duty Counsel tell you about and suggest you go to any of these for more help? Or had you perhaps already used one of these resources before you went to the Duty Counsel? [PROMPT IF NEEDED: RESOURCE CENTRE, RESOURCE STAFF PERSON, FAMILY JUSTICE COUNSELLOR]

Yes, Duty Counsel told them about one or more of the resources

No, Duty Counsel did not tell them about any of the resources

They had used one or more of these resources before they went to the Duty Counsel

Don't know/can't recall

- a. If yes, was that a helpful referral to you?
Yes
No
Said they didn't use the resource
Don't know/can't recall

[ASK Q38 IF THEY SAID YES THE DUTY COUNSEL HAD TOLD THEM ABOUT THE RESOURCE OR THAT THEY HAD USED ONE OF THE RESOURCES BEFORE THEY WENT TO THE DUTY COUNSEL OR THEY INDICATED IN Q1 THE Family Justice Counsellors or someone else at the Justice Access Centre; FOR OTHERS SKIP TO Q39]

38. How helpful was it to you to have the Duty Counsel along with these other resources all in one place at the Justice Access Centre?

- Very helpful
- Helpful
- Not helpful
- Not at all helpful
- Don't know

39. Did the Duty Counsel refer you to any other services outside of the Justice Access Centre?

- Yes
- No [SKIP TO Q42]
- Don't know/can't recall [SKIP TO Q42]

40. Did you use any of these other services?

- Yes
- No [SKIP TO Q42]
- Don't know/can't recall [SKIP TO Q42]

41. [If yes used any of the referrals] How helpful were these services to you? Were they....?

- Very helpful
- Helpful
- Not helpful
- Not at all helpful
- Don't know

Status of their family law matter

Now I'd like to ask you some questions about what has happened with your family law matter since you first saw the Duty Counsel and about the help you got from the Duty Counsel. I will not ask you anything personal about your family law matter. Again, we understand you first got help from the Duty Counsel around [ENTER MONTH AND YEAR FROM DATABASE; DATE OF FIRST SERVICE - COLUMN AK]. For the rest of the questions please answer based on what happened since then and not anything that took place regarding your family law matter before that time.

42. Which of the following best describes the current status of your family law issues that you went to see the Duty Counsel about? [CHECK ONE ONLY]

All issues have been resolved or settled either through agreement or an order from a judge

Some issues have been resolved or settled, but
some are still unresolved

No issues are yet resolved

[SKIP TO Q53]

Don't know

[SKIP TO Q53]

43. (All or some to Q42) For your issues that are resolved, were you able to resolve them out of court without a trial, after a trial, or some issues were resolved out of court and some issues after a trial?

They were all settled out of court without a trial

They were all settled through an order from a judge after a trial [SKIP TO Q47]

Some settled out of court and some through an order from a judge after a trial

Don't know/can't recall

[SKIP TO Q53]

(INTERVIEWER EXPLAIN THE FOLLOWING FOR OUT OF COURT IF THEY SEEM UNCERTAIN WHAT THIS MEANS: *By out of court, we mean sometimes people are able to resolve some or all of their issues without the need of a court trial with a judge. This could be, for example, by coming to an agreement on their own with the other party, or by going to something called mediation, or by going to a Family Case Conference or Judicial Case Conference – a case conference is an informal meeting with a judge or Master to try to help people resolve their matter without a trial.*)

44. How were you able to resolve all or some of your matters out of court without a trial? Was it through...[CHECK ALL THAT APPLY]

Worked out an agreement on your own with the other party

Taking part in mediation with a mediator

Taking part in a Family Case Conference or Judicial Case Conference;

Other (specify)

Don't know/Can't recall

[INTERVIEWER PROVIDE THE BELOW DESCRIPTION IF THEY ARE STILL UNSURE OF WHAT THE CASE CONFERENCES ARE. ALSO, THEY MIGHT HAVE GONE TO ONE OF THESE EVEN IF THEY HAVE RESOLVED ALL THEIR ISSUES WITHOUT A TRIAL.]

Family Case Conference in Provincial Court: A Family Case Conference is a private, informal one-hour meeting between you, the other party, and a Provincial Court judge (and your lawyers if you have them). At a Family Case Conference, the judge will help you try to settle some or all of your issues. The judge can also make court orders.

Judicial Case Conference in Supreme Court: A Judicial Case Conference is a private, informal one-hour meeting with a Supreme Court judge or master and the other party (and your lawyers if you have them). At a Judicial Case Conference the judge or master will help you try to settle some or all of your issues.

