



LEGAL AID
RESEARCH SERIES

AN ANALYSIS OF POVERTY
LAW SERVICES IN CANADA



AN ANALYSIS OF POVERTY LAW SERVICES IN CANADA

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The views expressed in this report are those of the authors and do not necessarily reflect the views of the Department of Justice Canada.



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Executive Summary

Scope and Methodology

This report provides a descriptive profile of the poverty law legal aid services offered in each of the Canadian provinces and the Northwest Territories¹, and a sample of the poverty law legal services delivered by community organizations in each of the provinces. Since there is no single definition of “poverty law,” the analysis developed in this report focusses on six traditional poverty law issues: Employment Insurance (EI), the Canada Pension Plan/Quebec Pension Plan (CPP/QPP) and Old Age Security (OAS), income assistance, housing and landlord/tenant, workers’ compensation, and debtor/creditor. However, this should not be considered an exhaustive list of poverty law issues.

The information on provincial legal aid plans presented in Part One was collected through a review of annual reports and other relevant literature, a series of interviews with key provincial informants, and the quantitative data provided by the plans. Interview questions addressed staffing, service provision, and the strengths and weaknesses of available services. Data collection charts were prepared in advance of the interviews for ease of distribution, but the results of this process were still uneven. Respondents tended to compile information into new charts of their own creation that accorded with case-tracking systems in their jurisdiction. In combination with significant differences in the way in which legal aid is delivered across Canada, this lack of consistent reporting complicated efforts to compare jurisdictional data.

The information on community organizations providing poverty law services, in Part Two of the report, was collected through key informant interviews and a limited amount of quantitative data available from the organizations. Legal aid respondents were initially asked for suggestions of community groups to interview, with further contacts being sought from this first round of organizational representatives, if necessary. Interview questions covered the services offered by organizations, staffing and funding issues, and impressions concerning opportunities and challenges confronting the poverty law system.

As with legal aid, data collection charts were prepared in advance of the interviews with community group respondents. While respondents typically did complete the charts in the form provided, several expressed frustration or confusion about how to classify their clients into the pre-determined categories. On one hand, this was likely due to the fact that many community groups do not view public legal education, general advice, legal advice, and so on, as discrete services, and, accordingly, found it difficult to classify the needs of their services in this manner. On the other hand, many groups either do not collect any data on the clients they serve or do not collect this data in as detailed a manner as was requested on the data collection charts.

¹ Neither Nunavut nor the Yukon provide poverty law legal aid service.

Summary of Legal Aid Poverty Law Services

The table below summarizes the types of services offered in each of the jurisdictions that provide legal aid coverage for poverty issues.

SUMMARY OF AVAILABLE POVERTY LAW SERVICES BY JURISDICTION								
Type of Service	Jurisdiction							
	<i>B.C.</i>	<i>Alta.</i>	<i>Man.</i>	<i>Ont.</i>	<i>Que.</i>	<i>N.S.</i>	<i>Nfld.</i>	<i>N.W.T.</i>
General advice/assistance	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Legal advice/assistance	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Legal Representation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Public Legal Education	Yes	No	No	Yes	No	No	No	Some

Advice

As the chart below makes clear, the volume of cases handled in B.C. and Ontario is on a different scale from those in the other jurisdictions (with the likely exception of Quebec, although no data is available there, given that no distinction is made between full service and advice cases). While this is no doubt linked in part to the larger population of these provinces, it also speaks to the fact that that B.C. and Ontario have a much more established and comprehensive system in place for delivering non-tariff legal aid services like advice. While several other provinces have an advice component to their poverty law services, they simply do not have the same kind of capacity as B.C. and Ontario. Manitoba has only one poverty law legal aid office in Winnipeg, and Nova Scotia one poverty law staff lawyer in Halifax. The Northwest Territories relies on Native Court Workers to provide legal services to remote communities in a manner reminiscent of community offices in B.C. and Ontario, but respondents emphasized the underdeveloped nature of available poverty law services and the limited assistance available.

TOTAL NUMBER OF CLIENTS RECEIVING POVERTY LAW ADVICE		
Jurisdiction	Number of Clients	Explanation
B.C.	24,948	Intake + summary advice
Manitoba	46	Plus an untracked number of drop-in clients
Ontario	128,408	Summary advice + brief services
Quebec	–	Not available
Nova Scotia	32	Within the administrative tribunals category
N.W.T.	47	Plus an untracked number of clients assisted by Court workers and duty counsel

B.C., Manitoba, Ontario, and, to some extent, the Northwest Territories divide the advice services they deliver into two different levels. These levels are typically distinguished by the amount of assistance received by clients at each stage. The lower level of service typically involves a brief consultation on the telephone or in person, and the provision of basic information or a referral to another agency. No specific action is taken on the client's behalf, and there are no eligibility requirements. The second level of advice service tends to be more involved, and often includes advocacy for a client (for example, making calls or writing letters, research, accompaniment to meetings, assistance with the completion of self-help kits). Eligibility testing may be used at this stage.



NUMBER OF CLIENTS RECEIVING ADVICE BY TYPE OF SERVICE							
British Columbia		Manitoba		Ontario		N.W.T.*	
Type of Service	Number of Clients	Type of Service	Number of Clients	Type of Service	Number of Clients	Type of Service	Number of Clients
Intake	22,806	Drop-in	Not tracked	Summary Advice	101,482	Law Line	Not tracked
Summary Advice	2,142	Informal	46	Brief Services	26,926	Advice Certificate	47

* The advice provided by Court workers and duty counsel lawyer may fit into one or both of these categories. However, detailed data is not available on the types of services provided or numbers of clients.

In all jurisdictions, legal aid staff members are the primary source of advice on poverty law matters. In the case of Manitoba and Nova Scotia, staff lawyers exclusively deliver advice. In B.C., Ontario and the N.W.T., other legal professionals (paralegals, community legal workers, Court workers) provide advice to clients in addition to staff lawyers. The N.W.T. is the only jurisdiction to issue certificates to private bar lawyers specifically for the provision of advice. Private bar lawyers in Quebec also work on a certificate basis and may provide advice on poverty law matters, but respondents did not identify a specific advice certificate category, such as in the N.W.T. Although Alberta has no formal program for the provision of advice on poverty law matters, respondents did note that some limited advice may be provided by private bar lawyers during the opinion stage of a case.

The only provinces for which information is available on the advice caseload for individual legal issues are B.C. and Ontario. Caseload data indicates that more legal aid assistance is provided for poverty law issues under provincial jurisdiction than for those under federal jurisdiction. In Ontario, housing stands out as a particularly important issue.

A very limited amount of data was provided by legal aid respondents on the cost of delivering poverty law advice services. This data is so limited that few conclusions can be drawn concerning relative costs, particularly given that reported costs vary quite widely among jurisdictions. This is likely due at least in part to differences in the kinds of cases and services included in cost figures, and differences in the way in which cases are reported and tracked. Further careful investigation on specific cost issues is needed before reliable comparisons among jurisdictions can be made.

Representation

The chart below indicates that the number of clients receiving legal representation for poverty law matters in B.C., Ontario and Quebec far exceeds the quantity of services delivered in other jurisdictions (although numbers for Quebec may include some clients who receive only advice). Respondents in Alberta reported that poverty law is not really considered a separate category of legal aid coverage, so the services available in this area are limited at best. Winnipeg has only one Poverty Law Office, and this office is responsible for most of the poverty law work done by staff lawyers. Nova Scotia has only one staff lawyer regularly working in poverty law, and respondents in Newfoundland reported that while staff lawyers deliver some poverty law services, this is not a primary coverage area for legal aid.

NUMBER OF CLIENTS RECEIVING POVERTY LAW LEGAL REPRESENTATION*		
Jurisdiction	Number of Cases	Explanation
B.C.	5,948	Includes all poverty law issues.
Alberta	49	Includes EI, WCB, social assistance, open-ended tribunals.
Manitoba	233	Includes certificate cases on income assistance, landlord/tenant, WCB, other administrative. Also includes certificate-equivalent cases.
Ontario	6,621	Includes certificate cases in all poverty law issues.
	16,607	Includes Community Legal Clinic cases in all poverty law issues.
Quebec [§]	25,686	Includes EI, QPP, social assistance, rental housing, WCB.
Nova Scotia	15	Includes all cases in Administrative Tribunals category.
Nfld	–	No data
N.W.T.	12	Includes income assistance, landlord/tenant, WCB. Does not include Native Court Worker or presumed eligibility cases.
TOTAL	55,171	

* All provincial figures except Ontario are for cases in the 2000-2001 fiscal year. Ontario data is for the 2000 calendar year.

[§] Data for Quebec refers to the number of applications received, not the number of cases granted coverage.

Legal aid staff are the primary persons involved in the delivery of legal representation in poverty law matters. B.C., Ontario and the Northwest Territories rely on both staff lawyers and other legal professionals (paralegals/community legal workers/Native Court workers) to provide legal representation. Private bar lawyers in the Northwest Territories also provide some legal representation in poverty law matters on a certificate basis. Only staff lawyers provide legal representation in poverty law matters in Alberta, Nova Scotia and Newfoundland, while both staff and private bar lawyers are used in Manitoba and Quebec.

The chart below outlines available data on poverty law cases by individual legal issue. The data in this chart is not entirely accurate, given that some provinces amalgamate several poverty law issues into a single category, making the disaggregation of data difficult. Caseloads for EI and CPP/QPP/OAS – poverty law issues under federal jurisdiction – are particularly under-reported given that separate case counts are not available for several provinces that extend coverage in these areas, notably Ontario, Manitoba and Nova Scotia.



NUMBER OF POVERTY LAW CASES BY LEGAL ISSUE*						
Jurisdiction	Income Assistance	Landlord/ Tenant, Housing	Debtor/ Creditor	WCB	EI	CPP/QPP/ OAS
B.C.	1,816	713	440	250	192	224
Alberta				30	1	
Manitoba [§]	120	9		15		
Ontario	1,563	3,459				
Quebec [#]	13,744	6,284		3,856	953	849
N.S.						
N.W.T. [%]	4	7		1		
TOTAL	17,247	10,472	440	4,152	1,146	1,073

* The figures in this chart show the number of cases by individual legal issue. Case counts for individual legal issues are not available in some provinces because the types of poverty law issues included in the chart are amalgamated into one or more categories. Data has been included wherever possible on numbers of cases, but, given data limitations, the information in this chart should not be taken as accurately representative of the volume of cases on any given matter. All data is for the 2000-2001 fiscal year except Ontario's, which is for the 2000 calendar year.

[§] Data for Manitoba does not include certificate-equivalent cases. The 12 poverty law certificate-equivalent cases in 2000-2001 are not broken down by separate legal issue.

[#] Data for Quebec refers to the number of applications received, not the number of cases granted coverage.

[%] Data for the N.W.T. does not include Native Court worker or presumed eligibility cases.

Despite the under-reporting of federal poverty law issues, it is clear from the above chart that the provincial jurisdiction issues of income assistance and landlord/tenant-housing disputes are most frequently the areas in which legal representation is provided. Income assistance is the area in which B.C., Manitoba and Quebec reported the largest number of cases. In Ontario, the family benefits category is by far the largest area of legal representation, followed by housing, other income maintenance, and welfare assistance. Housing comprises the largest portion of the poverty law caseload in the Northwest Territories (particularly if even some of the 93 cases in which Court workers were involved in some capacity are included). Only in Alberta do income and/or housing matters fail to top the poverty law legal representation caseload. In this province, the largest number of poverty law cases are in the workers' compensation area.

A limited amount of data on the cost of providing legal representation in poverty law matters is available for B.C., Manitoba, Ontario and Nova Scotia. As with advice, differences in the way in which cost data has been reported make it difficult to draw any useful conclusions, or to provide reliable comparisons among jurisdictions.

Public Legal Education

Only B.C. and Ontario offer extensive public legal education services in the poverty law area, including publications, library reference services, educational events, and so on. One of Ontario's Community Legal Clinics – Community Legal Education Ontario – has a specific mandate for public legal education.

Representatives in Manitoba and Nova Scotia indicated that clients are generally referred to community-based legal information organizations for educational materials, while respondents from the Northwest Territories indicated that little public legal education is offered on poverty

law, due to budget constraints. According to respondents, no poverty law education services are offered directly by legal aid in Alberta, Manitoba, Quebec, Nova Scotia and Newfoundland.

Strengths and Challenges of the Poverty Law Legal Aid System

The following discussion summarizes legal aid respondents’ comments concerning what is working well and what is not working well within the poverty law system in their jurisdiction.

PROBLEM AREAS							
Thematic Problem Areas	Jurisdiction*						
	<i>B.C.</i>	<i>ALTA.</i>	<i>MAN.</i>	<i>ONT.</i>	<i>QUE.</i>	<i>N.S.</i>	<i>N.W.T.</i>
Funding Issues	X		X	X	X	X	X
Coverage Issues		X		X	X	X	X
Visibility of Legal Aid		X		X			

* Information for this section of the report was not collected for Newfoundland as a result of the inability to make contact with respondents during the second phase of this project.

Funding Issues

Respondents from six jurisdictions highlighted the limited funding available for poverty law – or for legal aid in general – as a problem area. B.C. representatives pointed to the recently announced cuts as a source of concern, while in Manitoba a lack of financial resources was identified as the key reason why the Poverty Law Office model has not been expanded. Respondents in Ontario reported that the increase in poverty law case volume, without any additional funding, is creating pressure on available services. Ontario representatives also highlighted a lack of funding for administrative tribunals.

Limited financial resources were identified as a reason for the lack of poverty law legal aid coverage in Quebec prior to formal tribunal or appeal proceedings. Nova Scotia respondents indicated that poverty law services cannot be extended without additional funding, while representatives from the Northwest Territories insisted that a corollary of the lack of overall legal aid funding is too little support for non-core areas like poverty law.

Coverage Issues

Respondents from five jurisdictions raised concerns about legal aid coverage in the poverty law area. These concerns include both the range of issues for which clients can receive assistance, and the geographic distribution of available services.

In Alberta, a respondent pointed to the lack of legal aid coverage available for landlord/tenant matters. Variation among the issues covered by individual Community Legal Clinics, and resulting geographic inconsistencies in available services, was raised as a problem in Ontario. In Quebec, legal aid representatives indicated that there is too little coverage for poverty law issues prior to tribunal or appeal processes. Representatives in Nova Scotia reported that there is simply no coverage for many poverty law issues, while respondents from the Northwest Territories suggested that there is a general lack of coverage for poverty law matters, due to resource limitations.



Visibility of Legal Aid

Respondents from Alberta and Ontario pointed to legal aid’s lack of visibility as a problem area. In each of these jurisdictions, it was suggested that potential client groups need to know more about the legal aid services that are available.

Success Stories

Respondents were asked to identify aspects of the delivery of poverty law legal services in their jurisdictions that they considered exemplary – success stories. The table below summarizes these by jurisdiction, and they are discussed in the following paragraphs.

Thematic Success Stories	Jurisdiction*						
	<i>B.C.</i>	<i>ALTA.</i>	<i>MAN.</i>	<i>ONT.</i>	<i>QUE.</i>	<i>N.S.</i>	<i>N.W.T.</i>
Service Delivery Models	X	X	X	X			X
Community-based Approach	X			X			
Comprehensiveness of Coverage		X			X		

* Information for this section of the report was not collected for Newfoundland as a result of the inability to make contact with respondents during the second phase of this project.

Service Delivery Models. Respondents from five jurisdictions pointed to various aspects of their approach to delivering poverty law services as areas of success. In B.C., the expertise of paralegals was identified as a very valuable resource. Similarly, respondents in Manitoba pointed to the Winnipeg Poverty Law Office as a success story, insofar as it has allowed more people to get some kind of assistance. In Ontario, efforts to increase legal aid area offices’ awareness of Community Legal Clinic activities have yielded a more effective system of collaboration and cross-referral. The Northwest Territories reports that the private bar poverty law lawyers offer high quality services and are a valuable resource for legal aid.

Community-based Approach. Respondents from B.C. and Ontario emphasized the community orientation of their network of local offices as a positive feature of the poverty law system in their jurisdictions.

Comprehensiveness of Coverage. Despite the fact that poverty law is not a separate coverage category, a respondent in Alberta suggested that the coverage available for poverty law matters is relatively comprehensive. Similarly, Quebec respondents indicated that poverty law coverage is comprehensive, in terms of both range of issues and the geographic distribution of services.

Summary of Community Organizations’ Poverty Law Services

Public Legal Education

The most common public legal education activities offered by community organizations are workshops/information sessions and the provision/distribution of written materials. At least some of the agencies interviewed in each province deliver services in one or both of these areas, with the exception of New Brunswick. The range of topics covered by the organizations interviewed is quite broad, addressing both specific poverty law issues like income assistance

and Employment Insurance and broader matters such as legal rights and responsibilities and overviews of legislative changes.

All of the organizations interviewed in B.C., Alberta and Saskatchewan provide public legal education in the form of both information events, such as speakers who visit various organizations, and the distribution of materials. In the remaining provinces, many of the organizations interviewed provide some kind of public legal education service, although the type of service varies between groups.

Referrals

Referrals are a service provided by the vast majority of organizations interviewed. Respondents reported that clients are generally referred to a wide range of community, regional or provincial resources, depending on their needs and the legal issue(s) involved. Many respondents noted that clients tend to be referred when the assistance required is outside the range of services offered by the organization, or if the legal issue in question is beyond the expertise of staff.

Legal aid was mentioned as a point of first contact by people in need of assistance in poverty law matters by respondents in most provinces, even though, in cases where the legal aid plan offers no poverty law coverage. Ontario's Community Legal Clinics were particularly highlighted as a key referral resource, as was legal aid, in general, by all respondents from B.C. and Quebec. Other legal resources mentioned as sites for referrals by respondents in several provinces include lawyer referral services, private bar lawyers, and legal information organizations.

Preparation of Legal Aid Applications

The preparation of legal aid applications was the least common service provided by the organizations interviewed. No agencies in Manitoba, Ontario, Newfoundland or P.E.I. provide this service, and only one of the interviewed groups in B.C., Nova Scotia and New Brunswick offers this kind of assistance. In Alberta and Saskatchewan, two groups assist people in preparing legal aid applications. Quebec is the only exception, where four of the seven groups interviewed offer services in this area.

Advice

Respondents from organizations across all jurisdictions were uncomfortable with the notion of providing advice in the sense of directing clients on a particular course of action. While a small number of organizations do have a program in place to offer advice in this sense, the majority see their role as presenting information to clients to educate them about their situation. Clients are then empowered to make their own decisions about how to proceed. In light of this overarching theme, the kind of advice provided by the community organizations interviewed tends to fall into two categories: the provision of general advice/assistance, and the provision of procedural advice/assistance. The majority of groups provide general advice to clients on poverty law matters in the form of basic information, answering questions, and providing referrals. The availability of procedural assistance – the completion of forms, making calls or writing letters, accompanying clients to meetings – is more varied.



All nine organizations interviewed in B.C. provide clients with general advice and assistance, and most groups also offer some kind of legal advice or procedural assistance. Five of the six organizations interviewed in Alberta provide general advice and procedural assistance on poverty law matters, while two of these groups also co-ordinate legal clinics through which clients can access additional assistance. Four of the six groups interviewed in Saskatchewan offer general advice, while only two organizations provide procedural assistance. Advice is offered by all of the organizations interviewed in Manitoba, typically both general and procedural. The advice offered by four of the five agencies interviewed in Ontario is largely in the area of procedural assistance, but also includes the provision of general information and referrals. All of the organizations interviewed in Quebec provide some kind of general and/or procedural advice to clients, with one group providing direct legal advice and opinions.

Two of the three organizations interviewed in Nova Scotia provide advice to clients. One group offers only general assistance, while the other is similar to legal aid and, accordingly, provides both general and legal advice. Both organizations in New Brunswick provide general and legal advice to clients. One group relies on staff relationships with private bar lawyers to deliver legal advice, collecting information from them and relaying it to clients. The organization interviewed in Newfoundland focusses on provision of information – respondents were reluctant to classify their activities as advice. The four organizations interviewed in P.E.I. provide a limited amount of advice to clients on poverty law matters, typically of a general nature.

Advocacy

The advocacy services offered by community organizations in the poverty law area are more limited than the advice that is available, although at least some advocacy is provided by agencies in all of the provinces except Newfoundland. The topics on which advocacy is provided vary, often depending on the focus of the organization in question.

All nine organizations interviewed in B.C. provide advocacy services in poverty law issues, with the most common areas being income assistance and housing. Three groups offer lay advocacy services in poverty law matters in Alberta, with common issues again being income assistance and housing. Four of the six organizations interviewed in Saskatchewan will act as client advocates in formal proceedings, with one group focussing on Employment Insurance and one on income assistance. Four organizations interviewed in Manitoba reported that they may provide advocacy services, although only two noted that this is a regular service area, for Employment Insurance and income assistance respectively.

Three organizations interviewed in Ontario provide lay advocacy at tribunals and hearings, with one working specifically on EI, one on income assistance, and the third on a variety of issues. Four groups interviewed in Quebec provide advocacy services in poverty law matters. One works on a range of issues, while the others focus on Employment Insurance, housing, and income assistance, respectively. Only one organization interviewed in Nova Scotia provides advocacy services in poverty law. This organization is similar to legal aid and extends services in a variety of issues (although the primary area is income assistance). Both organizations interviewed in New Brunswick provide advocacy or legal representation in various poverty law issues, though one focusses specifically on EI, CPP, and Workers' Compensation Board (WCB)

matters. Only one of the four organizations interviewed in P.E.I. provides any advocacy, and this is a very limited component of its services.

Types of Poverty Law Issues

The poverty law issues with which community organizations primarily deal are income assistance and landlord/tenant-housing matters. Not only do more agencies provide assistance in these two areas, but groups are also more likely to offer a full range of services (up to and including advocacy) for these matters. The poverty law matters under federal jurisdiction – Employment Insurance and CPP/OAS – are areas in which fewer organizations extend services, and for which a smaller range of assistance tends to be available. A very limited amount of assistance is available from community organizations in workers’ compensation and debtor/creditor matters.

Staffing and Funding Information

Types of Staff

The organizations interviewed for this project tend to use several different characterizations to describe their workers. The most common of these is “advocates,” or sometimes “lay advocates” or “peer advocates.” Other terms used by agencies to describe their staff are “community workers,” “outreach workers,” “general/administrative staff,” and “information providers.” Volunteers and students also feature heavily in the staff of the organizations interviewed in most jurisdictions.

