



Legal  
Services  
Society

British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)

L E G A L S E R V I C E S S O C I E T Y

# Annual Service Plan Report

2010 • 2011



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The *Annual Service Plan Report 2010/2011* is a publication of the Legal Services Society (LSS), a non-government organization that provides legal aid to British Columbians. LSS is funded primarily by the provincial government and also receives grants from the Law Foundation and the Notary Foundation.

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## Message from the Chair

Dear Mr. Attorney:

The 2010/2011 fiscal year demonstrated the Legal Services Society's ability to deliver cost-effective

legal aid while leading justice system innovation in uncertain times.

As in past years, the society's key challenges continue to be driven by external factors such as funding levels, the number of people charged with criminal offences, family break up, and federal immigration policies.

To minimize these challenges, the society undertook two significant initiatives to ensure continued and economical delivery of core services.

The first was to reduce operating costs and maximize the revenues available for assisting clients. This was done at the beginning of the fiscal year by replacing five staffed, regional offices with contracted services at seven locations. Funding formerly used for these offices was used to enhance existing services, to start new ones, and to restore some that had been cut.

The second initiative was developing a new funding protocol with the Ministry of Attorney General that ensures the costs of large criminal cases do not encroach on funding for core services.

The key to managing external risk is, however, the Legal Services Society's dedicated and resourceful staff. This was demonstrated in the second quarter of the fiscal year by LSS' response to the unexpected arrival of almost 500 Tamil refugees — a significant increase in annual immigration clients in a single day.

LSS was able to serve this group by working with the immigration bar, the Tamil community, and immigration officials to develop innovative ways to meet their legal aid needs. Services for the Tamils did, however, exhaust immigration funding (which is based on historic averages), and the society would have been forced to curtail all immigration and refugee services had the federal government not provided additional money.

Another important performance highlight was the launch of a new community engagement initiative to advance our outreach and education programs and to consult with local organizations about how we can build local solutions to their legal needs.

In addition, our executive director, Mark Benton, QC, has been instrumental in helping the Association of Legal Aid Plans of Canada develop a strong, national voice and he continues to work with the inter-governmental Federal-Provincial-Territorial Working Group on Legal Aid.

Total revenue from government in 2010/2011 was \$71.5 million, virtually unchanged from the previous two fiscal years. Non-government revenues were \$5.4 million, well below historic levels due primarily to a drop in interest-based revenues from one of our funders, the Notary Foundation. The society finished the year with a balanced budget and has prepared a balanced budget for 2011/2012.

While the corporate restructuring ensured continued delivery of services in 2010/2011, it does not guarantee that the same levels of service can be sustained in the future with current funding. As the operating data contained in this report shows, the demand for, and the cost of, legal aid are rising. In addition, the number of private lawyers willing to accept legal aid referrals continues to decline, with low tariffs often cited as the reason. There is also the risk that private lawyers will, as they have done in the past, refuse to take referrals en masse to protest current legal aid funding. In this context, the board notes that recently published information from Statistics Canada shows that BC's per capita legal aid funding from government is the fourth-lowest in the country.

For 2011/2012, the Legal Services Society has identified two initiatives that will make the greatest long-term contribution to addressing the challenges posed by demand and cost.

The first initiative is managing the cost and complexity of large criminal cases. LSS has for many years operated a very successful program for managing the defence in publicly funded large cases. Trial cost and complexity are, however, driven by all parties, including the prosecution, the judiciary, and the police. Cost and complexity are also issues in privately funded trials. In 2011/2012, LSS will be inviting its justice system partners to work together on a comprehensive and systemic solution to this issue.

The second initiative is collaborating with other social service providers for integrated service delivery, so that we can work together to address the root cause of legal problems such as homelessness, addiction, or poverty. The benefits of this approach to legal aid are early detection of legal problems and referral to appropriate resources before the problems become more serious and costly.

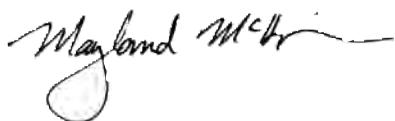
## **Accountability statement**

The *2010/2011 Legal Services Society Annual Service Plan Report* was prepared under the board's direction in accordance with the Legal Services Society Act, Budget Transparency and Accountability Act, and the BC Reporting Principles. The board is accountable for the contents of the report, including what has been included in the report and how it has been reported.

The information presented reflects the actual performance of the Legal Services Society for the 12 months ended March 31, 2011, in relation to the service plan published in February 2010.

The LSS board is responsible for ensuring internal controls are in place to ensure information is measured and reported accurately and in a timely fashion.

All significant assumptions, policy decisions, events, and identified risks, as of March 31, 2011, have been considered in preparing the report. The report contains estimates and interpretive information that represent the best judgment of management. Any changes in mandate direction, goals, strategies, measures, or targets made since the 2010/2011 – 2012/2013 service plan was released and any significant limitations in reliability of data are identified in the report.



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D. Mayland McKimm, QC  
Chair, LSS Board of Directors  
April 30, 2011

# Organization *Overview*



# Organization Overview

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

## *Vision, mission, values*

### **Vision, mission, values**

To better reflect our commitment to an integrated legal aid model, the society revised its vision, mission, and values statements in 2010/2011. These statements guide our work and are listed below.

#### **Our vision**

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

#### **Our mission**

Our mission is to provide innovative and integrated services that enable clients to effectively address their legal issues in a broad social context.

#### **LSS values**

##### **We value:**

- making a positive difference in our clients' lives through legal aid services;
- engaging clients in finding solutions that meet their legal needs;
- recognizing diverse cultures and perspectives;
- compassion, integrity, and respect in our relationships with clients, staff, and stakeholders;
- collaboration with service partners and stakeholders;
- innovative approaches to solving problems;
- excellence and continuous improvement; and
- accountability and openness.

## LSS core services

Core legal aid services include legal information, advice, and representation.

- **Legal information:** The society's legal information services are delivered by front-line staff, including Aboriginal Community Legal Workers (ACLWs), Legal Information Outreach Workers (LIOWs), and local agents, and through publications and websites. Other information services include training and support for community advocates who work with LSS clients. LSS also collaborates with community and government agencies to ensure people with low incomes have access to the other services they need to solve their legal issues.
- **Legal advice:** LSS offers legal advice through criminal and family duty counsel in courthouses across BC; immigration duty counsel for people in detention at the Canada Border Services Agency's enforcement centre in Vancouver; through the Family LawLINE; and through the Brydges Line telephone service for people who have been or may be arrested. LSS also provides family advice lawyers at various locations. LSS advice services may be subject to a financial eligibility test.
- **Legal representation:** LSS provides legal representation for financially eligible people with serious family law, child protection, or criminal law problems. Legal representation is also available for people who face a refugee or deportation hearing, a Mental Health Review Panel or BC Review Board hearing, or who have a prison issue for which the Charter of Rights and Freedoms establishes a right to counsel.

See table 1 below for a summary of the number of direct services provided to legal aid clients this year. The society's websites had over 600,000 visits

in 2010/2011, while the society distributed more than 110,000 public legal information and education materials. For more detailed data on legal aid services in 2010/2011, see Appendix 1 on page 43.

## LSS clients

Every year, hundreds of thousands of BC residents receive legal aid information, advice, and representation services. We strive to engage our clients in finding solutions to their legal problems. By taking an integrated approach, legal aid services can help clients prevent future legal issues and increase their ability to positively contribute to society.

Legal aid clients are among the province's most vulnerable and marginalized citizens. Our clients do not have the financial resources — or frequently the educational, social, or health resources — to effectively access the justice system when their families, freedom, or safety are at risk. Of the 27,900 clients who were referred to a lawyer in 2010/2011, over 69% have less than a high school education and over 26% are Aboriginal.

## Our service delivery model

The society works closely with our partners in the justice system — lawyers, advocates, community and government agencies — to best address the legal needs of our clients. Legal aid intake services are delivered in person at legal aid offices across the province and over the phone through the toll-free LSS Call Centre. Lawyers who accept LSS referrals provide legal representation services. LSS also contracts with lawyers and other service partners to provide additional services, such as Brydges Line.

The society works to ensure legal aid services are accessible to all communities. For example, LSS provides the call centre for people who cannot apply

Table 1

Number of legal aid services provided, 2010/2011

Service	Number of services provided
Legal representation (referrals)	27,900
Legal advice (in-person) (duty counsel, circuit counsel, Brydges Line, and Family LawLINE)	151,770
Legal information outreach workers	6,560
<b>Total</b>	<b>186,230</b>

for legal aid in person, as well as interpreters for call centre clients as needed. We also pay for interpreters for clients working with legal aid lawyers and produce legal information publication in a variety of languages.

For more information about legal aid services and eligibility criteria, visit the LSS website at [www.legalaid.bc.ca](http://www.legalaid.bc.ca).

## LSS mandate

Under Section 9 of the current Legal Services Society Act, the society's mandate is to:

- help people solve their legal problems and to facilitate access to justice,
- establish and administer an effective and efficient system for providing legal aid to people in BC, and
- provide advice to the Attorney General about legal aid and access to justice for people in BC.

Section 9 also states that the society is to:

- give priority to identifying and assessing the legal needs of people with low incomes in BC,
- consider the perspectives of both justice system service providers and the general public,
- coordinate legal aid with other aspects of the justice system and community services, and
- be flexible and innovative in carrying out its mandate.

Section 11(4) of the act limits the amount of legal aid the society can provide to any client to “the extent of legal or other services that a reasonable person of modest means would use to resolve the problem.”

## Memorandum of Understanding

Under section 21 of the LSS Act, the society determines the range of services it will provide within the framework of a Memorandum of Understanding (MOU) negotiated with the Attorney General every three years (see Financial Report, page 25). The MOU, the LSS Act, and the Shareholder's Letter of Expectations (see page 22) guide the relationship between the society and the provincial government.

The MOU:

- sets out the roles and responsibilities of both parties,
- outlines anticipated provincial government funding for legal aid and the priorities for allocating that funding,
- acknowledges that LSS receives funding from sources other than the government and can apply that funding in any manner that is appropriate to fulfilling its mandate, and
- establishes the foundation for the society's budget and planning process.

# Governance

The society is governed by a nine-member board of directors. Under its bylaws, the board's role is "to ensure the effective governance of the society through setting direction, monitoring performance, and hiring and supporting the executive director."

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

## Board of directors

The governance framework of the board consists of policies and bylaws that reflect established governance best practices. Of the nine board members:

- five are appointed by the Lieutenant-Governor in Council on the recommendation of the Attorney General, and
- four are appointed by the Law Society of BC after consultation with the executive of the BC Branch of the Canadian Bar Association.

The LSS Act outlines the need for the board as a whole to have a range of knowledge, skills, and experience in such areas as:

- business management and the financial affairs of public and private sector organizations;
- law and the operation of courts, tribunals, and alternative dispute resolution processes;
- the provision of legal aid;
- BC's cultural and geographic diversity; and
- the social and economic circumstances associated with the special legal needs of people with low incomes.

At their first meeting in each fiscal year, the directors of the board elect a board chair and an Executive Committee. Headed by the board chair and consisting of at least three other board directors, the Executive Committee holds all the powers of the board between meetings except the power to fill vacancies on or alter the membership of board committees and specific powers excluded by resolution of the board.

The board also establishes two board committees to help it carry out its responsibilities:

- the Finance Committee, which makes recommendations on the society's finances, funding, fiscal allocations, and risk management; and
- the Stakeholder Engagement Committee, which recommends ways to strengthen the society's relationships with key stakeholders in the justice system.

The chair, in consultation with the society's executive director, appoints the members of these committees, unless the board directs otherwise. For more information about the LSS board and its governance practices, visit the society's website at [www.legalaid.bc.ca](http://www.legalaid.bc.ca). Specific inquiries should be directed to the assistant corporate secretary at [corporate.governance@lss.bc.ca](mailto:corporate.governance@lss.bc.ca).

## Senior management

The board of directors appoints an executive director to administer the business of the society. The executive director chairs the society's Executive Management Committee (EMC), which is made up of the directors of the four internal LSS divisions. EMC provides LSS with overall strategic direction, policy, and planning.

EMC also makes final decisions on strategic and operational issues brought forward by the Operations, Planning, and Policy (OPP) Committee, which is chaired by the director of Strategic Planning, Policy, and Human Resources (SPPHR). This management committee advises EMC on interdivisional policy and planning, strategic and service planning, management initiatives, operational support issues, and policies for coverage, eligibility, and tariffs.

## LSS board of directors

(at March 31, 2011)

Board members	Board committees
D. Mayland McKimm, QC, Chair (Victoria)	Executive Committee, Chair
Barbara Brink, CM, OBC (Vancouver)	Executive Committee Finance Committee
Thomas (Tom) Christensen, lawyer (Vernon)	Executive Committee Stakeholder Engagement Committee, Chair
E. David Crossin, QC (Vancouver)	Stakeholder Engagement Committee
Sheryl N. Lee, CA (Vancouver)	Finance Committee, Chair
Deanna Ludowicz, lawyer Vice-Chair (Grand Forks)	Executive Committee
Todd L. Ormiston (Victoria)	Stakeholder Engagement Committee
Darrell J. Wickstrom, lawyer (Vancouver)	Finance Committee
Marion Wright (Campbell River)	Lead member on board governance Stakeholder Engagement Committee

## LSS senior management

(at March 31, 2011)

Directors
Mark Benton, QC, Executive Director
Harold V.J. Clark, CHRP, Strategic Planning, Policy, and Human Resources
Sherry MacLennan, lawyer, Public Legal Information and Applications
Heidi Mason, lawyer, Legal Advice and Representation
Doug Wong, CA, Finance and Corporate Services
Senior managers
Brad Daisley, lawyer, Communications and General Counsel
Noreen Finnerty, CHRP, Human Resources and Organizational Development
Craig Goebel, lawyer, Intake and Regional Centres
David Griffiths, lawyer, Legal Services
John Simpson, lawyer, Community and Publishing Services
Kathryn Spracklin, Strategic Planning and Policy
Janice Staryk, Tariff Services
Mihai Strusievici, Information Technology
Gordon Teichroeb, lawyer (Acting), Audit and Investigation
Eugene Wandell, CMA, Finance and Administration

# Report on *Performance*

A faint, grayscale silhouette of five people walking towards the right. In the foreground, two men are walking side-by-side, holding hands. Behind them is a woman and two children, also holding hands. A large, bright circular light source, resembling the moon or sun, is positioned behind the group, casting a glow and creating a lens flare effect.

# *Report on Performance*

The 2010/2011 fiscal year demonstrated LSS' ability to lead and manage in uncertain times by taking steps to improve cost management and provide high quality services in a timely and client-centred manner.

At the beginning of the year, LSS shifted to a local agent service delivery model to lower infrastructure costs, while preserving in-person legal aid services in BC communities. These savings allowed LSS to reinvest in the system through the reintroduction of coverage for administrative offences<sup>1</sup> and by enhancing family duty counsel and advice lawyer services.

These family service enhancements include:

- providing additional duty counsel hours during court time at some of the province's busiest courthouses and outside of court time at community agencies in underserved locations;
- introducing family advice lawyers to work with Ministry of the Attorney General (MAG) family justice counsellors in six new locations; and
- offering duty counsel and legal information in more rural and remote communities.