HELPFULNESS OF DUTY COUNSEL IF RESOLVED ON THEIR OWN, THROUGH MEDIATION, OTHER OR SAID DON'T KNOW

45. How helpful was the information or assistance you received from the Duty Counsel in resolving all or some of your matters out of court? Was it....?

Very helpful

Helpful

Not helpful

Not at all helpful

Or is it not applicable, you did not get information or

assistance from the Duty Counsel for this SKIP TO NOTE AFTER Q31]

Don't know

[SKIP TO NOTE AFTER Q31]

46. Please explain why you believe the assistance from the Duty Counsel was [INSERT RESPONSE FROM Q45] to you in resolving all or some of your matters out of court.

Specify

Don't know

No response

IF SAID IN Q43 THAT ALL ISSUES RESOLVED WITHOUT A TRIAL SKIP TO Q53]

47. **(If said in Q43 that some or all issues resolved at trial)** You indicated in an earlier question that some or all of the matters that you had gone to the Duty Counsel for help about were resolved through a trial with a judge. Did you first attend a trial preparation conference for your matter? *(This is a meeting with the judge to ensure you and the other party are prepared for trial.)*

Yes

No

Don't know/can't recall

48. Which of the following best describes the number of days, in total, that were required for the trial before a judge?

Half a day or less

A full day

One and a half days

Two days

Other (specify)

Don't know/can't recall

49. Did you represent yourself at the trial or did you hire a private lawyer?

Represented self

Hired a lawyer

[SKIP TO Q53]

50. **[If self-represented]** Did the Duty Counsel help you prepare for representing yourself in court? For example, did the lawyer give you information or advice about..... [READ RESPONSES; CHECK ALL THAT APPLY]

What to expect in court

How the court process works

What to bring to court

What to wear to court

How to address the judge

How to present your case

Other information/advice about representing yourself in court (specify)

No, no information or advice was given

Don't know/can't recall

51. How prepared did you feel to handle the trial by yourself?

Very prepared

Prepared

Not prepared

Not at all prepared

Don't know

[SKIP TO Q53]

52. Please explain why you felt (insert response from Q51)?

53. WORDING FOR THOSE WHO HAVE HAD A TRIAL: Other than for your trial, have you appeared before a judge on your family law matter for any other reasons since you first went to the Expanded Family Duty Counsel in [ENTER MONTH AND YEAR THEY FIRST RECEIVED SERVICE FROM THE FDC]?

WORDING FOR THOSE WHO DID NOT HAVE A TRIAL: Have you appeared before a judge on your family law matter for any reason since you first went to the Expanded Family Duty Counsel in [ENTER MONTH AND YEAR THEY FIRST RECEIVED SERVICE FROM THE FDC]?

Yes

No

[SKIP TO NOTE BEFORE Q64]

Don't know/can't recall

[SKIP TO NOTE BEFORE Q64]

54. About how many times in total?

Response

Don't know/can't recall

55. What was the appearance or appearances before a judge for? [READ; CHECK ALL THAT APPLY]

To ask for an adjournment

To obtain an order where either the other side has agreed to the order (called a consent order) or the other party is not opposing the order

To obtain some type of emergency order

To attend a Family Case Conference or Judicial Case Conference

Other (specify)

Don't know/can't recall

Family Case Conference in Provincial Court: A Family Case Conference is a private, informal one-hour meeting between you, the other party, and a Provincial Court judge (and your lawyers if you have them). At a Family Case Conference, the judge will help you try to settle some or all of your issues. The judge can also make court orders.

Judicial Case Conference in Supreme Court: A Judicial Case Conference is a private, informal one-hour meeting with a Supreme Court judge or master and the other party (and your lawyers if you have them). At a Judicial Case Conference the judge or master will help you try to settle some or all of your issues.

56. Did the Duty Counsel give you any information about the court appearance and how to prepare for it? [NOTE TO INTERVIEWER: IF THEY SAY THE DUTY COUNSEL CAME WITH THEM TO ONE OF THESE THERE IS A QUESTION FURTHER ON ABOUT THAT; THIS QUESTION IS ABOUT WHETHER THEY HELPED THEM PREPARE FOR IT]

Yes

No

[SKIP TO Q58]

Don't know/can't recall

[SKIP TO Q58]

57. [If yes to Q56] Was the information and assistance from the Duty counsel helpful to you for understanding any of the following about the court appearance? [CHECK ALL THAT APPLY]

- What would happen in court
- What you need to do get ready
- What information you should bring
- What you should say
- Other (specify)
- None of the above, the assistance was not helpful
- Don't know