The majority of staff members in the organizations interviewed tend not to have legal training, whether as lawyers or paralegals. In most cases, the organizations that do employ lawyers tend to have only one or two such individuals on staff. In some cases, legal supervision of the work of non-lawyer staff members is a funding requirement.

Sources of Funding

Sources of funding for the community organizations interviewed are quite varied. As a result, it is difficult to draw any general conclusions about the funding situations of these groups. Provincial governments are the most common source of financial support – although this is also a source reported by many groups to be unstable. Federal and municipal governments are also sources of funding for some organizations. Quite a few groups receive financial support from the United Way and provincial law foundations and/or law societies. Overall, these sources tend to be viewed as more stable than government (and especially provincial government) funders. Respondents also identified a large number of smaller funding sources.



Strengths and Challenges of Available Poverty Law Services

The following discussion summarizes the comments made by community organization respondents concerning what is working well, and what is not working well within the poverty law system in their jurisdictions.

Problem Areas

Lack of Funding. A problem area in the delivery of poverty law services, mentioned by community organizations in all jurisdictions, is the lack of available funding. In B.C., respondents noted that existing funding limitations will be exacerbated by recently announced provincial cuts. Community organizations in Alberta reported that the lack of funding means that groups can target only a narrow range of issues, and must rely on volunteers. Respondents from both Saskatchewan and Quebec also reported that insufficient funding results in increased use of volunteers, as well as lengthy waiting times and gaps in available services. Representatives from Quebec further noted that it is difficult to find persons with legal training willing to work at available (low) levels of remuneration. In Manitoba, respondents simply highlighted the overall lack of funding for poverty law work.

In Ontario, respondents reported that community groups are trying to fill the gaps left by legal aid, but, in the absence of sufficient financial support, they are unable to meet all needs. Respondents from Nova Scotia and P.E.I. pointed to funding limitations as a key reason why poverty law services have not been expanded, respondents in New Brunswick linked limited funding to instability in the poverty law system. Finally, respondents in Newfoundland suggested that funding limitations complicate efforts to provide services in rural as well as urban areas.

Lack of Poverty Law Services. Respondents from all jurisdictions, except B.C., Saskatchewan and Ontario, pointed to a general lack of poverty law services as a problem area. Representatives in Alberta and Nova Scotia noted that the absence of sufficient poverty law services means that people tend to “fall through the cracks.” Respondents in New Brunswick and Newfoundland highlighted the lack of legal representation as a particular gap in available services, while P.E.I. community groups pointed to an overall lack of options for legal assistance. Groups in Manitoba reported too few services for low-income people overall, as well as limited training opportunities for advocates. Quebec representatives noted that those denied legal aid coverage have few options for assistance, especially given regional variation in community-level services.

Legal Aid Coverage. Respondents in B.C., Alberta and Nova Scotia all noted that legal aid needs to provide more comprehensive poverty law coverage. In B.C., representatives noted that recently announced changes will greatly reduce the range of poverty law services currently available. Ontario respondents noted that increasing demand for poverty law services, without any corresponding increase in funding, is resulting in a narrowing of the range of issues covered. In Saskatchewan and P.E.I., respondents noted that the absence of any poverty law legal aid coverage is a key weakness.

Funding Cuts. All community organizations interviewed in B.C. raised concerns about the impact of provincial legal aid changes as a key area of concern. Respondents in Saskatchewan also suggested that this province is in a “cycle of cutbacks,” with the result being that “nothing is working well” in the poverty law system.

Success Stories

Individualized Approach of Community Groups. Several respondents mentioned the individual attention that community organizations are able to give to their clients as a positive feature of the poverty law system. Alberta respondents noted that this kind of approach permits community group staff to effectively assess a person’s needs and determine how best to deliver support. For representatives in Quebec, personalized support means that there is little bureaucracy with which clients must deal. Respondents in Nova Scotia suggested that a one-on-one approach is particularly effective in the poverty law area.

Public Legal Education. Respondents in Saskatchewan noted that the availability of public legal education materials on poverty law matters is a particularly valuable component of the poverty law system. Quebec representatives also noted that educational activities are key elements, insofar as knowledge empowers people by informing them about their situation and available options.

Service Delivery Models. Respondents in B.C. suggested that community groups are effectively providing people with wide-ranging and immediate assistance on poverty law matters.- Many of the staff of community groups providing assistance in poverty law matters have experienced poverty themselves, and the “lived experience” of staff in this area is an asset. B.C. representatives also suggested that the poverty law legal aid system had been functioning fairly well prior to the changes being implemented by the provincial government. Manitoba respondents commented on the dedication of the poverty law advocates working in the province. Similarly, some respondents in Quebec felt that the long-standing experience of some community groups in the poverty law area yielded better client services. Finally, respondents in Ontario noted that the Community Legal Clinic network has improved access to justice. The expertise of clinic staff was particularly noted in this regard.



Introduction

This report provides a descriptive profile of the legal services available for poverty law issues in each of the Canadian provinces and the Northwest Territories.² Included in this profile are both the services offered through legal aid (Part One) and the services provided by a variety of community organizations addressing poverty law issues (Part Two). A summary of the poverty law services offered by legal aid and community organizations is presented in Part Three.

There is no single definition of “poverty law used by legal aid plans or community organizations. For our purposes in this report, six common issues were selected as the key categories for data collection: Employment Insurance, the Canada Pension Plan (CPP) and Quebec Pension Plan (QPP) and Old Age Security (OAS), income assistance, housing and landlord/tenant, workers’ compensation, and debtor/creditor. This is not an exhaustive list, and other matters commonly considered by respondents to fall into the poverty law classification are mental health, child protection, some family law, and consumer law. In addition, some community organizations understand poverty law to include any legal issue affecting a low-income person – in other words, the definition of poverty law relates more to the person accessing services than to the type of services they are accessing. While the services that community organizations provide to low-income persons rarely extend into more technical areas of law (notably criminal, immigration and refugee, and some family issues), it is likely that the information many have provided in their “poverty law” activities addresses a wider range of issues than the six listed above.

Methodology

The information on provincial legal aid plans presented in Part One was collected through a review of annual reports and other relevant literature, a series of interviews with key provincial informants, and the collection of quantitative data from legal aid plans and other organizations.

The Web sites of the legal aid plans were the primary source for the literature review. Many of the larger provinces’ plans post annual reports, overview statistical information, and planning documents on their Web sites, making them particularly valuable resources (notably those of B.C., Alberta, Ontario and Quebec). Less information was available online for the smaller provinces, with legal aid plan representatives in some of these provinces reporting that there is no current Annual Report available for distribution. Web site materials were, accordingly, supplemented with literature accessed through law libraries and the Canadian Centre for Justice Statistics.

² The Yukon Territory and Nunavut are not discussed in this report because assessment of the poverty law services available through both legal aid and community organizations is being addressed by a separate study on access to justice in the North. The Northwest Territories has been included in the legal aid section of this report because initial contacts had been made, and initial data collected, prior to the initiation of the northern project. However, no community organizations in the Northwest Territories were interviewed for Part Two of this report.

Interviews with legal aid plan representatives focussed both on assembling a more precise description of the kinds of poverty law services provided by legal aid than is available in annual reports, and on collecting the insights of legal aid representatives about the adequacy of the current system for delivering these services. Accordingly, respondents were not only asked about the nature of staffing and service provision, but also about the strengths and weaknesses of available services and key gaps in the system currently in place.

The data collection process with legal aid representatives met with only partial success. Data collection charts were prepared in advance of the interviews in the expectation that clearly laying out the categories to be filled in by legal aid respondents would facilitate the data collection process. However, in no case did respondents complete the charts as distributed. Instead, they compiled information into new charts that accorded more closely with the information collected in that province and the database categories used to track legal aid cases. In combination with already significant differences in the way in which legal aid is delivered in each jurisdiction, and frustration on the part of some respondents concerning the amount of data requested, this lack of consistent reporting complicated efforts to compare data.

The information on community organizations presented in Part Two was collected through key informant interviews and through the distribution of data collection charts. Since the focus of this project is on available legal resources in the poverty law area, the interview and data collection process for community organizations focussed on those providing some kind of legal assistance (public legal education, advice, assistance with legal aid applications, and advocacy/representation). Community organizations providing these kinds of services were found through several channels. Legal aid representatives were asked about other organizations providing poverty law services in their province, and these organizations were contacted and interviewed where possible. If further community contacts were still needed in a province after the contacts suggested by legal aid had been exhausted, organization respondents were asked for more suggestions of groups to call, or a Web search for additional organizations was performed. In several provinces – particularly those that do not offer any legal aid coverage for poverty law matters – legal aid contacts were unable to suggest any community organizations to contact. Accordingly, the additional methods described above were regularly used in this context.

As with legal aid data collection, a series of charts was prepared in advance to try to facilitate the process. While community organizations typically did complete the charts as delivered, several expressed frustration or confusion about how to classify their clients into the categories provided. On one hand, this was due in part to the fact that many community organizations do not view public legal education, general advice, legal advice, and so on, as discrete services. The approach to service delivery is more continuous, with clients being provided with one or several kinds of assistance, depending on their needs and the knowledge and resources of staff. On the other hand, difficulty completing the charts can also be attributed to the fact that many groups either do not collect any data on the clients they serve, or do not collect this data in as detailed a manner as requested. With respect to the latter, for example, some groups have information on the total number of clients they serve on a given issue, or the total number of clients that staff represent at a tribunal, but, in many cases, this information could not be cross-referenced.



Part One: Poverty Law Legal Aid Services

Introduction

Part One of this report presents a descriptive account of the poverty law services provided by legal aid plans in each of the provinces and territories that provide coverage in this area, namely: British Columbia, Alberta, Manitoba, Ontario, Quebec, Nova Scotia, Newfoundland, and the Northwest Territories. Included in this discussion are the structure of legal aid, eligibility criteria, and the types of services offered (public legal education, advice, and legal representation). Legal aid respondents were also asked to consider the strengths and weaknesses of the current system for delivering poverty law legal aid services, notably in terms of what is working well, what is not working well, and any major gaps.

In addition to descriptive information, Part One also presents available quantitative data submitted by legal aid plan representatives on the number and type of poverty law legal aid cases, the cost of services in this area, and the characteristics of poverty law clients. The amount of data included was determined by what respondents were willing or able to collect for the purposes of this project. For example, some provinces do not disaggregate poverty law cases by legal issue, while other jurisdictions can provide some detail on the number of cases dealt with by specific subject. The amount of information available on coverage refusals and client characteristics (sex, age, ethnicity and language) is generally very limited, since most provinces do not track such information. Overall, the data limitations encountered mean that there is considerable inconsistency in what is reported by jurisdictions.

For the provinces in which there is no poverty law legal aid coverage – Saskatchewan, New Brunswick and Prince Edward Island – descriptive information about the structure of legal aid and eligibility criteria is presented. Also included are any comments made by respondents concerning the availability of community resources in the area of poverty law.

British Columbia

Prior to recently announced changes, B.C. had one of the most comprehensive networks of poverty law legal aid services in Canada. Through a network of branch, community, and Native community offices, clients were able to access information, referrals, advice, and legal representation on a wide range of poverty law matters. In the last year, however, the Liberal government has announced a 39 percent funding cut to legal aid over three years, as well as a significant restructuring of the way in which services are delivered. These changes will have a significant impact on available poverty law services (as well as the services delivered in other areas). Indeed, according to some respondents interviewed for this project, “little or no poverty law coverage” will remain in B.C. once the changes have been fully implemented. These individuals predict that, while private bar lawyers and community advocacy organizations may be able to fill some of the gaps that will be left by the withdrawal of legal aid, it is unlikely that this will be sufficient. Private bar lawyers generally lack expertise in poverty law matters, and

community groups face staff and funding constraints of their own that have also been worsened by the recent funding cuts.

As a result of the changes to legal aid in B.C., legal aid plan staff members were all very busy with restructuring and service delivery planning. This significantly complicated efforts to access information for the purposes of this project, as staff members lacked the time to provide as much assistance as may have otherwise been offered. In addition, the following discussion provides an overview of the kinds of services and coverage available for poverty law matters in B.C. *prior* to the recent changes to legal aid. It should be noted that an accurate assessment of the situation confronting low-income residents of B.C. will require further review of the poverty law services that remain after all of the cuts and program changes have been implemented.

Structure of Legal Aid

Delivery of Services

Legal aid is the responsibility of the Legal Services Society (LSS) of B.C. Prior to the recent changes, legal aid services were delivered through a network of branch offices, Community Law Offices, Native Community Law Offices, and Area Directors:

- Branch offices: Staffed by LSS employees, including lawyers, paralegals, secretaries and intake legal assistants. These offices ensure ongoing community involvement through local advisory committees and/or public planning days.
- Community law offices (CLOs) and Native community law offices (NCLOs): Independent bodies governed by their own boards of directors drawn from the local community.
- Area Directors: Private bar lawyers who take family and criminal legal aid applications and refer eligible applicants to lawyers.

The changes to legal aid include the development of a new service delivery model. All offices previously operated and funded by LSS have been replaced by seven regional centres and 24 local agents. In addition, a toll-free call centre serving the entire province is planned for location in the Vancouver region. Applications for legal aid will be accepted at regional centres, by local agents, and through the call centre. The locations of regional centres and local agents were selected on the basis of application and referral volumes, accessibility, cost-efficiency, and proximity to courthouses.



The table below outlines the new structure of legal aid in B.C.

Service	Number	Function(s)
Regional Centres	7	<ul style="list-style-type: none">Take applications and refer eligible clients to lawyers.Provide liaison between LSS and advocacy groups, courts, and the private bar.Co-ordinate regional duty counsel.Direct clients to legal information services.Provide field operations from Vancouver (including tariff processing and legal information services)
Local Agents	24	<ul style="list-style-type: none">Take applications and refer eligible clients to lawyers.Provide liaison between LSS, the community, and the private bar.Direct clients to legal information services.
Provincial Call Centre	1	<ul style="list-style-type: none">Take applications and refer eligible clients to lawyers.Support and provide backup for regional centres and local agents.Redirect calls to legal information services.

Source: LSS Restructuring Backgrounder, March 8, 2002.

In the past, staff lawyers, paralegals, and private bar lawyers were all involved in the delivery of legal aid services in B.C. In the poverty law area, however, staff lawyers and paralegals delivered the vast majority of assistance. Under the new restructuring plan, only a minimal number of staff lawyers will be employed at regional centres “to provide services in areas where LSS has difficulty making referrals to the private bar.”³

Also prior to the changes, there were four levels of poverty law services in B.C.: mandatory services, Board-mandated services, community discretionary services, and non-funded services (Draft coverage policy, Dec. 2000).

Mandatory services are those required by section 3(2) of the *Legal Services Society Act*. For the purposes of poverty law, the most relevant section is 3(2)(d), which states that legal services must be available to qualifying individuals with a legal problem that threatens

- i) the physical or mental safety or health of the applicant’s family;
- ii) the applicant’s ability to feed, clothe, and provide shelter for himself or herself and his or her dependents; or
- iii) the applicant’s livelihood.

Board-mandated services are those that fit within the objectives of section 3(1)(a) of the Act, and are therefore provided at the discretion of the Board of Directors. Section 3(1)(a) states that the objects of the LSS are to ensure that “services ordinarily provided by a lawyer are afforded to individuals who would not otherwise receive them because of financial or other reasons.”

Community discretionary services are services that may be provided if funding permits and if the services are in keeping with the poverty service needs of the community as set out by the Community Board of Advisory Committee. According to a draft 2000 policy statement on coverage, community discretionary services should constitute no more than 10 percent of the time of poverty law advocates.

³ Legal Services Society news release. “Legal Services Society Announces New Office Locations,” March 8, 2002.

Non-funded services includes all other services not discussed above, for both individuals and groups. Since there is no funding for these services, they are generally considered to be uncovered.

Eligibility for Legal Aid

For all areas of legal aid, applicants must have a net household income and assets below established limits to be financially eligible for assistance. Intake workers assess an applicant’s financial status to determine net household income. Some income sources are excluded (e.g., the Child Tax Benefit), and some expenses are deducted (e.g., child care costs). There are five asset categories: family home, other real property, vehicles, business assets, and personal property.

Monthly Income		Assets
<i>Household Size</i>	<i>All Non-criminal Cases* (including appeals)</i>	<i>Personal Property Exemption (all cases)</i>
1	\$1,002	\$2,000
2	\$1,504	\$4,000
3	\$1,755	\$4,500
4	\$1,941	\$5,000
5	\$2,140	\$5,500
6	\$2,326	\$6,000
7 or more	\$2,486	\$6,000

* Income limits are slightly lower for criminal cases (including appeals).

Source: LSS 2000-2001 Annual Report.

Applicants who meet the financial eligibility criteria must also have a legal issue for which there is legal aid coverage available (the range of coverage criterion). In general, legal aid coverage will always be provided if there is a risk of imprisonment, confinement, or removal.

In addition to financial eligibility and range of coverage criteria, poverty law applicants are evaluated on the basis of merit. The intent of this merit testing procedure is “to ensure that poverty law resources are being utilized effectively and are being appropriately directed to meritorious cases likely to result in a substantial benefit for a client or an identifiable group of disadvantaged people” (Merit Testing Policy, Nov. 2000).

Intake staff usually make initial decisions concerning merit as part of the coverage assessment process. Cases that obviously lack merit at the outset are refused, and the applicant may be referred to another agency or given summary information. Intake staff are instructed to use a liberal interpretation of merit, and to err on the side of the client by issuing a referral to poverty law staff for more in-depth merit testing. It may not always be possible to make a firm decision about merit after a single interview with a client. Several hours of work may be necessary before a final merit determination is made. It is also possible for merit to be re-assessed as work on a case progresses, particularly if circumstances affecting merit change.



Several tests are used in assessing the merits of poverty law cases.

- **Reasonable likelihood test:** Given the fact and the law, there must be a reasonable likelihood that the client will be successful.
- **Substantial benefit test:** There must be a reason to think that a successful resolution will result in a substantial benefit for the client or for an identifiable disadvantaged group. Cases may offer a substantial benefit even if there is no monetary gain.
- **Public policy grounds:** Services may be provided even if no benefit for the client is anticipated, if the service is intended to curb abusive power by government or person in authority, or to “keep the system honest.”
- **Last resort test:** Clients are to be diverted to other appropriate agencies that are willing to assist.
- **Limited referrals and re-assessment of merit:** If a firm decision about merit has not been reached, a referral is accepted on a limited basis only. If a full referral is appropriate, merit is re-assessed on a regular basis to confirm the level and range of service provided.

Types of Services Provided for Poverty Law Matters

The following chart describes the types of services available for poverty law in B.C. prior to the recently announced changes. Each of these service types are explored in more detail below, including charts presenting the data collected from legal aid respondents for the purposes of this project. Data for B.C. covers the number of full representation and intake cases across a range of poverty law issues, as well as the total number of summary advice clients. In addition to being broken down by legal issue, full representation cases are also disaggregated by service delivery mechanism (staff lawyers versus paralegals). A limited amount of data was provided on the cost of full representation and intake services, but separate cost figures are not available by legal issue. No data is available on the number of people refused coverage for poverty law matters in B.C., or the personal characteristics of poverty law clients.

Type of Service	Provision of this Service
General advice or assistance	Yes. This may include referring clients to other organizations or providing them with self-help or educational materials.
Legal advice or assistance	Yes. This may include advice on relevant legal processes/ options or direction on a specific client case.
Legal Representation	Yes. Staff lawyers and paralegals provide the majority of legal representation in poverty law issues.
Public Legal Education	Yes. Legal aid produces a wide range of public legal education documents, hosts workshops and other educational sessions, provides grants to community organizations, and runs the Law Line information service.

Advice

There are two levels of advice available to poverty law legal aid clients in B.C.: intake cases and summary advice.

Intake cases include the provision of self-help remedies, public legal education documents, and referrals to other agencies. Applicants do not have to be financially eligible to receive this assistance. According to a December 2000 draft policy statement on “Levels and Range of

Service Delivery” in the poverty law area, it is recommended that clients be “encouraged and required to use self-help remedies as long as doing so will not substantially prejudice their prospects of success.” The factors used in assessing whether self-help remedies are appropriate for a particular client include: the type of legal proceeding; the complexity of the case; the client’s education, experience, vulnerability, and fluency in English; whether the opposing side is represented or experienced in court matters; and the potential benefit to be derived from the proceeding or the risk to the client of not proceeding.

Summary advice involves up to three hours of assistance, and may be provided by intake staff or poverty staff (paralegals and lawyers). The draft policy statement on levels and range of service delivery states that when intake staff are unable to provide summary advice, they must seek the opinion of poverty staff lawyers by completing a referral or by requesting that summary advice be delivered by a lawyer. The draft policy also states that summary advice should normally be restricted to situations where:

- The client is extremely vulnerable (in rare cases, such clients may be given summary advice even if they are financially ineligible).
- The legal problem will likely be prevented, substantially reduced or solved by allotting less than three hours of poverty law advocates’ time to it.
- The community has indicated that such clients be assisted to the greatest extent possible.
- Staff are familiar with the legal issue and can assist with minimum preparation or research time.

In circumstances where it appears that a case will require more than three hours of assistance to resolve, a referral is issued. Referrals should only be issued if the client is financially eligible, the issue is covered by legal aid, the case appears to have merit, and staff are available to take the case. The minimum level of service offered through a referral is summary advice (including a review of facts and legal issues, advice and an opinion about the merits of the case, and information about LSS coverage criteria and appeal procedures).

NUMBER OF SUMMARY ADVICE AND INTAKE CASES IN B.C.			
Fiscal Year	Applications for Legal Representation	Intake Cases	Summary Advice Cases
2000-01	9,383	22,806	2,142
1999-00	9,704	21,136	2,123

Source: LSS 2000-2001 and 1999-2000 annual reports.

As the above table makes clear, intake cases are a key component of the work done by legal aid in the poverty law area, far exceeding the number of summary advice cases and the number of applications for full representation (as will be outlined further below). Unlike the number of legal aid applications, which declined between 1999-2000 and 2000-2001, the numbers of intake and summary advice cases have increased.



The following table illustrates that non-tariff family law, non-tariff criminal law, and administrative issues made up almost half of poverty law intake cases in 2000-2001. After these three areas, income assistance, income tax and GST, debtor/creditor, housing, and wills/estates, made up 28 percent of the intake caseload.