These enhancements allowed LSS to provide crucial support to families across the province through innovative service delivery models.

In 2010/2011, LSS also introduced a simplified tariff for family, criminal, and child protection cases. The objectives of this initiative are to streamline the billing process for lawyers, reduce administrative costs for the society, and improve cost management. LSS will continue to monitor the impacts of the simplified tariff on administrative costs, case costs, and case trajectory.

Delivering client-centred and integrated services are a priority for LSS. This year, LSS implemented a few local initiatives, including enhanced duty counsel services at Sheway<sup>2</sup> and Fir Square<sup>3</sup>, where LSS provides legal advice and information to women with infants and pregnant women facing child protection, family, and/or criminal issues. LSS also introduced a community engagement initiative where LSS will partner with intermediaries in rural, remote, and Aboriginal communities to raise awareness about and access to legal aid services. This year, this initiative hosted four consultation sessions throughout the province to acquire a better understanding of how to meet the needs of our clients.

The society's year was also driven by a number of external factors. The unanticipated marine arrival of almost 500 Tamil migrants seeking refugee status challenged the society's ability to provide needed legal services to the most vulnerable clients within available resources. Using additional funding provided by the federal government, LSS was able to successfully test a duty counsel model to maximize client services.

Managing the cost and complexity of large criminal cases was another priority for the society. This year LSS continued to work with its partners in the justice system to develop a comprehensive and systemic solution to manage costs while delivering quality legal services for both LSS clients and BC taxpayers.

Our performance against our 2010/2011 service plan is summarized in table 4 on page 12 and detailed in the pages that follow.

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<sup>1</sup> Administrative offences were previously known as Category 1 offences and include offences such as breach of probation, failure to appear, peace bond offences, or offences under the BC Benefits Act.

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<sup>2</sup> Sheway is a drop-in centre in Vancouver's downtown east side.

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<sup>3</sup> Fir Square is a Combined Care Unit at BC Women's Hospital.

## **Adjustments to the service plan**

LSS made minor adjustments to its goals, strategies, and performance measures in 2010/2011 in response to the changing operational and strategic environment. These are reflected in our 2011/2012 – 2013/2014 service plan, available on the LSS website at [www.legalaid.bc.ca](http://www.legalaid.bc.ca) under “About us—Our reports.” The changes are summarized in Appendix 2, on page 48. The goals, strategies, and measures in place for 2010/2011 are summarized in table 3 on page 11.

## **Performance management and reporting system**

LSS assesses performance by surveying key stakeholder groups (including our clients, our employees, and our lawyers). LSS staff help develop the survey questions and methodology, and independent research organizations carry out the data collection and analysis to ensure data is accurate and reliable. The society also monitors and reports on key internal operational and financial data, which are tested internally.

We select satisfaction measures to track our overall progress in achieving intended outcomes for clients. These measures also track our success in engaging the support of private lawyers, who are our primary service partners; our employees, who are critical to service quality; and the public, to whom we are ultimately accountable. Increased levels of client and lawyer satisfaction, employee engagement, and public support will demonstrate that we are meeting these stakeholders’ needs. LSS chose budget-to-actual expenditure variance as a measure of financial performance.

LSS benchmarks its performance against like organizations where possible. By using the Common Measurement Tool<sup>4</sup>, an independent client satisfaction benchmarking tool and data service provided by the Institute of Customer-Centre Service, we are able to compare client satisfaction results against government agencies providing similar services. We benchmark our employee engagement score against the BC Public Service using statistics provided by BC Stats, the organization that conducts our Work Environment Survey and administers the same survey to all BC Public Service employees annually. Though legal aid plans across Canada have not yet developed a common method of measuring performance, we regularly share performance and outcome information. Our lawyer satisfaction results, for example, are benchmarked against roughly comparable results from legal aid plans in Alberta and Ontario.

We set targets by considering benchmark data, calculating what would be a statistically significant change in a particular measure, and evaluating the level of improvement possible given the strategies in place and activities planned in the coming period. Meeting our targets would demonstrate continuous improvements in stakeholder satisfaction with, support for, and use of our services, as well as financial responsibility, all of which are necessary to achieve our goals.

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<sup>4</sup> Common Measurement Tool (CMT) is a standard set of client satisfaction survey questions developed by the Institute of Customer-Centred Service (ICCS), a non-profit agency that encourages publicly funded programs to measure client satisfaction. Public organizations submit data from surveys they conduct using the CMT to the ICCS, which stores it in a national databank. ICCS uses this data to provide a benchmarking service for participating organizations.

## Key risks affecting performance

Large cases and other external factors, such as the unanticipated marine arrival of migrants, presented the primary risk to the society's performance in 2010/2011. The steps LSS took to address these challenges are outlined in the table below.

Key strategic risks, 2010/2011		
Issue	Risks	Key responses
<b>New service delivery model</b>	<ul style="list-style-type: none"> <li>▪ New service delivery model sustains overall client access to legal aid services.</li> <li>▪ LSS loses valuable skills, knowledge, and community presence of front-line employees.</li> <li>▪ Implementation increases employee workload and stress, and lowers morale.</li> <li>▪ Shift from a mixed staff/private bar model to a primarily judicare model ends the society's capacity to place referrals with staff lawyers if needed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Some clients experience reduced access to legal aid services, especially during the transition period.</li> <li>▪ Partner agencies in communities formerly served by regional centres face increased client demand they cannot meet.</li> <li>▪ The society's credibility as a service provider is compromised among community agencies, lawyers, and the public.</li> <li>▪ Additional investment in staff recruitment, retention, and succession programs is required.</li> <li>▪ LSS cannot provide representation services when referrals cannot be placed with private lawyers.</li> </ul>
<b>Turbulent economic environment</b>	<ul style="list-style-type: none"> <li>▪ Reduced revenue from key sources and uncertain future revenue.</li> <li>▪ Increased financial insecurity among BC residents, which can trigger legal problems.</li> <li>▪ Higher case costs from longer and more complex cases, tariff initiatives introduced in previous periods, and inflation.</li> <li>▪ Increased difficulty in projecting case volumes.</li> </ul>	<p>(See Goals 1 and 4)</p> <ul style="list-style-type: none"> <li>▪ LSS has insufficient revenue to meet service demands.</li> <li>▪ Demand for legal aid does not follow historical patterns.</li> <li>▪ LSS does not meet budget targets.</li> </ul> <p>(See Goal 4)</p>

Issue	Risks	Key responses
<b>Large case management</b>	<ul style="list-style-type: none"> <li>▪ Rising volumes and costs of large cases are disproportionate to funding allocations.</li> <li>▪ Large case costs are difficult to forecast and control.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Large case costs exceed the society's exceptional case fund budget and may exceed the limits of the society's statutory service framework.</li> </ul>
		<ul style="list-style-type: none"> <li>▪ Reviewed large case management policy and processes to streamline administration and facilitate forecasting.</li> <li>▪ Collaborated with key provincial and federal justice system stakeholders towards systemic solutions.</li> <li>▪ Developed new protocols with MAG for managing large cases, which are reflected in the MOU.</li> </ul>
		<p>(See Goal 4)</p>
<b>Aboriginal services</b>	<ul style="list-style-type: none"> <li>▪ LSS is piloting new services for Aboriginal clients that better address their legal needs.</li> <li>▪ Projects and budgets transitioned to core LSS services, effective March 2011.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Legal aid services are not accessible and effective for Aboriginal clients.</li> </ul>
		<ul style="list-style-type: none"> <li>▪ Built capacity and resources within Aboriginal communities to address legal issues through workshops and training.</li> <li>▪ Liaised with potential alternative funding partners to support Aboriginal legal aid services.</li> <li>▪ Began to transition effective Aboriginal pilot projects and budgets to LSS core services.</li> </ul>
		<p>(See Goal 1)</p>
<b>Integrated approach</b>	<ul style="list-style-type: none"> <li>▪ Integrated services support lawyers and other service providers to work together to help clients address their legal needs in a broad social context.</li> <li>▪ Projects to integrate services require contributions from LSS and service partners.</li> </ul>	<ul style="list-style-type: none"> <li>▪ LSS lacks capacity to pursue innovative, collaborative opportunities.</li> <li>▪ Projects are not completed or are unsuccessful because partners have insufficient financial and human resources to sustain their contributions or have new priorities.</li> </ul>
		<ul style="list-style-type: none"> <li>▪ Implemented initiatives to support integration of services (e.g., Sheway, Fir Square, and Enhanced Duty Counsel).</li> <li>▪ Hosted community engagement workshops in Kamloops, Prince George, Nanaimo, and Kelowna to better understand the needs of intermediaries and our clients.</li> <li>▪ Hosted focus groups to clarify the definition of integrated services and identify projects advancing this goal already underway.</li> </ul>
		<p>(See Goals 2 and 3)</p>
<b>Public awareness and support</b>	<ul style="list-style-type: none"> <li>▪ Changes to services and media coverage of those changes may create public misconceptions about the availability of legal aid services in BC.</li> <li>▪ Research conducted in 2011 for the Department of Justice Canada indicates a strong majority of Canadians agree that legal aid inspires perceived fairness of the justice system (93%) and confidence in the justice system (82%).*</li> </ul>	<ul style="list-style-type: none"> <li>▪ Eligible clients do not seek legal aid as they believe it is not available.</li> <li>▪ Public support for legal aid, as well as public confidence in and perceived fairness of BC's justice system, is diminished.</li> </ul>
		<ul style="list-style-type: none"> <li>▪ Sustained awareness of and support for legal aid services across BC through ongoing communications, outreach, and collaborative projects.</li> <li>▪ Implemented a stakeholder engagement initiative with members of the legislative assembly.</li> <li>▪ To raise awareness about the new delivery model, LSS implemented an advertising campaign and enhanced outreach efforts in the new local agent locations.</li> </ul>
		<p>(See Goal 4)</p>

\* Department of Justice, "Public Support for Criminal Legal Aid," May 2011.

**Table 3****Goals, strategies, and performance measures, 2010/2011 – 2012/2013**

<b>Goals</b>	<b>Strategies</b>	<b>Measures</b>
<b>1</b> People with low incomes who have legal issues use LSS services.	<ul style="list-style-type: none"> <li>▪ Sustain public and intermediaries' awareness of the availability of legal aid services through promotion and outreach.</li> <li>▪ Monitor the impact of the transition to an agency delivery model on client access.</li> <li>▪ Pilot services for Aboriginal clients and adapt current LSS services to meet their needs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Percent of clients satisfied with the accessibility of LSS services (tri-annual survey)</li> <li>▪ Percent of clients satisfied with the helpfulness of LSS services (tri-annual survey)</li> <li>▪ Percent of clients satisfied overall with LSS services (tri-annual survey)</li> </ul>
<b>2</b> People with low incomes participate in solving and preventing legal problems.	<ul style="list-style-type: none"> <li>▪ Provide clients with information about legal aid services, related legal issues, and their rights early in the process.</li> <li>▪ Support local agents, lawyers, and intermediaries to engage clients in solving their legal issues.</li> <li>▪ Enhance opportunities for community engagement to support clients' participation in solving their legal issues.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Percent of clients satisfied with LSS support to help them participate in resolving their legal issues (tri-annual survey)</li> <li>▪ Percent of lawyers satisfied with LSS support to help them engage clients in solving their legal issues (tri-annual survey)</li> </ul>
<b>3</b> People with low incomes get help with related legal issues so they can solve and prevent legal problems.	<ul style="list-style-type: none"> <li>▪ Coordinate/collaborate with other service providers to increase clients' access to services for their related legal issues.</li> <li>▪ Support LSS staff, local agents, lawyers, and intermediaries to assess and refer clients to services for their related legal issues.</li> <li>▪ Modify LSS services to better address clients' related legal issues.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Percent of clients satisfied with the level of support LSS gave them to address their related legal issues (tri-annual survey)</li> <li>▪ Percent of lawyers satisfied with LSS support for increasing their ability to help clients address related issues (tri-annual survey)</li> <li>▪ Percent of lawyers who support the integrated approach to providing legal aid services (tri-annual survey)</li> </ul>
<b>4</b> LSS manages resources soundly.	<ul style="list-style-type: none"> <li>▪ Implement an employee engagement action plan that recognizes the impacts of the transition to a new delivery model and responds to the 2008 work environment survey.</li> <li>▪ Enhance LSS' responsiveness to changes in demand for services.</li> <li>▪ Introduce a simplified LSS tariff to increase cost management, reduce administrative expenses for LSS and tariff lawyers, and free up resources for direct client services.</li> <li>▪ Shift to an agency delivery model to reduce infrastructure costs.</li> <li>▪ Review and implement changes to large case management to streamline administration and facilitate forecasting of case costs.</li> <li>▪ Sustain public and political support for legal aid services.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Overall employee engagement score (tri-annual survey)</li> <li>▪ Percent of lawyers satisfied with the overall support provided by LSS (tri-annual survey)</li> <li>▪ Number of new lawyers with more than three referrals in the first six months (annual measure)</li> <li>▪ Budget-to-actual expenditure variance (annual measure)</li> <li>▪ Percent of the public that supports the provision of legal aid services (annual survey)</li> </ul>

Table 4

Measure	Past results 2009/2010	Results 2010/2011	Performance at a glance	
			2011/2012	Future targets 2012/2013
Percent of clients satisfied with the accessibility of LSS services (Goal 1)	Baseline set in 2007/2008: 66%	69% (Target: 70%)	To be surveyed in 2013/2014	
Percent of clients satisfied with the helpfulness of LSS services (Goal 1)	Baseline set in 2007/2008: 65%	62% (Target: 69%)	To be surveyed in 2013/2014	
Percent of clients satisfied overall with LSS services (Goal 1)	Baseline set in 2007/2008: 64%	62% (Target: 68%)	To be surveyed in 2013/2014	
Percent of clients satisfied with LSS support to help them participate in resolving their legal issues (Goal 2)	n/a (New for 2010/2011)	Baseline set: 59%	To be surveyed in 2013/2014	
Percent of lawyers satisfied with LSS support to help them engage clients in solving their legal issues (Goal 2)	Baseline set: 42%	To be surveyed in 2012/2013	To be surveyed in 2012/2013	46%
Percent of clients satisfied with the level of support LSS gave them to address their related legal issues (Goal 3)	Not measured	Baseline set: 48%	To be surveyed in 2013/2014	
Percent of lawyers satisfied with LSS support for increasing their ability to help clients address related issues (Goal 3)	Baseline set: 22%	To be surveyed in 2012/2013	To be surveyed in 2012/2013	26%
Percent of lawyers who support the integrated approach to providing legal aid services (Goal 3)	Baseline set: 71%	To be surveyed in 2012/2013	To be surveyed in 2012/2013	75%
Overall employee engagement score (Goal 4)	70 (average score) 2007/2008	To be surveyed in 2011/2012	73	To be surveyed in 2013/2014
Percent of lawyers satisfied with the overall support provided by LSS (Goal 4)	62%	To be surveyed in 2012/2013	To be surveyed in 2012/2013	66%
Number of new lawyers with more than three referrals in the first six months (Goal 4)	n/a (New for 2010/2011)	60	>60	>60
Budget-to-actual expenditure variance (annual measure) (Goal 4)	3.7% variance	-0.5% (Target: <1.5%)	<1.5%	<1.5%
Percent of the public that supports the provision of legal aid services (annual measure) (Goal 4)	88%	89% (Target: >90%)	>90%	>90%

## Goal 1

### People with low incomes who have legal issues use LSS services.

This goal recognizes that in order for our clients to access our services, LSS needs to ensure the public is aware of the services the society provides and that the services address their needs. To meet our mandate and mission, LSS must not only offer appropriate services but also deliver them effectively to clients.

