



Service and operational changes at the Legal Services Society

Updates to this document will be provided on an ongoing basis as service and operational plans are changed. Please see the Legal Services Society website (www.lss.bc.ca) for updates, or call the Communications Department at 604-601-6004.

Introduction

The Legal Services Society (LSS or the society) will be changing some services and some of its operations this year. These changes are necessary because the society's current government and non-government revenues are insufficient to cover the current demand for legal aid.

The changes will refocus the society's available funding and resources to direct them towards people in greatest need while having the least impact on current clients.

The provincial government has not cut LSS's funding and is expected to provide a modest increase for large criminal cases. More funding is, however, needed to maintain existing services and to meet the increased demand.

LSS continues to provide a significant range of legal information, advice, and representation services.

Background

LSS provides three types of legal aid services: public legal information (websites, publications, telephone services, and community outreach), brief advice (duty counsel and LawLINE), and legal representation in court or before a tribunal (for criminal, family, and immigration matters).

In the latter part of 2008, there was a significant increase in the demand for legal aid representation services. At the end of November 2008, referrals to lawyers for emergency family services were up 21 percent over budget and criminal referrals were up 5 percent. Immigration referrals increased 76 percent over the last fiscal year. The society expects this increased demand to continue in the 2009/2010 fiscal year that begins on April 1.

Despite the increase in demand, government funding in 2009/2010 is expected to remain unchanged from last year except for a modest increase for large criminal cases. Non-government funding, however, is expected to decline. For example, revenue from the Notary Foundation is budgeted to be more than \$2 million below what LSS budgeted

in 2008/2009. The Notary Foundation receives the interest on notary trust accounts. By statute, 55 percent of that money is paid to LSS. With the decline in real estate transactions (the bulk of notary work) and the drop in interest rates, that funding is expected to drop.

Family and CFCSA services

1. Most services will remain unchanged

Since 2002, most family law legal aid representation services have been limited to financially eligible clients who are facing situations where their safety or the safety of their children is at risk; they have been denied access to their children on an ongoing basis; or there is a risk that a child will be permanently removed from the province. These and other urgent issues will continue to be available under our “emergency services” referrals.

2. Dispute resolution services will be eliminated

Dispute resolution services were introduced in 2006 to expand family law coverage. These services are available to financially eligible clients with significant family law problems who do not qualify for legal aid representation because their cases do not raise safety concerns or qualify under any of the emergency services criteria.

Dispute resolution services cover mediation and collaborative services, but not attendance in court. New applications for dispute resolution services will *not* be approved after March 31, 2009. Clients already approved for dispute resolution services will not be affected by this change. Approximately 600 people a year receive these services.

3. Extended family services will be reduced

Extended family services were introduced in 2005 to give lawyers extra time to complete cases. Lawyers may still apply for extended family services. LSS currently approves approximately 375 applications for extended services in emergency services cases. The number of cases approved for extra time will depend on the volume of requests received and the budget available for this service.

Criminal law services

1. Elimination of tiered rates for duty counsel

In April 2008, LSS introduced tiered rates for duty counsel. Lawyers with less than four years experience are paid the standard tariff rate of \$83.90 per hour. Lawyers with 4 – 9 years experience receive the tariff rate plus 5 percent, and lawyers with more than 10 years experience are paid the tariff rate plus 10 percent. Beginning in April 2009, all duty counsel will be paid the same standard rate. LSS does not expect this change to affect duty counsel scheduling.

2. Elimination of coverage for adult Category 1 offences

Category 1 offences are the least serious offences covered by legal aid representation. Examples include breach of probation, failure to appear, and breach of bail. These offences will no longer be covered by legal aid representation even if the client is facing other outstanding charges or there is a risk of jail.

LSS will provide adult clients who apply for legal aid representation for these matters with a letter stating that we no longer cover category 1 offences. Clients can use this letter to apply for an order for court-appointed counsel. LSS will still, however, considering providing legal aid representation for category 1 offences to adult clients with mental disabilities that are serious enough to prevent the client from stating his or her case to the court.

Youths facing category 1 charges will not be affected by this change. They will continue to receive legal aid representation.