DISTRIBUTION OF INTAKE CASES BY TYPE OF POVERTY LAW ISSUE, 2000-2001		
Poverty Law Issue	Number of Intake Cases	Percent
Family: non-tariff	4,370	19.2
Administration*	3,608	15.8
Criminal: non-tariff	2,819	12.4
Income Assistance	1,495	6.6
Income tax and GST	1,325	5.8
Debtor/Creditor	1,315	5.8
Housing	1,166	5.1
Wills/estates	665	5.1
Notarizing	648	2.8
Contract/consumer	606	2.7
Torts/negligence	534	2.3
Employment	488	2.1
CPP/OAS	465	2.0
Prisoners' law	379	1.7
Mental health, adult guardianship	318	1.4
Workers' Compensation	292	1.3
Immigration: non-tariff	231	1.0
Criminal injury compensation, victim assistance	207	0.9
Employment Insurance	206	0.9
Bankruptcy	179	0.8
Native rights	177	0.8
Human rights: non-tariff	160	0.7
Professional services complaints	111	0.5
Insurance	102	0.4
Other	530	2.3

* Administration includes a variety of services, including the provision of information about legal aid to potential applicants, recording a change of counsel on a file opened at another office, or swearing an affidavit for a client whose file was opened at another office.

Source: 2000-2001 LSS Annual Report.

The cost of providing intake services in the poverty law area in 2000-2001 was \$785,357. This constituted 8.4 percent of the total cost of all poverty law services (\$9.335 million).

Representation

Legal representation is available in a wide range of poverty law matters. As noted above, both staff lawyers and paralegals provide legal representation in poverty law matters in B.C. Private bar lawyers tend not to be involved in poverty law, so there is no legal aid tariff for this kind of work. Occasionally, private bar lawyers may provide some poverty law assistance on a pro bono basis.

According to the draft policy statement on levels and range of service delivery, clients requiring more than the three hours of assistance are referred to poverty law staff on either a full

representation or less-than-full representation basis. The kinds of activities provided for full representation include research, written submissions, negotiation, interviewing witnesses, and oral advocacy at hearings. The rationale for the provision of full representation is to “level the playing field” among poverty law clients and the other parties to a dispute, insofar as the former are less likely to be able to independently access legal counsel than the latter. Full representation is offered when a case has merit, there is a substantial benefit at stake, and the prospects for success will be significantly prejudiced in the event of self-representation. Prejudice is assumed where the client has special needs that impede communication, where there is an imbalance of power, or where an important principle is raised that may promote remedies for other members of a disadvantaged group. As a general rule, the appropriate question to ask when determining whether representation is needed is: “Would a reasonable person of modest means pay for representation, and take similar steps to protect their own interests, if he/she were in the client’s shoes?”

Less-than-full representation may be extended when, after intake, new circumstances arise that make it inappropriate to spend more than a few hours on a case. In these circumstances, a client could be offered self-help materials, summary advice, and procedural assistance that may be necessary for them to address the problem themselves.

The following table outlines the number of full representation poverty law cases (referrals) handled through different service delivery mechanisms for the last two fiscal years. This table indicates that paralegals, by far, take on the most poverty law cases, followed by staff lawyers. Private bar lawyers are only minimally involved in delivering services in the poverty law area.

DEMAND FOR POVERTY LAW LEGAL AID REPRESENTATION								
Fiscal Year	Poverty Law Applications	Number of Referrals to:						
		<i>Staff Lawyers</i>		<i>Private bar lawyers</i>		<i>Paralegals</i>		<i>Total</i>
		Number	Percent	Number	Percent	Number	Percent	
00-01	9,383	1,659	27.9	305	5.1	3,984	67.0	5,948
99-00	9,704	1,659	27.2	262	4.3	4,181	68.5	6,102

Source: LSS 2000-2001 and 1999-2000 annual reports.

In 2000-2001, 11.8 percent of all cases referred to legal aid staff or private bar lawyers were for poverty law matters. This is unchanged from the previous year. According to the table below, the two largest issues within the poverty law legal representation caseload in 2000-2001 were income assistance (B.C. Benefits) and housing, at 1,816 and 713 cases respectively. The majority of legal issues within the poverty law field had 250 or fewer cases in 2000-2001.



DISTRIBUTION OF REFERRALS BY TYPE OF POVERTY LAW ISSUE, 2000-2001		
Issue	Number of Referrals	Percent
B.C. Benefits	1,816	25.9
Housing	713	10.2
Disciplinary Charge*	466	6.7
Debt and Collections	440	6.3
Workers' Compensation	250	3.6
Referrals*	229	3.3
CPP/OAS	224	3.2
Mental health/adult guardianship	214	3.1
Torts/Negligence	213	3.0
Employment Insurance	192	2.7
Family: non-tariff	167	2.4
Parole suspension/revocation*	133	1.9
Administrative segregation*	130	1.9
Wills/Estates	126	1.8
Employment	119	1.7
Other	1,574	22.5
Total [§]	7,006	

* Prisoners' issues.

[§] The total will be higher than the total number of referrals in the Demand for Poverty Law Legal Aid chart (above) because applications can include more than one issue.

Source: LSS 2000-2001 Annual Report.

The chart below indicates that, for all of the issues listed except Workers' Compensation, paralegals take on the majority of full representation cases. This is particularly noticeable with respect to income assistance, CPP/OAS, and housing matters, where paralegals handled 70 percent or more of the full representation cases in 2000-2001.

POVERTY LAW CASES BY ISSUE AND SERVICE DELIVERY MECHANISM, 2000-2001					
Poverty Law Issue	Number of Full Representation Cases	Service Delivery Mechanism*			
		<i>Staff Lawyers</i>		<i>Paralegals</i>	
		Number	Percent	Number	Percent
Income Assistance	1,816	393	22	1,439	79
Housing	713	216	30	498	70
Debt and collections	440	190	43	256	58
Workers' Compensation	250	154	62	97	39
CPP/OAS	224	64	29	161	72
Employment Insurance	192	78	41	117	61

* The number of full representation cases for each legal issue as broken down by service delivery mechanism does not add up to the same totals indicated in the "Number of Full Representation Cases" column. However, this is the information reported in the data collection charts distributed to legal aid.

Source: Data collection charts for B.C. and the author's calculations.

The only information collected on the cost of delivering full representation poverty law services is overall figures. In 2000-2001, legal aid representatives reported that the cost of providing full representation in poverty law cases was \$8,550,381. This constituted 91.6 percent of the total cost of delivering poverty law services in B.C. (\$9.335 million).

Public Legal Education

Ensuring that “education, advice and information about the law are provided for the people of British Columbia” is an objective in the mandate of the LSS. Accordingly, LSS staff in the Legal Resource Centre, the Public Legal Education and Publishing programs, and the Native Programs Department provide a wide variety of services that improve public access to and education about the law. These include the publication and distribution of education and self-help materials, hosting workshops and training sessions, and assisting people with legal questions.

LSS notes that the public legal education materials and activities of staff fill a number of key needs. In particular, they provide staff with updated legal information and resources to use in the provision of services; they provide the public with information and/or self-help materials that assist individuals with their legal problems; and they help new arrivals to Canada to learn about the legal system and access legal aid services.

Program	Description of Activities	Cost	Percent of Total LSS Expenditures
Publishing	Produce plain language materials in a variety of languages and operate a distribution system for all LSS publications.	\$435,612	0.5
Public Legal Education	Give small grants to community groups, legal aid offices, and LSS-funded agencies to develop projects and materials that explain the law and legal system.	\$571,361	0.7
Native Programs Public Legal Education	Provide public legal education services – primarily in the form of publications and small grants – in areas reflecting the unique needs of B.C.’s Aboriginal peoples.	\$417,249	0.5
Library Programs (Legal Resource Centre)	Librarians provide research and reference services to LSS staff and the public, and alert others about legal changes. The Law Line – a telephone information and referral service – is also run through the Legal Resource Centre.	\$693,063	0.8

Strengths and Challenges of the Poverty Law Legal Aid System

The following section presents respondents’ comments concerning what is working well, what is not working well, and any key gaps, within the current system for delivering poverty law services in B.C.

Problem Areas

Cuts to Legal Aid. The overarching theme in the respondents’ comments about problem area for the poverty law system in B.C. was the cuts recently announced. Representatives of both LSS and the Association of Community Law Offices noted that these changes will essentially eliminate poverty law advocacy services at the local level, whether in the form of summary advice, brief services, or formal representation. In their words, after the cuts there will be “nothing left” of the poverty law system.

The respondents predicted that the minimal amount of poverty law funding that remains will likely be targeted to producing public legal education and self-help materials. However, the



availability of such materials – even when they are accessible and in plain language – was identified as insufficient. As a LSS respondent put it, people capable of helping themselves were already doing so, and therefore remaining outside of the legal aid system. Legal aid largely provides services only to those individuals unable to navigate the system on their own.

Private Bar Lawyer Involvement in Poverty Law. Prior to the cuts, many Community and Native Community Law offices organized pro bono clinics as an additional avenue for people to access summary advice and brief services in poverty law matters. The LSS respondent noted that this is a function that may be taken up by private bar lawyers, insofar as the LSS and the Bar Association are trying to establish a “pro bono society.” This society would encourage private bar lawyers to do pro bono work in poverty law (and other issues), while at the same time ensuring some level of quality assurance. However, the LSS representative noted that it is uncertain whether such an initiative would be enough to “take up the slack” that will be left by the decrease in legal aid resources. This is particularly the case in the poverty law area, given that private bar lawyers tend to have little interest in, or knowledge of, these legal issues.

Success Stories

Improvements to the Legal Aid System Prior to the Announced Changes. Prior to the announced changes to legal aid, a LSS respondent commented that the quality of the poverty law system in B.C. had been “getting better all the time.” Poverty law staff had produced a poverty law manual to provide guidance on decisions about merit and coverage, in order to ensure that those most in need of help would be assisted first – a key consideration when operating on a limited budget. According to respondents, opportunities had been developed for in-house training for poverty law advocates and staff, and legal aid had developed a unique resource in its “paralegal practitioners” in area and community offices. Despite the fact that these paralegals’ skills and knowledge in the area of poverty law are considerable, they will likely have a difficult time finding work once poverty law legal aid services have been eliminated. The private bar simply does not provide many services in poverty law cases, given the limited opportunity to make money from this work. With respect to the poverty law system as a whole, however, the elimination of paralegal positions will be a “huge loss” of resources.

Community Orientation. A respondent from LSS noted that the community orientation of legal aid’s Community and Native Community Law offices has been a success story. The community-based boards fulfil a networking function, help in the formation of advisory bodies to address service gaps and strategies, and assist in bringing the resources of the community together to address the needs of the community. In this respect, the community boards not only play a key role in the effective delivery of legal aid services, but have also contributed to general community development.

Alberta

Structure of Legal Aid

Delivery of Services

The Legal Aid Society (LAS) is responsible for the administration of legal aid in Alberta. Legal aid is delivered through a mixed model of service delivery. Private bar lawyers provide the majority of legal aid services in what is termed the “judicare” model: lawyers willing to act for legal aid recipients are retained on a certificate basis according to established tariff levels. LAS staff lawyers in Edmonton, Calgary, Red Deer, and on the Siksika First Nation also provide some legal aid services. Some staff lawyers work on a certificate basis (rendering shadow accounts based on tariff levels), while others function as full-time duty counsel. In the poverty law area, staff lawyers handle the majority of cases.

At present, there is only one paralegal employed by the LAS, as part of an immigration and refugee law pilot project. The pilot is designed to test the efficacy of a newly established paralegal position: the “immigrant services co-ordinator.” The co-ordinator has responsibility for providing procedural and administrative assistance to private bar lawyers, and for such non-tariff matters as referrals, procedural advice, and assistance with filling out forms.

Eligibility for Legal Aid

Eligibility for legal aid in Alberta is determined on the basis of financial and substantive (merit) considerations.

Financial eligibility is determined on the basis of gross family income (including all monies received by the family before deductions) and accumulated assets. Gross income figures are compared to a fixed set of financial guidelines, as reflected in the chart below.

Number of Persons in the Family	Annual Allowable Gross Income	Monthly Allowable Gross Income Contribution Range
1	\$13,900	\$1,158 – 1,792
2	\$16,800	\$1,400 – 2,275
3	\$22,600	\$1,883 – 2,450
4	\$25,200	\$2,100 – 2,717
5	\$28,900	\$2,408 – 2,867
6	\$31,500	\$2,625 – 3,200
7+	\$34,700	\$2,892 – 3,500

Source: Legal Aid Society of Alberta 2001 Annual Report.

Applicants whose family income exceeds the relevant financial eligibility cut-off may be extended coverage on a contributory basis. This means that legal aid coverage may be granted on the condition that the applicant pays a certain portion of his or her fees.



If a legal aid applicant is found to be financially eligible, substantive eligibility is considered. LAS provides that applicants:

... may be granted legal aid in a civil matter where that matter is subject to the jurisdiction of the Courts, and has merit or a likelihood of success, or both. The case must also be one which a reasonable person of modest means would commence or defend and the circumstances at the time of application must warrant coverage. The legal costs of commencing or defending the action must be reasonable when compared with the relief sought (LAS 2001 Annual Report).

To assist in the determination of merit or likelihood of success, a legal opinion may be requested. Lawyers are issued opinion certificates for this purpose, usually for up to three hours of work. The lawyer will then report back to the legal aid office regarding action that should be taken (if any). Technically, an applicant has to be financially eligible to receive an opinion, but one respondent noted that, in some cases, an opinion may be provided to persons who are slightly over financial eligibility criteria. This decision is left up to the discretion of the lawyer involved. If a legal aid applicant is confronted by a pressing deadline, a LAS respondent noted that legal aid coverage may also be extended prior to the determination of substantive eligibility.

Types of Services Provided for Poverty Law Matters

In general, there is very little coverage for poverty law issues in Alberta. Initially, one LAS respondent said that poverty law issues were not technically covered at all, but that some issues in this area might, in fact, be addressed. Another respondent suggested that poverty law cases often are only covered if the case involves an appeal of a decision handed down through a hearing or tribunal process. In general, however, poverty law is not thought of as a separate category for which legal aid coverage is available (as are, for example, criminal law and family law).

The following chart describes the types of services available for poverty law in Alberta. Each of these service types is explored in more detail below, including in charts presenting the data collected from legal aid respondents for the purposes of this project. The only data collected regarding poverty law services in Alberta are the number of legal aid applicants, across a limited range of poverty law issues; the number of applicants granted coverage; and the number refused coverage. General data on the number of civil legal aid certificates issued in the 2000-2001 fiscal year has also been included. No specific information was collected on the number of legal opinions provided on poverty law matters, or the cost of poverty law services. A respondent reported that no data is available on the characteristics of poverty law clients.

Type of Service	Provision of this Service
General advice or assistance	No.
Legal advice or assistance	No. Some advice may be provided at the opinion stage, but there is no formal program in place.
Legal Representation	Yes. This is not a primary component of the work done by legal aid in Alberta.
Public Legal Education	No.

Advice

There is no formal structure or process through which legal aid applicants or clients can receive general or legal advice on either an informal or formal basis. Some summary advice may be provided during the opinion stage of a case, insofar as the lawyer involved may advise a person regarding how to proceed with an issue. However, this is not an established system that operates consistently for all legal aid applicants. In addition, applicants technically have to be financially eligible to receive a legal opinion, so while some advice may be available through this channel, it is not an option that is open to all persons.

Representation

As noted above, staff lawyers provide legal representation in poverty law issues. LAS employs only a limited number of staff lawyers, since the majority of work is done by private bar lawyers on a certificate basis, according to established tariff levels.

In Alberta, legal aid is typically broken down into three categories: civil, criminal, and young offender. A wide variety of issues fall into the “civil” category, one of which is poverty law. In 2000-2001, 9,412 certificates were issued for civil cases – 28 percent of all legal aid certificates issued for this fiscal year. The percentage of civil certificates has remained relatively constant over the last five years, increasing by only 2 percent since 1996-1997.

There is a limited amount of data available on various sub-components of the civil legal aid category. However, the table below does indicate that poverty law is a very small part of this category, with only 49 applicants being granted coverage in 2000-2001. This constitutes only 0.5 percent of all civil law cases in that fiscal year. Of these 49 successful applicants, more than half concern workers’ compensation issues.

DISTRIBUTION OF CASES BY POVERTY LAW ISSUE, 2000-2001			
Poverty Law Issue	Number of Applicants	Number Granted Coverage	Number Refused Coverage
Workers' Compensation	61	30	31
Social Assistance Board	13	4	9
Employment Income Appeals	2	1	1
Open Ended Tribunals*	34	14	20
TOTAL	110	49	61

* The types of issue that have been covered under the open-ended tribunal code are: appeals of CPP decisions; appeals of Human Rights Commission decisions; appeals of denial of benefits under provincial legislation (AISH); appeals of decisions from the Student Finance Board; appeals of agencies refusing to register certificates for specialty training; appeals to the Crimes Compensation Board; appeals to the Landlord Tenant Board; appeals to the Teacher Certificate Board; and appeals to the School Board.

Source: Data Collection charts for Alberta.



Strengths and Challenges of the Poverty Law Legal Aid System

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps, within the current system for delivering poverty law services in Alberta.

Problem Areas

Need for Legal Assistance Versus Social Support. According to one respondent, assistance with poverty law issues can be delivered just as effectively – if not more effectively – by social workers than by lawyers. When a problem is legal in nature, legal aid may be the appropriate body to provide assistance (for example, when someone is denied benefits to which they are arguably entitled). However, many poverty law matters have their roots in broader social issues, and in these instances the law is not the right platform on which to seek a resolution (for example, challenging the adequacy of benefit levels). This LAS representative went on to note that the involvement of social workers in the poverty law area is one reason why legal aid does not provide more comprehensive assistance. In short, there are already other agencies and people doing this work.

Coverage for Landlord/Tenant Matters. A representative of legal aid identified the lack of coverage for landlord/tenant disputes as a potential gap in the poverty law system. However, this respondent went on to note that it is not obvious that this is an area that legal aid should cover, given that the legal system may not be the best vehicle through which to deliver assistance to people with housing problems. If someone is facing eviction because they do not have enough money to pay their rent, the respondent suggested that “legal assistance is not really the answer.” Even if a lawyer were successful in getting the person back into their apartment temporarily, it would not solve the underlying problem. The law is not the right platform to adjudicate issues like rental costs, the adequacy of benefit levels, and the like.

Visibility of Legal Aid Services. A respondent from legal aid noted that it is difficult to get people to understand that legal aid is a resource to which they can turn. People tend to think that there is nothing they can do about a situation – that there are no resources for assistance. Legal aid needs to be made more visible in the community through the development of a legal education program. The respondent also suggested that community agencies sometimes have “a vested interest” in not informing their clients about the assistance available through legal aid. These organizations want “to make it as easy as possible for their clients, and often think that bringing a lawyer in would complicate the situation.” As a result, they do not inform clients about legal aid.

Success Stories

Legal Aid Coverage. Although there is little legal aid coverage provided in the poverty law area, one representative of legal aid maintained that Alberta's poverty law system is functioning fairly effectively. While the legal aid system does not identify poverty law as a separate coverage category, applicants are provided with coverage if their case has merit and they are

financially eligible. As this respondent put it, legal aid “just covers the issues that people come in with.”

This respondent further noted that legal aid tends to stay away from some poverty law issues because they are just as much social as legal problems, and, accordingly, social workers can provide just as much assistance as lawyers. Since there are community resources in place to provide assistance in these kinds of situations, legal aid has not extended its services. When eligible applicants have issues that are specifically legal in nature, legal aid will extend coverage. If the assistance requested is more a matter of helping people learn about the legal system or apply for a certain benefit, social or community workers are well equipped to handle the matter.

Boyle Street Community Co-operative. In light of the above comments on the social dimension of poverty law, a representative of legal aid suggested that the Boyle Street Community Co-op exemplifies the model that should be pursued for delivering services to low-income people. The Co-op provides assistance in an integrated manner in a wide range of areas, including health care, income assistance, addiction, child care, temporary shelter, and the like. This organization can assist people in a more comprehensive manner, while at the same time referring people to legal aid for actual legal problems.

Saskatchewan

Structure of Legal Aid

Delivery of Services

The Legal Aid Commission (LAC) administers legal aid in Saskatchewan. Staff lawyers deliver the majority of legal aid services, along with legal assistants and support staff. Private bar lawyers may be used if it is determined that private representation would better serve the client, or if a client is charged with an offence punishable by life imprisonment.

Eligibility for Legal Aid

Eligibility for legal aid is determined on the basis of three criteria: financial, range of services, and professional merit. Both eligibility officers (non-lawyers) and legal aid staff lawyers are responsible for making decisions about the eligibility of applicants.

Applicants are financially eligible for services if they are receiving income from social assistance (from the province or the Department of Indian Affairs and Northern Development), if their financial resources are at social assistance levels, or if the costs of obtaining a private lawyer would reduce their financial resources to social assistance levels. Applicants not receiving social assistance may be asked to contribute to the costs of their legal representation.

The question of range of services pertains to whether or not the legal issue in question is one for which legal aid provides coverage. For example, there is no formal coverage for poverty law or immigration and refugee law issues in Saskatchewan, so applicants with legal issues in these



areas would not be considered eligible for legal aid. The only civil law area for which legal aid is provided is family law.

With respect to evaluating the professional merit of an applicant's case, some or all of the following factors may be considered:

- i) Whether it is a case that a reasonable person of modest means would commence or defend;
- ii) Whether the legal costs are reasonable compared to the relief sought;
- iii) The seriousness of the legal or economic outcomes;
- iv) The potential benefits to the client;
- v) Whether there is a possible defence to the charge;
- vi) Whether there is a reasonable likelihood of success;
- vii) Whether the client has been co-operative (keeping appointments, keeping in touch with the legal aid office after a move, etc.); and
- viii) Whether the client has accepted reasonable professional advice from his or her assigned lawyer.

Evaluation of professional merit continues throughout a case. In other words, consideration is given to some or all of the factors listed above as long as the client is receiving representation through legal aid. Staff lawyers are the only persons responsible for making decisions about professional merit. Legal aid applicants who initially meet with an eligibility officer may be accepted on the basis of financial and range of service criteria, with merit to be addressed when the client subsequently meets with a lawyer.

Types of Services Provided for Poverty Law Matters

As previously stated, there is no coverage for poverty law matters in Saskatchewan. Poverty law cases were formerly covered on a discretionary basis, but the scope for such discretion has since been eliminated. In addition, one respondent noted that legal aid staff lawyers are explicitly directed not to provide advice on legal issues outside of their area of expertise. The majority of persons with poverty law problems are, instead, referred to other organizations, including the Rentalsman Office, the Workers' Compensation Board, and the provincial Ministry of Social Services.

