

LSS Directions and Initiatives

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Legal Aid Renewal

Legal Aid Renewal is the name for the strategic direction set by the Legal Services Society board for LSS over 3 years starting in 2008. It is based on the principle of achieving outcomes (versus outputs) for clients. Outputs are measurable results (like the number of mediations held) and outcomes are more subjective results (like whether the mediations actually made a positive difference for the clients). The LSS Board has articulated 4 objectives for Legal Aid Renewal:

- Help clients reach positive, lasting solutions to their legal problems;
- Form part of a holistic approach to meeting clients' overall needs (i.e., our services must be seen in a broad social context);
- Encourage clients to constructively participate in solving – or avoiding – legal problems; and
- Services are available where, and when, clients need them.

To achieve the above objectives, the Board has designated surplus funds to undertake various pilot initiatives. Among them:

Integrated Civil/Family Law Services

The concept of an integrated approach has emerged as a result of a growing awareness that a client's legal problems are often multifaceted (occurring in "clusters") and symptomatic of other issues such as social, health or financial issues.

A holistic approach to advocacy is one that focuses on and addresses the needs and situations of the client as a whole person with complex interrelated issues and problems that may be impeding the client from overcoming problems and keeping the client impoverished. For example a client's illness or disability may lead to a loss of employment, then debt and housing issues and the breakup of the family or a child being taken into protection. Simply providing the client with representation at the child protection hearing will not address the root causes of this client's problems.

LSS is implementing various projects designed to achieve integrated services for clients, to assist them by resolving issues beyond the main referral issue and before they become more complicated legal issues. The hope is to create a culture both within LSS and among the private bar where an integrated approach becomes more the norm. This includes training lawyers to identify ancillary issues affecting our clients, raising

awareness among lawyers and clients about available resources, improving referral services and partnering with other agencies and service providers to resolve related non-legal issues. Specific projects include:

Lawyer Training

This year's FDC conference devoted to Integrated Service Delivery is funded from Legal Aid Renewal and is part of the Civil Integrated initiative.

Collateral Issues Tariff

In July 2008, LSS implemented an addition to the CFCSA Tariff that permits lawyers to bill up to 4 hours to assist clients with collateral issues (such as income, housing, immigration, drug and alcohol, and mental health issues) where the assistance will likely help resolve the CFCSA matter.

Examples of services that could be provided are interviewing a client to identify collateral issues, researching and advising on remedy, helping to fill out forms, advocating for a client directly with an administering agent or agency (e.g., landlord or income assistance worker), representing a client to have an adverse decision reversed, or linking the client to a non-lawyer advocate and working with the advocate to resolve the client's issues.

The traditional approach to legal services often uses a "band-aid" approach. By expanding the tariff to include collateral issues LSS seeks a more holistic or integrated approach by looking at how best to solve the client's "life" problem.

If this pilot is successful, the addition of a collateral issues billing item may eventually be expanded to other tariffs like Family and Criminal.

Poverty Law Primer

The collateral tariff dovetails with another initiative currently being developed - the Poverty Law Primer. The objective is to develop a short practical primer on basic poverty law issues for use by lawyers who do not normally practice poverty law. The primer would be available electronically on our website and also in hard copy.

Both the collateral tariff and the Poverty Law Primer would assist and support lawyers in providing some next steps help to clients in areas such as residential tenancy, debt and insolvency, income support and welfare entitlement.

CFCSA Consensual Dispute Resolution

Another tariff revision introduced in July 2008 using Legal Aid Renewal dollars was the addition of a billing item to the CFCSA Tariff for consensual dispute resolution processes (both preparation and attendance), such as family group conferencing and

extended family meetings. This is in keeping with the objective of achieving earlier and more lasting resolutions for clients. See the *Guide to Legal Aid Tariffs* for full details.

Views of the Child Reports as a Tariff Disbursement

In matters involving children relating to divorce and separation, it can be important to have the views of the child in making decisions about their best interests. Full custody and access reports can be very costly and in some cases it may be more effective to obtain a less costly report in a more timely manner. With these considerations, LSS is making Views of the Child reports available as a disbursement under the tariff so that lawyers have the option to commission such a report if they believe it would assist their clients. Details of this tariff item will be announced at this conference.