Performance measures: Percent of clients satisfied with the accessibility of LSS services			
Percent of clients satisfied with the helpfulness of LSS services			
Percent of clients satisfied overall with LSS services			
Past Results 2007/2008	Performance 2010/2011 Target	Performance 2010/2011 Actual	Future Targets
Accessibility: 66%	70%	69%	To be surveyed in 2013/2014
Helpfulness: 65%	69%	62%	To be surveyed in 2013/2014
Overall: 64%	68%	62%	To be surveyed in 2013/2014

These measures show the degree to which clients are satisfied with the steps they had to take to receive the legal aid services they needed and the effectiveness of these services in helping them solve their legal problems.

#### Importance of these measures

Sustaining or increasing the level of our clients' satisfaction with the accessibility and helpfulness of LSS services over time will show that the society is providing clients with the legal aid services they need when and where they need them, fulfilling our mandate to help people solve their legal problems and facilitate access to justice.

#### Benchmark comparison

LSS partnered with the Institute for Citizen Centered Services (ICCS) to benchmark its performance against other "like" organizations. The society's overall satisfaction rating (3.7 out of 5.0) is in line with the average rating (4.0 out of 5.0) for the Canadian public sector organizations who provide data to ICCS, including other legal aid plans. The society's accessibility rating (4.0 out of 5.0) is also in line with the average rating of the benchmark group (4.1 out of 5.0). The society's helpfulness rating cannot be benchmarked to "like" organizations, as the information is not available through ICCS.

#### Data source

In 2011, Synovate, an independent survey organization, interviewed 1,201 legal aid clients by telephone about their experiences with the legal aid services they received. The margin of error at the 95% confidence level ranges from +/- 3% for all clients and varies from +/- 3 to 5% for specific client groups. The full survey report is available online at [www.legalaid.bc.ca](http://www.legalaid.bc.ca) under "About us—Our reports."

## Results 2010/2011

- Most LSS clients (62%) continue to be satisfied overall with the legal aid services they received. Results are comparable to those of three years ago, although we did not meet our organizational target.
- The majority of legal aid clients also continue to say they are satisfied with the accessibility of services (69%, up from 66% in 2007/2008) and the helpfulness of legal aid services in dealing with their legal problems (62% compared with 64% in 2007/2008). This is true for overall services and accessibility among all three client groups surveyed (representation clients who receive a referral, clients who received intake services, and duty counsel clients).
- While the decreases in overall client satisfaction and satisfaction with the helpfulness of legal aid services are not significant, the slight declines may reflect the impact of service and delivery model changes and reductions that LSS implemented in response to fiscal challenges experienced since 2008/2009.

## Performance highlights

### Supporting our Aboriginal clients: Piloting services and adapting services to meet client needs

- This was the last year of a three-year Aboriginal Legal Services Project to implement recommendations from the landmark 2007 *Building Bridges*<sup>5</sup> report. The project focused on reducing the number of Aboriginal children in care and the number of Aboriginal people in prison, as well as building capacity within the Aboriginal community to improve outcomes for Aboriginal clients.
- To better serve Aboriginal communities, LSS' Aboriginal Community Legal Workers (ALCWs) are available in Port Hardy, Alert Bay, Duncan, and Nanaimo. ALCWs give legal information and limited advice about family and child protection law, explain complicated legal processes, attend court with clients, and also help clients access alternative dispute resolution options (such as mediation). In Port Hardy, the ALCW works with duty counsel to enhance support to Aboriginal clients. An implementation evaluation of the ALCW role demonstrated the positive impact of the program and provided recommendations for improvement of its overall effectiveness.
- This year, LSS started providing Gladue<sup>6</sup> training and report writing workshops for Aboriginal community justice workers province-wide to promote sentencing alternatives to incarceration for Aboriginal people. The goal of the training is to create positive client outcomes, as well as to build community awareness of and ability to advocate for Gladue rights.

### Monitoring the new service delivery model and maintaining awareness

- At the end of 2009/2010, LSS shifted from a regional centre model to a local agent service delivery model, replacing five regional centre offices with local agent offices. To raise awareness

about the new offices, LSS implemented an advertising campaign and enhanced outreach in the new locations. LSS also advertised in 30 community newspapers around the province, providing contact information for its province-wide call centre. LSS closely monitored application and referral statistics and compared them to previous years' data to ensure the new model did not negatively affect clients' access. The number of applications increased by 7.8% overall in four out of five new locations compared to the previous year. LSS continues to monitor all locations to ensure clients are not negatively affected.

### Further investing in direct client services

- The shift to the local agent model reduced the society's infrastructure costs and allowed LSS to invest in direct client services through the reintroduction of coverage for administrative offences. Providing representation for minor criminal offences ensures clients get the legal support they need to reach lasting solutions to their legal issues.
- As part of the society's program to enhance family law services, LSS partnered with local community agencies to introduce agency-based advice clinics in communities such as Burns Lake, Gitanyow, Old Hazelton, Houston, and Fort St. John. These advice clinics are held on reserves and co-located with other community services operating with the support of the band.

### Future outlook

- LSS will implement a one-year pilot project to test funding Gladue reports as a disbursement, and to provide quality assurance coordination and support for Gladue writers. LSS will evaluate this initiative to assess client outcomes to date and identify any areas for improvement.
- LSS plans to maximize its online presence by implementing a Twitter and Facebook strategy to engage intermediaries online and help them access information to assist our clients.

<sup>5</sup> *Building Bridges* was a report prepared for the Legal Services Society in October 2007. Its objective was to provide concrete recommendations about how to address the unmet legal needs of Aboriginal people in BC. More information about *Building Bridges* can be found on the LSS website at [www.legalaid.bc.ca](http://www.legalaid.bc.ca) under "About us—Our reports—Service and program evaluations."

<sup>6</sup> A Gladue report provides background information on the accused, the historical circumstances of his or her Aboriginal community, and available options other than jail such as restorative justice and community sentencing, enabling the judge to make an informed decision when setting bail or deciding a sentence. Gladue refers to a 1999 Supreme Court decision in the case of an Aboriginal woman named Jamie Gladue. The court said there is racism against Aboriginal people within Canada and the justice system that has led to a disproportionately high rate of incarceration for Aboriginal people.

- LSS will complete an implementation evaluation of the local agent model in the fall of 2011 that will assess whether the model meets its objectives.
- LSS will implement a campaign to sustain awareness about legal aid and to increase public and political support.

## Goal 2

### People with low incomes participate in solving and preventing legal problems.

Goal 2 recognizes that clients who are actively involved in resolving their legal issues tend to find more positive and lasting solutions. This goal reflects the society's mission to provide innovative and integrated services, which focus on achieving lasting client outcomes and providing legal aid services in a client-centred manner.

- The society will complete the transition of successful Aboriginal projects to core services, including responding to the recommendations of the ACLW and other pilot evaluations.

#### Performance measure:

- Percent of lawyers satisfied with LSS support to increase their ability to engage clients in solving their legal issues.

## Results 2010/2011

- LSS will survey lawyers again in 2012/2013. For information on this measure, our benchmarks, and the data sources, please see Appendix 3 on page 49.

Performance measure: Percent of clients satisfied with LSS support to help them participate in resolving their legal issues			
Past results	Performance 2010/2011		Future targets
New for 2010/2011	Target N/A	Actual Baseline set: 59%	To be surveyed in 2013/2014

This measure shows the effectiveness of the society's support to clients to participate in solving their legal issues.

#### Importance of this measure

Clients who participate in finding solutions to their legal problems are more likely to achieve positive, lasting outcomes. This measure assesses the effectiveness of the support provided by LSS to clients to help clients participate.

#### Benchmark comparison

LSS is not aware of any relevant benchmarks for this measure.

#### Data source

In 2011, Synovate, an independent survey organization, interviewed 1,201 legal aid clients by telephone about their experiences with the legal aid services they received. The margin of error at the 95% confidence level ranges from +/- 3% for all clients and varies from +/-3% to 5% for specific client groups. The full survey report is available online at [www.legalaid.bc.ca](http://www.legalaid.bc.ca).

## Results 2010/2011

- This is the first year LSS used this performance measurement. Results show that LSS is performing moderately well (59%) on its mandate to support clients so that they can be more actively involved in resolving their own legal issues, with 69% of representation clients, 54% of intake clients, and 56% of family duty counsel clients saying they are satisfied with the level of support provided.

- More representation clients also indicate that they strongly agree that they are satisfied with the level of support provided when compared with intake and family duty counsel clients.
- Aboriginal intake clients feel more satisfied than other intake clients with the support legal aid is providing in this way (50% agreeing, versus 30% among other intake clients).

## Performance highlights

### Helping families: Providing clients with information about legal services early in the process

- In addition to receiving general legal information from a Legal Information Outreach Worker (LIOW), call centre clients with family issues can now be connected to a lawyer on the LSS Family LawLINE (FLL), a new family law telephone advice service. FLL lawyers provide advice on issues such as custody, access, guardianship, child support, and spousal support. The FLL is a partial reintroduction of LSS' LawLINE, a telephone legal advice service that ended on March 31, 2010.
- This year, LSS finalized an enhancement project to the society's Family Law in BC website (FLWS), a legal information and self-help site for BC residents facing family law issues. This project built on the website's success by improving content and usability, while reaching out to other client groups including youth, Aboriginal people, and newcomers.

### Serving clients where they are: Supporting local agents, lawyers, and intermediaries to engage clients in solving their legal issues

- In 2010/2011, LSS piloted a number of family service enhancements to provide crucial support to families across the province by delivering services to clients in their local communities. These service enhancements include providing more duty counsel hours during and outside of court time, and offering duty counsel and legal information in more rural and remote communities such as Williams Lake and Port Hardy.
- The service enhancements also include providing legal advice lawyer services to clients referred by family justice counsellors to ensure clients get the support they need. These service enhancements have been very successful and LSS will continue to provide them next year.

- LSS also introduced in-person and telephone duty counsel service for First Nations Court<sup>7</sup> clients. Telephone duty counsel was also made available to Tsay Keh Dene<sup>8</sup>, piloting a cost-effective way to provide legal advice to remote communities.
- In response to legislative changes, LSS worked collaboratively with Court Services Branch to provide updated court forms on the Family Law website and updated the self-help guides accordingly so that the public had continuous access to free and up-to-date material to advance their family cases.
- LSS also worked collaboratively with other agencies to deliver public legal education and information (PLEI) and raise legal aid awareness in immigrant communities.

## Future outlook

- Next fiscal year, LSS will undertake an evaluation of its family law services, including new service enhancements. This will provide insight on the progress LSS has made meeting the unique needs of our family clients and any opportunities for improvement. This evaluation will also examine the impact of integrated services on improving client outcomes.

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<sup>7</sup> Defendants who self-identify as Aboriginal may be able to have their bail or sentencing hearing at the First Nations Court in New Westminster. First Nations Court takes a holistic, restorative, and healing approach to sentencing, with a focus on rehabilitation whenever possible.

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<sup>8</sup> Tsay Keh Dene is an isolated and remote Aboriginal community in northern British Columbia.

## Goal 3

**People with low incomes get help with related legal issues so they can solve and prevent legal issues.**

Goal 3 recognizes that clients' legal problems often arise from or trigger other problems including health, housing, and debts. By working with other service providers to help clients get support for these issues, LSS can improve client outcomes as well as reduce the use of justice, health, and social services over the long term.

Performance measure: Percent of clients satisfied with the level of support LSS gave them to address their related legal issues			
Past results	Performance 2010/2011		Future targets
(New for 2010/2011)	Target (N/A) Set baseline	Actual Baseline set: 48%	To be surveyed in 2013/2014

This measure shows how satisfied clients are with the support they received from the society to help with related legal issues.

### Importance of this measure

Clients who get help for their related issues are more likely to achieve positive, lasting solutions to their legal issues. This measure tracks the effectiveness of LSS' efforts to provide clients with information about services for related legal issues. Integrating services requires all service partners to have the necessary skills and resources.

### Benchmark comparison

LSS is not aware of any relevant benchmarks for this measure.

### Data source

In 2011, Synovate, an independent survey organization, interviewed 1,201 legal aid clients by telephone about their experiences with the legal aid services they received. The margin of error at the 95% confidence level ranges from +/- 3% for all clients and varies from +/-3% to 5% for specific client groups. The full survey report is available online at [www.legalaid.bc.ca](http://www.legalaid.bc.ca).

## Results 2010/2011

- This is the first time LSS used this performance measure. Results demonstrate that 48% of all LSS clients surveyed (54% of representation clients, 47% of intake clients, and 42% of family duty counsel clients) are satisfied with the support legal aid gave them so they could address any related legal issues.
- Results also show that LSS did not inform a majority of clients about other services to address problems that may be related to their legal issues, an important element to help them address their other non-legal problems. Aboriginal representation clients are the most likely to have been informed about other services (32% versus 19% among other representation clients).
- We continue to take steps to advance this goal, including intake training (see page 18) and community partnerships.

### Performance measures:

- Percent of lawyers satisfied with LSS support for increasing their ability to help clients address related issues.
- Percent of lawyers who support the integrated approach to providing legal aid services.

## Results 2010/2011

- LSS will survey lawyers again in 2012/2013. For more information on this measure, see Appendix 3 on page 49.

## Performance highlights

### Engaging the community: Collaborating with service providers to increase client access to services for their related issues

- LSS' primary initiative to improve public and intermediaries' awareness of LSS services this year was a new community engagement strategy, a key aspect of which is to develop partnerships with select intermediaries. To support community engagement, LSS hired four dedicated staff members whose responsibilities range from online

- outreach to PLEI development, to community liaison and training, as well as to build partnerships with community agencies.
- As part of this year's community engagement efforts, LSS hosted four regional conferences to gather information about barriers to accessing legal aid and how to overcome these barriers within communities. These workshops, held in Kamloops, Prince George, Nanaimo, and Kelowna, were designed to build capacity in the community and share information about LSS. The society also co-sponsored the Provincial Advocates Training Conference in Vancouver with the Law Foundation and conducted a community engagement workshop there. The feedback from these sessions will help LSS improve services and develop partnerships with a variety of community agencies.

### **Helping the client: Delivering LSS services in a client-centred manner**

- As part of the simplified CFCSA tariff, LSS reintroduced a tariff item that allows lawyers to bill additional hours for time spent on helping clients with their collateral issues. LSS also provides resources for lawyers, such as a poverty law manual, to help them address clients' related legal issues.
- In order to better serve our clients, LSS provided training for front-line staff on clients' related issues such as mental health and housing.
- LSS continued its participation in the Vancouver Downtown Community Court (DCC), drug court, breach courts, and other MAG initiatives. These integrated service models make effective use of resources and support improved client outcomes by enabling offenders to address their related legal issues.
- To continue to advance integrated services this year, LSS created the following working definition of the concept to guide service development:
  - LSS services co-located with or provided collaboratively with other agencies, and
  - LSS services that help clients address their related issues.