One respondent from the Saskatchewan legal aid plan insisted that, with the elimination of any opportunity for discretionary coverage of poverty law matters, there is no opportunity for assistance in this area on an ad hoc basis. However, a different respondent suggested that applicants who appeal a denial of legal aid coverage for a poverty law case may be successful in exceptional circumstances. The nature of the circumstances would depend on the case, but such an occurrence would be a very rare. Overall, there is no system for delivering poverty law legal aid in Saskatchewan.

Manitoba

Structure of Legal Aid

Delivery of Services

In Manitoba, the Legal Aid Services Society (LASS) is responsible for delivering legal aid to provincial residents, through a mixed staff lawyer and private bar lawyer (judicare) model. Both staff and private bar lawyers operate on a certificate basis, and clients are permitted to choose representation from either source. If a legal aid client does not choose a lawyer, one is appointed by LASS area directors. Area directors are also responsible for reviewing legal aid applications, assessing partial payments, and issuing certificates.

In the poverty law area, staff lawyers and paralegals deliver the majority of services, although private bar lawyers do take on some poverty law work. In addition to certificate-based full representation, some clients may receive assistance from staff lawyers on a “certificate-equivalent” basis. This classification permits coverage to be extended to clients known to be eligible for legal aid without the completion of the entire application/eligibility determination process where the legal issue is such that had this person gone to a private bar lawyer, a certificate would have been issued. Legal aid staff lawyers may also provide advice to poverty law clients on an informal or drop-in basis.

The majority of poverty law work is done through the Poverty Law Office in Winnipeg.

Eligibility for Legal Aid

For certificate cases, eligibility is determined according to financial and merit criteria. There are no eligibility requirements for the informal or drop-in services provided by legal aid.

Financial eligibility guidelines consider family income and household size in the development of income thresholds. However, persons earning more than the guidelines may still be eligible for legal aid based on consideration of other factors. For example, legal aid may extend coverage to persons with income in excess of the financial eligibility guidelines on a deferred repayment basis.

Applicants are eligible for legal aid in one of three ways: without having to pay anything (fully eligible); having to pay an agreed amount (agreement to pay); or having to pay the full cost of the case and a program fee (expanded eligibility). Some expenses – such as maintenance or child care – are deducted from income. Assets are also considered.



Family Size	Fully Eligible (annual gross)	Agreement to Pay (annual gross)	Expanded Eligibility (annual gross)
1	\$14,000	\$16,000	\$23,000
2	\$18,000	\$20,000	\$27,000
3	\$23,000	\$25,000	\$31,000
4	\$27,000	\$29,000	\$34,000
5	\$31,000	\$33,000	\$37,000
6	\$34,000	\$36,000	\$40,000
More than 6	\$37,000	\$39,000	\$43,000

Source: Legal Aid Manitoba Web site (www.legalaid.mb.ca).

Legal Aid Manitoba notes that the figures in the above table are guidelines only. Each case is considered individually and, in general, legal aid is guided by the goal of providing access to affordable legal services to the working poor. Since 1997, a \$25 processing fee is also charged to legal aid clients. Several classes of applicants are not required to pay this fee – most notably social assistance recipients.

Types of Services Provided for Poverty Law Matters

The following chart describes the types of services available for poverty law in Manitoba. Each of these service types is explored in more detail below, including in charts presenting the data collected from legal aid respondents for the purposes of this project. Data collected from respondents in Manitoba includes the number of staff-lawyer and private-lawyer cases in various poverty law issues, as well as the cost of the services delivered in these areas. With respect to informal and certificate-equivalent cases, only the total number of clients receiving assistance in poverty law matters is tracked – there are no breakdowns by individual legal issue. However, cost information for informal and certificate-equivalent cases has been provided. No data is available on the number of people refused legal aid coverage for poverty law matters, or the characteristics of poverty law clients.

Type of Service	Provision of this Service
General advice or assistance	Yes. Clients are provided with information or general advice on a drop-in basis.
Legal advice or assistance	Yes. Informal assistance includes taking some action on behalf of a client with regard to a particular case.
Legal Representation	Yes. Staff lawyers provide the majority of legal representation in poverty law matters on a certificate or a certificate-equivalent basis. Private bar lawyers also provide some legal representation in poverty law cases.
Public Legal Education	No.

Advice

In addition to full representation, legal aid staff provide two levels of summary service in poverty law issues: drop-in and informal services. There are no eligibility requirements for either of these services.

Drop-in services provide only basic advice or information to clients, whereas informal assistance involves taking some action on behalf of the client (for example, writing letters, making telephone inquiries). No statistical information is kept on the number of clients assisted on a

drop-in basis. With respect to informal services, 46 clients were assisted in poverty law matters in 2000-2001. The cost of this service totaled \$2,870.

Representation

As noted above, full representation for poverty law cases is provided on a certificate basis by both private bar and staff lawyers, with legal aid staff lawyers handling the majority of cases in this area. The Winnipeg Poverty Law Office is the only legal aid office dedicated to addressing poverty law issues, and the two staff lawyers at this office deliver the majority of the poverty law services available in Manitoba. However, the data provided below includes the limited number of poverty law cases handled through other offices.

NUMBER AND COST OF POVERTY LAW CASES, 2000-2001						
Poverty Law Issue	Staff Lawyer Cases			Private Lawyer Cases		
	Number	Number Closed*	Cost (Closed)	Number	Number Closed	Cost (Closed)
Income Assistance	79	22	\$1,916	41	33	\$3,318
Landlord/tenant	3	2	\$135	6	8	\$3,166
WCB	6	7	\$1,280	9	4	\$3,710
Other Administrative#	56	51	\$22,385	21	34	\$18,253
All Poverty Law cases	144	82	\$25,716	77	79	\$28,447

* “Number Closed” refers to the number of cases that were completed within the 2000-2001 fiscal year (as opposed to the number of cases that were opened during this period).

Includes Employment Insurance and CPP/OAS matters, as well as any other issues that go before an administrative tribunal, even when the decision of this tribunal ends up in court (for example, when a decision is appealed to Federal Court). Separate numbers for EI and CPP/OAS cases could not be provided.

Source: Data collection charts for Manitoba.

According to the above chart, the total cost of the 161 poverty law cases closed in 2000-2001 was \$54,183. This chart also indicates that staff lawyers not only handle the majority of poverty law cases (65 percent of files opened in 2000-2001). The average cost of a case closed by a staff lawyer was \$313, while the average cost of a case closed by a private bar lawyer was \$360. These cost comparisons do not include overhead costs for either staff lawyers or private bar lawyers. Income assistance is the issue in which both staff and private bar lawyers have the most poverty law cases, constituting 55 percent of all files opened by staff lawyers, and 53 percent of files opened by private bar lawyers.

Overall, poverty law is a small portion of the legal aid coverage provided in Manitoba. In 2000-2001, legal aid issued 8,599 certificates for civil law cases. The 221 cases opened in the poverty law area in 2000-2001, accordingly, constituted only 2.6 percent of the total civil law caseload.

As noted above, legal aid staff lawyers have the discretion to deliver services on either a certificate or a certificate-equivalent basis. According to one respondent, certificate-equivalent status tends to be extended when a staff lawyer does not want the applicant to have to submit a full application or to incur the \$25 application fee. In 2000-2001, there were 12 certificate-equivalent poverty law cases, out of a total of 4,753 certificate-equivalent cases across all legal aid issue areas. The cost of these certificate-equivalent cases was reported as \$5,219.



In the poverty law area, a LASS respondent noted that the certificate-equivalent classification emerged in response to a concern that certain kinds of cases would regularly not be covered on merit grounds. One consideration used in merit determinations – namely, whether a prudent person of modest means would pursue a claim given the costs involved and likely outcome – may prevent coverage being extended where the value of the dispute is small (notably, concerning income assistance matters). For persons whose lives are defined by government regulations, however, much can depend on their ability to secure the enforcement of government regulations. In such circumstances, the availability of legal aid may be more pressing, regardless of the quantity of the outcome. The certificate-equivalent classification enables staff lawyers to extend coverage to these people for more than informal advice, while remaining within the certificate paradigm for delivering legal aid.

Public Legal Education

The LASS respondent noted that there is a great deal of information and educational materials available through the Community Legal Education Association (CLEA), so applicants tend to be referred to this organization for assistance. CLEA also runs the lawyer referral service for Manitoba.

Strengths and Challenges of the Poverty Law Legal Aid System

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Manitoba.

Problem Areas

Lack of Resources to Address the Regional Distribution of Poverty Law Services. As discussed below, respondents from Legal Aid Manitoba consider the Poverty Law Office to be a success story from the perspective of enhancing the scope and quality of the legal aid services available in this area. However, the fact that there is only one such office, located in Winnipeg, means that other areas of the province do not benefit from the resources available. One respondent in particular pointed out that the same degree of poverty law expertise is unavailable in the northern regions.

This respondent suggested that Legal Aid Manitoba would be interested in extending the work of the Poverty Law Office model to areas outside of Winnipeg, but that a lack of resources is preventing this move. In fact, anticipated reductions in the legal aid budget mean that they will likely be considering how to cut back the available poverty law services given that other areas of law would take precedence, from the perspective of maintaining services.

Success Stories

Poverty Law Office. The specialized Poverty Law Office in Winnipeg has contributed to the capacity and effectiveness of poverty law legal aid services in Manitoba. First, having this office permits applicants to be streamlined through the application process rather than being “vetted” through the certificate system. This has resulted in more people receiving some kind of assistance through drop-in, informal, or certificate-equivalent services. According to one respondent, the informal services offered through the Poverty Law Office function almost like duty counsel or an advice service. Clients can call at any point for detailed advice or assistance. Second, staff at the Poverty Law Office have specialized knowledge in this area of law, and provide more and better quality assistance than when legal aid lawyers with other specialties took on poverty law issues.

Ontario

Structure of Legal Aid

Delivery of Services

In April 1999, Legal Aid Ontario (LAO) replaced the Law Society of Upper Canada as the governor of legal aid. Legal aid services are delivered through a network of area offices, private bar lawyers, and community legal clinics. Both private bar lawyers and staff lawyers at area offices (including the Family Law Office and the Refugee Law Office) operate on a certificate basis.

As of June 2002, Ontario has a network of 79 community legal clinics (CLCs), located throughout the province, specifically designed to address the unique legal needs of low-income people. The staff lawyers and community legal workers at these clinics deliver the vast majority of poverty law services (in matters including social assistance, housing, Employment Insurance, Canada Pension Plan, employment, workers’ compensation, and human rights cases). Some clinics are also affiliated with law schools, and rely on law students to assist in the provision of services as part of their course work. As per the recommendations of the 1997 Review of Legal Aid in Ontario (the McCamus Report) review, the CLC network is being expanded towards the goal of ensuring that every region of the province has access to clinic services.

Although CLCs are funded by legal aid, they are governed by independent, community-based boards of directors. Each board is responsible for deciding the priorities and services areas for each particular clinic – a system that yields some unevenness in coverage across the province. Each clinic also serves a particular geographic area. Clinics generally assist only clients from within their area, although clients from other locations may be taken on if they present the opportunity of an interesting test case, or in other unusual circumstances. In addition to this geographically based system are the 15 specialty clinics that deal with the laws affecting particular groups of people (e.g., the disabled, the elderly). Specialty clinics serve all members of their particular client group, regardless of location, and also act as a resource to other clinics, private bar lawyers, community agencies, and others.



Eligibility for Legal Aid

Eligibility for legal aid is determined on the basis of financial and merit criteria. Legal aid applicants are required to undergo a financial assessment, which includes an asset test and an income test. In most cases, clients receiving social assistance or with similarly low incomes are eligible for legal aid subject to asset limitations.

The income test considers all sources of income for the applicant and any dependent children, common-law partners, same-sex partners, or spouses. This includes workers' compensation, employment, Employment Insurance, pensions, social assistance, commissions, self-employed earnings, child tax benefits, rental properties, and so on. In determining net income, payroll deductions, child care, and child support payments can be used against gross income. All necessary household expenditures are included in evaluations of expenses: food, clothing, transportation, telephone, cable service, debts, and personal expenses. A basic allowance – or flat rate of money for an applicant based on family size and type of shelter – is established according to this evaluation. Some additional expenses may be allowed if Legal Aid Ontario determines that they are necessary for health or well-being.

Liquid assets are also considered in assessment of financial eligibility. In some cases, all assets may be considered available for legal fees; in others, applicants may be permitted to keep some assets according to the following system:

Family Size	Allowable Assets
1	\$1,000
2	\$1,500
3+	\$2,000

Source: Legal Aid Ontario Web site – *Getting Legal Help*.

Any assets held by a legal aid applicant in excess of these amounts are considered available for legal fees.

For poverty law matters, merit testing considers the following factors:

- Whether a client of modest means would proceed based on likelihood of success.
- A cost-benefit analysis.
- The consequences of not proceeding, including disabilities that may affect the fairness of the proceeding, or whether the nature of the proceedings could have a disproportionate impact on an already disadvantaged person (for example, termination of benefits).

Types of Services Provided for Poverty Law Matters

The following chart describes the types of services available for poverty law matters in Ontario. Each of these service types is explored in more detail below, including in charts presenting the data collected from legal aid respondents for the purposes of this project. The data provided includes the number of summary advice, brief service, and full representation cases handled by Community Legal Clinics in the 2000 calendar year in a variety of poverty law matters. No data was provided on the limited number of poverty law matters handled through other legal aid

offices, or on the characteristics of poverty law clients other than sex (legal aid does not track the age, immigration status, ethnicity or language of clients). Refusals of service for coverage and the reasons for them are also not tracked for any area of legal aid service provision. Overall cost figures for all CLC activities, as well as for legal representation case files in the poverty law area, are also included. No cost breakdowns by individual poverty law issue are available.

Type of Service	Provision of this Service
General advice or assistance	Yes. Community Legal Clinics (CLCs) provide basic information and summary advice as well as referrals to other organizations.
Legal advice or assistance	Yes. CLCs provide brief service assistance to poverty law clients.
Legal Representation	Yes. Most legal representation in poverty law matters is handled through CLCs.
Public Legal Education	Yes. Public legal education is provided mostly through the CLCs and Community Legal Education Ontario (CLEO).

The Community Legal Clinic Program

As noted in the above chart, CLCs are the primary sites for the provision of advice, legal representation, and public legal education in poverty law matters. Before discussing each one of these service areas individually and presenting available data on clients and costs, the following summary information on the CLC program is provided.

In 1999-2000, clinic program expenses totalled \$38,259,000, or 17.3 percent of all expenses incurred by Legal Aid Ontario. These expenses were distributed across the Community Legal Clinic services listed in the chart below. As is also indicated in this chart, public legal education and summary legal advice/brief services are the key areas of service provision for CLCs, with legal representation being a much smaller component of their work.

COMMUNITY LEGAL CLINIC SERVICE PROFILE, 1999	
Community Legal Clinic Services	Number of People Assisted
Legal advice/brief services	116,162
Referrals	54,209
Case files opened (legal representation)	15,381
Public legal education materials distributed	1,290,596
Law reform files opened	483
Community development files opened	841

Source: Legal Aid Ontario 2000-2001 Annual Report.

CLCs employ staff lawyers, community legal workers and support staff. Some clinic offices also have additional staff whose titles are not specified. As of June 2002, a total of 193 staff lawyers, 119 community legal workers, 138.8 support staff, and 25 other staff were employed by Ontario's network of CLCs.

Given that CLCs are the primary sites for the delivery of poverty law services, available data on the sex of poverty law clients principally refers to clinic cases. Gender is the only client characteristic on which data is kept, and respondents reported that even these numbers may not be entirely accurate, because this section of a case report is not always completed. Based on available data, however, it is estimated that 53 percent of poverty law clients in the 2000



calendar year were women, and 47 percent were men. As noted above, Legal Aid Ontario does not collect data on the age, immigration status, ethnicity or language of any of its clients.

Advice

The advice available to legal aid clients in poverty law or other issues is provided by staff at CLCs, including staff lawyers, community legal workers and law students. Advice is provided by CLCs through two channels: summary legal advice and brief services.

Summary legal advice generally refers to cases in which advice is given to a client with no follow-up (for example, no extensive research, no telephone calls to third parties). The advice provided is usually expected to take half an hour or less, and may take the form of a telephone conversation or brief consultation.

Brief services are defined as either (i) advice or assistance involving a significant amount of time (more than half an hour but less than two hours); or (ii) some minimal advocacy undertaken on the client's behalf. If the matter requires more than two hours of assistance, normally a legal representation case file will be opened. The following kinds of activities would usually be recorded as brief services when they require more than half an hour of staff time: helping to complete a self-help kit, creating a simple affidavit, writing a letter or making some telephone calls to advocate for a client, representation as duty counsel (where duty counsel actually represents the client before a court/tribunal or negotiates a settlement), and research so as to provide advice to a client. In brief service cases, CLCs are expected to evaluate whether it would be appropriate to apply the financial eligibility guidelines. These guidelines must be applied if there are any disbursement expenditures on a brief service matter.



SUMMARY LEGAL ADVICE AND BRIEF SERVICE CASES BY TYPE OF LEGAL ISSUES					
Poverty Law Issue	Summary Legal Advice		Number of Brief Service		
	Number	Percent	Number	Percent	
Housing	41,117	40	7,355	27	
Welfare Assistance	6,695	7	1,192	4	
Family Benefits	11,698	11	2,411	9	
VRS-COMSOC	2	0	0	0	
Other Income Maintenance*	7,437	7	1,319	5	
	EI	1,187	1	196	0.7
	CPP/OAS	2,291	2	439	2
General Administrative#	3,370	3	9,090	34	
Immigration/Citizenship	4,501	4	760	3	
Employment	2,737	3	246	1	
Public Services\$	394	0	144	1	
Health Care	1,485	1	431	2	
Correctional Law	1,101	1	97	0	
Human Rights	459	0	293	1	
Aboriginal Rights	159	0	135	1	
Child Welfare	233	0	32	0	
Criminal	1,796	2	219	1	
Family	5,059	5	351	1	
Environmental	1,060	1	1,352	5	
Other	11,755	11	1,360	5	
Violence	424	0	139	1	
TOTAL	101,482	-	26,926	-	

* In addition to EI and CPP/OAS, this category includes workers' compensation and other sources of income maintenance.

Includes affidavit/notary, social insurance numbers, birth certificates, name changes, income tax, and other.

\$ Includes wills/estates, consumer/debt, utilities, powers of attorney, student assistance, and transportation.

Source: Data collection charts for Ontario, the Ontario Legal Clinics Activity by Case Type Report January 1, 2000–December 31, 2000, and the author's calculations.

As the above chart makes clear, housing is by far the largest area in which CLCs provide summary advice, followed distantly by family benefits and income-related issues (welfare, other income maintenance). With respect to brief services, housing is the second largest area for clinic activities, with general administrative law constituting the largest area for this type of assistance.

In 2000, summary legal advice constituted 69 percent of the work done by CLCs, brief services 19 percent, and case files just 12 percent. No specific data on the cost of the summary legal advice and/or brief services provided by CLCs was made available by Legal Aid Ontario respondents.

Representation

Legal representation case files are opened when the client is provided with ongoing representation, or when the advice/assistance provided exceeds two hours. Financial eligibility guidelines must be applied to these case files.

Legal representation for poverty law issues is primarily provided by CLC staff lawyers, community legal workers, and law students. Legal representation may also be provided by staff

in legal aid area offices or, in rare cases, by private bar lawyers on a pro bono basis. This tends to be only when local clinics are overburdened, or when there is no clinic in the region to provide the assistance needed. The aim of the CLC expansion process recommended through the McCamus review is to eliminate the latter problem: as of December 2001, an additional five clinics had been opened, expanding services to seven areas of the province that were previously uncovered.

A small amount of poverty law service is provided on a certificate basis by private bar lawyers on a certificate basis. The vast majority of service in this area is provided by the CLC staff. CLCs operate through a flexible service delivery model: they maximize direct legal services by providing a range of assistance options and employing lawyers and other legal professionals. Accordingly, data on the legal representation provided through CLCs is recorded as the number of case files opened, whereas data on poverty law cases handled by staff lawyers at other legal aid offices is tracked through the certificate program.

COMMUNITY LEGAL CLINIC CASE FILES OPENED, 2000		
Legal Issue	Number of Case Files Opened	Percent of all CLC Case Files
Welfare Assistance	1,563	9.4
Housing	3,459	20.8
Family Benefits	6,100	36.7
VRS-COMSOC	0	0
Other Income Maintenance*	2,564	15.4
General Administrative [#]	122	0.8
Immigration/Citizenship	572	3.5
Employment	179	1.3
Public Services [§]	42	0
Health Care	199	1.2
Correctional Law	487	3.0
Human Rights	101	0.6
Aboriginal Rights	70	0.4
Child Welfare	13	0
Criminal	88	0.7
Family	46	0.3
Environmental	12	0
Other	933	5.6
Violence	57	0.3
TOTAL	16,607	100.0

* Includes Employment Insurance, CPP/OAS, workers' compensation, and other income maintenance issues.

[#] Includes affidavit/notary, social insurance numbers, birth certificates, name changes, income tax, and other.

[§] Includes wills/estates, consumer/debt, utilities, powers of attorney, student assistance, and transportation.

Source: Data collection charts for Ontario, the Ontario Legal Clinics Activity by Case Type Report January 1, 2000–December 31, 2000.

According to 2000-2001 data, the opening of case files constituted only 12 percent of the work performed by CLC staff. Between 1996-1997 and 1999-2000, however, there was a 9 percent increase in the number of clinic case files opened. The reasons for this increase are discussed in more detail below.



As indicated in the following chart, the number of poverty law cases handled on a certificate basis constitutes only a small percentage of the total number of certificates issued by Legal Aid Ontario.

NUMBER OF CERTIFICATES – OTHER CIVIL (POVERTY) LAW		
Fiscal Year	Number of Other Civil Certificates	Percentage of All Certificates
1999-2000	6,621	6.2
1998-1999	5,684	5.6

Source: Legal Aid Ontario 2000-2001 Annual Report.