58. Did you attend any court appearances on your own without the Duty Counsel or any other lawyer?

- Yes
- No [SKIP TO Q61]
- Don't know/can't recall [SKIP TO Q61]

59. How prepared did you feel to handle the court appearance or court appearances by yourself?

- Very prepared
- Prepared
- Not prepared
- Not at all prepared
- Don't know [SKIP TO Q61]

60. Please explain why you felt (insert response from Q59)?

Response_____

Don't know

[SKIP TO NOTE BEFORE Q64 IF THEY SAID IN Q54 THAT WENT TO COURT ONLY ONCE AND IF SAID YES TO Q58]

61. Did Duty counsel attend any of these court appearances with you?

- Yes
- No [SKIP TO NOTE BEFORE Q64]
- Don't know/can't recall [SKIP TO NOTE BEFORE Q64]

62. [If Yes] How helpful was it to have the Duty Counsel at the court appearance or appearances with you? Was it....?

- Very helpful
- Helpful
- Not helpful
- Not at all helpful
- Don't know [SKIP TO NOTE BEFORE Q64]

63. Why was it [ENTER RESPONSE FROM Q62] to have the Duty Counsel at the court appearance with you?
Response _____
Don't know

[NOTE: IF SAID IN Q42 THAT THEY HAVE RESOLVED SOME OR NO ISSUES, OR SAID DON'T KNOW GO TO Q64, OTHERWISE SKIP TO Q70]

64. What are your next steps for trying to resolve your family matter? Do you primarily plan to....[CHECK ONE ONLY]

Try to resolve your matter without a court trial before a judge?
Have a court trial with a judge? [SKIP TO Q67]
Other (specify) [SKIP TO Q70]
Unsure of next steps

65. If you try to resolve you matters out of court, how helpful do you think the assistance and information you received from the Duty Counsel will be in this process? Will it be....?

Very helpful
Helpful
Not helpful
Not at all helpful
Or is it not applicable, you have not yet received this type of help from the Duty Counsel [SKIP TO Q70]
Don't know [SKIP TO Q70]

66. Please explain why you believe the assistance from the Duty Counsel will be [INSERT RESPONSE FROM Q65]

Specify
Don't know
[SKIP TO Q70]

67. **[If they said they would go to court in Q64]** If you do go to court, do you plan on representing yourself or hiring a private lawyer?

Hiring a private lawyer [SKIP TO Q70]
Representing self
Don't know

68. If you do represent yourself in court how helpful do you think the assistance and information you received from the Duty Counsel will be in this process? Will it be....?

Very helpful
Helpful
Not helpful
Not at all helpful
Or is it not applicable, you have not yet received this type of help from the Duty Counsel [SKIP TO Q70]
Don't know [SKIP TO Q70]

69. Could you explain why you think this information or advice will be [INSERT RESPONSE TO Q68] to you in representing yourself in court.

FOR ALL– WHAT THEY WOULD HAVE DONE IF THE EXP FDC NOT AVAILABLE

70. What would you have done if the Expanded Family Duty Counsel service was not available?

[DON'T READ UNLESS NECESSARY; CHECK ALL THAT APPLY]

Would have tried to do it all yourself

Hired your own lawyer

Relied on the Duty Counsel available in the court

Represented yourself in court on your own throughout with no help

Tried to resolve the matter out of court

Dropped the matter entirely/done nothing

Tried to find another service to help

Other (specify)

Don't know

GENERAL QUESTIONS FOR EVERYONE

The last few questions are about your overall experience with the Duty Counsel both at the Justice Access Centre and in court if they helped you there and how you would describe this experience.

71. Did you feel treated with respect?

Yes

No

Don't know

72. Did you feel they listened to you and took the time to understand your legal issue?

Yes

No

Don't know

73. Overall, how satisfied were you with the help and support you received through the Expanded Family Duty Counsel services? Were you....?

Very satisfied

Satisfied

Unsatisfied

Very unsatisfied

Don't know

74. What, if anything, would you change about the Family Duty Counsel to make the services better? [DON'T READ; CHECK ALL THAT APPLY]

No suggestions, services were good

Have more lawyers available

Allow more time with the lawyer

Make sure the client works with the same lawyer all the time

Less wait time for appointments

Allow the lawyer to represent you in court

More communication/advertising to let people know it is available

Expand the types of issues they can cover

Other (specify)

Don't know

75. Do you have any other comments?

Yes (specify)

No

**THAT IS THE END OF THE SURVEY.
THANK-YOU VERY MUCH FOR YOUR PARTICIPATION.**