

Legal Aid BC

Strategies & Stories

Making a difference, one client at a time

40
years

Legal Aid BC

Support when you need it



January 2020

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Acknowledgements

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Contents

1

Forty years of making a difference, one client at a time

2

What is legal aid?

3

Moving toward reconciliation

4

Goals require strategies

9

The need for legal aid

11

Legal Aid BC's impact



Read the stories of some of our clients on pages **5**, **7**, **13**, and **15**.

And see the statistics for some of our services on pages **9** –**12**.

Forty years of making a difference, one client at a time



Legal Aid BC celebrated a major milestone in July 2019: 40 years of delivering legal aid to British Columbians. We've come a long way in the last four decades, and this publication celebrates how much we've done and how many people we've helped in the past year.

I've spent much of my working life dedicated to legal aid and its clients. First as a young lawyer, then as a manager, and for the last 17 years as its chief executive officer. After more than three decades, I still get satisfaction from steering the organization toward our vision of client-focused legal aid that ensures access to justice for all. But it isn't always easy.

Change occurs at Legal Aid BC whenever the provincial government changes our funding. I can remember a time when we had staffed offices throughout the province — and also the time we had to close them because of funding cuts. I've had the difficult task of laying off large numbers of people as well as the pleasure of witnessing the organization's growth.

Throughout the ups and downs, my main concern has been how we can best serve our clients no matter how much money we have.

Focusing on clients is important to me and the people we're trying to help, and speaks to the values of Legal Aid BC. The justice system hasn't traditionally had a client focus, however. It focuses on procedural fairness, the courts, and the right to legal representation. Those facets are important, but we in the justice system must not overlook the needs of individuals — people who have legal problems that affect their lives in significant ways and who are part of a broader community.

Today, thanks to the biggest increases in provincial government funding we've seen in many years, Legal Aid BC is once again able to employ strategies that foster a client-focused legal aid service. You'll read about some of the people our strategies and services have helped in this publication.

You might notice that we call ourselves Legal Aid BC rather than the Legal Services Society in these pages. It's been our unofficial name for some time, and rebranding is underway to make it official.

Mark Benton, QC

CEO, Legal Aid BC

What is legal aid?

Legal aid is a range of free services for people who are facing criminal, child protection, immigration, and serious family law problems. These services are provided by Legal Aid BC.¹ We give priority to people with low incomes, but some services are available to all British Columbians.

Legal aid includes legal advice from duty counsel (lawyers at courthouses throughout the province), and representation from lawyers when clients have to go to court.

Legal aid is also Parents Legal Centres helping people who face the risk that their child may be removed from their home.

It's local agent offices all over BC that take legal aid applications and reach out to surrounding communities on our behalf.

It's legal information delivered via publications, websites, and community partners across the province.

And it's about making a difference in people's lives.

Without robust legal aid services, our most marginalized and disadvantaged citizens might not get fair treatment under the law or be able to improve their circumstances.



Legal Aid BC employees (left to right): Coralie Gregoire, Frances Stanley, Rhaea Bailey, Katrina Harry, Natasha Harry (not an employee), Fran Auckland, and Stephanie Morgan

¹ Legal Aid BC is legally known as the Legal Services Society, which is a Crown corporation under the Legal Services Society Act, mandated to provide legal aid services in British Columbia.

Moving toward reconciliation

Legal Aid BC is taking steps toward reconciliation with Indigenous peoples. Our *Reconciliation Action Plan* guides decision making and service delivery at all levels of the organization. The plan ensures that we consider Indigenous perspectives and demonstrates our commitment to improving access to justice for Indigenous peoples in BC. In this way, we want to lead by example in Canada's journey to reconciliation.

The *Reconciliation Action Plan* sets out strategies organized under three pillars: Education, Equity, and Empowerment.



Education

Many Legal Aid BC staff and lawyers who do legal aid work have attended cultural competency training to increase their knowledge of Indigenous peoples and cultures, stereotyping, racism, and the legacies of colonization.