Between 1998-1999 and 1999-2000, there was a 17 percent increase in the number of other civil law certificates issued by LAO. According to the Legal Aid Ontario 2001-2002 Business Plan, demand for certificate-based legal representation in the poverty law area is increasing as the workload of CLCs increases, resulting in more referrals to the certificate side of legal aid. For example, between 1998-1999 and 1999-2000, the number of certificates pertaining to Social Benefits Tribunal matters increased by 110 percent, from 287 in 1998-1999 to 604 in 1999-2000. Increased demand for services at the CLC level is being fuelled by federal and provincial legislative changes that create a greater number of requests for legal assistance, as clients experience changing rules and entitlements. The nature of changes in the social assistance area has resulted in particular pressures. As reported in the Business Plan:

Decreases in social assistance under the *Ontario Works Act* have resulted in an increase in applications for higher benefits under the *Ontario Disability Support Program Act*, producing in turn an increase in appeals from *Disability Support Program* (ODSP) denials. Between June of 1998 (when the program began) and September 2000, approximately 26,000 persons have been admitted to the ODSP program (Legal Aid Ontario 2001-2002 Business Plan, Environmental Scan, p.8).

No specific cost data on the case files opened and completed by CLCs was provided by Legal Aid Ontario respondents. Only the following limited data on the cost of certificate activities in the poverty law area is available through the Annual Report. No breakdowns of cost information by type of poverty law issue are available.

CERTIFICATE PROGRAM COSTS – OTHER CIVIL LAW, 1999-2000				
Certificate Fees	Disbursement Costs	Administration Fees	TOTAL COST	Average Cost per Case
\$3,969,000	\$721,000	\$198,000	\$4,888,000	\$1,202*

* The average cost of all cases in all legal areas in 1999-2000 was \$1,379.

Source: Legal Aid Ontario 2000-2001 Annual Report.

Public Legal Education

One respondent noted that the bulk of the public legal education work done through legal aid is carried out by CLCs and, most notably, Community Legal Education Ontario (CLEO).

Insofar as CLCs are the venue through which legal aid applicants and clients can receive summary advice and/or brief services, they are also a key point at which self-help and other literature is distributed. Clinics are also involved in hosting outreach and educational events in the community, often in co-operation with other organizations. Finally, CLCs participate in

training events for front-line and advocacy workers, and community resource events that bring together a wide variety of service delivery organizations.

CLEO is a CLC that specializes in public legal education. CLEO staff includes lawyers, editors, support staff and a part-time librarian. Most of the publications produced through CLEO are targeted to people with low incomes and other disadvantaged groups, but they are also used by CLCs and community organizations. The goal of most materials is to describe the law as simply and clearly as possible to help people understand and exercise their legal rights. The majority of materials are booklets, fact sheets, pamphlets, and manuals, on topics including social assistance, landlord/tenant law, immigration and refugee law, workers' rights, family law, elder abuse, consumer rights, women's issues, and laws affecting young people. Most publications are available in French, and some are also available in other languages. Many can be accessed online through the CLEO Web site.

Strengths and Challenges of the Poverty Law Legal Aid System

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Ontario.

Problem Areas

Resource Constraints Versus Demand for Services. Three respondents pointed to the inability of the legal aid system to meet the demand for services in the poverty law area. One Legal Aid Ontario representative highlighted the fact that the number of cases has grown exponentially over the last several years, placing increased demands on the current legal aid framework. This respondent characterized the increase in demand as reaching "crisis proportions," particularly when viewed against the fact that the legal aid budget for the province is fixed, and may actually be scaled back in coming years. Ongoing efforts to develop services in the face of the sheer volume of need in the community raise questions about the ability to maintain current service levels, and the viability of the current service delivery structure.

Another legal aid staff member pointed to the implications of sharp increases in demand for services in the income assistance area. Faced with this growing clientele, CLCs are having to set priorities in terms of what they can and cannot cover. The result is that services are no longer available for some traditional areas of poverty law. Workers' safety is one area in which services have been discontinued by some clinics, given that there often are at least some other resources in the community for such matters. A CLC representative echoed this concern, noting that the range of services being offered at some clinics is becoming narrower as clinics face resource constraints. According to this respondent, the result is "more and more holes" in the poverty law system.

A final concern raised by a legal aid respondent is the financial pressure confronted by administrative tribunals, with the result that these bodies are sitting in fewer communities around the province. Without local access to these bodies, it is increasingly difficult for people to pursue their cases. Clients from Northern Ontario often lack the resources to travel to Toronto



for a proceeding. Further, when tribunals are in session in a community, there is usually little flexibility in terms of the times available for cases. This raises difficulties for both clinic staff and clients if the available times for a hearing do not fit with their schedules.

Areas of Coverage. A CLC respondent noted particular pressures on coverage, as a result of the gaps created by the unevenness of the services available at individual clinic offices. When the geographic limitations of CLC service provision are combined with the fact that all clinics do not cover the same range of issues, the result is that people in need sometimes fall through the cracks. While many CLCs do try to assist people from outside their geographic region or areas of expertise (at least through the provision of summary advice), inconsistency in the availability of services remains an ongoing problem. A solution proposed by the CLC representative is the creation of a special certificate category for issues that would typically be covered by a clinic, but for which there is no appropriate clinic available. This certificate would permit a client to see a private bar lawyer for up to two hours of legal advice.

Related to the above comments are concerns raised by a different respondent about the regional variation in access to poverty law services, particularly in those areas of the province that lack CLC structures. The clinic expansion program will clearly go some distance towards alleviating this, but one respondent noted that there will remain parts of Ontario where small clinics are obliged to serve large geographic areas. Clinics do not have the funding at present to establish satellite offices in these kinds of circumstances, so problems around access to justice will continue. This is particularly the case in rural areas, where there is often little or no public transit.

Visibility of Community Legal Clinics. One respondent noted that CLCs have encountered difficulty in making their services visible in the community and ensuring that potential client groups are aware of the resources that are available. At present, most clinics do not do a lot of advertising or marketing, although staff often participate in outreach activities with other community agencies, thereby generating word-of-mouth referrals. This representative did note that one potential problem with increasing the profile of CLCs is that it may create expectations about the range of available services. If demand for legal assistance increases significantly, without any corresponding increase in funding, CLCs may then be placed in a difficult situation.

Success Stories

Community-based Approach to Poverty Law. According to two respondents, the community-based approach to the provision of poverty law services through the network of CLCs is a successful component of the legal aid system. The flexible approach to service delivery on which clinic staff rely, and the resulting range of assistance available to clients, goes a long way towards ensuring that people receive the help they need. As is reflected in data on the large number of people receiving basic assistance and/or advice, this is a very important aspect of CLC work that is not available through other legal aid structures.

In addition to the delivery of a wider range of services, a positive feature of the clinic system is the fact that they are rooted in the communities they serve. Each CLC is governed by an independent board of directors, with representation from the community. According to

respondents, this ensures that clinics are able to set priorities consistent with local needs and values, to adapt to changing circumstances in their areas, and to provide direction for future services in a manner that suits community members. Insofar as these boards are composed of volunteers, there can be problems with recruitment and continuity, but the respondents suggested that these structures are working in the majority of locations.

Clinic Expansion Program. Related to the above comments concerning the effectiveness of the community-based approach to poverty law is one respondent's comment that the expansion of the CLC network that is currently underway in Ontario is a positive development. Developing clinics in regions of the province that previously lacked such structures will clearly improve access to poverty law services and reduce geographic variations in available services.

Collaboration Between Area Offices and CLCs. One respondent noted that, in the past, legal aid area offices were not always well informed about CLCs and the services they provide. Both Legal Aid Ontario and local offices have done a considerable amount of work in recent years to overcome this obstacle. According to this respondent, the result has been increased opportunities for collaboration and cross-referral.

Funding Stability. According to one respondent, the stability of CLC funding is a positive feature of the current poverty law system in Ontario. Legal Aid Ontario provides funding for poverty law work while, at the same time, allowing CLCs to remain independent structures rooted in their local communities. Accordingly, CLC staff are not always obliged to be "looking over their shoulder," but are generally free to determine where funding should best be spent, according to community conditions and needs.

However, one CLC respondent did note that there remains a frustrating amount of bureaucracy at Legal Aid Ontario with which clinic staff have to deal, particularly when requests made by the provincial organization are not consistent with local priorities. With respect to the CLC expansion process, for example, one CLC respondent noted that there is a certain amount of re-education that is continually happening on the part of clinic staff concerning "how things work" at the community level. For this representative, this is being played out in terms of decisions about physical space and equipment – why video cameras and sealed reception areas are not necessary in community-based offices, for example.

Quebec

Structure of Legal Aid

Delivery of Services

In Quebec, the body responsible for administering legal aid is the *Commission des services juridiques* (CSJ). The CSJ appoints the directors of the 11 regional legal aid centres that coordinate the delivery of legal aid services throughout the province. Regional centres establish legal aid offices throughout their assigned areas (there are over 100 offices in 98 locations across Quebec). They also encourage the creation of committees that advise and/or make recommendations to office managers concerning the needs of the economically disadvantaged in



their regions. Applications for legal aid assistance are received and processed at both regional centres and the legal aid offices they establish.

Legal aid services are provided through a mixed staff lawyer and private bar lawyer (judicare) model. In most cases, private lawyers are retained if a regional centre lacks sufficient staff, if the case requires a specific area of competence, or if there is a conflict of interest. Both staff and private bar lawyers work on a certificate basis.

Eligibility for Legal Aid

Financial eligibility is determined on the basis of an evaluation of income and assets (including property, debt, and liquid assets). To obtain legal aid assistance at no cost, the income of the applicant and that of relevant family members must not exceed the amounts set out in the following chart.

Household Size	Maximum Annual Income*
Single person	\$8,870
Adult and one child	\$12,500
Adult and two or more children	\$15,000
Spouses without children	\$12,500
Spouses with one child	\$15,000
Spouses with two or more children	\$17,500

* For certain remote regions, the amounts listed in this table are increased by 20 percent.

Source: Reproduced from materials on the *Commission des services juridiques* Web site (www.csj.qc.ca).

Assets may not exceed \$2,500 for a single person, or \$5,000 for a family. The value of property may not exceed \$90,000 for an applicant/spouse who is the owner of a residence, or \$47,500 for an applicant/spouse who is not the owner of a residence. When the applicant's financial status and that of his or her family exceeds one of the above three ceilings for free legal aid, the applicant may still be eligible for legal aid on a contributory basis.

Persons receiving “last resort assistance” – social assistance, Employment Insurance or workers’ compensation benefits – are automatically eligible for free legal aid services.

Provided that clients meet financial eligibility guidelines, legal aid is automatically available for a range of issues: family matters, youth protection, representation of young offenders, prosecution of a criminal act, and benefit claims related to income support or employment assistance, automobile insurance, Employment Insurance, or workers’ compensation. Legal aid may also be provided for certain summary procedures or administrative recourses if the legal aid office believes that it is necessary to provide the service requested. For summary procedures, the criteria are: (i) the probability of imprisonment for the accused; (ii) the loss of means of subsistence; and (iii) the best interests of justice given the exceptional circumstances involved in the case (notably its gravity or complexity).

In addition to the above guidelines, an application for legal aid may be refused if:

- i) the applicant cannot establish the probable existence of a right to receive coverage;
- ii) the case has little chance of succeeding;
- iii) the costs involved would be unreasonable in relation to the possible gain or loss of the applicant;
- iv) it is unlikely that the judgment sought by the applicant could be executed; or
- v) the applicant refuses a reasonable proposal for settlement of the case.

Types of Services Provided for Poverty Law Matters

The following chart describes the types of services available for poverty law in Quebec. Each of these service types is explored in more detail below, including in charts presenting the data collected from legal aid respondents for the purposes of this project. The only data provided by legal aid respondents in Quebec is the number of legal aid applications received involving several poverty law issues in 2000-2001. No additional data was provided during the second phase of data collection for this project.

Type of Service	Provision of this Service
General advice or assistance	No distinction is made between summary and full services in Quebec. All clients who come to legal aid are assigned a lawyer with whom they consult about their case.
Legal advice or assistance	See above.
Legal Representation	Yes. Staff and private bar lawyers provide legal representation in poverty law matters as part of the services provided in the larger Civil and Administrative area.
Public Legal Education	No.

Advice

According to a respondent from Quebec, there is no explicit advice program or service stream provided by legal aid in Quebec. All legal aid applicants are assigned a lawyer with whom they consult about their case, and from whom they may receive information or advice. Given that there is no separate category for advice, the CSJ has no statistical information on the number of clients who receive this kind of more limited service.

Representation

Both staff and private bar lawyers provide poverty law legal aid representation. All legal aid clients have the right to choice of counsel, and, accordingly, may request the services of either a private bar or staff lawyer. If a client does not have a lawyer and does not explicitly request private counsel, they will usually be directed to a staff lawyer.

Paralegals and other professionals do not provide legal representation in legal aid cases in Quebec. Paralegals are involved in assessments of eligibility for legal aid, and in the process of assigning cases to private bar lawyers. Occasionally, paralegals may also provide assistance to staff lawyers.



Given that poverty law cases are included within the larger category of Civil and Administrative Law, there is a limited amount of separate statistical information available on specific issues. However, CSJ respondents provided the following data on certain poverty law matters. As this chart indicates, social assistance is by far the largest category among poverty law cases, following distantly by housing.

NUMBER OF POVERTY LAW CASES BY LEGAL ISSUE, 2000-2001	
Poverty Law Issue	Number of Applications Received
Employment Insurance	953
Quebec Pension Plan (QPP)	849
Social Assistance (welfare)	13,744
Rental housing matters	6,284
Workers' Compensation	3,856
TOTAL	25,686

Source: Data collection charts for Quebec.

According to a representative of legal aid, the total of 25,686 applications for legal aid coverage in the above issues constituted approximately half of the total number of applications received in the Civil and Administrative Law category in 2000-2001. Overall, Civil and Administrative Law clients comprised 19 percent of the legal aid caseload in Quebec in 2000-2001. The following general data is available on the sex and age of clients in this category.

CIVIL AND ADMINISTRATIVE LAW CLIENTS BY SEX AND AGE, 2000-2001		
Client Characteristic		Percent of All Civil and Administrative Clients
WOMEN	Age Under 18	0.4
	Age 18-25	6.5
	Age 26-55	40.2
	Age 56 and Over	6.6
MEN	Age Under 18	0.4
	Age 18-25	4.7
	Age 26-55	34.7
	Age 56 and Over	6.6

Source: *Commission des services juridiques* 2001 Annual Report.

The above chart indicates that women and men aged 26-55 were the largest groups of recipients of legal aid services for Civil and Administrative Law matters in 2000-2001. Conversely, very little assistance in this area was provided to persons of either sex under age 18.

When the caseloads in all legal issues covered by legal aid are considered, Civil and Administrative Law emerges as the area in which persons aged over 56 most often have legal problems. The chart below illustrates that just over half (51 percent) of the legal problems brought to legal aid by persons aged 56 and over concern Civil and Administrative Law.

PERCENT OF CLIENTS IN EACH AGE GROUP WITH CIVIL AND ADMINISTRATIVE LAW CASES, 2000-2001			
Age Under 18	Age 18-25	Age 26-55	Age 56 and Over
1.0	11.4	23.2	51.0

Source: *Commission des services juridiques* 2001 Annual Report.

Public Legal Education

The CSJ respondent did not describe the provision of public legal education materials as a large component of the work of legal aid in Quebec.

Strengths and Challenges of the Poverty Law Legal Aid System

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Quebec. Respondents in Quebec were not as forthcoming with evaluative comments about the poverty law legal aid system as were legal aid plan representatives in some of the other provinces.

Problem Areas

Lack of Coverage for Pre-Tribunal Matters. A CSJ respondent noted that, while legal aid provides coverage for administrative tribunal review and appeal proceedings, there is no coverage for any problems encountered by clients prior to this stage. In other words, there is no legal support available during the initial stages of a problem. More assistance in this area was available through legal aid in the early 1990s, but the pressures currently being confronted, in terms of human and financial resources, mean that this kind of assistance is no longer available. This representative did go on to note that the government offices responsible for administering the kinds of programs in question often provide some form of assistance at this level, so it is not clear what (if any) role legal aid should be taking on.

Success Stories

Comprehensiveness of Legal Aid. One CSJ respondent noted that the range of issues for which legal aid is available in Quebec – whether in the poverty law or other areas – is very comprehensive. It was suggested that Quebec has one of the most generous systems in Canada in this regard. In addition, this respondent noted that the distribution of services across the province is also effective and does a good job of ensuring that people have access to justice.

Nova Scotia

Structure of Legal Aid

Delivery of Services

The Legal Aid Commission (LAC) is responsible for the administration of legal aid in Nova Scotia. Services are delivered through a network of administrative, regional and sub-offices.

Legal aid is organized around a staff lawyer service delivery model. Private bar lawyers are retained on a fee-for-service basis only in the event of conflict of interest, or in cases where a person facing life imprisonment chooses to be represented by a private bar lawyer (criminal choice of counsel).



Eligibility for Legal Aid

Legal aid legislation in Nova Scotia does not expressly preclude coverage of any particular civil law issue, and, in fact, the Act implies the availability of coverage of most legal matters.

Merit is the initial criterion for determining legal aid coverage in Nova Scotia. The factors considered in assessing merit include whether or not a successful outcome will result in sufficient benefit to the client, and whether the case has a viable legal foundation. Provided that a case is considered to have merit, monthly income is also a factor in establishing eligibility. Applicants are eligible for legal aid if:

- i) they receive all or part of their income from social assistance;
- ii) their income is equal to or less than the income they would receive from social assistance; or
- iii) obtaining legal services would reduce their income to the level of eligibility for social assistance or cause undue financial hardship. (A client contribution may be required in these circumstances.)

In addition to merit and income, there are several additional factors that may be addressed in decisions concerning legal aid coverage in Nova Scotia. These include cost, urgency, an applicant's social milieu, the seriousness of legal or economic outcomes, judicial requests for legal services, the area of law, the nature of the case, the exhaustion of other alternatives, and the potential benefit to the individual.

Types of Services Provided for Poverty Law Matters

Legal aid plan respondents in Nova Scotia noted that poverty law is not a primary area of service delivery. Accordingly, the following chart describes the limited poverty law services available through legal aid in Nova Scotia. Each of these service types is explored in more detail below, including in charts presenting the data collected from legal aid respondents for the purposes of this project.

Data was collected on the number of completed summary service and full service cases in the Administrative Tribunal category, as well as the average cost of these cases. Case counts for each legal issue within this general category are unavailable. Data was also provided on the number of applicants refused legal aid coverage for Administrative Tribunal matters, as well as the reasons for coverage refusals. Legal aid respondents in Nova Scotia collected information on the sex and age of clients for all completed summary and full service Administrative Tribunal cases, but the immigration status, ethnicity, and language of clients are not tracked.



Type of Service	Provision of this Service
General advice or assistance	Yes. Staff lawyers provide basic information and advice to clients in poverty law matters.
Legal advice or assistance	Yes. Staff lawyers provide basic information and advice to clients in poverty law matters.
Legal Representation	Yes. One staff lawyer provides legal representation exclusively in poverty law cases, while others may occasionally provide assistance in this area.
Public Legal Education	There is no formal program in place for public legal education in the poverty law area.

Advice

Legal aid staff lawyers offer summary services to clients in poverty law matters. These services may include the provision of information, general or legal advice, referrals to another organization or office, and other similar kinds of assistance.

The amount of assistance actually available in poverty law matters is quite limited in Nova Scotia, largely as a result of the very few staff assigned to this area. There is only one staff lawyer who works exclusively in poverty law, and he is located in Halifax. In other parts of the province, staff lawyers may provide some assistance in poverty law issues, but they generally lack expertise in this area.

Poverty law issues are tracked through the broader category of Administrative Tribunals. Cases that may be covered within this category include income assistance, residential tenancy, public housing, Employment Insurance, CPP/OAS, and human rights. As reflected in the chart below, only data for the entire Administrative Tribunal category is available. Separate caseload and cost figures for individual legal issues are not tracked.

SUMMARY SERVICE CASES, 2000-2001		
Legal Issue	Number of Completed Cases	Average Cost per Case
Administrative Tribunals	Summary Service: 32	\$5,853

Source: Data collection charts for Nova Scotia.

Representation

The one staff lawyer specializing in poverty law is the primary provider of legal representation in poverty law cases. According to respondents, this lawyer works primarily in the areas of income assistance and housing. Some Employment Insurance cases may also be handled, but Canada Pension Plan/Old Age Security matters are generally not covered, because positive outcomes do not tend to improve the financial situation of a client. Since many of CPP/OAS recipients also receive provincial income assistance, any increase in federal benefits tends to result in a reduction of income assistance payments. Workers' compensation matters are not covered by legal aid, given that appeals and reviews of benefit levels are addressed internally through the WCB system.

Staff lawyers in other legal aid offices around the province may occasionally represent a client in a poverty law matter. As one respondent reported, however, this is a very rare occurrence that is likely limited to instances in which the client is facing a particularly harsh situation, or in which the lawyer is already acting for the client on another matter.



Given that there is only one staff lawyer working continuously in the poverty law area, time constraints pose a significant obstacle to the delivery of assistance. As a result, the focus of this lawyer's work tends to be on cases the outcome of which could yield broader impacts. In addition, applicants are often initially denied legal aid coverage for poverty law issues, but may receive assistance on appeal.

As noted above, poverty law issues are tracked through the broader category of Administrative Tribunals. Separate caseload and cost data for individual poverty law issues are not available.

FULL SERVICE CASES, 2000-2001		
Legal Issue	Number of Completed Cases	Average Cost per Case
Administrative Tribunals	Full Service: 15	\$17,069

Source: Data collection charts for Nova Scotia.

Data on coverage refusals for applicants in Administrative Tribunal matters is also available in Nova Scotia, as listed in the following chart. A respondent reported that the number of appeals of legal aid coverage denials is not separately tracked, though it would likely be very small.

ADMINISTRATIVE TRIBUNAL COVERAGE REFUSALS, 2000-2001			
Legal Issue	Applications Received	Applications Refused	Reason for Refusal
Administrative Tribunals	101*	13	7 – no merit 3 – financially ineligible 2 – other 1 – client non-compliance#

* The number of applications received exceeds the number of completed cases because cases are not always completed in the same fiscal year as they are initiated.

For example, not listening to legal advice, not providing requested documentation.

Source: Data collection charts for Nova Scotia.

The following data was provided on the characteristics of poverty law legal aid clients. Only information on sex and age is collected – clients are not asked about their immigration status or ethnicity. A respondent estimated that the majority of poverty law services would be delivered in English, although no data on language of service is kept.

SEX AND AGE OF POVERTY LAW CLIENTS, 2000-2001*					
Sex		Age			
Women	Men	Under 18	18-39	40-54	55 and over
20	27	0	18	18	11

* The data in this chart is for completed cases in the 2000-2001 fiscal year.

Source: Data collection charts for Nova Scotia.