- This year we held focus groups to identify current integrated legal aid services (such as LIOWs at Fir Square), as well as to brainstorm opportunities for expanding integrated services in future periods.

### **Future Outlook**

- In the next fiscal year, LSS will develop partnerships with intermediaries in rural, remote, and Aboriginal communities across BC. Moreover, LSS will explore partnerships with community organizations across sectors (such as health, education and libraries, and Aboriginal organizations) in order to meet the unique needs of our clients.
- To support staff to assist clients facing multiple legal and related issues, such as Fetal Alcohol Spectrum Disorder (FASD) and mental health issues, LSS will provide quarterly training for intake staff and LIOWs on identifying these issues.
- LSS will evaluate the collateral issues tariff to assess the effectiveness of the items in supporting lawyers to help clients address related legal issues.

### **Goal 4**

#### **LSS manages resources soundly.**

Goal 4 recognizes that LSS must effectively manage resources to fulfill our mission and vision. This goal also identifies LSS employees as one of the organization's key strengths; highlights the importance of sound financial forecasting, accounting, and auditing processes; and emphasizes our accountability for administering public resources.

##### **Performance measures:**

- Overall employee engagement score.
- Percent of lawyers satisfied with the overall support provided by LSS.

### **Results 2010/2011**

LSS will survey employees again in early 2011/2012 and results will be available in next year's annual report. LSS will survey lawyers again in 2012/2013. For information on the importance of these measures, please see Appendix 3, on page 49.

### Performance measure: Number of new lawyers with more than three referrals in the first six months

Past results	Performance 2010/2011		Future targets	
2009/2010 N/A	Target (N/A)	Actual Baseline set: 60	2011/2012 Target >60	2012/2013 Target >60

This measure shows the number of lawyers who accepted more than three legal aid referrals in the first six months of getting approval to provide legal aid services.

#### Importance of this measure

Legal aid plans across Canada continue to face a decline in the number of lawyers willing to take legal aid referrals and the overall “greying” of the profession. This measure tracks the society’s success not only in recruiting lawyers but also in supporting their commitment to legal aid.

#### Benchmark comparison

LSS is unaware of benchmark data for this measure.

#### Data source

Data comes from the society’s case management system database.

## Results 2010/2011

- This is a new annual measure that was developed in 2010/2011 to track the supply of lawyers and was chosen to replace the previous strategic performance measure on new lawyers. Results show that 60 new lawyers took on three or more referrals within their first six months. This measure will allow us to track engagement of new lawyers with LSS, and provides an early indication of their long-term commitment to legal aid.

The benchmark of 60 was established this year, and LSS will endeavour to improve on this result in the coming periods.

- Annual lawyer count:** LSS has tracked the total number of lawyers who take legal aid referrals each year since 2004/2005. This year, 958 private lawyers took at least one legal aid case, a 6% increase over last year and a return to 2005/2006 levels.

### Performance measure: Budget-to-actual expenditure variance

Past results		Performance 2010/2011		Future targets	
2009/2010 Target <1.5%	2009/2010 Actual 3.7%	Target <1.5%	Actual -0.5%	2011/2012 <1.5%	2012/2013 <1.5%

This measure shows how well we are managing our expenditures.

#### Importance of this measure

Maintaining a low budget-to-actual expenditure variance will demonstrate that we are managing expenditures effectively so that we can make timely use of available funds for client services.

#### Benchmark comparison

LSS has no comparable data from other legal aid plans.

#### Data source

Data is gathered from the LSS financial system and is reviewed by external auditors.

Budget-to-actual expenditure variance calculation, 2010/2011		
Actual total expenditures per Statement of Operations (see page 34)	\$ 76,858,906	
minus Exceptional cases	1,192,147	
Immigration	2,570,648	
Major cases	4,118,076	
Law Foundation-funded projects		
		\$ 68,978,035
Approved expenditure budget	\$ 71,962,000	
minus Exceptional cases	1,813,000	
Immigration		
Law Foundation-funded projects	1,500,000	
		\$ 68,649,000
Variance = 1 – (actual/budget)		-0.5%

## Results 2010/2011

- In 2010/2011, the society's budget-to-actual expenditure variance was -0.5%, meeting the target of less than 1.5% variance and improving on 2009/2010 results (3.7%). This performance demonstrates LSS' ability to manage costs in a period of uncertainty.

### Performance measure: Percent of the public that supports the provision of legal aid services

Past results	Performance 2010/2011		Future targets	
2009/2010	Target	Actual	2011/2012	2012/2013
88%	>90%	89%	>90%	>90%

This measure shows the proportion of BC residents who say they support providing legal information, advice, and representation services to people with low incomes.

#### Importance of this measure

The level of public support for legal aid is a primary indicator of the value BC residents place on legal aid services and the contribution of these services to a fair and efficient justice system. This measure is linked to public awareness of legal aid services and helps demonstrate the importance of legal aid in ensuring access to justice for the people of BC.

#### Benchmark comparison

The most recent comparable data comes from public opinion polls conducted in 2006 by Legal Aid Ontario and Legal Aid Alberta based largely on the questions developed by LSS for its poll. At 88% in 2010, the level of public support in BC remains higher than the Ontario level of 85%, but has dropped behind the Alberta result of 96%.

#### Data source

The data is gathered from an annual omnibus telephone survey conducted by an independent survey organization. In March 2011, interviewers asked 562 people from across BC a series of 9 questions about legal aid. The margin of error is +/- 4% at the 95% confidence level. When comparing to 2010 findings, a maximum difference of +/- 6% is necessary to be considered significant at the 95% confidence level. All public awareness poll results are available at [www.legalaid.bc.ca](http://www.legalaid.bc.ca) under "About us—Our reports."

## Results 2010/2011

- Support for legal aid remains high, with 89% of BC residents saying they support having legal aid services for those with low incomes. Respondents who are strongly in support of legal aid continue to stand at 52%. However, support remains below our target of 90% and under the 2008/2009 peak of 94%.
- BC residents also feel everyone should have the right to access the justice system, even if that means spending more money to reach people in remote and rural communities (92% overall, with 54% strongly supporting the statement).
- BC residents agree (73%) that government should give legal aid funding the same priority as other social services.
- BC residents continue to widely believe that it is important to fairness in the BC justice system to offer legal aid in the areas of family court, other civil legal proceedings, criminal court, and immigration/refugee hearings.

- The general public agrees (75%) that LSS should help clients address the issues related to their legal issues (such as housing, debt, and health problems), demonstrating significant public support for the society's integrated services model.

## Performance highlights

### Simplifying the tariff

- LSS developed and implemented a simplified tariff and revised billing rules for criminal, family, and CFCSA tariffs, replacing the previous tariff structure. The new tariffs reduced the number of criminal tariff items from 52 to 27, family items from 46 to 9, and CFCSA items from 26 to 10.
- LSS is currently evaluating the impact of the simplified tariff on administrative costs and case trajectory using a number of performance measures, including staff resources, cost management, and process efficiencies. While evaluations results are expected in 2012, LSS is closely monitoring costs and client outcomes.

### Responding to demand changes

- The LSS Demand Management Committee (DMC) is a cross-divisional team that provides regular reporting and analysis of key operating data to enable the society to respond quickly and effectively to fluctuations in demand and revenues. In 2011, the DMC continued to monitor case volumes and costs, and provide recommendations for coverage and policy changes.
- The unexpected increase in immigration cases from the MV Sun Sea presented a tremendous challenge this year to manage resources within the immigration budget. LSS staff successfully developed innovative ways to maximize client services. This would not have been possible without the financial contributions from the federal government. Costs from the MV Sun Sea migrants will continue to affect the society in the upcoming fiscal year.

### Supporting employee engagement

- This year LSS implemented several initiatives in response to the 2008 work environment survey, including:
  - introducing an internal blog to provide timely and consistent information to staff on a variety of issues;

- continuing its all-staff leadership program through "Learning to Flourish" workshops, building on training provided in previous years; and
- enhancing the LSS staff recognition program to create greater flexibility, including peer-to-peer recognition and recognition for one-year milestones.

- The average overall LSS absentee rate in 2010/2011 was 8.74 days, compared with 9.43 days in 2009/2010.<sup>9</sup>

### Sustaining public and political support

- Throughout the year, the LSS board chair highlighted the importance of legal aid and access to justice in speeches to the Law Society of BC and the Canadian Association of Chiefs of Police, meetings with government officials and justice system stakeholders, and media interviews. These efforts were complemented by the society's strategy to engage members of the legislative assembly, which provided information to elected officials about the Legal Services Society and the benefits of legal aid.
- The Public Commission on Legal Aid, funded by the Canadian Bar Association and the Law Foundation, hosted consultations and released a report this year on the status of legal aid in the province. LSS provided a submission to the commission outlining our vision for the delivery of legal aid in BC. LSS also responded publicly to the recommendations put forward by the commission. To view the society's submission and response, please see [www.legalaid.bc.ca](http://www.legalaid.bc.ca) under "About us—Our reports—Submissions and speeches."

### Reviewing large case management

- LSS completed a review of its large case management process to find ways to enhance its ability to contain large case costs. LSS also worked throughout the year with the provincial government to develop sustainable, systemic solutions, and this was reflected in the Memorandum of Understanding (MOU) with MAG.

<sup>9</sup> These rates excluded leaves greater than four weeks.

## Future outlook

- LSS will continue to monitor legal aid volumes and costs and utilize reporting and follow-up practices through its Demand Management Committee, enabling the society to respond effectively to identified issues and trends.
- LSS will implement its 2011 Work Environment Survey and develop recommendations and an action plan to respond to the results.
- In response to the new refugee determination process to be implemented in December 2011, LSS will develop new immigration coverage and tariff policies, and service model.
- While continuing to collaborate with justice system partners on systemic solutions, LSS will establish a large case management department to implement new policies and processes to ensure large cases serve clients' needs, while containing costs.
- In response to upcoming changes to the Family Relations Act, expected sometime in 2011/2012, LSS will revise its family law coverage and tariff policies and service delivery models if required, and update the Family Law in BC website and family law/family violence publications.

## Shareholder's Letter of Expectations

LSS and the Ministry of Attorney General (MAG) jointly approve a shareholder's letter of expectations (SLE) from the ministry to the society each year.

The government uses SLEs to communicate its priorities, mandate direction, and key performance objectives to each Crown agency for the coming year. For LSS, the shareholder's letter supplements the three-year Memorandum of Understanding (MOU) between LSS and MAG, which sets out

the roles and responsibilities of both parties as well as the anticipated funding LSS will receive from the ministry and the priorities for allocating that funding. The SLE also supplements the LSS Act, which establishes the overall mandate and administrative framework for the society.

Our actions to address the direction set out in the SLE for 2011/2012 are outlined in the table below.

Shareholder's letter of expectations	LSS alignment
<b>Financial performance</b> <ul style="list-style-type: none"><li>▪ Work with the shareholder to ensure LSS meets budget variance targets.</li><li>▪ Prepare monthly reports that set out and forecast the financial situation of the exceptional matters fund.</li></ul>	<ul style="list-style-type: none"><li>▪ LSS utilized rigorous cost monitoring and forecasting models to help ensure the society met budget targets.</li><li>▪ LSS provided monthly reports to MAG on exceptional matters.</li></ul>
<b>Support policy, planning, and program coordination</b> <ul style="list-style-type: none"><li>▪ Cooperate and coordinate with justice system partners on justice reform initiatives that further LSS goals.</li><li>▪ Collaborate with shareholder on issues such as large cases.</li><li>▪ Promote early, collaborative dispute resolution in child protection and family law cases.</li></ul>	<ul style="list-style-type: none"><li>▪ LSS collaborated with MAG on justice transformation initiatives as revenue allowed.</li><li>▪ LSS collaborated with key stakeholders in the justice system to enhance large case management.</li><li>▪ LSS supported early, consensual dispute resolution in family and CFCSA cases through the simplified tariff.</li><li>▪ LSS will continue to communicate with MAG on government and society priorities and the LSS service plan throughout the annual planning process.</li></ul>
<b>Legislative framework</b> <ul style="list-style-type: none"><li>▪ Conduct operations and financial activities consistent with legislative and policy framework established by government.</li></ul>	<ul style="list-style-type: none"><li>▪ LSS remained in compliance with the LSS Act and the MOU.</li><li>▪ LSS provided financial, statistical, and other information about legal aid services to the Attorney General on request.</li></ul>

Shareholder's letter of expectations	LSS alignment
<b>Communication</b> <ul style="list-style-type: none"> <li data-bbox="200 312 755 392">▪ Establish a working group to meet monthly, as required, to ensure effective and efficient day-to-day communication between MAG and LSS.</li> </ul>	<b>LSS alignment</b> <ul style="list-style-type: none"> <li data-bbox="788 312 1375 413">▪ LSS participated in working group meetings to review and coordinate budget development, strategic priorities, policy and program development, issues related to legal aid and access to justice, and other issues as they arose.</li> </ul>
<b>Reporting</b> <ul style="list-style-type: none"> <li data-bbox="200 487 755 572">▪ Meet performance reporting requirements as set out in the Budget Transparency and Accountability Act, the Financial Administration Act, and the Financial Information Act.</li> </ul>	<b>LSS alignment</b> <ul style="list-style-type: none"> <li data-bbox="788 487 1130 519">▪ LSS met all reporting requirements.</li> </ul>
<b>Climate change</b> <ul style="list-style-type: none"> <li data-bbox="200 656 755 709">▪ Comply with government requirements to make the public sector carbon neutral.</li> </ul>	<b>LSS alignment</b> <ul style="list-style-type: none"> <li data-bbox="788 656 1375 709">▪ LSS initiated a review of our environmental policy that engages staff in efforts to reduce our greenhouse gas (GHG) emissions.</li> <li data-bbox="788 720 1375 804">▪ LSS converted to using 100% recycled paper and eliminated the use of multiple stand-alone fax machines, directing all incoming and outgoing faxes electronically.</li> <li data-bbox="788 815 1326 899">▪ LSS will continue to review and develop print and copy monitoring solutions to reduce paper usage, and minimize business travel.</li> <li data-bbox="788 910 1261 941">▪ LSS filed carbon neutral action reports as required.</li> <li data-bbox="788 952 1228 1132">▪ LSS also initiated the following efforts this year: <ul style="list-style-type: none"> <li data-bbox="837 973 1277 1005">▪ moved to the use of demountable wall systems,</li> <li data-bbox="837 1015 1196 1047">▪ installed light sensors in storage rooms,</li> <li data-bbox="837 1058 1163 1089">▪ joined a composting program, and</li> <li data-bbox="837 1100 1326 1132">▪ joined an e-waste program that recycles electronics and batteries.</li> </ul> </li> </ul>

# Financial *Report*



# Financial Report

The 2010/2011 fiscal year was a year of change for LSS. It began with the transition to a new service delivery model, and was followed by the introduction of the simplified tariff, the arrival of Tamil refugees, and the signing of the new Memorandum of Understanding (MOU) with the Ministry of Attorney General (MAG). All of these events impacted the financial affairs of the society, and despite significant challenges, LSS was able to return to a small surplus for the first time in four years. For the upcoming year, the society has projected a balanced budget.