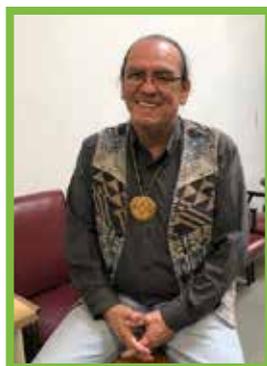
Equity

Legal Aid BC created a new Indigenous Services division to ensure we have dedicated resources and expertise to improve legal aid services for Indigenous people. The division runs 10 Parents Legal Centres for child protection matters and has significantly increased the number of Gladue reports available to clients.²



Empowerment

Legal Aid BC pays honoraria to Elders involved in First Nations and Indigenous Courts, and supports other Indigenous justice initiatives.



Elder Deryl Baker at North Vancouver's Indigenous Court

² Gladue reports ensure that the courts take Indigenous offenders' backgrounds and the history of colonialism and racism into consideration.

Goals require strategies

Legal Aid BC's goals align with our vision and mission, and we use several strategies to make each goal a reality. Behind the strategies are the people we help, often in significant ways. You can read about some of our clients in the pages ahead. ★

VISION Client-focused legal aid that ensures access to justice for all.

MISSION To provide the legal aid services people need, and to promote better access to justice.

GOALS



Goal 1

Legal Aid BC advances reconciliation with Indigenous people by improving access to justice.

Lisa got help at one of our Parents Legal Centres. See how on page 5



Goal 2

Legal Aid BC delivers services tailored to people's needs.

Sheila got the right amount of help at just the right time. Find out more on page 7



Goal 3

Legal Aid BC operates a cost-effective, quality-assured legal aid plan.

Basma was afraid for her safety if she returned to her home country. Read her story on page 13



Goal 4

Legal Aid BC influences systemic changes that improve the outcomes of people who use our services.

A successful pilot program gave Bikram a new lease on life. See how on page 15



Goal 1

Advance reconciliation

To advance the justice provisions of the Truth and Reconciliation Commission's Calls to Action, the UN Declaration on the Rights of Indigenous People, and Grand Chief Ed John's report on Indigenous child welfare in BC, one priority for Legal Aid BC is to improve Indigenous people's access to justice.

Strategies:

Develop and deliver cultural competency training for staff and service providers



Develop and implement expanded Indigenous legal aid services

Engage with Indigenous people and communities to inform priorities and design services

Facilitate understanding and build relationships between Indigenous communities and the justice system



Legal Aid BC's Parents Legal Centres (PLCs) provide culturally appropriate, accessible services to Indigenous families facing the risk that their children might be removed from their home by a social worker. Because 60% of children in foster care are Indigenous,³ PLCs focus on helping Indigenous families, even though the service is available to all eligible families.

PLC services are available in Campbell River, Duncan, Kamloops, Prince George, Smithers, Surrey, Terrace, Vancouver, Victoria, and Williams Lake.

Making a difference, one family at a time

Lisa came to the Parents Legal Centre facing two significant obstacles: her son was in government care and her apartment had a serious black mould problem.

³ *Indigenous Resilience, Connectedness and Reunification — From Root Causes to Root Solutions*, p. 11



“I was scared; terrified,” she said. “I didn’t know what to expect when I came to the centre for help.”

Lisa’s young son was removed from her care because of concerns about her alcohol and drug use. When she came to the PLC, Lisa had already worked hard to become clean and sober. She’d completed a residential treatment program, attended alcohol and drug counselling, and taken workshops at Sheway, a pregnancy outreach program in Vancouver’s Downtown Eastside. In fact, Lisa did so well at Sheway that she later became a mentor to other women facing similar challenges.

The PLC takes a team approach to child protection. To help Lisa, the centre’s lawyer talked with the Ministry of Children and Family Development’s lawyer about how Lisa had addressed the ministry’s concerns about her substance use. This resulted in Lisa’s son coming home.