Public Legal Education

Nova Scotia legal aid generally does not offer public legal education services, largely because such activities are undertaken by a separate organization, the Legal Information Society of Nova Scotia. While there is no formal program in place for public legal education in the poverty law area, a respondent did note that the one poverty law staff lawyer has taken on public speaking engagements related to poverty law issues.

Strengths and Challenges of the Poverty Law Legal Aid System

The following section presents respondents' comments concerning what is working well, what is not working well, and key gaps within the current system for delivering poverty law services in their province.

Problem Areas

Lack of Services. According to one respondent, the key problem with poverty law legal aid in Nova Scotia is the lack of services available to clients in this area. As discussed above, there is only one staff lawyer in Halifax who specializes in poverty law cases, with other staff lawyers working in this area only in rare circumstances. The result is considerable pressures in terms of time and coverage, particularly in areas outside of the capital.

One respondent suggested that, in addition to simply having more resources available for legal aid as a whole, an option for dealing with the shortage of poverty law services, in particular, is the development of a greater role for paralegals. Paralegals can effectively provide assistance in the more administrative, fact-based aspects of poverty law work (for example, dealing with utility shut-offs), in addition to some of the more substantive legal matters under lawyer supervision (for example, appearance at appeals of benefit denials).

A legal aid representative noted that there is not a great deal of co-operation between legal aid and community organizations working in poverty law issues, so the degree to which such groups are filling the gaps left by legal aid is unknown. The fact that there is little legal aid coverage for poverty (or other civil) law matters is likely well known by the network of community organizations – according to this respondent, legal aid is probably “rightly seen as a criminal and family law service.” As a result, community groups do not come to legal aid for assistance.

Lack of Funding for Service Expansion. At present, legal aid respondents noted, the expansion into the poverty law area is hindered by the fact that legal aid funding, already limited, is used up in the provision of criminal and family law representation, leaving little room for other kinds of legal issues. The LAC is reluctant to formally assign legal aid coverage to poverty law matters unless services can be extended into this area in a comprehensive manner, in terms of both areas of coverage and the distribution of services across the province. Since it is unlikely that sufficient funds to permit this kind of expansion will be available in the near future, aid for poverty cases will continue to be extended on a more discretionary basis.

Success Stories

Test Cases. One positive feature of the poverty law services available in Nova Scotia is the work done by the poverty law staff lawyer on test cases. Test cases are cases in which the issue under consideration has the potential to yield broader impacts for a particular group or groups. One respondent characterized the coverage legal aid extends in these cases as a valuable component of available services. However, this person went on to note that test case coverage should be complemented with more opportunities for assistance on the many kinds of “run of the mill” poverty law problems that people encounter.



New Brunswick

Structure of Legal Aid

Delivery of Services

Legal aid in New Brunswick is administered by the Legal Aid Committee (LAC), which is composed of members the Law Society of New Brunswick. Administrative offices in each of the eight regions of the province are responsible for preparing lists of lawyers to serve on legal aid panels and for appointing duty counsel. Private bar lawyers provide all legal aid representation.

The Law Society of New Brunswick is responsible for appointing Area Committees of at least six persons: three from the Society and three from the community. These committees act as appellate tribunals in cases where legal aid certificates have been refused, as well as determining whether certificates will be issued for cases involving appellate courts. If a certificate is denied for an Appeal Court case, the applicant may appeal the decision to the provincial Director of legal aid.

Eligibility for Legal Aid

Legal aid applicants are subject to a means test that considers all financial circumstances. The criteria for the means test are flexible, but may include assets, income, and the expenses of the applicant, spouse, and any dependent children.

Types of Services Provided for Poverty Law Matters

There is no legal aid coverage for poverty law in New Brunswick, and no coverage that is available on an ad hoc or discretionary basis. According to one respondent, the mandate of legal aid is limited to criminal and family law matters, as a result of budgetary constraints.

A legal aid representative noted that volunteer clinics operated by private bar lawyers may provide some assistance in poverty law matters. However, access to these clinics is limited by the amount of pro bono time lawyers are willing to donate, and the fact that there are clinics only in the Fredericton area. This respondent noted that legal aid does not have contact with any clinics of this kind, and that legal aid staff don't know any private bar lawyers who focus specifically on poverty law. The respondent also suggested that some other organizations may assist people with poverty law issues, notably the Rentalsman office and the Department of Justice (public legal education materials). The notion that these limited resources in any way constitute a "system" for delivering poverty law services was rejected – in essence, there is no system in place in New Brunswick, even at the community level.

Newfoundland and Labrador

Structure of Legal Aid

Delivery of Services

Legal aid in Newfoundland and Labrador is administered by the Legal Aid Commission (LAC). Services are delivered through a network of regional offices and Area directors. There are ten regional offices, eight of which have Area directors who are responsible for issuing legal aid certificates.

Newfoundland has a mixed staff lawyer and private bar lawyer (judicare) service delivery model, but staff lawyers deliver the majority of services in the province. In the early 1990s, legal aid switched from a predominantly private bar lawyer service delivery model to a staff lawyer model, although private bar lawyers are still used occasionally for some cases. As with other areas, staff lawyers provide the vast majority of assistance in poverty law cases.

Lawyers deliver all legal aid services in Newfoundland. Paralegals or other legal professionals are not involved in either legal representation or the provision of advice, although intake workers process the financial eligibility component of legal aid applications. Applicants who are refused legal aid coverage may appeal the decision to the provincial Legal Aid Director, and then to an Appeal Board composed of LAC members.

Eligibility for Legal Aid

Eligibility for legal aid is based on both financial and merit considerations. In terms of financial eligibility, persons receiving social assistance are automatically eligible. Other applicants are considered financially eligible if:

- i) they cannot retain private counsel without having to dispose of assets necessary to maintain their livelihood;
- ii) they cannot retain private counsel without impairing their ability to keep themselves and any dependents adequately fed, clothed, sheltered, and living as a family; or
- iii) they are without funds and require immediate legal assistance to preserve their legal rights.

In civil matters, decisions about legal aid coverage are also consider the merit of a case. Merit is evaluated on:

- i) the possibility of success;
- ii) the cost of proceeding relative to the anticipated loss or recovery; and
- iii) the likelihood of enforcing the judgment.



Types of Services Provided for Poverty Law Matters

The following chart briefly lays out the types of services available for poverty law in Newfoundland. Each of these service types is explored in more detail below, but no data on the number of clients or cost of these services was provided by legal aid respondents. Insofar as no data was submitted, the extent of available information on client numbers, service costs, and client characteristics remains unknown. However, given that poverty law is not a primary service area for legal aid in Newfoundland, respondents did note that cases of this type tend to be tracked only as a part of an “other” category that encompasses a wide range of issues.

Type of Service	Provision of this Service
General advice or assistance	There is no formal program for the delivery of advice.
Legal advice or assistance	There is no formal program for the delivery of advice.
Legal Representation	Yes. Staff lawyers provide legal representation in poverty law cases.
Public Legal Education	No.

Advice

When applicants are refused legal aid coverage, a respondent noted, staff lawyers may offer some basic advice on other options for pursuing their claim. However, there is no formal program or service stream for the provision of advice in the poverty law area.

Representation

Staff lawyers provide legal representation in poverty law cases.

Public Legal Education

Legal aid does not provide a great deal of public legal education. There is no established program in place, and legal aid does not produce any written materials or publications. Staff lawyers sometimes speak at schools or at some events, as requested.

Strengths and Challenges of the Poverty Law Legal Aid System

No information was collected concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Newfoundland, as a result of the inability to contact representatives of legal aid during the second phase of this project.

Prince Edward Island

Structure of Legal Aid

Delivery of Services

P.E.I. has no legal aid legislation – the Legal Aid Program (LAP) is administered by the provincial Department of Justice. P.E.I. is the only province that administers legal aid directly through a government department.

In the criminal and family law areas, four staff lawyers provide legal services from two different offices, including both full representation and summary advice. These lawyers travel to other locations if there are requests for assistance. Private bar lawyers are only retained for legal aid cases in the event of a scheduling problem or a conflict of interest.

Eligibility for Legal Aid

Eligibility for legal aid is determined by a flexible means test. Staff lawyers weigh the seriousness of the legal proceeding, and then consider whether an applicant's present means should be sufficient to obtain private counsel within the time required. Applicants may be considered financially eligible if they are without funds and require immediate assistance to preserve their legal rights, or if they cannot afford a lawyer without impairing their ability to keep themselves and their dependents fed, clothed, sheltered, and living as a family. There is no prescribed procedure for appeals on eligibility issues.

Types of Services Provided for Poverty Law Matters

There is no legal aid coverage for poverty law in Prince Edward Island, whether on a formal or informal basis. One respondent noted that staff lawyers may occasionally provide some very limited advice in this area, or refer persons to the Lawyer Referral service for a half-hour free consultation with a private bar lawyer. Given that poverty law is not a primary area of service provision, however, there is no documentation of the frequency with which people come to legal aid with inquiries on poverty law matters.

Overall, the legal aid system in P.E.I. is very small, with only four staff lawyers in two offices for the entire island. The only areas in which legal aid coverage is available are criminal law, family law, and mental health law. While legal aid respondents were able to suggest some community organizations that provide assistance in the poverty law area, the range of services available was not considered to be very comprehensive.



Northwest Territories

Structure of Legal Aid

Delivery of Services

The Legal Services Board (LSB) administers legal aid in the Northwest Territories through a model that is a mix of judicare, clinics and staff lawyers. In general, legal aid offices are mandated to serve the needs of the communities in which they are located, and they try to fill the resulting diverse range of needs. However, the LSB employs only a few staff lawyers, and their work is concentrated in the criminal and family law areas. Consequently, the legal aid system also relies on private bar lawyers and Native Court workers. Legal aid maintains a panel of (between 30 and 40) private bar lawyers who are assigned to eligible legal aid applicants on a certificate basis, according to their areas of expertise. As with paralegals, the Native Court worker program is based on a paraprofessional model. They perform the same functions as lawyers, up to and including the representation of clients in tribunals and courts. Court workers often provide the “first line of defence” for people with legal problems, particularly given the lack of lawyers in remote northern communities. As with staff lawyers, Court workers are employees of the LSB and do not function on a certificate basis.

The regional legal aid offices through which services are delivered are called clinics, and they have a community focus. These clinics perform all kinds of legal work required by the community, but the focus of staff remains on criminal and family law. A respondent from the legal aid plan commented that an important aspect of legal aid programming in the Northwest Territories is that it affects a lot more people in this jurisdiction than in many others. This is remarkable given the high cost of obtaining a lawyer in isolated areas.

Eligibility for Legal Aid

Legal aid applications are prepared by employees of regional legal aid clinics and by private bar lawyers on the legal aid panel. The Executive Director of the LSB is responsible for approving coverage for legal aid applicants. A person who is denied legal aid coverage may appeal this decision to the Board of the LSB. Legal aid coverage is available for the purposes of an appeal, provided that an opinion demonstrates that there is merit and that the person is otherwise eligible for legal aid.

The LSB adopted a system of presumed eligibility in 1997, and it continues to form an integral part of the provision of legal services. Presumed eligibility works on the assumption that all persons shall be presumed to be financially eligible for circuit court counsel and duty counsel services, thereby allowing all persons access to legal aid services. Although the presumed eligibility model originated under the criminal system, it now extends to other matters, including poverty law. Cases that are covered on the basis of presumed eligibility are not processed by way of a formal application for legal aid.

Types of Services Provided for Poverty Law Matters

The following chart describes the types of services available for poverty law in the Northwest Territories. Each of these service types is explored in more detail below, including in charts presenting the data collected from legal aid respondents for the purposes of this project. Respondents submitted data on the number of clients receiving advice and legal representation on a limited range of poverty law issues. In addition, data was supplied on the total number of applicants and the number refused coverage. A very limited amount of information is available on the activities of Court workers. At present, the only type of poverty law matter for which separate Court worker data is collected is landlord/tenant. Some data on the sex and age of poverty law clients has also been provided, but this information is available only for those full service cases that have been entered into the data management system. Immigration status, ethnicity and language are not tracked by legal aid, and no information is available on the cost of poverty law services.

Type of Service	Provision of this Service
General advice or assistance	Court workers provide general advice and assistance.
Legal advice or assistance	Legal advice is available through certificates for consultations of up to three hours.
Legal Representation	Poverty law representation is provided by staff lawyers, private bar lawyers, and Court workers (although staff lawyers work primarily in criminal and family law cases).
Public Legal Education	Little.

Advice

Certificates can be issued to private bar legal aid lawyers for up to three hours of advice or consultation. This kind of certificate tends to be provided when a case does not fit into an established legal aid category, or if it is questionable whether legal aid should be covering the specific work, but it is known that the applicant would not otherwise receive assistance.

As chart below indicates, debtor/creditor matters are clearly the most common poverty law issue on which inquiries are received, followed by landlord/tenant matters.

NUMBER OF ADVICE CASES, 2000-2001	
Poverty Law Issue	Number of Advice Cases
Landlord/Tenant	14
Workers' Compensation	3
Labour Standards	7
Debtor/Creditor	23
TOTAL	47

Source: Data collection charts for the Northwest Territories

In addition to advice provided by lawyers on certificates, the Court workers responsible for legal aid service delivery in a given region are expected to provide both general and legal advice and assistance to members of their communities. Statistical information is not provided separately on the number of people assisted by Court workers through the provision of advice versus through representation by lawyers. As well, the only poverty law issue for which there is separate data on Court worker cases is landlord/tenant matters. Although Court workers likely provide services on a wide range of other poverty law issues, data on the assistance provided in these



areas is not currently broken out.⁴ Accordingly, the only information available on the poverty law activities of Court worker in 2000-2001 is that they assisted in some capacity in 93 landlord/tenant cases.

A respondent from legal aid reported that some advice may also be provided in poverty law matters by duty counsel. Although, technically, they cover criminal proceedings, duty counsel lawyers may in fact assist people who are referred to them with poverty law questions, especially if they have any knowledge or experience in this area. However, given that the provision of such advice is not a formal duty counsel function, there is no data on the number of people receiving assistance through this channel.

In addition to the advice provided by private bar lawyers, Court workers, and duty counsel, the LSB operates a Law Line inquiry and referral service. Volunteer lawyers staff this line, providing summary legal advice of a general nature. This service is provided outside regular office hours and is available to any member of the public.

Representation

As noted above, staff lawyers, private bar lawyers, and Court workers all provide legal representation in poverty law cases.

In general, the work of staff lawyers is concentrated on criminal and family law matters. Since staff lawyers tend to lack expertise in the poverty law area, they take on only such cases that are particularly noteworthy in some way (for example, test cases, important precedents, and so on). A respondent from legal aid noted that staff lawyers probably “do not think of themselves as doing poverty law work. If someone asked about services in this area, the answer would likely be that there are none.”

Since staff lawyers do not provide a significant amount of representation in poverty law matters, as many cases as possible are referred out to private bar lawyers. According to a legal aid respondent, private bar lawyers have varying degrees of expertise with poverty law issues.

With respect to Court workers, a legal aid respondent commented that they are “essentially like mini-lawyers” in terms of the work they do. They tend to be thought of as staff lawyers, and do provide representation in legal proceedings. As noted above, however, the only data available on Court workers’ poverty law activities in 2000-2001 is that they provided some manner of assistance in 93 landlord/tenant cases.

In the Northwest Territories, legal aid incorporates the doctrine of “presumed eligibility” into its service delivery structure. This doctrine means that, in some circumstances, legal aid applicants may be “presumed” to be eligible for legal aid coverage in the absence of a complete application. The presumed eligibility approach originally emerged for criminal matters, but has since been extended to include the poverty law area. However, the number of poverty law cases covered on

⁴ A respondent from the Northwest Territories noted that they are currently considering an expansion of the data collection categories for Court workers so that separate data will be available for more issue areas in which these paraprofessionals provide services.

a presumed eligibility basis is not tracked, since the data management system currently in use relies on formal legal aid applications to monitor cases. As a result, the data presented below on the number of poverty law cases handled by staff and private lawyers is not an entirely accurate count of the total number of poverty law cases in which legal aid assistance was provided.

NUMBER OF POVERTY LAW CASES, 2000-2001			
Poverty Law Issue	Number of Cases		
	<i>Staff Lawyer</i>	<i>Private Bar Lawyer</i>	<i>TOTAL</i>
Income Assistance	3	1	4
Landlord/tenant	3	4	7
Workers' Compensation	1	0	1
TOTAL	7	5	12

Legal aid respondents from the Northwest Territories provided the following data on the number of people refused coverage for poverty law legal aid, and the reasons for these refusals. As the chart below indicates, one quarter of the applicants were denied coverage.

POVERTY LAW COVERAGE REFUSALS, 2000-2001			
Poverty Law Issue	Number of Applications	Number Refused Coverage	Reason(s) for Coverage Refusal
Income Assistance	4	0	
Landlord/tenant	10	3	2 – Financial eligibility 1 – Insufficient case
WCB	2	1	Failed to provide information
TOTAL	16	4	

Source: Data collection charts for the Northwest Territories.

Some data on the characteristics of poverty law clients is available, but only for those full service cases that have been received and entered into the data management system. Accordingly, the information presented in the table below may not accurately reflect the composition of the clients who receive legal representation from staff lawyers, private bar lawyers, or Court workers. According to available data, however, women aged 18–39 constitute the majority of poverty law legal aid clients.

SEX AND AGE OF POVERTY LAW CLIENTS, 2000-2001					
Sex		Age			
<i>Women</i>	<i>Men</i>	<i>Under 18</i>	<i>18–39</i>	<i>40–54</i>	<i>55 and over</i>
11	5	1	10	2	3

Source: Data collection charts for the Northwest Territories.

Legal aid respondents were unable to estimate the percentage of poverty law clients with a particular mother tongue, but First Nations persons with the mother tongue Dogrib were mentioned as a key client group. However, respondents also noted that all legal aid clients access services in English. The immigration status of poverty law clients is not tracked.



Public Legal Education

Legal aid is responsible for providing public legal education, although in reality the amount offered is limited, given that there is no funding in this area. Most public legal education services are focussed on the primary service areas for legal aid, namely criminal and family law.

Strengths and Challenges of the Poverty Law Legal Aid System

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in the Northwest Territories.

Problem Areas

Lack of Funding. A respondent from legal aid noted that there is too little funding overall for legal aid in the Northwest Territories, and, correspondingly, too little funding in the poverty law area in particular. The lack of funding for poverty law is exacerbated by what this representative characterized as a “complete lack of communication” between the N.W.T. government departments involved in poverty issues (Justice, Education, Culture and Employment). As a result, there is little focus in the funding approach, and a lack of co-ordination in the use of funds.

Lack of General Legal Aid Coverage. One respondent noted that legal aid only has a really significant presence in two parts of the Northwest Territories: Yellowknife and the Beaufort delta area. In other regions, there is not a wide range of legal aid services available, although the Court worker program does provide a key link to many communities. Ensuring an adequate geographic distribution of services is complicated by the large area and small population of the Northwest Territories.

Lack of Poverty Law Coverage. In addition to the general lack of legal aid presence in many parts of the Northwest Territories, poverty law coverage in itself is limited. Since poverty law is not a primary area of service delivery, available assistance tends to be informal and provided under the guide of a “catch-all.” According to one legal aid respondent, more comprehensive poverty law services are unavailable because of a lack of funding. Criminal and family law issues are prioritized, and there is not enough funding to adequately extend services into other areas.

Success Stories

Relationships with Other Community Organizations. A respondent from legal aid noted that staff have a good relationship with other groups in the community, particularly those providing services in the family law area. (Family law issues are often related to poverty law issues). This representative suggested that a great deal of trust has been built up between legal aid offices and these community organizations, which results in effective cross-referrals, collaboration, and the prompt provision of assistance in cases where it is needed. One example highlighted in

particular is the Women's Centre in Yellowknife, one of two areas in the N.W.T. where legal aid has a significant presence.

Services Provided by Private Bar Lawyers. A legal aid representative noted that the services being provided by some private bar lawyers are of high quality, despite the fact that they earn far less working for legal aid than they would in private practice. These lawyers are committed to providing people access to justice, and are a valuable resource for legal aid.

Conclusion

Legal aid provides coverage for poverty law matters in eight of the jurisdictions reviewed in this report: B.C., Alberta, Manitoba, Ontario, Quebec, Nova Scotia, Newfoundland, and the Northwest Territories. No poverty law legal aid coverage is available in Saskatchewan, New Brunswick or Prince Edward Island.

All those jurisdictions that provide poverty law coverage also offer legal representation to clients. The most comprehensive systems for the provision of representation are found in B.C., Ontario and Quebec, each of which has a wide network of community offices that extend coverage in a comprehensive range of issues. The legal representation available in Alberta, Manitoba, Nova Scotia and the Northwest Territories is more limited, given the small number of staff regularly providing services in the poverty law area, and the uneven distribution of service across regions. The extent of the representation offered by legal aid in Newfoundland is unknown, due to the fact that respondents did not submit any data. However, it was acknowledged that poverty law is not a primary service area for legal aid in this province. All jurisdictions tend to rely on legal aid staff to provide poverty law representation, and, in B.C., Ontario and the Northwest Territories, this staff includes paraprofessionals as well as lawyers. Manitoba, Quebec and the Northwest Territories are the only jurisdictions that reported regularly relying on private bar lawyers to provide legal representation in poverty law matters.

The picture is similar with respect to the provision of general or legal advice in poverty law matters. B.C., Ontario and Quebec have the most established systems, although in Quebec no distinction is made between advice and full representation cases. Unlike B.C. and Ontario, which have developed separate codes for advice cases, all legal aid clients in Quebec are simply assigned a lawyer with whom they consult about their case. The networks of community offices in these three provinces provide an effective venue for the provision of non-tariff services like advice, insofar as they have a local presence and are able to respond to community needs. In B.C. and Ontario, community offices also employ paralegals and community legal workers with specific expertise in the poverty law area. The Northwest Territories has developed a somewhat similar – if not nearly as comprehensive – community dimension to its legal aid system through the development of a small number of local clinics and the use of Native Court workers in remote locations. In addition, private bar lawyers in the N.W.T. also provide advice to poverty law clients on a certificate basis, as do staff duty counsel lawyers.

Other jurisdictions with specific programs through which advice is available in poverty law issues are Manitoba and Nova Scotia. As with legal representation, however, the services available in these provinces are more limited. Manitoba has only one Poverty Law Office, in



Winnipeg, while Nova Scotia has one poverty law staff lawyer, in Halifax. Alberta and Newfoundland do not have any established service stream for the provision of poverty law advice.