The society's goal for replacing five regional centres with local agent offices was to reduce infrastructure costs and increase service delivery spending. This goal was achieved. In 2010/2011 the allocation for contracted representation was increased to 70.1% of total budget from 65.3% in 2009/2010, and at year-end, the actual percentage of total budget spent on contracted representation rose to 73%, up 7.7%. Tariff simplification also achieved its objective of improving payment processing times. Though the unanticipated marine arrival of Tamil migrants increased the cost of the immigration tariff, the society worked with MAG and the federal government to secure additional one-time funding to cover these costs. The new MOU redefined criminal cases and how they are funded.

The following discussion of the society's financial condition for the year ending March 31, 2011 should be read in conjunction with the society's audited financial statements. The financial statements have been prepared in accordance with Canadian generally accepted accounting principles for not-for-profit organizations. LSS is accountable for how it uses all its funding under the Budget Transparency and Accountability Act.

## Management discussion and analysis

### Reserve

At March 31, 2011, the society's total reserve was \$6.8 million. The reserves include \$2.2 million invested in capital assets and \$3.7 million restricted by the board, leaving \$0.9 million unrestricted.

### Resource allocations

LSS allocated \$50.5 million or 70.1% of its budget to contracted representation services this year. Salaries and benefits comprised the next largest budget item at \$10.9 million, or 15.1% of the budget. Budget for building leases and amortization amounted to \$2.2 million or 3.1%. The budget for all other costs totalled \$8.4 million or 11.7% (see table 6, page 27).

### Revenue

The society's revenues were \$76.9 million this year (see table 5, page 26). Although revenues increased by \$0.6 million from 2009/2010, the increase was directly tied to funded cases. Low interest rates continue to impact the society. Funding from the Notary Foundation and investment income remain at 10 year lows.

### Provincial funding

The provincial government provides the largest portion of the society's revenue. This funding is subject to a three-year MOU between LSS and the Attorney General. A new MOU was signed during the year.

The MOU outlines the anticipated funding for each year and the priorities for its use. It also defines how criminal cases are to be categorized and funded. There are now three criminal categories:

- **Category A:** The first \$75,000 of non-court-ordered cases paid at the standard rates. These cases are funded from the base criminal tariff budget.
- **Category B:** All costs greater than \$75,000 and up to \$175,000 of non-court-ordered cases paid at standard rates, and all costs of court-ordered cases up to \$175,000 paid at standard rates. These cases are funded by a restricted contribution and any surplus in these cases is transferred to deferred contributions. In the case of an annual shortfall in Criminal Category B cases, the society must first apply any eligible base criminal tariff surplus to the shortfall. Any remaining shortfall is then applied to deferred contributions.

- **Category C:** All costs greater than \$175,000 or all costs where the hourly rate paid is greater than the standard rate. These cases are funded through a special funding agreement with MAG.

The MOU allocates specific amounts for representation in each area of law, public legal education and information services, and strategic initiatives. It also sets out priorities for reallocating surpluses to shortfalls among budget categories during the year. The society's obligation to provide services is limited to the funding allocated in the MOU for each specific area.

In addition to MOU funding, the provincial government provided specific funding for all Criminal Category C cases during the fiscal year. The total funding for these cases was \$4.1 million.

### Federal funding

The federal government contributes to the province up to \$900,000 each year for immigration tariff expenditures in excess of \$800,000, and up to \$650,000 for large, federally prosecuted cases, based on actual expenses. These funds are transferred from the federal government to the province and then to LSS, and are included as revenue as part of core provincial government funding. During 2010/2011, the federal government provided one-time funding of \$230,000 for a general immigration increase and \$745,000 for the Tamil refugees. For this fiscal year, LSS recorded federal revenue of \$1,875,000 for immigration tariff expenditures.

### Foundation grants

Both the Law Foundation and the Notary Foundation provide annual grants to LSS with revenue earned on

trust funds held by their members. Since these funds are not included in the MOU, the society can allocate them at its discretion, based on LSS board priorities and service plan goals.

The Notaries Act requires the Notary Foundation to contribute 55% of their interest revenue to the society. The foundation provided \$469,618 to LSS in 2010/2011, an increase from \$347,171 provided in 2009/2010, but a dramatic reduction from the previous two years.

The Law Foundation provided the society with \$3.6 million. Additional funding for projects was provided along with deferred capital funds. The capital funds were used to purchase specific assets and will be recorded as revenue to match the amortization expense. See notes 7(a) and 7(b) of the financial statements, pages 38 and 39.

### Investments

The majority of the society's available cash is invested under the LSS board's investment policy, which permits the society to invest in low-risk securities or pooled funds. Effective April 1, 2007, LSS implemented the new reporting requirements for financial instruments. This required LSS to categorize the investments for revenue recognition and reporting costs (see note 3(b) of the financial statements, page 36). The total revenue for the year was \$537,271.

### Other revenue

Other sources of revenue for 2010/2011 include payment for administrative services that LSS provides to MAG for out-of-mandate cases, funding from the Department of Justice for federal out-of-mandate cases, and funding for the Downtown Community Court.

**Table 5**

**Legal Services Society revenue, 2010/2011**

Revenue	Actual	%	Budget	%
Core provincial government funding	\$ 67,418,569	87.7	\$ 66,431,000	92.3
Funded cases <sup>1</sup>	4,118,076	5.3	—	—
Law Foundation grant	3,599,750	4.7	3,599,750	5.0
Notary Foundation grant	469,618	0.6	400,000	0.6
Investments	537,271	0.7	440,000	0.6
Other <sup>2</sup>	604,693	0.8	935,000	1.3
Law Foundation project grants	135,559	0.2	156,250	0.2
<b>Total</b>	<b>\$ 76,883,536</b>	<b>100.0</b>	<b>\$ 71,962,000</b>	<b>100.0</b>

<sup>1</sup> Funded by provincial government.

<sup>2</sup> "Other" includes publishing revenue, administrative fees, etc.

## Expenses

The society's expenses decreased to \$76.9 million this year, compared to \$79.3 million in 2009/2010. Of this, \$56.1 million was for contracted representation, \$10.4 million for salaries and benefits, and \$2.3 million for building and amortization. Table 6 below shows LSS expenses for 2010/2011. Tables 8 to 13 on pages 28 and 29 summarize the society's expenses for the past five years.

### Tariff expenses

Tariff expenditures increased by \$4.1 million to \$56.1 million in 2010/2011. The greatest increase was in large, special-funded criminal cases, which were up \$1.5 million. This was followed by family cases, which increased by \$1.1 million, and CFCSA cases by \$0.7 million. During the third quarter of the year, administrative offences were reinstated in the criminal tariff. This did not have a significant financial impact in 2010/2011, but budgets have been reallocated for 2011/2012 to accommodate the costs of these cases.

The total cost of Criminal Category B cases for the year was \$1.7 million, or \$0.1 million less than budgeted. A surplus of \$99,296 was transferred to deferred contributions available for use in future years.

To determine the costs for tariff and duty counsel, the society estimates the liability for services provided by the private bar. To arrive at this figure, LSS uses an actuary's model that includes actual costs based on invoices received and estimated costs for work performed on all unbilled referrals made during the fiscal year. The calculation is 90% accurate, 19 times out of 20. The estimated tariff liability at the end of 2009/2010 is \$11.8 million.

### Salaries and benefits

Salary and benefit costs are subject to negotiated collective agreements and terms and conditions of

employment. These agreements are approved and funded by the provincial government.

## Risks

The ability to manage demand continued to be critical to meeting budget targets this year, as the society faced ongoing uncertainty in revenue from non-government sources that are subject to fluctuations in the general economy. Revenues directly attributed to interest rates and general economic conditions stabilized at historical lows of \$1.0 million for each of the past two years, down \$4.2 million from 2007/2008. Interest rates are expected to start increasing during the fall of 2011 and, therefore, interest-based revenues should start to increase during 2011/2012.

The new MOU created three categories for criminal cases and set limits on the amount the society can spend on a case before having to obtain special funding. This has the effect of limiting the society's exposure to the ever expanding costs of large criminal cases.

Long-term funding for immigration/refugee legal aid also continued to be a concern for the society, as immigration volume pressures fluctuate. Although \$2.65 million in provincial and federal funding was available in 2010/2011, no funding commitments have been made in this area beyond March 31, 2011.

## Future outlook

The provincial government has approved the society's 2011/2012 operating budget. The budget is balanced, and the forecast is for balanced budgets through 2012/2013. Table 7 on page 28 shows the financial outlook for 2011/2012.

However, increasing case costs and fluctuating demand volumes, particularly in family and child protection, combined with continuing low revenues from the Notary Foundation and investments will

Table 6

Legal Services Society expenses, 2010/2011

Expenses	Actual	%	Budget	%
Contracted representation	\$ 56,131,297	73.0	\$ 50,452,000	70.1
Salaries and benefits	10,356,539	13.5	10,896,000	15.1
Building and amortization	2,269,035	3.0	2,228,500	3.1
All other costs	8,100,035	10.5	8,385,500	11.7
Total	\$ 76,858,906	100.0	\$ 71,962,000	100.0

create fiscal challenges for LSS, as the society expects these budget pressures to continue for the foreseeable future. Service cost increases resulting from legislative and policy changes and government-initiated projects also pose a financial risk for LSS in 2011/2012. LSS will continue to monitor and track case costs and improve forecasting capabilities in the next fiscal year.

At the end of 2010/2011, LSS' total accumulated surplus was \$6.8 million, with \$2.2 million reserved for future amortization of capital assets and the balance of \$4.6 million effectively frozen due to the restriction on deficit spending. This reserve will remain with the society and may increase over time. It will be available to the society should the government allow the society to incur a deficit in the future.

Table 7	Financial outlook	
	2010/2011 — Actual	2011/2012 — Projected
Revenue (all sources)	\$ 76,883,536	\$ 75,003,000
Expenses		
Contracted representation services and support (tariff support, etc.)	56,131,297	55,932,000
Strategic initiatives and other expenses	20,725,609	19,071,000
Total expenses	\$ 76,856,906	\$ 75,003,000
Surplus	\$ 26,630	\$ 0

Table 8	History of revenue and expenses				
	2010/2011	2009/2010	2008/2009	2007/2008	2006/2007
Revenue	\$ 76,883,536	\$ 76,278,069	\$ 77,860,686	\$ 76,237,707	\$ 74,362,120
Expenses	76,856,905	79,312,229	82,039,267	77,871,314	71,982,852
Excess/(Deficiency) revenue over expenses	26,630	(3,034,160)	(4,178,581)	(1,633,607)	2,379,268
Market value adjustment <sup>1</sup>	20,148	(127,392)	127,982	(11,713)	—
Net assets	\$ 6,802,001	\$ 6,755,223	\$ 9,916,775	\$ 13,967,374	\$ 15,612,694

<sup>1</sup> See Statement of Changes in Net Assets, page 33.

Table 9	History of operating expenses: Legal aid offices				
	2010/2011	2009/2010	2008/2009	2007/2008	2006/2007
Regional centres	\$ 2,367,406	\$ 5,514,810	\$ 5,145,475	\$ 5,207,073	\$ 5,373,664
Local agents	1,658,880	1,132,535	784,708	852,639	704,608
Contracted services <sup>1</sup> and advice lawyers	1,613,503	1,939,006	1,439,101	1,384,623	1,344,696
Brydges Line	492,000	492,000	492,500	483,000	624,583
Total	\$ 6,131,789	\$ 9,078,351	\$ 7,861,784	\$ 7,927,335	\$ 8,047,551

<sup>1</sup> Contracted services include the Community Legal Assistance Society, West Coast Prison Justice Society, and Downtown Community Court.

Table 10	History of operating expenses: Client programs				
	2010/2011	2009/2010	2008/2009	2007/2008	2006/2007
Appeals	\$ 932,820	\$ 629,313	\$ 614,159	\$ 608,871	\$ 598,362
Community Services	1,380,074	2,062,887	1,844,226	1,803,890	1,702,110
Public Legal Education and Information	1,512,179	1,614,760	1,831,817	1,973,192	1,907,504
Total	\$ 3,825,073	\$ 4,306,960	\$ 4,290,202	\$ 4,385,953	\$ 4,207,976

**Table 11****History of operating expenses: Service delivery support**

	<b>2010/2011</b>	<b>2009/2010</b>	<b>2008/2009</b>	<b>2007/2008</b>	<b>2006/2007</b>
Tariff, Audit and Investigation	\$ 2,663,077	\$ 2,627,529	\$ 2,303,736	\$ 2,399,613	\$ 1,970,028
<b>Total</b>	<b>\$ 2,663,077</b>	<b>\$ 2,627,529</b>	<b>\$ 2,303,736</b>	<b>\$ 2,399,613</b>	<b>\$ 1,970,028</b>

**Table 12****History of operating expenses: Management and administration**

	<b>2010/2011</b>	<b>2009/2010</b>	<b>2008/2009</b>	<b>2007/2008</b>	<b>2006/2007</b>
Human Resources, Policy and Planning	\$ 2,137,444	\$ 1,993,800	\$ 2,345,321	\$ 2,343,298	\$ 2,114,426
Finance and Corporate Services	3,100,687	5,767,061	7,037,209	7,362,708 <sup>1</sup>	4,461,672
Information Technology	2,156,943	2,184,606	2,329,726	2,292,288	1,932,705
Communications	417,799	333,710	165,707	115,806	80,463
Amortization	784,797	1,463,393	706,261	727,176	809,608
<b>Total</b>	<b>\$ 8,597,670</b>	<b>\$ 11,742,570</b>	<b>\$ 12,584,224</b>	<b>\$ 12,841,276</b>	<b>\$ 9,398,874</b>

<sup>1</sup> The 2007/2008 amount for Finance and Corporate Services includes \$2.5 million for one-time spending as a result of increased funding from the Notary Foundation.

**Table 13****History of operating expenses: Tariff<sup>1</sup>**

	<b>2010/2011</b>	<b>2009/2010</b>	<b>2008/2009</b>	<b>2007/2008</b>	<b>2006/2007</b>
Criminal	\$ 26,629,863	\$ 23,122,774	\$ 25,432,052	\$ 24,403,277	\$ 24,892,578
Family	10,658,255	9,533,376	10,262,192	8,399,588	7,748,648
CFCSA	5,386,026	4,663,826	4,592,664	4,226,431	4,443,968
Immigration	2,570,648	1,468,044	1,893,180	1,491,151	1,223,767
Exceptional matters	1,192,147	3,898,419	4,349,044	4,306,686	2,510,899
Duty counsel <sup>2</sup>	8,352,095	7,996,973	7,795,103	6,798,153	6,683,606
Human rights <sup>3</sup>	(1,026)	(9,582)	–	(24,847)	8,682
Transcripts	841,968	821,805	588,056	672,839	735,124
Pro bono disbursements <sup>4</sup>	–	–	(15,434)	(49,892)	(632)
Staff case disbursements	9,321	61,184	102,464	93,751	111,783
<b>Total</b>	<b>\$ 55,639,297<sup>5</sup></b>	<b>\$ 51,556,819</b>	<b>\$ 54,999,321</b>	<b>\$ 50,317,137</b>	<b>\$ 48,358,423</b>

<sup>1</sup> Tariff expenses consist mainly of fees and disbursements payable to private lawyers for services performed in 2010/2011.