However, Lisa faced another challenge. Black mould and water damage made her apartment an unsuitable living environment for Lisa and her son.

“I had been fighting with the Vancouver Native Housing Society for many years to get it addressed,” she explained.

That’s where the PLC’s advocate stepped in. After she spoke to the housing society on Lisa’s behalf, they not only removed the black mould and restored the unit, they also paid for Lisa to stay at a motel while the work was being done.

“The PLC has been amazing — for being there for me and for my son, and doing what they could to help us stay safe and get our housing done,” Lisa said. “I really appreciate it.”



Goal 2

Deliver tailored services

Legal Aid BC knows from the evidence that services tailored to people's needs will more effectively help them achieve early and lasting resolutions to their legal problems. So we're adapting services to ensure we understand and address other factors in clients' lives, such as mental health, domestic violence, or poverty — in addition to helping with their primary legal issue.

Increased provincial government funding has resulted in more tailored services for clients with family law problems, but we are still not able to help many of the people who apply. Advocating for family law funding is a long-standing Legal Aid BC priority.

Strategies:

Provide training to staff and service providers to help them better address people's interrelated needs

Develop and implement services for people with interrelated needs

Enhance online access to legal aid services



Expand family and criminal law services



Family duty counsel are lawyers located in courts across BC. The demand for their legal help is so great in some areas that Legal Aid BC has increased the number of hours the lawyers are available. Here's one story that illustrates the value of brief legal advice.

Getting help when you need it most

Sheila had just separated from her partner because of a history of verbal abuse in the relationship. The police advised her to change the locks to her apartment when he was away. When her partner found out, he insisted that he had to stay with her so he wouldn't be in violation of a court-ordered curfew for a separate criminal matter.



Sheila came to see duty counsel at the courthouse to get help with preparing an application for an emergency protection order to stop her former partner from contacting her. Family duty counsel are often so busy they can only give advice to people appearing in the court that day. After finishing the day's cases, however, lawyer Joe Simpson went out of his way to help Sheila.

As a result of his assistance, she was granted the emergency order, and later returned to the courthouse for further advice when the short-term order was about to expire. Joe guided her through the legal process and spoke to the court on the matter, helping to extend the protection order for one year.

Sheila left the family duty counsel a very moving thank-you card expressing her gratitude.



During a stressful time in my life, you made it smooth and less stressful with your support and your gentle kindness. No words can say how grateful I am to have met you and to have you stand beside me in court.

— From Sheila's thank-you card to lawyer Joe Simpson

The need for legal aid

Demand for Legal Aid BC's services has always been higher than we can provide. Although recent increases in government funding have let us significantly expand services for the first time in many years, our budget still limits how many people we can help and what kind of services we can provide.

We help...

Indigenous people, who are disproportionately represented in the justice system



Only about **6%** of BC's population is **Indigenous**, yet almost **30%** of legal aid clients who get a lawyer's help in court identify as Indigenous.⁴

Families who are facing the removal of their children from their home



We issued nearly **2,300** contracts to lawyers to represent people facing the risk that their child could be removed from their home.⁵



Of the people who get our help with these matters, **40%** identify as Indigenous.⁶

⁴ Indigenous population on Statistics Canada website: <https://www12.statcan.gc.ca/census-recensement/index-eng.cfm>; client percentage from Legal Aid BC data for 2018/19; Indigenous clients includes First Nations, status Indians and non-status Indians, Inuit, and Métis.

⁵ Legal Aid BC data for 2018/19

⁶ Legal Aid BC data for 2018/19

We help...

Disadvantaged
British Columbians
who require fairness
under the law



The Canadian Charter of Rights and Freedoms entitles people to a lawyer if they are at risk of going to jail. That means about **80%** of applicants with a **criminal law problem** get a legal aid lawyer's help.⁷



There is no Charter right for people facing family law problems, and we get less funding for those cases. The result: only **53%** of the people who apply for legal aid with a **family law problem** are eligible for a lawyer.⁸ The good news: the number is much higher than in recent years.