The amount of detailed information available on the individual poverty law issues in which legal representation and advice is limited in most jurisdictions. Insofar as poverty law is not a primary legal aid service area for most jurisdictions, available data in poverty law cases tends to be grouped into other categories, rendering the compilation of separate case counts difficult. In some instances, poverty law cases are not distinguished from other civil law matters, or are grouped into an “Other” category along with various non-criminal and non-family law matters. An additional complication is that the data collection categories used by legal aid plans are not consistent across jurisdictions, making it difficult to compare caseload information.

Given the above limitations, the conclusions that can be drawn regarding areas of concentration for poverty law services are not exhaustive. Of the six specific poverty law issues on which data requests were centred (Employment Insurance, CPP/QPP/OAS, income assistance, landlord/tenant-housing, WCB, and debtor/creditor), available data suggests that income assistance and housing are key issues in which there is a demand for legal assistance. These are also issues on which separate caseload information is most frequently available – likely due in part to the fact that higher case volumes lead to the development of separate data coding. Additional poverty law issues under provincial responsibility, in which legal aid caseloads are much lower, include workers’ compensation and debtor/creditor, although the latter is an issue on which very little separate data was available.

Compared to income assistance and housing, there also tend to be fewer poverty law advice and full representation cases pertaining to the federal issues of Employment Insurance and CPP/QPP/OAS. As with debtor/creditor matters, however, it is also the case that jurisdictions are less likely to have separate caseload data on these matters – they are frequently combined into a single category, or included with other issues in an even broader classification. However, the number of cases in these combined categories still remains relatively low compared to income assistance and housing. Despite the limited availability of separate data, then, it is likely the case that fewer people are receiving assistance through legal aid in Employment Insurance and CPP/QPP/OAS matters.

With respect to the comments of legal aid staff on the strengths and weaknesses of the current poverty law system, several themes emerge. The key problems areas identified by respondents are funding levels and coverage. Comments on these issues most often pertained to the limited funding available for poverty law specifically (or legal aid in general), and the limited or non-existent legal aid coverage available for certain poverty law issues. These issues are linked to some degree, insofar as several respondents noted that coverage cannot be expanded without additional financial support. The other problem area mentioned by some respondents is the lack of visibility of legal aid, and the corresponding need to cultivate more awareness of available services among potential client groups.

In terms of success stories, the theme mentioned most often concerns service delivery models. Many respondents commented on particular aspects of their approach to delivering poverty law

services that are working well. These included the expertise of staff, the use of a specialized Poverty Law Office, and collaboration across various legal aid structures. Other positive elements noted by some respondents are the community-based approach that certain jurisdictions have adopted in the poverty law area, and the comprehensiveness of available legal aid coverage. This latter theme is interesting, in light of the fact that several respondents said the opposite and raised “comprehensiveness” as a problem.



Part Two: Poverty Law Services Provided by Community Organizations

Introduction

Part Two of this report presents information collected from community organizations involved in poverty law work in each of the ten provinces. Before proceeding, it is important to note that the information presented in this section is not an exhaustive account of all the poverty law work being done at the community level. The scope of this project permitted only a small sample of organizations to be interviewed. In most of the provinces, there are a number of additional groups that deliver services in the poverty law area whose programs, resources and expertise are not reflected in the discussion below. Accordingly, while certain trends do emerge in terms of services, problems, and successes, it should not be assumed that these trends reflect the experience of all community organizations involved in the delivery of assistance in poverty law.

As with legal aid plans, the community organizations interviewed were asked for both descriptive information and data concerning their clientele. The descriptive material collected addresses the nature of an organization's services, the types of issues on which they work, the staff involved in doing this work, and the funding they receive. In addition, respondents were asked to consider the strengths and weaknesses of the current system for delivering poverty law services in their province, notably in terms of what is working well about this system (success stories), what is not working well (problem areas), and any outstanding gaps. The data collection process was designed to collect information on total numbers of clients, numbers of clients by specific legal issue, programming costs, and client characteristics.

While the descriptive component of the interviews yielded much valuable information, the amount of hard data actually collected from community groups was quite limited. Some groups simply do not keep a great deal of information on the clients they serve, while many others were unable (or in some cases unwilling) to use limited staff hours to provide the requested numbers. As such, the data presented in Part Two of the report should not be taken as representative of the number of clients assisted with poverty law matters by community organizations.

Information on the poverty law services offered by community groups is organized into five categories (public legal education, referrals, preparation of legal aid applications, advice, and advocacy). A few words are warranted to explain the kinds of activities included in each of these categories for the purposes of this report.

In the interviews, respondents were asked about the involvement of their organization in providing public legal education, the preparation of legal aid applications, general advice, legal advice, and advocacy. Public legal education includes the organization of workshops or other educational activities and/or the provision of self-help educational materials (pamphlets, brochures). Preparation of legal aid applications includes any assistance delivered in the process

of applying for legal aid. General advice covers referrals to other organizations or to legal aid, as well as the provision of basic information, while legal advice includes assistance with a specific client case, such as helping to complete forms or accompanying clients to meetings. Finally, advocacy is described as action as an advocate on behalf of a client at tribunals and appeals (whether as legal or lay counsel).

For the purposes of compiling interview data for this report, the breakdown of services types initially used during the interviews has been changed slightly. Public legal education, preparation of legal aid applications, and advocacy, remain the same. The provision of referrals to other organizations or to legal aid has been made a separate category, because many organizations characterized this as a key function for their staff and a key service to clients, in terms of matching them with appropriate services. With the exception of referrals, general advice and legal advice have been combined into a single category. A single advice category has been used because of the overarching message from many community respondents – that they are uncomfortable with the implication that the provision of advice means directing clients on a specific course of action. Accordingly, the distinction between the kinds of activities included in the “general” versus “legal” advice categories is not only difficult to maintain, but artificial in terms of the types of activity broadly characterized as “advice” by respondents. In addition, community groups generally do not view their services in terms of discrete categories, so similar forms of assistance, like the provision of general and of legal advice, are more effectively discussed simultaneously.

British Columbia

Nine community organizations were interviewed in B.C. All of these organizations are involved in working directly with low-income people, and, for most, low-income status is the only criterion for receiving assistance. However, some organizations do target their service to specific groups, notably women, people with disabilities, and immigrants/refugees. The organizations interviewed are located around the province, including the Lower Mainland/Vancouver, the Fraser Valley, Vancouver Island, the Northwest region, the North-Central region, Peace River, and the Kootenays.

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	All of the organizations interviewed in B.C. are involved in the provision of public legal education, most commonly through the organization of information sessions, speaker series, workshops, or the provision of educational materials.
Referrals	All of the organizations interviewed refer clients to a wide range of additional resources. The most notable of these is legal aid.
Preparation of Legal Aid Applications	One organization regularly assists people with legal aid applications, and one will advise people on the process and resources available through legal aid. Two other organizations may assist people who have been denied legal aid coverage.
Advice	All of the organizations interviewed provide general advice and assistance, and most also offer some kind of legal advice or procedural assistance (for example, the completion of forms, accompaniment to meetings and other proceedings). Four organizations noted that they will not advise clients on a specific course of action, and one of these groups commented that staff do not provide any legal advice.
Advocacy	All of the organizations interviewed provide advocacy services in poverty law issues.



Public Legal Education

Seven of the nine organizations interviewed in B.C. provide workshops, information sessions, or speakers on issues relating to poverty law in their community. Six agencies have written information available for their clients, whether produced internally or collected from other groups.

Together Against Poverty Society is engaged in community education, particularly in the areas of housing (tenancy rights) and poverty (educating people about their rights and the system). The kinds of activities in which this organization is involved include workshops, speaking engagements, working in coalition with other groups, and sitting on local advisory committees (for example, social planning, housing). Together Against Poverty also has a variety of materials available for distribution, and co-operates with legal aid in providing poverty law workshops and advocacy skills sessions.

Active Support Against Poverty, the Nelson Advocacy Centre, and the Advocacy Access Program of the B.C. Coalition of People with Disabilities provide a similar range of public legal education activities. Active Support offers seminars on welfare rights, living in poverty, and the poverty game, and makes a range of other groups' written materials available to their clients. The Nelson Advocacy Centre provides workshops on topics as requested by the community (including training for advocates), in addition to producing its own written information and distributing information provided by other organizations. The Advocacy Access Program organizes informational workshops, primarily on applying for disability benefits and changes in laws and government programs. This organization also has general information available on its Web site (legal rights and responsibilities, accessing community resources, levels of government and their responsibilities), as well as written materials and advocacy manuals for individuals and groups.

MOSAIC, the Newton Advocacy Group Society, and Branching Out all provide workshops on a variety of issues. The respondent from MOSAIC noted that workshops are an effective mechanism for educating the immigrants and refugees with whom they deal, since people from other cultures are often more comfortable with face-to-face interaction. In addition, the MOSAIC representative commented that refugees may not be literate even in their own language, so written materials are of limited utility. A common workshop topic for the Newton Advocacy Group Society is disability benefits and related issues (both federal and provincial), although sessions are provided on other topics when requested (for example, welfare rights, advocacy training). The respondent from Branching Out noted that they do presentations at local schools, colleges and other places about the poverty law system, how it works, people's legal rights, and so on.

Terrance Anti-Poverty Group Society does not provide workshops, but this organization does produce some of its own written materials, as well as collecting and distributing materials from other places. The Downtown Eastside Women's Centre respondent noted that this organization operates a legal advocacy program that is designed to provide information and resources (not legal representation) to women who come to the Centre. The number of women using this program has increased considerably over the last few years.

Referrals

All of the organizations interviewed identified referrals as an important part of their work. Respondents noted that clients are referred to a wide range of places, as appropriate to their needs, and based on the ability of staff to answer their questions or provide adequate assistance. Respondents from the Newton Advocacy Group and Branching Out suggested that referrals are the key service because the aim of staff is to set clients up with the appropriate resources for their problem, and, accordingly, to ensure that they get the help they need.

The primary places identified for referrals include legal aid, government offices, and a wide range of other community organizations, with legal aid being the referral resource cited most regularly. The Downtown Eastside Women's Centre representative noted that the most common referral resources are mental health services – a service area outside staff expertise. The respondent from Branching Out noted that there are some private bar lawyers in the community to whom clients are sometimes referred, because there is a co-operative relationship between these lawyers and organization staff. A representative of the Nelson Advocacy Centre noted that, once legal aid is gone, staff will have to refer poverty law clients to the lawyer referral service – a much less comprehensive kind of assistance.

Preparation of Legal Aid Applications

Only the Downtown Eastside Women's Centre regularly assists people with the preparation of legal aid applications. Staff at the Advocacy Access Program of the B.C. Coalition of People with Disabilities will advise people about the services available through legal aid and tell them how to access these services. In addition, they may assist clients in setting up meetings with lawyers at pro bono legal clinics, the Law Students Legal Advice Program, and legal aid.

Respondents from the Newton Advocacy Group and Active Support Against Poverty noted that staff may try to assist people who have been denied legal aid coverage by referring them to other resources, writing letters on their behalf, assisting them with the appeal process, and providing general advocacy and support. The Newton Advocacy representative noted that the same sort of assistance would be extended to people denied other kinds of services.

Advice

All of the organizations interviewed assist clients through the provision of general and/or legal advice. All organizations provide general assistance, including answering client questions, providing information, and offering referrals to relevant resources. The other services provided by organizations are described below.

Delivering advice to clients was characterized as a “big part” of the work of MOSAIC. In addition to answering questions and providing information, this includes assistance with forms and procedural assistance with the legal process (e.g., what has to be done to file for appeal). Staff at Terrace Anti-Poverty also assist clients with the completion of forms, and will also act as “interpreters,” making telephone calls on a client's behalf to alleviate misunderstandings,



collecting information, and so on. Downtown Eastside Women’s Centre staff also help clients to complete forms.

Together Against Poverty characterizes the assistance provided by organizational staff as “whatever is needed.” In general terms, this includes answering questions and providing information (particularly in the areas of income assistance and tenancy). However, some staff members also provide legal advice for areas within their expertise. For other issues, Together Against Poverty regularly makes use of legal aid lawyers at local community offices. As with Together Against Poverty, respondents from Active Support Against Poverty noted that people “don’t come to their office and receive ‘no’ for an answer” – they always receive some kind of assistance. This can include information and materials, assistance with the completion of forms (an important area for this agency), or advice on tribunals and appeals.

A respondent from the Newton Advocacy Group noted that its staff make a distinction between the provision of general assistance and actually directing clients on a course of action. The focus of this agency is to inform clients about their situation and give them options, but ultimately let them choose what to do. In this vein, staff will advise people about available resources, benefits, and their legal rights and responsibilities, as well as assist them to assess a problem and identify possible avenues to address it. In addition, the respondent noted that staff will accompany mental health clients to formal proceedings. Similarly, a respondent from the Advocacy Access Program of the B.C. Coalition of People with Disabilities noted that staff members are unable to provide legal advice to clients, because they are not lawyers. Clients may receive legal information, but they will not be directed as to a specific course of action.

The Nelson Advocacy Centre and Branching Out adopts a similar stance. Nelson staff educate clients about the system and provide legal information, but will not advise clients on a particular approach. The respondent from Branching Out commented that the more clients can do for themselves, the better they feel about their situation. In addition to providing people with information and options, however, Branching Out clients have the option of “falling back” on organization staff if necessary. For example, staff will accompany clients to meetings if they are unable or unwilling to go alone, and will assist with the completion of forms. Some legal advice may also be provided in areas where staff have expertise.

Newton Advocacy also organizes a weekly pro bono legal clinic through which clients can receive a free half-hour of advice. This includes only ideas, information, and direction on how to proceed – no specific action is taken on behalf of clinic clients. There are eligibility criteria for participation in this clinic, but these criteria are not as stringent as those set by legal aid.

Advocacy

Terrace Anti-Poverty and Together Against Poverty provide advocacy for income assistance and tenancy issues, although Together Against Poverty does some work on Employment Insurance as well. Branching Out, Active Support, Newton Advocacy, and MOSAIC also provide some advocacy in poverty law issues. For Active Support, this can include acting in a support capacity or as a lay advocate. The Newton Advocacy Group noted that advocacy may be provided when there is no risk of escalation – that is, when there is no risk that the matter may expand to involve

a criminal issue. However, a respondent from this organization noted that, due to the increasingly legalistic nature of poverty law, the involvement of lawyers is increasingly necessary. The Downtown Eastside Women's Centre provides advocacy in income assistance, housing, workers' compensation, and a variety of other issues. The Advocacy Access Program of the B.C. Coalition of People with Disabilities provides advocacy in the setting of administrative tribunals, most notably in issues pertaining to disability benefits.

The MOSAIC representative noted that, while some representation is provided through its Advocacy Program, clients are also regularly referred to legal aid. There is no requirement that program staff have legal training, so varying degrees of legal assistance are provided, depending on the skills of the person filling the position at the time. Legal representation is provided by MOSAIC to only non-Canadian born people who meet certain financial eligibility criteria. In practice, however, the respondent noted that financial issues do not typically arise. Clients who are financially ineligible are referred to the lawyer referral service or provided with instruction on how to "shop" for a lawyer.

Nelson Advocacy Centre staff act in a paralegal capacity to provide lay advocacy (although, technically, they are not paralegals). However, respondents from this organization noted that they are often successful in preventing a case from getting to the point of a tribunal. If clients are provided with good information, applications are properly completed, available options are adequately assessed, and the case is appropriately framed, Nelson staff believe that tribunals can be avoided. In the respondents' view, "most cases go through if workers are offered a realistic appraisal of what the client should get." Nelson Advocacy representatives noted that resolving cases through negotiation tends to yield faster results, and better protection for clients in the event that they have done something wrong. Together Against Poverty shares the view that tribunals are not the most common outcome for poverty law clients, insofar as staff will work to resolve cases before they reach this point.

Representatives noted that the Nelson Advocacy Centre has recently been receiving more appeal cases (particularly in the area of disability benefits), which the respondents suspect is because more people are being denied benefits. In addition, respondents noted that the Nelson Advocacy Centre may now choose to pursue cases that are rejected by legal aid due to lack of merit. This has increased following the restrictions imposed by B.C.'s new income assistance legislation (e.g., challenges to the two-year time limit for receipt of welfare benefits).

The following data was submitted by three organizations in B.C. on their poverty law activities. Although all of the numbers presented in these charts should be considered estimates, it is clear that the number of clients receiving services for income assistance matters far exceeds the other poverty law issues listed.



TOTAL NUMBER OF POVERTY LAW CLIENTS, 2000-2001	
Poverty Law Issue	Total Number of Clients Receiving Assistance
EI	20
CPP/OAS	279
Income Assistance	3,320
Housing	648
WCB	16
Debtor/Creditor	128
Other	1,782

Source: Data collection charts for B.C. Data for this chart has been amalgamated from the information provided by three organizations.

One of the groups that submitted data reported that the total number of poverty law clients is increasing. According to this respondent, staff assisted 2,455 clients in poverty law issues in 2000-2001. Due to recent legislative and regulatory changes, it is predicted that the number of poverty law clients is likely to reach 5,000 in 2001-2002, going by trends at the time of the interview.

One organization that was unwilling to complete the Data Collection charts did estimate that staff assist approximately 12,000 people each year. No information is available on the distribution of these clients across different areas of service provision, or across various legal issues. However, the focus of this organization is on income assistance and CPP/OAS matters.

NUMBER OF POVERTY LAW CLIENTS BY TYPE OF SERVICE, 2000-2001				
Poverty Law Issue	General Advice/ Assistance	Legal advice and/or Advocacy	Preparation of Legal Aid Applications	Other Assistance*
EI	12	0	8	0
CPP/OAS	60	3	26	190
Income Assistance	2,640 [#]	602 [#]	78	0
Housing	154	337	59	98
WCB	0	16	0	0
Debtor/Creditor	60	0	0	68
Other	486	1,077	104	115
TOTAL	3,412	2,035	275	471

Source: Data collection charts for B.C. Data for this chart has been amalgamated from the information provided by three organizations.

* This can include assistance delivered to clients in other than the listed categories, and/or cases that have not been classified by the organizations into data collection categories relevant to this project.

[#] One of the organizations that submitted data is unable to distinguish between the general and the legal work done on income assistance cases. For the purposes of amalgamating data, the author has included all of this group's reported IA cases (approximately 948 a year), in the general advice/assistance category. However, some of these cases likely fall into the legal advice/advocacy category. Overall, this means that the number of general advice/assistance clients is somewhat over-reported, while the number of legal advice/advocacy clients is somewhat under-reported.

As the above chart reveals, the provision of general advice or assistance is the activity in which community organizations most frequently engage, although legal advice and advocacy are also common areas of service provision. It is important to recall, however, that the above discussion of available advice services indicates the activities most commonly included as legal advice tend to be procedural in nature (assistance with forms, making calls on a client's behalf, etc.), and do not involve specific legal assistance. In addition, several respondents expressed the view that staff prefer not to provide advice in the sense of directing clients on a particular course of action. When the above chart is considered in light of these statements, it appears that the bulk of poverty law activities in which community organizations are engaged are of a general and/or procedural nature rather than a specifically legal nature.

Of the three organizations that submitted data on their legal advice and advocacy clients, two of these groups were able to break down this information across different legal issues. The chart below indicates that income assistance is a primary area for both legal advice and advocacy, while housing is the most common issue for both tribunal and appeal level cases.



LEGAL ADVICE AND ADVOCACY CLIENTS BY TYPE OF ISSUE, 2000-2001				
Poverty Law Issue	Legal Advice/Assistance	Advocacy		
		<i>Tribunal</i>	<i>Appeal</i>	<i>Total</i>
EI	0*	0*	0*	0*
CPP/OAS	3	0*	0*	0*
Income Assistance	400	72	189	261
Housing	27	100	210	310
WCB	0*	0*	16	16
Debtor/Creditor	0*	0*	0*	0*
Other	44	452	546	998

Source: Data collection charts for B.C. Data for this chart has been amalgamated from the information provided by two organizations.

* These columns do not include any clients counted in the “Other Assistance” category on the data collection charts.

Two organizations involved in providing both information and advocacy services provided data on the characteristics of their poverty law clients. With respect to sex, both organizations predominantly serve women. One of these organizations targets its services specifically to women, while the other reported that 68 percent of clients are female, and only 32 percent male.

With respect to age, both organizations reported that adults are the primary client group, constituting 93 percent of clients for one organization and 85 percent for the other. Youth constituted only 5 percent and 12 percent of the clientele of these groups, and seniors 2 percent and 3 percent, respectively.

Only one of these two organizations provided data on the ethnicity and language of poverty law clients.

Ethnicity	Percent of All Clients	Mother Tongue	Percent of All Clients
Aboriginal	70	English	79
Asian	8	Asian	8
Caucasian	19	Aboriginal	3
Black	3	Other	10

Source: Data collection charts for B.C.

Four organizations interviewed in B.C. submitted cost information on their poverty law services. One organization does not break down cost information by type of service, but rather by program area. In 2000-2001, this organization reported that the Welfare Advocacy Program cost \$52,000 (two full-time advocates). The cost of the Mental Health Consumer Advocacy Program (providing services in consumer and other poverty law issues to clients with mental health problems) was reported at \$764,000 (two full-time advocates). Finally, the Child Protection Advocacy Program cost \$70,000 in 2000-2001 (one program manager working four days a week, and one part-time staff member).

A respondent from the second organization estimated that, in most programs, poverty law advocacy services cost approximately \$40 to \$65 per client (although this excludes some intensive educational and counselling services offered to survivors of violence, etc.). Based on the estimated number of poverty law clients in 2000-2001 also served by this organization, poverty law services cost between \$98,200 and \$159,575. This number should be treated with caution, given that it is not based on a detailed accounting of costs or program participants.

The third agency estimated that the cost of its poverty law services was \$80,000 in 2000-2001. Cost breakdowns based on particular types of services are not available. The fourth organization reported that the cost of its services totalled \$215,000 in 2000-2001. A breakdown of these costs across service types is provided in the chart below.

Public Legal Education	General Advice/ Assistance	Legal Advice/ Assistance	Preparation of Legal Aid Applications	Advocacy at Tribunals	Advocacy at Appeals
\$17,200	\$27,950	\$10,750	\$25,800	\$53,750	\$79,550

Source: Data collection charts for B.C.

Types of Poverty Law Issues

Employment Insurance (EI)

Two organizations regularly provide assistance with EI, while a third will provide general information and assistance to clients with mental health problems in this area. A fourth organization usually provides assistance with EI, but the advocate responsible for this area is on leave so the number of clients served in this area has declined considerably.