<sup>2</sup> In this table, duty counsel consists of payments for criminal duty counsel, circuit courts, and family duty counsel, but not payments for immigration duty counsel, Brydges Line, and advice lawyers. Payments for immigration duty counsel are included in immigration; payments for Brydges Line and advice lawyers are included in table 9 on page 28. The duty counsel amount in the Statement of Operations on page 34 includes payments for all duty counsel types.

<sup>3</sup> Human rights coverage was eliminated as of April 2002, due to funding cuts to the BC Human Rights Commission. Expenses reported are for referrals issued prior to April 1, 2002. The commission (via the provincial government) reimbursed LSS for the cost of the human rights tariff for BC Human Rights Act matters.

<sup>4</sup> Tariff services for poverty law cases were eliminated in April 2002. Private lawyers reimburse LSS for costs they recover from clients assisted under the former poverty law services. These reimbursements are paid back into pro bono disbursements.

<sup>5</sup> The 2010/2011 total consists of expenses on duty counsel, tariffs, and transcripts (shown in the Statement of Operations on page 34) minus expenses on Brydges Line and advice lawyers.

# Legal Services Society

## Financial Statements 2010/2011

### Legal Services Society Management's Responsibility for the Financial Statements

Management is responsible for the preparation of the society's financial statements. This responsibility includes maintaining the integrity and objectivity of the society's financial records, and presenting the society's financial statements in accordance with Canadian generally accepted accounting principles.

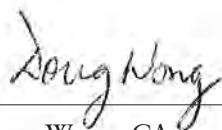
Management maintains a system of internal controls that ensures all material agreements and transactions of the society are properly recorded. The society's financial statements for the year ended March 31, 2011 have been examined by PricewaterhouseCoopers LLP. Their examination was made in accordance with Canadian generally accepted auditing standards, and included obtaining a sufficient understanding of the society's internal controls to plan the audit.

The directors of the society's board are not employees of the society. The board of directors is responsible for determining that management fulfills its responsibilities in the preparation of the financial statements and the control of the society's financial operations. The board of directors meets with staff of PricewaterhouseCoopers LLP to discuss their audit work, the society's internal controls, and the financial statements. The board of directors is responsible for approving the financial statements.



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Mark Benton, QC  
Executive Director



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Doug Wong, CA  
Director, Finance and Corporate Services

May 19, 2011

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## Independent Auditor's Report

### To the Board Directors of Legal Services Society, and to the Attorney General, Province of British Columbia

We have audited the accompanying financial statements of the Legal Services Society, which comprise the balance sheet as at March 31, 2011 and the statements of operations, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

#### Management's responsibility for the financial statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian generally accepted accounting principles and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### Auditor's responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the organization's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Legal Services Society as at March 31, 2011 and its results of operations and cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

#### Other Matters

The financial statements of the Legal Services Society, as at and for the year ended March 31, 2010, were audited by another auditor who expressed an unmodified opinion on those financial statements on May 5, 2010.

*PricewaterhouseCoopers LLP*

Chartered Accountants

"PricewaterhouseCoopers" refers to PricewaterhouseCoopers LLP, an Ontario limited liability partnership, which is a member firm of PricewaterhouseCoopers International Limited, each member firm of which is a separate legal entity.

## Legal Services Society Balance Sheet

As at March 31, 2011 with comparative figures for 2010

	2011	2010
<b>Assets</b>		
<b>Current assets</b>		
Cash	\$ 1,984,060	\$ 1,622,646
Short-term investments (note 4)	10,121,958	11,319,580
Accounts receivable		
Government of British Columbia (note 14)	3,347,206	1,391,797
Government of Canada	2,932,762	2,047,456
Other	501,678	608,943
Prepaid expenses	<u>337,694</u>	219,471
<b>Total current assets</b>	<u>19,225,358</u>	17,209,893
Long-term investments (note 4)	4,400,578	3,970,970
Capital assets (note 5)	<u>2,951,489</u>	3,567,286
<b>Total assets</b>	<u><u>\$ 26,577,425</u></u>	\$ 24,748,149
<b>Liabilities</b>		
<b>Current liabilities</b>		
Accounts payable and accrued liabilities		
General	\$ 1,290,405	\$ 2,777,515
Tariff (note 6)	16,121,102	13,004,778
Deferred contributions (note 7a)	<u>1,487,074</u>	1,370,892
<b>Total current liabilities</b>	<u>18,898,581</u>	17,153,185
Deferred capital contributions (note 7b)	341,255	464,737
Long-term liabilities (note 9)	535,588	375,004
<b>Total liabilities</b>	<u>19,775,424</u>	17,992,926
<b>Surplus in net assets</b>		
Invested in capital assets (note 11)	2,209,234	2,865,549
Internally restricted (note 12)	3,675,819	3,675,819
Unrestricted	916,948	213,855
<b>Total liabilities and surplus</b>	<u>6,802,001</u>	6,755,223
	<u><u>\$ 26,577,425</u></u>	\$ 24,748,149

The accompanying notes are an integral part of these financial statements.

E. David Crossin, QC  
Chair of the Board of Directors

Sheryl N. Lee, CA  
Chair of the Finance Committee

## Legal Services Society Statement of Changes in Net Assets

For the year ended March 31, 2011

	Invested in capital assets (note 11)	Unrestricted	Internally restricted (note 12)	Total 2011	Total 2010
Balance, beginning of year	\$ 2,865,549	\$ 213,855	\$ 3,675,819	\$ 6,755,223	\$ 9,916,775
Excess/(Deficiency) of revenue over expenses for the year	(661,315)	687,945	–	26,630	(3,034,160)
Invested in capital assets	5,000	(5,000)	–	–	–
Change in market value of investment classified as “available-for-sale”	–	20,148	–	20,148	(127,392)
Balance, end of year	\$ 2,209,234	\$ 916,948	\$ 3,675,819	\$ 6,802,001	\$ 6,755,223

The accompanying notes are an integral part of these financial statements.

## Legal Services Society Statement of Operations

For the year ended March 31, 2011 with comparative figures for 2010

	2011	2010
<b>Revenue</b>		
Grants		
Government of British Columbia ( <i>note 14</i> )	\$ 71,536,645	\$ 69,546,926
Law Foundation	3,735,309	4,958,386
Notary Foundation	469,618	347,171
	<hr/> 75,741,572	<hr/> 74,852,483
<b>Other Income</b>		
Interest	537,271	664,775
Miscellaneous	604,693	760,811
	<hr/> 1,141,964	<hr/> 1,425,586
<b>Total Income</b>	<hr/> <b>\$ 76,883,536</b>	<hr/> <b>\$ 76,278,069</b>
<b>Expenses</b>		
Tariffs ( <i>note 6</i> )	45,674,581	42,596,476
Salaries and benefits	10,356,539	15,654,992
Duty counsel ( <i>note 6</i> )	9,609,130	8,628,350
Grants and contracted services	3,877,128	3,783,417
Local agents	1,658,880	1,132,535
Premises	1,484,238	2,135,229
Computers	1,232,173	1,289,030
Transcripts	847,586	823,993
Amortization	784,797	1,463,393
Office	698,133	594,602
Miscellaneous	297,431	726,638
Board expenses	151,929	158,280
Travel	99,454	196,437
Libraries	84,907	128,857
<b>Total Expenses</b>	<hr/> <b>\$ 76,856,906</b>	<hr/> <b>\$ 79,312,229</b>
<b>Excess/(Deficiency) of revenue over expenses</b>	<hr/> <b>\$ 26,630</b>	<hr/> <b>\$ (3,034,160)</b>

The accompanying notes are an integral part of these financial statements.

## Legal Services Society Statement of Cash Flows

For the year ended March 31, 2011 with comparative figures for 2010

	2011	2010
<b>Cash flows from (to):</b>		
<b>Operating activities</b>		
Excess/(Deficiency) of revenue over expenses for the year	\$ 26,630	\$ (3,034,160)
Items not involving the outlay of cash		
Amortization	784,797	1,463,393
Accretion expense	16,000	15,000
Leasehold inducements	(19,416)	(108,648)
Amortization of deferred capital contributions	(123,482)	(123,481)
	<hr/> \$ 684,529	<hr/> \$ (1,787,896)
Changes in non-cash operating items		
Accounts receivable	(2,733,450)	1,352,288
Prepaid expenses	(118,223)	423,454
Accounts payable and accrued liabilities	1,629,214	(1,884,359)
Deferred contributions	116,182	353,769
	<hr/> \$ (421,748)	<hr/> \$ (1,542,744)
<b>Investment activities</b>		
Short-term investments	1,197,622	(5,011,558)
Capital asset additions	(5,000)	(335,672)
Long-term investments	(409,460)	7,108,778
	<hr/> \$ 783,162	<hr/> \$ 1,761,548
<b>Net increase in cash position</b>	361,414	218,804
<b>Cash, beginning of year</b>	<hr/> 1,622,646	<hr/> 1,403,842
<b>Cash, end of year</b>	<hr/> \$ 1,984,060	<hr/> \$ 1,622,646

The accompanying notes are an integral part of these financial statements.

# Legal Services Society Notes to the Financial Statements

For the year ended March 31, 2011

## 1. Overview

The Legal Services Society (the society) was established under the Legal Services Society Act on October 1, 1979, and was revised on May 31, 2007. The society is governed by a board of directors, of which five are appointed by the Province of British Columbia (the province) and four are appointed by the Law Society. The purpose of the society is to:

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

The society is not subject to income taxes.

## 2. Change in Accounting Policies

### Future changes in accounting policies:

The province has advised that, effective April 1, 2011, the society will be required to implement its financial reporting in accordance with the Public Sector Accounting Board (PSAB) standards. The society is in the process of reviewing the potential impacts of the new standards on its reporting framework and financial statements.

## 3. Significant Accounting Policies

### (a) Basis of accounting

These financial statements have been prepared in accordance with Canadian generally accepted accounting principles for not-for-profit organizations.

### (b) Financial instruments

The society has elected to apply Canadian Institute of Chartered Accountants Handbook Section 3861 for reporting of financial instruments.

The society's cash, short-term investments, and long-term investments have been classified as available-for-sale, and are carried at market value with the changes in market value recorded in unrestricted surplus in net assets.

Accounts receivable have been classified as loans and receivables and are measured at amortized cost. Accounts payable and accrued liabilities have been classified as other financial liabilities and are measured at amortized cost.

### (c) Capital assets

Capital assets are recorded at cost and are amortized on a straight-line basis as follows:

#### Per year

Furniture	10 – 20%
Equipment	20%
Computer equipment	25 – 33%
Computer software	20 – 33%
Case Management System	10%
Leasehold improvements	lower of lease term and useful life

### (d) Deferred lease inducements

Tenant inducements received for leased premises are deferred and amortized on a straight-line basis over the term of the lease.

### (e) Asset retirement obligation

The society recognizes the fair value of a future asset retirement obligation as a liability in the period in which it incurs a legal obligation associated with the retirement of tangible long-lived assets that results from the acquisition, construction, development, and/or normal use of the assets. The society concurrently recognizes a corresponding increase in the carrying amount of the related long-lived asset that is depreciated over the life of the asset.

The fair value of the asset retirement obligation is estimated using the expected cash flow approach that reflects a range of possible outcomes discounted at a credit-adjusted, risk-free interest rate. Subsequent to the initial measurement, the asset retirement obligation is adjusted at the end of each period to reflect the passage of time and changes in the estimated future cash flows underlying the obligation. Changes in the obligation due to the passage of time are recognized in the Statement of Operations as an operating expense using the effective interest method. Changes in the obligation due to changes in estimated cash flows are recognized as an adjustment of the carrying amount of the related long-lived asset that is depreciated over the remaining life of the asset.

### *(3. Significant Accounting Policies cont'd)*

#### **(f) Pension plan**

The society participates in a multi-employer contributory pension plan. The cost of the defined contributions is recognized based on the contributions required to be made during each period.

#### **(g) Revenue recognition**

The society follows the deferral method of accounting for contributions. Unrestricted contributions are recognized as revenue when received or receivable, if the amount can be reasonably estimated and collection is reasonably assured. Restricted contributions for expenses that will be incurred in future periods are deferred and recognized in the period in which the related expenses are incurred.

#### **(h) Donated services**

Donated services are recorded at fair value when they would normally be purchased by the society and when fair value can be estimated for the services. If fair value cannot be reasonably estimated, the services are not recorded.

#### **(i) Tariff expenses**

Tariff expenses include amounts billed by the lawyers to the society and an estimate of amounts of services performed by lawyers but not yet billed to the society.

#### **(j) Use of estimates**

The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenue and expenses during the reporting period. Areas where estimates are significant to the financial statements include the valuation of accounts receivable, amortization of capital assets, asset retirement obligations, tariff liabilities, and contingent liabilities. Actual results could differ from those estimates.

### **4. Investments**

The combined carrying value of the society's short- and long-term investments is \$14,522,536 (2010 — \$15,290,550). Included in investments is \$218,966 for accrued interest (2010 — \$183,291). Investments comprise Guaranteed Investment Certificates, Provincial Bonds, Federal Bonds, and Structured Bank Notes, with maturities ranging from April 2011 to May 2013 and rates of return ranging from 1.48% to 2.40%.

## **5. Capital Assets**

	Cost	Accumulated amortization	Net book value	
			2011	2010
Furniture	\$ 1,000,302	\$ (630,866)	\$ 369,436	\$ 446,677
Equipment	492,333	(397,566)	94,767	188,947
Computer equipment	704,816	(469,441)	235,375	408,511
Computer software	2,222,297	(1,499,934)	722,363	988,724
Case Management System	1,126,527	(1,126,527)	—	—
Leasehold improvements	2,582,461	(1,052,913)	1,529,548	1,534,427
Total	\$ 8,128,736	\$ (5,177,247)	\$ 2,951,489	\$ 3,567,286

## 6. Accounts Payable and Accrued Liabilities — Tariff

	2011	2010
Balance, beginning of the year	\$ 13,004,778	\$ 14,959,702
Duty counsel	9,609,130	8,628,350
Tariffs	45,674,581	42,596,476
Less: tariff payments made during the year	(52,167,387)	(53,179,750)
Balance, end of the year	\$ 16,121,102	\$ 13,004,778

The society uses an actuarial model to estimate legal services performed but not yet billed to the society. Management estimated the liability to be approximately \$11,840,000 (2010 — \$11,162,000). This estimate included in the above table incorporates average case costs and service billings for similar cases, based on historical experience over a two-year period. Actual costs could differ from this estimate.

## 7. Deferred Contributions

(a) Contributions that are restricted to funding specific expenses are deferred and amortized to operations as the related expenses are incurred.

