



**Legal
Services
Society**

Providing legal aid
in British Columbia
since 1979

Legal Aid BC Update
December 2017



It has been quite a year for the Legal Services Society (LSS). With the change in government, LSS took the opportunity to meet with the new Attorney General to make the case for an increase in legal aid funding to be able to better serve disadvantaged people with legal problems in the province. We will not know what additional funding we might receive until February.

The year 2017 nearly saw the closing of our immigration and refugee services. We end the year, however, with an extra million dollars from the Federal and Provincial governments to sustain these services a while longer, though more will be required to keep up with demand next fiscal year.

Looking to 2018/19, the LSS Board of Directors has decided that the greatest benefit to low-income British Columbians would be through improvements to family law and Indigenous services. This year ends with the possibility that we can start relaxing the restrictions on family legal aid spending, however it is not nearly enough. The LSS board has also concluded that an increase in fees for lawyers who do legal aid work is required.

For more about the organization's challenges and what LSS could do with a significant bump in funding, here is the LSS Wish List:

**Family Law Services that Promote
Stability and Safety**

We currently have to reject about 60% of applications for family law legal aid. LSS is only able to provide clients with lawyers to obtain interim protection orders in cases where there is a family emergency such as domestic violence.

Funding is not sufficient to provide lawyers to assist clients with other issues that promote family security and financial stability such as spousal support, asset division, divorce or child custody.

With enough funding, LSS could provide enough hours to lawyers to be able to bring domestic violence cases to conclusion; provide clients with legal aid for asset division and child custody; and expand family duty counsel and telephone and online advice services.

Expanded Indigenous Services

Indigenous people make up 6% of BC's population, but 41% of LSS's child protection clients are Indigenous, as are 31% of our criminal clients and 21% of family law clients.

Standard legal aid services help Indigenous people with specific problems but cannot address systemic Indigenous justice issues. With more funding, LSS would work with Indigenous communities to create specialized legal services that are accessible and respect people's unique, cultural needs.

Increased Lawyers' Fees

There is a growing concern about a lack of fairness in the justice system when government lawyers and private lawyers acting for government receive significantly greater compensation than private lawyers acting for legal aid clients in the same cases. This is a particular concern in child protection cases where the discrepancy can be as much as 60% (\$84 v. \$135).

Without specific funding to an increase lawyers' fees, LSS will have increasing difficulty attracting and retaining high quality service providers and provide them with the hours necessary to assist low-income clients to solve their legal problems

I wish you the best the season has to offer.

Mark Benton, QC
Chief Executive Officer
Legal Services Society