75% of the people we provide with a family lawyer are **women**.⁹

People who
come to Canada
from another
country, looking
for a safe home



We issued over **1,600** contracts to lawyers to help people with their **immigration and refugee matters**.¹⁰



Refugee cases have increased **160%** over the past three years.¹¹

⁷ Legal Aid BC data for 2018/19

⁸ Legal Aid BC data for 2018/19

⁹ Legal Aid BC data for 2018/19

¹⁰ Legal Aid BC 2018/19 *Annual Service Plan Report*

¹¹ Legal Aid BC data for 2018/19 compared to 2015/16

Legal Aid BC's impact

Last year, we ...



issued over **27,000** contracts so that British Columbians had lawyers to represent them in court for criminal, family, child protection, and immigration law matters



provided legal advice almost **129,000** times



distributed over **100,000** legal information publications



had over **800,000** users on our Family Law in BC website

A recent opinion poll found ...



93% of British Columbians said they support legal aid



87% said legal aid is important to ensuring fairness in the justice system

Data sources:

2018/19 Annual Service Plan Report

2018 LSS Opinion Poll

Legal Aid BC service evaluations tell us that our service innovations work



84% of clients who used a pilot program of **expanded criminal duty counsel** services in Port Coquitlam got their case resolved ... and most of them spent a shorter time in court than clients at other locations.¹²



73% of **Parents Legal Centre** clients in Vancouver contacted the centre before they were involved in a court process,¹³ increasing the chances of resolving the child protection issues early and out of court.



80% of clients were satisfied with the help they received from our **expanded family duty counsel** service in Victoria.¹⁴



"I appreciate how they contributed to my confidence of being a single mother and tackling all of the important issues I need to sustain a healthy life with my daughter. I feel a lot more empowered to get things done and all the things that mommies do."

– Client of the Parents Legal Centre in Vancouver

"I hope I never have to use the service again, but it is incredible. Words just don't quite do it."

– Client of expanded criminal duty counsel services in Port Coquitlam

¹² Compared to comparison locations. Expanded Criminal Duty Counsel Refresh Evaluation Report, October 2017

¹³ Parents Legal Centre Refresh Evaluation Report, October 2017; includes some clients who came the day of a first court appearance

¹⁴ Expanded Family Duty Counsel Refresh Evaluation Report, October 2017



Goal 3

Ensure cost-effective, quality services

Legal Aid BC's goal is to operate a cost-effective legal aid plan that also ensures its clients receive high-quality services. Hundreds of lawyers in private practice provide our legal advice and representation services. To support them in their ongoing commitment to doing quality legal aid work, we provide lawyers with bursaries for training, such as in Indigenous cultural competency.

A long-time priority for Legal Aid BC has been to secure enough funding to increase the fees we pay lawyers for the work they do on behalf of legal aid clients. In October 2019, Legal Aid BC welcomed news that BC's Ministry of Attorney General and the Association of Legal Aid Lawyers had come to an agreement to raise the rates for lawyers who do legal aid work.

| Strategies: | |
|---|--|
| | Develop and implement a quality assurance program |
| | Attract and retain qualified staff and service providers in all regions |
|  | Work with the Attorney General to find mechanisms that will support attraction and retention of qualified tariff bar lawyers in all regions |
| | Optimize business systems to improve service delivery |



Legal Aid BC values the many lawyers who work hard on behalf of British Columbians who can't afford to hire a lawyer on their own.

Providing stability to a Middle Eastern family

Basma left the Middle East with her husband and two young children feeling hopeful about studying for her PhD on a scholarship in Canada. But when she arrived at Vancouver International Airport, her hopes were turned upside down. The Canadian Border Services Agency (CBSA) said her student visa wasn't valid and threatened to immediately deport the family.



Basma felt that returning to their home country (which she prefers not to name) was the worst thing that could happen, because the country was embroiled in civil war.