Future Projects

A number of other projects are being considered, such as: an Advice Line for Lawyers to act as a resource for lawyers to obtain advice on how to help their clients on issues outside the referral; the creation of an integrated team approach using a lawyer and social worker that would permit the lawyer to focus on the legal issues while the social worker helps the client access social resources; placing social work practicum students with the private bar lawyers doing CFCSA work; medical-legal partnerships that would address a client's intertwined legal and health issues; an access exchange supervision program. These are all ideas that will be explored over the next 2 years.

Justice Access Centers

Pilot projects are underway in both Nanaimo and Vancouver to open Justice Access Centres (or JACs). The vision for civil and family Justice Access Centres came from reports of the BC Family Justice Reform Working Group and BC Civil Justice Reform Working Group. Both reports recommended fundamental change to BC's civil and family justice systems. The reports promote a family justice system that is actually designed for families and envision a civil justice system that assists citizens in obtaining just solutions to legal problems quickly and affordably.

A key recommendation of these reports is the creation of a single place where people can go to get the information and services they require for early and lasting solutions to their civil and family justice problems. The vision is to create a centre that would provide a variety of different types of assistance including a central source of legal information, a multi-disciplinary assessment/triage service to diagnose the problem and provide referrals to appropriate services, and access to legal advice and representation.

LSS, together with the Ministry of the Attorney General, is taking a leadership role in the development, implementation and operation of these centres, but participation of the wider community is necessary to offer a full range of services. The need to build on the range of existing services and to coordinate and, in some cases, integrate these services to better meet the needs of families and clients is being emphasized.

Again a holistic approach is a key objective. Clients are to be encouraged to constructively participate in solving – or avoiding – legal problems. The expected outcomes to be achieved at the JACs are that clients will arrive at solutions that last and that they receive the level of service they need to help resolve their problem.

Attached at the end of this paper is a Frequently Asked Questions document for the JACs.

Lawyer Supply

A challenge faced by LSS is the dwindling supply of lawyers willing to accept legal aid referrals, especially in family law. This challenge is faced by legal aid providers across Canada. The number of Canadian lawyers practicing family law is decreasing and the lawyers who are currently in family practices are aging. LSS is addressing this challenge by looking at creative ways to deal with the lawyer supply problem, including recruitment and retention programs and outreach to law students. We have already implemented a program of hiring articled students in our regional centers to train future lawyers interested in doing legal aid work. We have also revised the Family Tariff to allow for 5 additional hours for preparation in Supreme Court matters, plus additional hours for Supreme Court hearings. (See the *Guide to Legal Aid Tariffs* for full details.) Other tariff improvements like varying financial incentives for different regions or areas of need are being considered. We are also looking at ways of improving engagement with lawyers with improved lawyer support such as mentoring opportunities or a lawyer help-desk.

Integrated Criminal Law Services

The Criminal Justice System will be going through profound changes throughout the province in the coming months. The Ministry of Attorney General has announced a series of initiatives to deal with repeat offenders who are also dealing with a cluster of issues underlying their delinquent behavior such as mental illness, drug addiction, unemployment and housing problems. The Prolific Offender Program, for instance, and the Downtown Community Court (DCC) which opened on September 10, 2008, were initiatives implemented by the Attorney General to address firstly the issue of criminality but also to offer offenders solutions to the problems underlying their delinquent behavior. The Legal Services Society (LSS) has agreed to become a partner in the Community Court project to ensure that accused persons will be represented before the court and that their interest will be protected. Parallel to its involvement in the DCC, LSS is working at developing, in appropriate cases, new models and alternative methods to the traditional approach to the practice of criminal law, to help clients not only to deal with the case at stake but also to address problems such as drug addiction, for instance in order to prevent further delinquent behavior – in other words, helping the client not to re-offend.