Immigration and refugee law services

1. Coverage unchanged, merit screening to be introduced

LSS will continue to provide legal representation to financially eligible clients with cases that have a reasonable chance of success involving refugee claims, immigration problems that could lead to the client's removal from Canada to a country where he or she would be at risk, and appeals of immigration decisions.

Legal aid funding for immigration cases is, however, fixed by federal-provincial cost-sharing agreements. No increase to this funding is expected despite the increase in demand experienced over the past year. As a result, LSS is introducing stricter merit screening of immigration legal aid applications to ensure that spending remains within the available budget. This means that some cases that would have been covered in the past will not be covered after April 1, 2009.

LSS encourages people with immigration law problems to still apply for legal aid so that their cases can be assessed for legal merit. The society will try to ensure that clients in custody on immigration matters will get help from duty counsel; that clients with cases that have reasonable legal merit get help to file their claims with the Immigration and Refugee Board; that clients with claims that have merit and who need help at a hearing have legal representation; and that clients who are at risk of being removed from Canada to a country where they would be at risk get help with the immigration process.

Changes affecting family, criminal and immigration legal aid

1. Administration fee ending

The administration fee is a \$40 fee that LSS pays to private lawyers to cover the administrative costs they have to pay when they take on a legal aid file. It was introduced in 2005 when LSS funding was able to cover this expense. This fee will be eliminated on all referrals made after March 31, 2009. LSS does not expect that

eliminating this fee will change lawyers' services to clients or lead to fewer lawyers taking legal aid referrals.

2. Staff and operational changes

LSS will eliminate 38 staff positions in the Vancouver and Surrey offices. Staffing at regional offices and local agents elsewhere in the province will not change.

The reductions involve staff at all levels of the organization at the Vancouver and Surrey offices. LSS anticipates that cases previously handled by staff lawyers will in future be referred to private bar lawyers.

LawLINE, which is funded by non-government money, will continue for another year, but will be reduced to two lawyers and six paralegals. LSS is redefining the scope of LawLINE services, and we will provide further details when they are available. The Community Advocate Support Line is not affected by these changes.

Duty counsel

The society recognizes the important role duty counsel play in providing help to those who might not otherwise receive legal aid. LSS will give priority to maintaining existing duty counsel services as long as resources permit. LSS will provide an update on duty counsel services in future.

Public Legal Information services

1. Community outreach

Outreach services are provided by legal information outreach workers (LIOWs) and fieldworkers.

Based in the regional centres and the Nanaimo Justice Access Centre, LIOWs help people find information about the law in public legal education and information (PLEI) publications and websites. They also provide training on the use of PLEI resources and outreach to intermediaries in their communities.

Fieldworkers develop content for publications and websites, organize training on the law for intermediaries, and develop partnerships with other groups and organizations that help people with low incomes, and with specialized needs, across the province.

LIOW services will continue unchanged.

Fieldwork will continue at a reduced level after April 2009. LSS is reviewing the scope of fieldwork and will provide further details when they are available.

2. Publications, websites, and multimedia

LSS's team of designers and editors develop and produce plain language information about the law for the public in print and on the Web. They have special expertise in serving the needs of people with low incomes. They also produce corporate publications

for LSS, such as annual reports and information for lawyers about legal aid billing. Publishing Services distributes print publications throughout the province.

These services will continue with reduced staffing after April 2009. LSS is reviewing the scope of work and will provide further details if any changes are introduced.

LSS and legal aid funding

The LSS board of directors meets regularly with provincial MLAs and Ministry of Attorney General staff to discuss the legal needs of British Columbians with low incomes and the funding required to meet those needs.

LSS believes the best way to secure long-term sustainable funding for BC's legal aid program is to ensure that the province's key decision makers know that:

- There is a significant need for legal aid services in BC. Research shows that 83 percent of low- and middle-income British Columbians have experienced a legal problem that was serious and difficult to resolve in the last three years.
- Unresolved legal problems frequently spiral into additional problems that place an increased demand on other government-funded social services.
- There is solid public support for increased legal aid funding. In fact, 78 percent of British Columbians believe legal aid should get the same funding priority as other social services.

To see public opinion polls on [legal aid funding](#) and research on [legal needs](#), see the LSS website at www.lss.bc.ca.

Questions, comments, and suggestions

As always, LSS welcomes your feedback. Please direct any questions, comments, or suggestions to LSS-Services@lss.bc.ca.