	Balance, beginning of year	Restricted contributions	Amortized to operations	Balance, end of year
Law Foundation	\$ 24,552	\$ —	\$ 24,552	\$ 0
Ministry of Children and Family Development	58,340	—	—	58,340
Government of British Columbia — Criminal Cat. B	1,288,000	1,813,000	1,713,704	1,387,296
Government of British Columbia — Criminal Cat. C	—	1,128,267	1,086,829	41,438
<b>Total</b>	<b>\$ 1,370,892</b>	<b>\$ 2,941,267</b>	<b>\$ 2,825,085</b>	<b>\$ 1,487,074</b>

The society's Memorandum of Understanding (MOU) with the Attorney General of British Columbia provides for restricted funding for exceptional matters commencing with the 2003 fiscal year. Effective April 1, 2010, the MOU was revised to provide clarification on criminal case classification and funding of these cases. There are now three categories:

- **Category A:** the first \$75,000 of non-court-ordered cases paid at the standard rates. These cases are funded from the base criminal tariff budget.
- **Category B:** all costs greater than \$75,000 and up to \$175,000 of non-court-ordered cases paid at standard rates, and all costs of court-ordered cases up to \$175,000 paid at standard rates. These cases are funded by a restricted contribution, and any surplus in these cases is transferred to deferred contributions. In the case of an annual shortfall in Criminal Category B cases, the society must first apply any eligible base criminal tariff surplus to the shortfall. Any remaining shortfall is then applied to deferred contributions.
- **Category C:** all costs greater than \$175,000, or all costs where the hourly rate paid is greater than the standard rate. These cases are funded through a special funding agreement with the Ministry of the Attorney General.

(b) Deferred capital contributions represent the unamortized amount of externally restricted grants and other funding received for the purchase of capital assets. Amortization of capital contributions is included in Law Foundation revenue in the statement of operations.

	2011	2010
Balance, beginning of year	\$ 464,737	\$ 588,218
Amortization of deferred capital contributions	(123,482)	(123,481)
Balance, end of year	<u>\$ 341,255</u>	<u>\$ 464,737</u>

## 8. Pension Plan

The society and its employees contribute to the Municipal Pension Plan (the plan), a jointly trustee pension plan. The board of trustees, representing plan members and employers, is responsible for overseeing the management of the plan, including investment of the assets and administration of benefits. The plan is a multi-employer contributory pension plan. Basic pension benefits provided are defined. The plan has about 163,000 active members and approximately 60,000 retired members. Active members include approximately 35,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and the adequacy of plan funding. The most recent valuation as at December 31, 2009 indicated an unfunded liability of \$1.024 billion for basic pension benefits. The next valuation will be as at December 31, 2012, with results available in 2013. The actuary does not attribute portions of the unfunded liability to individual employers. The society paid \$632,009 for employer contributions to the plan in fiscal 2011 (2010 — \$805,064).

## 9. Long-Term Liabilities

	2011	2010
Asset retirement obligation (a)	\$ 487,000	\$ 307,000
Leasehold inducements	48,588	68,004
Total	<u>\$ 535,588</u>	<u>\$ 375,004</u>

### (a) Asset retirement obligation

Included within long-term liabilities is the society's accrual for its asset retirement obligation for the estimated costs of restoring certain leased facilities to their original condition at the end of the lease terms. The following is a reconciliation of the changes in the asset retirement obligation during the year:

	2011	2010
Balance, beginning of year	\$ 307,000	\$ 400,000
Accretion expense	16,000	15,000
Less: liabilities settled	—	(108,000)
Increase in estimate	<u>164,000</u>	—
Balance, end of year	<u>487,000</u>	<u>307,000</u>
Long-term portion	<u>\$ 487,000</u>	<u>\$ 307,000</u>

The accretion expense is included in the premises expense. The undiscounted estimated cash flows required to settle the obligations ongoing to 2019 are \$784,000. The cash flows are discounted using a credit-adjusted, risk-free rate of 5% (2010 — 5%).

## 10. Capital

The society receives its principal source of capital through funding received from the Ministry of Attorney General (MAG). The society defines capital to be net assets and deferred capital contributions.

The society's objective when managing capital is to fund its operations and capital asset additions. The society manages the capital structure in conjunction with MAG, and makes adjustments based on available government funding and economic conditions. Currently, the society's strategy is to monitor expenditures to reduce capital in accordance with budgets approved by MAG.

The society is not subject to debt covenants or any other capital requirements.

## 11. Invested in Capital Assets

	2011	2010
(a) Net assets invested in capital assets are calculated as follows:		
Capital assets	\$ 2,951,489	\$ 3,567,286
Amounts financed by: Asset retirement obligation, net of accretion expense	(401,000)	(237,000)
Deferred capital contribution	(341,255)	(464,737)
Balance, end of year	<u>\$ 2,209,234</u>	<u>\$ 2,865,549</u>
(b) Deficiency of revenue over expenses:		
Amortization of capital assets	\$ (784,797)	\$ (1,463,393)
Less amortization of deferred capital contribution	123,482	123,481
	<u>\$ (661,315)</u>	<u>(1,339,912)</u>
(c) Net change in invested in capital assets:		
Net increase in capital assets	\$ 169,000	\$ 227,672
Change in asset retirement obligation	(164,000)	57,000
Invested in capital assets	<u>\$ 5,000</u>	<u>\$ 284,672</u>

## 12. Internally Restricted Net Assets

	Board-directed strategic initiatives 2011	Board-directed strategic initiatives 2010
Opening balance	\$ 3,675,819	\$ 5,875,819
No transfers in 2010/2011	—	(2,200,000)
Total	<u>\$ 3,675,819</u>	<u>\$ 3,675,819</u>

The board of directors has authorized the following restrictions of the surplus in net assets:

- On December 15, 2006, the restriction of \$11 million for board-directed strategic initiatives.
- Since 2006, the board has approved the transfer of \$7.3 million from restricted net assets to unrestricted net assets.
- There were no transfers approved during the fiscal year 2011 (2010 — \$2,200,000).
- These internally restricted amounts are not available for other purposes without approval by the board of directors.

### **13. Commitments**

The society has the following commitments for long-term leases of its office premises:

2012	\$ 704,404
2013	750,241
2014	774,791
2015	798,093
2016	827,221
Thereafter	3,459,474
<b>Total</b>	<b>\$ 7,314,224</b>

At fiscal year-end, the liability for future costs of legal services to be performed beyond the fiscal year, for which the society is currently committed, is estimated by management to be approximately \$20 million. This estimate uses the same methodology as described in note 6 for tariff payables.

### **14. Related Parties**

The society is related to the Province of British Columbia and its ministries, agencies, and Crown corporations. In this relationship, the province provided funding in the amount of \$71,536,645 (2010 — \$69,546,926) and the society is responsible for providing legal aid to individuals throughout BC. At year-end, the province owed the society \$3,347,206 (2010 — \$1,391,797).

Certain members of the board of directors provide tariff services to the society. These services are provided in the regular course of business under the same terms and conditions as other lawyers. The total amount paid for their services during the year was \$17,984 (2010 — \$112,928). All payments to board members are reviewed by the finance committee on a quarterly basis.

### **15. Economic Dependence**

In 2011, the society received 93% (2010 — 91%) of its operating revenue from the province, and 5% (2010 — 7%) from the Law Foundation of British Columbia. The society depends on funding from these sources for the continuance of its operations.

### **16. Contingencies**

The nature of the society's activities is such that there is usually pending or prospective litigation at any time against the society. With respect to claims at March 31, 2011, management believes the society has valid defenses and appropriate insurance coverage in place. In the event that any of these claims are successful, management believes they will not have a material effect on the society's financial position.

### **17. Financial Instruments**

Accounts receivable and accounts payable and accrued liabilities approximate their fair values due to their immediate or short term to maturity. The society is not exposed to significant interest rate risk, credit risk, liquidity, or foreign exchange risk.

### **18. Comparative Figures**

Certain comparative figures have been reclassified to conform to the current year's presentation.

# Appendices



# Appendix 1: Operating Data

The tables in this section provide a detailed breakdown of the numbers of clients that used LSS services over the past three years. Data is provided on applications and referrals for legal representation, advice, and information services, and policy compliance processes. For more information on LSS services, please visit our website at [www.legalaid.bc.ca](http://www.legalaid.bc.ca).

## Legal representation

Table 14 summarizes applications and referrals for legal representation by area of law for the past three years. For information on the reliability of this data, see page 47.

**Table 14 Demand for legal representation: All areas of law**

Type of legal problem	2010/2011		2009/2010 <sup>1</sup>		2008/2009 <sup>1</sup>	
	Applications	Referrals	Applications	Referrals	Applications	Referrals
Criminal	27,878	20,244	26,761	19,113	30,039	23,630
Family <sup>2</sup>	9,131	4,063	9,136	4,059	10,345	5,332
CFCSA <sup>3</sup>	2,675	2,117	2,811	2,211	2,775	2,254
Immigration	2,417	1,476	2,024	1,237	2,079	1,464
Total	42,101	27,900	40,732	26,620	45,238	32,680

<sup>1</sup>Data as recorded in previous annual reports.

<sup>2</sup>In 2010/2011, 346 referrals were approved on exception review, compared to 282 in 2009/2010 and 770 in 2008/2009.

<sup>3</sup>Child, Family and Community Service Act.

## Volume changes

Applications and referrals fluctuated in 2010/2011, with demand for criminal and immigration services increasing during the year and family and CFCSA remaining relatively stable. Table 15 on page 44 shows changes in application and referral volumes for the last three years, and figure 2 illustrates the breakdown of referrals by area of law for 2010/2011.

Overall, application and referral volumes rose this year but continue to remain below levels seen in 2008/2009, with the exception of immigration.

Criminal applications and referrals increased from 2009/2010 by 4.2% and 5.9%, respectively. This increase may be attributed to the society's reintroduction of administrative offences in December 2010.

Family applications and referrals remained relatively steady from 2009/2010, but continue to remain below volumes in 2008/2009.

CFCSA applications and referrals decreased by more than 4% when compared to last year and to 2008/2009. This trend follows a similar decline in child apprehension rates of the Ministry of Children and Family Development (MCFD).

Immigration volumes increased by nearly 20% when compared to last year. This is directly related to the unanticipated marine arrival of the MV Sun Sea in September 2010.

**Table 15 Percent change in application and referral volumes from previous year by area of law**

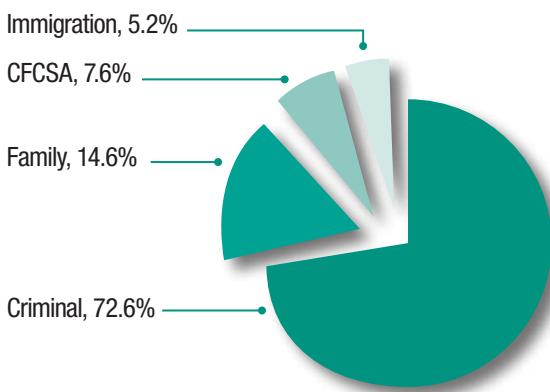
Type of legal problem	2010/2011		2009/2010		2008/2009	
	Applications	Referrals	Applications	Referrals	Applications	Referrals
Criminal	4.2%	5.9%	-10.9%	-19.1%	2.4%	3.3%
Family	-0.05%	0.1%	-11.7%	-23.9%	14.0%	4.9%
CFCSA	-4.8%	-4.3%	1.3%	-1.9%	-0.3%	-0.9%
Immigration	19.4%	19.3%	-2.6%	-15.5%	40.0%	2.8%
Total	3.4%	4.8%	-10.0%	-18.5%	6.0%	4.0%

## Legal advice

LSS legal advice services provide essential legal assistance to people with low incomes who are not eligible for legal representation.

Overall, the number of criminal duty counsel clients served decreased slightly from volumes in 2009/2010 but remains higher than 2008/2009 volumes. This may be directly related to the reintroduction of administrative offences in December 2010, which was expected to decrease the pressure on criminal duty counsel.

**Figure 2 Referrals by area of law, 2010/2011**



**Table 16 Legal advice services**

Service	Number of client visits/calls handled <sup>1</sup>		
	2010/2011	2009/2010	2008/2009
Criminal duty counsel <sup>2</sup>	84,627	86,111	81,581
Immigration duty counsel	4,718	1,460	1,113
Family duty counsel and advice lawyers	32,880	30,039	25,899
Brydges Line	28,835	29,584	27,045
Family LawLINE <sup>3</sup>	707	N/A	N/A

<sup>1</sup> Totals reflect the number of times advice was given (or the number of calls handled), not the number of clients served or issues addressed (clients may have one or more issues at a time and may access services more than once).

<sup>2</sup> Includes duty counsel at circuit courts. In 2010/2011, circuit court accounted for 1,949 client visits.

<sup>3</sup> Family LawLINE was introduced on November 1, 2010 and is a partial re-introduction of LawLINE, which was discontinued in March 2010. LawLINE handled 4,836 client visits and calls in 2009/2010 and 6,218 in 2008/2009.

Volumes of immigration duty counsel increased dramatically compared to last year, which is attributed to the unanticipated arrival of the MV Sun Sea migrants.

Family duty counsel and advice lawyer volumes increased by 9% over last year as a result of the enhanced duty counsel projects initiated by LSS

and geared towards assisting clients in rural and/or remote communities (see page 16 for more details). Moreover, these enhancements also include the introduction of Family LawLINE (see page 16 for more details).

## Legal information

LSS offers a range of legal information services that can help people with low incomes solve their legal problems on their own or with help from intermediaries.

Table 17 below provides data on legal information services provided to clients over the past three years. The number of public legal education and information (PLEI) publications distributed increased from 2009/2010 volumes, but remains lower than 2008/2009 volumes, which may reflect increased use of our online PLEI. Legal aid awareness materials distributed dropped

substantially from 2008/2009 levels. This is due to the organizational changes that took effect April 1, 2010, causing a delay in updating/circulating certain publications.

The number of visits to the society's websites, shown in table 18, continues to rise. Visits to the LSS website ([www.legalaid.bc.ca](http://www.legalaid.bc.ca)), which provides information about the law and legal aid services, rose 10% this year over 2009/2010 volumes. The Family Law in BC website ([www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca)), which helps people understand and use the law to resolve their family law problems, saw a 22% increase in visitors. For information on the reliability of data in tables 17 and 18, see page 47.

**Table 17 Legal information services**

	2010/2011	2009/2010	2008/2009
Public legal education and information (PLEI) publications distributed	110,071	109,104	123,751
Legal aid awareness materials distributed <sup>1</sup>	6,740	20,489	28,867
Public legal education and information (PLEI) materials produced (new and revised) <sup>2</sup>	30	22	21
Legal information outreach worker (LIOW) information requests via the LSS Call Centre	6,560 <sup>3</sup>	5,197 <sup>4</sup>	2,161 <sup>5</sup>

<sup>1</sup> This includes brochures, posters, advertisements, bookmarks, and other materials produced by LSS to ensure the people of BC are aware of legal aid services and how to access them.

<sup>2</sup> Data excludes brochures and other materials about legal aid services, as well as corporate materials such as reports and evaluations.

<sup>3</sup> This data includes clients who are assisted by LIOWs in a variety of ways, including through the LSS Call Centre, Downtown Community Court, in person at the Vancouver Regional Centre, and in person at the Terrace Regional Centre. Data is collected through staff records, which are manually entered and may not reflect all of the clients assisted.

<sup>4</sup> This data includes only information requests received through the LSS Call Centre as part of telephone triage, which began July 2, 2008. It does not include in-person LIOW support offered at various locations across BC, which is estimated to equal an additional 3,500 to 6,000 requests each year since 2006/2007.