Aboriginal Services – Building Bridges

LSS is also looking at ways to better address the needs of Aboriginal people. A significant portion of our client base is Aboriginal. Addressing the unmet legal needs of Aboriginal people requires acknowledging that solutions must be found within Aboriginal cultures and delivered in partnership with Aboriginal communities. A blueprint for the future is found in the *Building Bridges* report commissioned by LSS. We are seeking to improve representation available to Aboriginal people and to provide more communication and outreach to Aboriginal communities. For example, we are hiring additional staff in the Terrace office to work with the aboriginal community there, and the Nanaimo Justice Access Center staff will include an Aboriginal Community Legal Worker. LSS is also increasing Aboriginal representation within LSS and involvement of Aboriginal people in LSS program planning. A first step was the hiring of our Aboriginal Services Program Manager, Pam Shields.

These are just some of the many exciting projects underway at LSS. LSS is constantly striving to better address the needs of British Columbians as a whole and in particular the needs of lower income people in our province. The challenges are great and LSS is seeking the assistance of many of the stake holders in the justice community to meet them.



Justice Access Centres Frequently Asked Questions

Q How were the communities for the justice access centre pilot projects chosen?

A Both justice access centres will build on existing services – Nanaimo’s Family Justice Services Centre, and Vancouver’s City Centre Family Justice Centre and Supreme Court Self-Help Information Centre. These pilot projects were established as a result of needs-based studies in these communities. Since the existing centres already provide family justice information, advice, and referral services, it was most practical and cost-efficient to use them to test a more integrated approach by expanding them to cover civil law matters.

Q Who can get help at these justice access centres?

A The centres can help people with justice problems. We expect to serve a wide range of people, including those experiencing economic hardship, literacy or mental health issues; people with disabilities; seniors, immigrants and Aboriginal peoples.

Q What happens when a client comes to the justice access centre?

A Someone walking into a justice access centre will meet a front desk worker who will complete an initial screening. Once the client’s needs have been identified, he or she will be referred to the service that appears to best meet their needs. The centres will be client- and family-friendly.

Q What kind of help will be available?

A Core service areas in the justice access centres will include: family, debt and financial, consumer, employment, housing, income (including social benefit programs), immigration, and human rights issues. The centres will provide a range of:

- information and self-help services – resources and information through a resource room with computers and the LawLINK website, fax and photocopy machines, workspace, public legal information materials, and staff available to give in-person support;
- family and civil client services – needs assessment; legal advice and assistance including help with court forms, letters and documents; referrals to advocacy organizations, community agencies, government or government agency services (some on site, others located elsewhere);
- family mediation and dispute resolution services.

Q What new funding and resources will be provided for these centres?

A The pilot projects are being funded through the Legal Services Society, the Law Foundation, and the Ministry of Attorney General. Further funding, such as expansion of justice access centres to other locations in the province, will depend on the success of the pilots, which will be evaluated as we go along.

Q What are the anticipated benefits of the justice access centres?

A By focusing on early intervention and non-adversarial approaches, we hope to reach a place where we can block the 'cascade' effect, where unresolved legal issues create more legal problems, which in turn create other social problems for clients. In this way, we hope we can support the best possible allocation of services to people when they need them most.

In the meantime, there are already many people having serious difficulty coping with a cluster of serious issues. By offering a more integrated approach to solving legal problems staff, including family justice counsellors, and legal counsel at the justice access centres will have diverse resources to help clients with multiple problems.

So, for instance, a parent who thinks he needs to go to court to have his custody and access order changed approaches the justice access centre for assistance. A staff member learns that the client has affordable housing issues that are impacting his ability to provide a stable environment for his children. The staff member provides the client with information about social housing opportunities and connects the client to the community. In this way, the primary problem is solved.

Q How will community agencies participate in the justice access centres?

A The justice access centres will involve community agencies. How they will be able to participate is something we are working on as the justice access centres are developed. Some will have a physical presence in the justice access centre, and others will have a link through a referral process.

Q When can other BC communities expect to get this kind of service?

A The Nanaimo and Vancouver justice access centres are pilot projects. They will be evaluated over the pilot period. Expansion into other communities will be dependent, first of all, on the results of the evaluations.

Q Will the justice access centres have a law reform advocacy role?

A The justice access centres have not been given a law reform mandate. However, if the underlying issue involves a question of how to improve justice system procedures to make them simpler and more effective, there may be opportunities for the justice access centre to suggest improvements to programs and service delivery.