Women, in particular, face gender-based violence during war.

“I heard of cases of women getting raped, so I was afraid of going back,” Basma said. “Afraid of the lawlessness we would experience when we got there.”



Immigration lawyer Fadi Yachoua

“I was feeling lost, hopeless, and scared, thinking: should I go back to face danger? Or can I finish my PhD and keep my children safe? It was the most stressful situation I have ever been in,” she added.

“By any reasonable standard, they were refugees,” said immigration lawyer Fadi Yachoua. The Arabic-speaking refugee lawyer has been doing legal aid in Vancouver since 2012. When he got a call from the airport’s detention centre, he immediately went to the airport and fought the family’s deportation into the early morning.

“CBSA doesn’t always go deep enough into people’s backgrounds,” he said. “They just assumed that because Basma had a student visa, the family was here only for economic reasons.” After learning of Basma’s deeply personal fears about returning home, Yachoua represented her refugee claim separately from the rest of her family, who got other counsel.

Yachoua admitted legal aid doesn’t adequately compensate him for all the time he spends helping his clients, but he’s strongly committed to doing the work on behalf of people like Basma.

“I am proud to have been a piece in her journey. But it really was her effort. I am in awe of her,” he said.

After two years of preparation and refugee board hearings, Basma and her family are happy to have won their cases for refugee status in Canada.

“I was so lucky to have Fadi as my lawyer,” said Basma. “If I had to cover all my legal expenses myself, I couldn’t have afforded it. I am thankful to legal aid, to the counsellors who helped me and my children, and to my generous lawyer. Now I can focus on my dreams and my children’s future.”



Goal 4

Influence change

As a key partner in the justice system and an advocate for improved access to justice for the most marginalized in our communities, Legal Aid BC uses its influence to encourage systemic changes that will improve outcomes for legal aid clients.

Strategies:

Take a network approach to realize change

Demonstrate the value of legal aid through evidence-based analysis, including evaluation and data analysis



Develop and pilot innovative services that improve the outcomes of people who use them



Legal Aid BC has criminal duty counsel (lawyers who provide brief legal advice) in courts throughout the province. An expanded version of the service, piloted in Port Coquitlam, demonstrated significant benefits such as fewer court appearances and less time to resolve those cases. It improved the experience for clients and freed up valuable court time. The pilot program's success has led to new province-wide criminal early resolution services with relaxed eligibility rules. It means people who wouldn't normally qualify for legal aid will get help.

Understanding gives one man a chance to turn his life around

Bikram was facing serious charges of fraud over \$5,000 (in fact, it was about \$27,000), and two counts of using a stolen credit card when he went to see duty counsel at the Port Coquitlam Courthouse.

"The situation was sensitive because it involved family," Bikram explained. "I could've gone to jail."



Instead, with duty counsel Carmen Ochitwa's help, the 30-year-old was given a chance to prove he understood the seriousness of his crime. He was sentenced to three years' probation, with specific directions for paying the money back. He was also expected to get counselling and abstain from alcohol.

It wasn't easy, though. When Bikram didn't make the payments, he was charged with breach of probation. Crown counsel was now seeking a jail sentence, as well as compensation to the victim for his losses. He sought Carmen's help again.

Carmen said she was willing to help Bikram again — if he was willing to help himself.

"She didn't judge," Bikram said. "But she made me fix what I was doing wrong. She showed me what to do and made me do the legwork."

Crown agreed to regularly adjourn the matter, so long as Bikram kept making the payments. If he didn't miss any payments and paid back all the money, Crown said it would stay the charge (that is, not proceed to sentencing).

Duty counsel made several court appearances with Bikram regarding the breach. Fifteen months later, the charges against him were finally stayed.

Bikram now has a career that he loves and can support himself.

"She changed my life," he said of Carmen. "If not for her, and for all of the amazing staff [in the duty counsel office] who showed understanding, I'd be in jail."

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Our funders