<sup>5</sup> Data for 2008/2009 includes only 9 months of service.

**Table 18 Use of LSS websites**

	Number of visits/month		
	2010/2011	2009/2010	2008/2009
LSS website	25,383	23,069	20,384
Family Law in BC	24,692	20,259	16,174

Note: "Visits" are the number of times the site is accessed over a given period (if the same person returns to the site after one hour, that person is counted again as a new visitor). Data reflects the average number of visits per month for each year.

## Eligibility for representation

Staff at regional centres, local agent offices, and the LSS Call Centre do not provide legal representation if they believe an applicant:

- is not financially eligible,
- has a problem that falls outside the society's coverage rules, or
- has provided insufficient information to satisfy them that he or she is eligible for a referral.

Staff ensure LSS coverage and financial eligibility policies are applied accurately and consistently across the province by:

- reviewing refusals for legal representation upon request, unless legal representation is not available for the issue (requests must be submitted within 30 days of the applicant's application being denied), and
- investigating all complaints received by anyone who alleges someone is improperly receiving legal representation.

**Table 19 Eligibility reviews<sup>1</sup>**

Reviews	2010/2011		2009/2010		2008/2009	
	Coverage <sup>2</sup>	Financial <sup>3</sup>	Coverage <sup>2</sup>	Financial <sup>3</sup>	Coverage <sup>2</sup>	Financial <sup>3</sup>
Granted	51	50	24	19	22	62
Denied	108	160	222	183	216	249
Other <sup>4</sup>	11	10	7	10	12	13
Files open, under review	0	1	15	27	0	6
<b>Total<sup>5</sup></b>	<b>170</b>	<b>221</b>	<b>268</b>	<b>239</b>	<b>250</b>	<b>330</b>

<sup>1</sup> The responsibility of eligibility reviews was transferred from the Audit and Investigation Department (A&I) to the Intake and Regional Centres Department (IRC) in December 2010. As such, our data includes statistics from A&I from April to December 2010 and statistics from IRC from January to March 2011. A small number of reviews conducted by other staff are not included in this table.

<sup>2</sup> Coverage reviews determine whether an applicant was appropriately denied a referral based on the current coverage guidelines.

<sup>3</sup> Financial reviews determine whether an applicant was appropriately denied a referral based on the current financial guidelines.

<sup>4</sup> "Other" means the matter was abandoned by the applicant, returned to the referring office to consider additional information or issues, or resolved by other means.

<sup>5</sup> Total includes files still open at the end of the previous fiscal year.

**Table 20 Financial reassessments**

Result of investigation	2010/2011	2009/2010
Bankruptcy	1	1
Eligible		
Full investigation	25	9
No merit to complaint	2	1
Verified by internal information	23	2
Ineligible		
Not referred to collections	23	12
Referred to collections	50	23
Matter not pursued	20	7
Non-client	33	16
Complaint received but investigation not complete	27	73
<b>Total</b>	<b>204</b>	<b>144<sup>1</sup></b>

<sup>1</sup> This data is for December 1, 2009 to March 31, 2010, after LSS introduced a new database for tracking the handling of these files.

Table 19 below shows the volumes and results of eligibility reviews for the past three years and table 20 shows the volumes of financial reassessments in 2010/2011 and 2009/2010. The percentage of applications that led to eligibility reviews is stable at 1%; however, the overall coverage and financial eligibility review volumes were lower than 2009/2010.

Financial reassessments were conducted for 0.73% of total referrals in 2010/2011 (down from 1% in 2009/2010). For information on the reliability of the data in tables 19 and 20, see below.

## **Reliability of data**

The following describes the sources and accuracy of LSS operating data.

### **Legal representation (tables 14 and 15)**

When annual report numbers are generated for any fiscal year, a few paper applications may not have been processed yet or were initiated in error and not yet corrected. As a result, the final numbers for a given year may differ slightly from those in the annual report. The 2010/2011 application data in table 14 is expected to be accurate to within 99.9% or better.

Before a referral can be issued, the client's income must be verified, his or her legal situation must be assessed, and a lawyer has to be found to take the case. Although more than 90% of first referrals are approved and issued within 30 days of an application, some take longer to process. Accordingly, when the annual report data is generated, decisions are pending on some applications. For example, the final total for 2009/2010 referrals was 1% higher than the total in the *Annual Service Plan Report 2010/2011*. The accuracy of the 2010/2011 referral data in table 14 is expected to be similar to that published last year.

### **Legal advice (table 16)**

Duty counsel data in table 16 is compiled from reports submitted by lawyers providing this service. Duty counsel can submit their bills and information on the number of clients assisted within two months of the service date. Accordingly, not all information is available when data for the annual report is generated. For example, after

a total of 122,597 duty counsel clients assisted was published in the *Annual Service Plan Report 2009/2010*, duty counsel billed for another 1,331 clients applicable to that fiscal year.

Brydges Line data in table 16 is provided by the contracted service provider.

Telephone calls received by Family LawLINE and reported in table 16 are counted by computer data on which all of these calls involve advice services. These figures are drawn from a database maintained by LSS staff.

### **Legal information (tables 17 and 18)**

The publications data in table 17 is drawn from a database maintained by LSS staff.

Legal information outreach worker (LIOW) data in table 17 is automatically tracked by the phone system, in addition to a database that is manually updated by staff.

The website data in table 18 presents an approximate measure of public use of the society's websites. Statistics for the society's websites are captured and analyzed by computer. Data shows activity by internal (staff) as well as external users, but does not include users accessing the LSS website for electronic billing.

### **Eligibility for representation (tables 19 and 20)**

Reviews of refusals based on coverage and financial eligibility are conducted at the Vancouver Regional Centre. In fall 2009, a new computer database was launched that tracks this and other data. In December 2010, responsibility for these reviews changed departments, and data was recorded in a log maintained by staff. These tables do not include a small number of reviews conducted by other departments. LSS is working on enhancing tracking of all reviews.

## Appendix 2: Adjustments to Service Plan 2011/2012 – 2013/2014

Goals	Strategies	Measures
<i>Use</i> <b>Goal 1</b>	No change <ul style="list-style-type: none"> <li>▪ Shifted focus of strategy 1.1 from “sustaining” to “increasing” awareness of legal aid services through community- and technology-based initiatives.</li> <li>▪ Removed strategies on monitoring the impact of an agency delivery model on client access.</li> <li>▪ Shifted focus of strategy 1.3 from “piloting services for Aboriginal clients” to “establishing proven projects as permanent services.”</li> <li>▪ Added the strategies of implementing a targeted advertising campaign and developing options to introduce flexible and scalable coverage policies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<i>Participate</i> <b>Goal 2</b>	No change <ul style="list-style-type: none"> <li>▪ Expanded the focus of strategy 2.1 to include providing clients with information regarding “the spectrum and scope” of legal aid services and related legal issues.</li> <li>▪ Introduced strategy 2.2 to increase training for front line staff.</li> <li>▪ Shifted the focus of strategy 2.3 from “enhance opportunities” to “implement community engagement strategies” that support local agents’, lawyers’, and intermediaries’ capacity to engage clients.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<i>Integrate</i> <b>Goal 3</b>	No change <ul style="list-style-type: none"> <li>▪ Revised strategy 3.3 to include working with government to develop a client-centred approach to promote integrated services.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Revised the existing measure to show the percent of clients satisfied with the level of support LSS gave them to address their related legal issues.</li> </ul>
<i>Manage</i> <b>Goal 4</b>	No change <ul style="list-style-type: none"> <li>▪ Updated strategy 4.1 to respond to the 2011 Work Environment Survey.</li> <li>▪ Shifted focus of 4.2 to include developing indicators to track and adjust operational performance in key areas such as demand management and lawyer supply.</li> <li>▪ Shifted strategy 4.3 to monitor and respond accordingly to the effect of the simplified tariff on case costs.</li> <li>▪ Removed strategy that focused on the initial impact of the new service delivery model.</li> <li>▪ Introduced strategy 4.4 to focus on implementing new policies and procedures for large case management.</li> <li>▪ Updated strategy 4.5 to sustain public and political support for legal aid services.</li> <li>▪ Added strategy 4.6 to develop and implement community-based lawyer engagement initiatives.</li> <li>▪ Added strategy 4.7 to adapt process, policies, and budget to reflect new immigration and family legislation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Revised the existing measure to show the number of “new” lawyers who accepted more than three legal aid referrals in the first six months.</li> </ul>

\* Service Plan 2011/2012 – 2013/2014 is available online at [www.legalaid.bc.ca](http://www.legalaid.bc.ca).

# **Appendix 3: Additional Performance Measures**

To measure our performance, we survey stakeholders every three years. This frequency allows time for our strategies to have a measurable impact on our performance; reduces costs; and minimizes the risk that our lawyers, clients, and staff will experience “survey fatigue” from being over-surveyed. However, it also means that we do not have new results for all performance measures each year.

The information below describes past results and future targets, the importance, the benchmark comparison, and the data sources for each performance measure for which no data was collected in 2010/2011.

## **Goal 2**

### **People with low incomes participate in solving and preventing legal problems.**

**Performance measure: Percent of lawyers satisfied with LSS support to increase their ability to engage clients in solving their legal issues**

Past results	Performance 2010/2011	Future targets
2009/2010 42%	To be surveyed in 2012/2013	46% To be surveyed in 2012/2013

This measure shows the effectiveness of the society’s support to lawyers to help clients participate in solving their legal issues.

#### **Importance of this measure**

Informed and engaged clients can work more effectively with their lawyers to achieve positive and lasting outcomes. By effectively supporting lawyers to engage their clients in the process, we are fulfilling our mandate to help people solve their legal problems and facilitate access to justice.

#### **Benchmark comparison**

LSS is not aware of any relevant benchmarks for this measure.

#### **Data source**

Data gathered from a triennial survey conducted by an independent survey organization. In January and February 2010, 292 private lawyers who had taken legal aid cases or billed for legal aid work during 2009 completed an online survey. The survey results have a margin of error of +/- 5% at the 95% confidence level. The full report from the 2010 Tariff Lawyer Satisfaction Survey is available at [www.legalaid.bc.ca](http://www.legalaid.bc.ca) under “About us—Our reports—Service and program evaluations.”

## Goal 3

People with low incomes get help with related legal issues so they can solve and prevent legal issues.

Performance measure: Percent of lawyers satisfied with LSS support for increasing their ability to help clients address related legal issues

Past results	Performance 2010/2011	Future targets
2009/2010 22%	To be surveyed in 2012/2013	26% To be surveyed in 2012/2013

Performance measure: Percent of lawyers who support the integrated approach to providing legal aid services

Past results	Performance 2010/2011	Future targets
2009/2010 71%	To be surveyed in 2012/2013	75% To be surveyed in 2012/2013

These measures show our progress on supplying lawyers with tools and resources to support an integrated approach to providing legal aid services.

### Importance of this measure

Successfully integrating services requires all service providers to have the necessary skills and resources. The model's success also depends on the support of our primary service partners—the lawyers who represent and advise our clients. Improvements on these performance measures will demonstrate that LSS is working effectively with lawyers to provide services that will help clients find positive and lasting solutions to their legal issues.

### Benchmark comparison

LSS is not aware of any relevant benchmarks for this measure.

### Data source

Data gathered from a triennial survey conducted by an independent survey organization. In January and February 2010, 292 private lawyers who had taken legal aid cases or billed for legal aid work during 2009 completed an online survey. The survey results have a margin of error of +/- 5% at the 95% confidence level. The full report from the 2010 Tariff Lawyer Satisfaction Survey is available at [www.legalaid.bc.ca](http://www.legalaid.bc.ca) under "About us—Our reports—Service and program evaluations."

## Goal 4

LSS manages resources soundly.

Performance measure: Overall employee engagement score			
Past results	Performance 2010/2011	Future targets	
2004/2005 Baseline set: 72%	2007/2008 70 (average score)*	To be surveyed in 2011/2012	73 To be surveyed in 2011/2012

This measure is a composite rating that includes employee commitment, job satisfaction, and organization satisfaction. It measures the society's performance in providing employees with the resources necessary to perform their duties, develop their skills, and contribute to the society's goals.

### Importance of this measure

Research indicates that a high level of employee engagement is related to improved service for clients. Engaged employees are also more likely to stay with the organization. Increasing our engagement score over time will show that we are enhancing our ability to retain highly skilled employees and, in turn, provide quality legal aid services efficiently.

### Benchmark comparison

LSS benchmarks its employee engagement score against the BC Public Service using data provided by BC Stats. The society's 2008 overall engagement score of 70 exceeds the 2008 BC Stats benchmark of 66. LSS also scored higher than the benchmark on 14 out of 15 of the engagement model "drivers" or workplace concepts. BC Stats administers a Work Environment Survey to all BC Public Service employees annually—the same survey that BC Stats administered at LSS. The work environment at LSS, as a Crown agency, shares important characteristics with the work environment experienced by the BC Public Service, making the comparison relevant.

### Data source

Data is gathered from a tri-annual online Work Environment Survey conducted by BC Stats. 89% of LSS employees participated in the March 2008 survey. BC Stats made significant changes in the questionnaire since first measuring LSS employee engagement in 2005, and now presents the engagement score as an "average score." As the 2005 score was a percentage score, the two results are not directly comparable.

\*An "average score" is a single number that expresses all the responses to a survey question and is ideal for comparing results between organizations. In contrast, a percentage score shows the proportion of employees who agreed, disagreed, or gave a neutral response. This presents the range of opinion on a question and is useful for internal analysis.

Performance measure: Percent of lawyers satisfied with the overall support provided by LSS		
Past results	Performance 2010/2011	Future targets
2009/2010 62%	To be surveyed in 2012/2013	66% To be surveyed in 2012/2013

This measure shows the degree to which lawyers taking legal aid referrals are satisfied with how LSS supports them in providing services to legal aid clients.

### Importance of this measure

Maintaining a supply of dedicated and skilled lawyers willing to take legal aid cases is essential to providing quality advice and representation services to clients. Increasing levels of lawyer satisfaction should reduce the risk that LSS will be unable to find skilled lawyers to take referrals for all eligible clients.

### Benchmark comparison

We benchmark our lawyer satisfaction results against those of Legal Aid Ontario (LAO). In response to LAO's most recent lawyer survey in 2007, 72% of lawyers and 77% of duty counsel reported high satisfaction with LAO's services, down from an overall lawyer satisfaction rating of 80% in 2006. (The results were not broken down for lawyers and duty counsel for that year.) LSS results are in line with those of Legal Aid Ontario.

### Data source

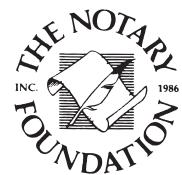
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## Contact information

For further information, contact the Legal Services Society (LSS) at:

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Clients apply for legal representation at LSS regional centre offices in Vancouver and Terrace, or at local agent offices across the province. Clients can also apply through the LSS Call Centre at 604-408-2172 (Greater Vancouver) or at 1-866-577-2525 (elsewhere in BC, call no charge). To find the address and phone number of the office nearest you, visit our website at [www.legalaid.bc.ca](http://www.legalaid.bc.ca) (look under “Legal aid”) or look in your phone book.



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