Respondents from three of the remaining organizations noted that staff may occasionally assist people in EI matters if the issue in question is within the expertise of staff. However, these agencies generally refer people to legal aid, EI offices, or other groups for assistance. A fourth group reported that they do not generally provide assistance with EI, but may provide some information, particularly on medical issues. The final organization does not offer any assistance with EI matters.

Canada Pension Plan/Old Age Security (CPP/OAS)

Five organizations provide assistance in CPP/OAS issues, with two respondents noting that this is an area in which they receive quite a few inquiries concerning both federal and provincial disability benefits regulations. Four of these groups provide services ranging from the provision of general information and assistance with forms to advocacy services; the fifth generally only provides basic advice. A sixth organization provides general information and assistance to clients with mental health problems in CPP/OAS issues.

The three remaining organizations primarily refer people elsewhere for assistance with CPP/OAS matters, notably to legal aid, seniors' organizations, and government offices. However, one of these three groups occasionally provides limited direct assistance, depending on whether the matter is within staff expertise, while a second has some written materials available in the CPP/OAS area.

Income Assistance (IA)

All of the organizations interviewed identified IA as a primary area of work. The kind of assistance provided by the organizations ranges from the provision of basic information and



assistance to providing lay advocacy at hearings and tribunals. Two organizations specialize to some degree in dealing with applications for disability benefits and associated issues.

One respondent noted that the poverty law system is becoming more legalistic, and that there is, accordingly, a greater need for lawyers to be involved with formal processes. At the same time, however, this respondent indicated that lay advocacy and peer support remain essential, to prevent people from “falling through the cracks.” This is particularly true in light of changes in legal aid, and the pending elimination of the majority of targeted services in the poverty law area.

Housing and Landlord/Tenant

After income assistance, housing and landlord/tenant matters represent the largest area of work for the poverty law organizations interviewed in B.C. Six organizations noted that they regularly provide services in this area, and that it is a significant part of the work they do (although one of these groups noted that it does not deal with arbitration cases in this area, but refers clients to the Tenants Rights Action Coalition).

Two other organizations used to provide advocacy services in housing and landlord/tenant issues until their funding was cut. One group now works in co-operation with legal aid through weekly clinics, in order to ensure that the many clients previously referred to them by legal aid for housing assistance have a resource to turn to. The other agency formerly had a full-time advocate providing direct client services in the housing area, but staff can now only offer general information and a self-advocacy guidebook (although the respondent did note that staff may occasionally help with housing matters if they are already working with a client on another issue). In addition, one staff person at this organization does systemic community development work on housing issues.

The final group does not do a lot of work in housing issues, and does not provide representation at hearings. However, some materials may be provided to clients who have questions in this area.

Workers’ Compensation (WCB)

Only one organization identified WCB as a regular area of service, although two other groups noted that some assistance may be provided if staff have the relevant expertise. The remaining eight organizations noted that either they provide no assistance in WCB cases or clients are referred elsewhere (notably to legal aid or the office of the Workers’ Advisor). One of these eight respondents commented that they do not handle WCB cases because they are so complicated, while another representative noted that these cases take too long to be handled at the community level.

Debtor/Creditor

Five organizations provide limited assistance with debtor/creditor matters. For two of these groups, this includes the provision of general information or advice, notably on how the system works and the resources available in the community to address problems in this area. The other

three groups noted that they generally refer people elsewhere for debtor/creditor problems, although two respondents suggested that some very limited assistance may be provided if staff have the relevant knowledge. The remaining four organizations do not provide any assistance in debtor/creditor matters.

Two organizations noted that other community resources that were previously in place to deal with debtor/creditor issues have now been eliminated, and that this will likely have significant consequences. These respondents pointed out that the absence of these resources may yield greater pressure on community groups to fill in the gaps in this area – a role that they do not expect to be able to adequately take on.

Staffing and Funding Information

Types of Staff

The organizations interviewed generally characterize their staff as advocates. The majority of staff do not have legal training, although many have some knowledge of poverty law based on previous educational (advocate certification), employment, or personal experiences (e.g., experience with welfare, Employment Insurance, disability benefits). The staffs of the organizations interviewed are typically quite small in number, and volunteers and students are commonly involved in the delivery of services ranging from administrative work to direct client assistance. One organization is staffed entirely by volunteers; there are no paid staff. The respondent from this group noted that core volunteers tend to rely on their connections with other members or groups in the community for information and resources, as appropriate.

Five organizations have staff with some kind of legal background. Some or all of the advocates in two organizations have legal supervision as a condition of the funding they receive, and, in one of these groups, the advocates themselves have paralegal training. In this instance, however, the respondent noted that staff actually go beyond the services that would be offered by a paralegal, providing both direct client assistance and advocacy in issues that affect the community more broadly.

In a third of the five organizations with legal staff, there are two staff members with some legal training – they are the only two members of the 13 staff who have not had personal experience with the poverty law system. The fourth agency reported that some staff have received training through the Legal Services Society, and that the organization tries to encourage staff to take advantage of these training opportunities whenever possible. The final group currently has a lawyer on staff providing advocacy services, but this is not a requirement of the position. This is the only organization that did not report using volunteers, due to concerns about confidentiality.

Sources of Funding

The primary funding sources for eight of the nine organizations interviewed in B.C. are the Law Foundation and the provincial government (notably the Ministry of Human Resources). After these two sources, other smaller funding bodies include churches, local businesses, donations (money and in-kind), token membership fees, casinos and gaming, private foundations, health



and mental health groups, the United Way, and fundraising campaigns. One organization receives no funding for its activities.

The Law Foundation provides funding to six of the organizations interviewed in B.C. This funding tends to be identified by respondents as stable, although one respondent noted that nothing is really stable in the advocacy area since the last provincial election – particularly concerning poverty issues. A second representative pointed out that, prior to the announced cuts, Law Foundation funding may not have been characterized as especially stable, but, by comparison now, it looks very reliable.

The Law Foundation is the major source of funding for three of the six groups it supports, while two other groups receive the majority of their funding from the province. For one organization, primarily funded by the Law Foundation, charitable gaming constituted the second largest source of funding, followed by the United Way and municipal government contributions. Apart from the Law Foundation's, United Way dollars were the only other donations characterized as stable.

Five organizations receive funding from the provincial government. All five are funded by the Ministry of Human Resources, with other provincial sources for three groups being the Ministry of Health, the Ministry of Community, Aboriginal, and Women's Services, and the Ministry of Attorney General. All of the organizations receiving provincial funding characterized it as profoundly uncertain in the present climate of cut-backs and fiscal restraint. Regardless of whether the province is a short- or long-term funder for these agencies, respondents from each one commented on the uncertainty that now confronts them.

Charitable gaming constitutes the primary source of funding for the core advocacy services provided by one organization. This funding was considered to be generally stable right now, but the respondent expressed concern about what might happen in the future, given the direction of the provincial government. Other sources of funding relied on by this group include donations and specific project contracts (current contracts are with Status of Women Canada and B.C. Housing, although the latter is expected to be lost in June). A second organization that receives money from gaming reported that, over time, this has been its most stable funding source. The major funder of this organization is the provincial government, although it also receives support from the Law Foundation and a variety of other, smaller sources.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in B.C. One of the nine organizations interviewed did not provide answers to questions about experiences with the system for delivering poverty law services in B.C.

Problem Areas

Impact of Cuts. All of the organizations interviewed in B.C. expressed general concern about the impact of the cuts currently being implemented in the province. As one representative characterized it, B.C. is “facing a crisis” – the cuts will increase demand for advocacy services at the same time as funding for these services is being reduced.

Respondents identified a wide range of areas of concern, notably reduced access to services for citizens and reduced funding for organizations delivering services, including the virtual elimination of poverty law coverage. Several organizations reported that they are receiving an increased number of calls from people worried about the impact of the cuts, and that they are concerned that community groups will not be able to “take up the slack” left by the reduction or elimination of other services. A different respondent noted that the poverty law system in B.C. was already “barely adequate” prior to the cuts – after the recently announced initiatives are implemented, essentially there will be no services.

Loss of Legal Aid for Poverty Law Issues. An overarching concern expressed by all respondents is the loss of the poverty law legal aid services previously available in B.C. On one hand, organizations expressed concern that this inevitably means a sharp decline in access to justice for low-income provincial residents, particularly for rural residents and those in other areas where access to services is already difficult. On the other hand, the lack of poverty law legal aid will considerably increase the burden placed on community organizations. Community groups will be the only resources remaining to “take up the slack” in terms of legal services for poverty law clients. However, the ease with which lay advocates can tackle legal issues is decreasing as poverty law becomes more technical and complex. The result will be that more people will “fall through the cracks,” increasing the anger and frustration of a segment of the population that tends already to feel disenfranchised.

Lack of Funding. Apart from the general concern raised by all organizations about the impact of the cuts on funding levels, two respondents specifically noted that funding for poverty law work is too restricted. The lack of funding prevents organizations from expanding their services into areas not currently covered, and from assisting more clients with the poverty law system. This is particularly problematic in light of recent cut-backs to legal aid – since the number of persons encountering legal problems in poverty law matters is increasing at the same time as support for organizations dealing with these issues is decreasing. In addition, one respondent noted that, as the amount of funding declines, the potential increases for harmful inter-organization disputes about the little funding that is available. This escalates the risk of division among groups as they compete for support.

One respondent suggested that, with the cuts to provincial government services, remaining Ministry of Human Resources employees will be “desperate” for community support, as they are inundated with requests for assistance from community members. This respondent suggested that, in light of this impending crisis, the provincial government may have to make additional money available for advocacy work. However, it was also acknowledged that there is a great deal of insecurity overall, regarding funding for poverty law, that does not appear likely to be alleviated in the near future.



Finally, one respondent noted that there is a particular lack of funding available to support education and training in the poverty law system. More resources need to be targeted to ensuring that people know how to budget the meagre resources they do receive, and that they have basic life skills. At present, the lack of support in this area means that too many people are falling through the cracks.

Ineffectiveness of Legal Aid. One respondent insisted that, even prior to the cuts, legal aid was a “highly ineffective system” in the poverty law area. While legal aid coverage may technically have been available for poverty law issues, legal aid staff were “not really interested in knowing the issues, the community, or the resources available” in this area. As a result, they were often unable to assist or direct people appropriately. The respondent also suggested that legal aid staff tended to see poor people as “undeserving” of legal assistance, and that access to legal aid services was essentially non-existent in certain parts of the province even prior to the cuts currently being implemented.

A respondent from another organization noted that, prior to the cuts, legal aid did not provide coverage for all poverty law issues. Insofar as any issue not covered by legal aid was already a key gap in the poverty law system in B.C., the recently announced changes will serve to ensure that the number of gaps will significantly increase.

Success Stories

Positive Features of the Poverty Law System Prior to Recently Announced Cuts. Two organizations noted that, prior to recent developments, the poverty law system was functioning fairly well, overall, within the boundaries of the funding that was available. While there is a long-standing need for increased resources, respondents from these groups felt that the range and distribution of available services was “ok – not fabulous, but ok.” Similarly, these respondents suggested that the legal representation previously available through legal aid for poverty law matters was fairly good, though clearly there were some key areas where coverage needed to be extended.

Similarly, one respondent noted that the availability of confidential, community resources, delivered by people who have personal experience with poverty law issues, is a valuable aspect of the poverty law system in B.C. When people have experience with poverty issues, they can relate more easily to clients and understand the pressures they are confronting. In this way, community workers are distinguished from Ministry workers, who, this respondent argued, cannot really understand the situation of poor people.

On a similar note, another respondent commented that, for clients, the immediate availability of referrals, information, advice and advocacy services from community groups is the most positive feature of the poverty law system. The fact that the organization can deliver both short- and long-term assistance on a variety of fronts is of great benefit to clients, and is a feature of community groups that should be replicated in more locations.

Law Foundation Support. One respondent emphasized the positive role played by the Law Foundation in terms of its support for advocacy work in the poverty law area. According to this representative, the Foundation “recognized the importance of funding community agencies to provide legally supervised advocacy services,” and should receive credit for this initiative.

Alberta

Six community organizations were interviewed in Alberta. Four of these organizations reported that they serve anyone who comes to them for assistance (although one of them is oriented towards ethnic-Chinese persons). One group noted that it provides assistance only to low-income people and does not handle any youth matters. The sixth organization targets its services to First Nations persons, although the respondent noted that it would not refuse service to other individuals. The organizations interviewed are principally located in the Calgary and Edmonton areas.

Types of Poverty Law Services

The services offered by the organizations interviewed in Alberta are targeted to low-income people, but do not necessarily focus only on poverty law matters. For example, in addition to providing information and advice on the legal system and how to negotiate administrative proceedings, some organizations offer counselling and outreach services intended to support and assist low-income people. Since these kinds of programs are targeted to poor people in the same manner as assistance with poverty law issues, respondents often did not distinguish poverty law activities as a separate area in their descriptions of organizational services.

Public Legal Education	All of the organizations interviewed in Alberta provide some manner of public legal education services to low-income people, including workshops, information sessions, training, and the production and distribution of materials.
Referrals	All of the organizations interviewed in Alberta refer people to other resources, according to the needs of the client.
Preparation of Legal Aid Applications	Two organizations will help prepare legal aid applications.
Advice	Five organizations provide advice on poverty law matters, including assistance with the completion of forms. Two organizations also co-ordinate legal clinics through which clients can get advice.
Advocacy	One organization provides legal advocacy (although mostly for criminal matters), while another three offer lay advocacy services in poverty law matters.

Public Legal Education

The provision of information about various legal issues and processes was a key function identified by all of the organizations interviewed in Alberta. As one respondent noted, low-income people are typically outside the justice system, and providing information about legal rights and processes is a way to give these people a connection to the system.

The respondent from the Support Network characterized the organization as an information and referral agency. Staff help to educate people about poverty law (and other) matters by providing information and answering questions over the telephone. Similarly, the Calgary Chinese



Community Services Association operates an information and referral service to which people can turn for assistance or materials on a wide variety of issues. A representative of Philia Advocacy commented that the provision of information is the “first function” of this organization, educating people about laws, policies, and other issues relevant to their situation. Student Legal Services has a wide range of pamphlets available, and law student volunteers provide legal information over the telephone. Native Counselling Services primarily provides information on court procedures, available legal options, and the obligations of their clients in dealing with the justice system. The Boyle Street Community Services Co-op distributes brochures and pamphlets produced by itself and other organizations.

Workshops, informational events and training sessions are also important activities offered by five of the organizations interviewed. The Calgary Chinese Community Services Association organizes speakers, workshops, outreach programs, and media presentations. Philia Advocacy conducts workshops for advocates, and Student Legal Services has a legal education and outreach section that goes to schools, shelters, addiction facilities, and so on. Native Counselling Services produces legal education videos and hosts workshops on a variety of topics. The Boyle Street Community Services Co-op conducts training workshops, and organizes outreach and counselling activities in the community in a variety of areas (street-involved youth, family support, adult, mental health).

Referrals

All of the organizations interviewed in Alberta will refer people to other community organizations, government offices, WCB, shelters, legal aid, and so on, according to the client’s needs. Apart from the Support Network – which is exclusively an information and referral group – respondents reported that clients will typically be referred elsewhere if they require specialized services, if their case is particularly complex, or if they require information or assistance that is outside areas of staff expertise.

Preparation of Legal Aid Applications

Philia Advocacy and the Boyle Street Co-op will help to prepare legal aid applications. Native Counselling Services noted that assistance in this area was previously offered but has been discontinued.

Advice

As noted in the above chart, five organizations interviewed in Alberta provide advice on poverty law matters. The Calgary Chinese Community Services Association co-ordinates legal clinics with volunteer lawyers twice a month, through which clients can get free legal advice. The Association arranges clinic appointments for its clients and provides interpreters for the clinics. If clinic lawyers believe that further legal assistance is needed, Association staff may arrange an appointment with legal aid for the client. Similarly, law students visit the Boyle Street Co-op once a week to provide a legal clinic-type service, making free legal information and advice available to clients. In addition to this service, Co-op staff provide general and legal advice on a range of subjects, provided that they have the necessary knowledge (if not, clients are referred

elsewhere), accompany clients to appointments if they want additional support, and help complete forms and applications.

Native Counselling Services staff will assist with the completion of forms, but the respondent noted that staff do not provide advice in the sense of directing clients on a specific course of action. This is also the case at Philia Advocacy and Student Legal Services. The Philia respondent did not characterize the work they do as legal advice. However, staff at this organization will assist clients with the completion of forms and provide general advice and information on various issues. The Student Legal Services respondent noted that volunteers give clients information and options, but will let them make decisions about how their case should be handled.

Advocacy

Four organizations provide some advocacy services in the poverty law area. Student Legal Services provides legal representation in a variety of contexts. However, most of the work of this organization is in the criminal area, with the largest civil issue being landlord/tenant law. These services are provided to low-income people, and no services for youth are offered.

Staff at Native Counselling Services act as advocates at various administrative tribunals and proceedings. The examples noted by the respondent include human rights, workers' compensation, and income assistance proceedings. Similarly, Philia Advocacy staff act as lay advocates in a variety of issues, including Employment Insurance, CPP/OAS, income assistance, housing and landlord/tenant matters, and workers' compensation. The respondent suggested that the advocacy services offered are primarily intended to provide support to clients. Boyle Street Co-op outreach workers also provide lay advocacy, with the more complex legal issues being referred to legal aid.

Although it does not offer any advocacy services, the Calgary Chinese Community Services Association will provide clients with interpreters for legal proceedings.

Types of Poverty Law Issues

Employment Insurance (EI)

The organizations interviewed do not provide a lot of coverage of EI matters. Two organizations do not deal with this issue at all; one organization provides only referrals; and one noted that the rare inquiries it receives are usually referred to Human Resources and Development Canada. The two remaining organizations noted that they do provide assistance with EI claims, by working with people who have been denied benefits or who have difficulty accessing the system. One of these groups explicitly noted that staff help prepare appeals and provide lay advocacy.

Canada Pension Plan/Old Age Security (CPP/OAS)

Three organizations provide only occasional assistance and/or referrals in CPP/OAS matters, with one noting that this is not a primary service area because there are other groups with services explicitly targeted to seniors. Three organizations do assist clients with CPP/OAS



claims by preparing appeals and providing lay advocacy, or by providing information, writing letters, contacting government offices, helping to complete applications.

Income Assistance (IA)

All six organizations interviewed in Alberta assist people with IA. Two noted that this is not a primary service area, and that assistance tends to be confined to providing information about the application or appeal processes and assistance with preparing cases for review boards. One of these groups also noted that staff will assist clients with IA matters if they have language problems. Three organizations do a lot of work in IA, with one characterizing this as its “primary” area. The services offered by these groups include the provision of information, assistance with applications, preparation of appeals, and lay advocacy at tribunal and review proceedings. One organization provides only referrals on IA issues.

Housing and Landlord/Tenant

Housing and landlord/tenant issues are one of the areas in which organizations in Alberta said they provide the most services. Although one agency provides only referrals, five others provide a range of services (with two respondents identifying housing as a “main” issue for their organizations). The services provided by these groups include the provision of information, advice, legal and lay advocacy in specific client cases (including at appeals, if necessary), general advocacy in housing issues, and co-operation with other community resources and organizations (including the police, rental agencies, and so on). One of these five organizations co-ordinates a housing registry through which staff work with landlords to identify low-cost housing options, help get clients placed in affordable accommodation, and work to get the support clients need from social assistance and other resources (security deposits, tenancy training on rights and responsibilities).

Workers’ Compensation (WCB)

Two organizations provide regular assistance in WCB matters, with one of these preparing appeals and providing lay advocacy for applicants who have been denied benefits or who have had their claims disrupted. Two organizations only provide referrals for WCB matters, with a third reporting that it may provide some assistance, but requests are so rare that this does not comprise a significant area of service delivery. The final organization also will respond to inquiries on WCB matters, but provides only basic information/referrals.

Debtor/Creditor

None of the organizations interviewed reported providing significant services in the area of debtor/creditor law. One organization explicitly commented that staff do respond to inquiries and provide general information; the other five groups suggested that some basic assistance may occasionally be provided, along with referrals. A respondent from one organization noted that it is difficult to find a debtor/creditor resource that does not charge user fees to which to refer people.

Other Issues

A respondent from one organization noted that staff work a lot with people with disabilities and with mental health patients to try to connect them with government and community resources, thereby broadening their base of support.

Staffing and Funding Information

Types of Staff

Only one organization – Native Counselling Services – has a lawyer on staff. The other organizations interviewed in Alberta characterize their staff as general workers, advocates, community workers, or outreach workers. Law students in particular, and other students in general, are also involved with several of the organizations on a volunteer or practicum placement basis. Student Legal Services is clearly a student-run organization, although volunteer students do operate under the supervision of professors and private bar lawyers. Volunteers are the key to the work done by some organization, both in terms of general administrative and other work, and by the private bar lawyers who staff legal clinics.

Sources of Funding

There is no particular trend in the funding of the organizations interviewed in Alberta, although most receive some funding from government sources, whether federal (particularly the Department of Justice and Human Resources and Development Canada), provincial, or municipal. Provincial government funding was typically cited as least stable, with several respondents citing budget reductions as the cause of fluctuations, and changing budgetary and political priorities as a source of ongoing uncertainty. The provincial government (the Ministry of Children and Families and the Ministry of Health) is a major funding source for one group, and provides limited or project-based support for three others. The United Way is a long-term funding source for two organizations, and was characterized as stable by both. Similarly, the Alberta Law Foundation is a reliable source of financial support for two of the groups interviewed. Universities, private individuals, and fundraising/membership fees are additional revenue sources for some organizations.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents' comments concerning what is working well, what is not working well, and key gaps within the current system for delivering poverty law services in Alberta.

Problem Areas

Insufficient Services. While several respondents pointed out that it is positive that there is a system in place for providing legal and support services to low-income people, this system remains inadequate. Too many people still “fall through the cracks” left between legal aid and other advocacy services. According to one respondent, community organizations are trying to



fill these gaps, but their services are insufficient from the perspective of ensuring access to justice.

For example, one respondent cited a lack of legal aid coverage in Alberta for civil legal issues outside of family law. There have been advances in the family law and criminal law areas, but other civil law has lagged behind. According to this respondent, the problem is particularly evident in issues like landlord/tenant law – something that frequently affects low-income people, but for which there are few resources. This representative estimates that 30 percent of low-income people are, essentially, excluded from the justice system, and have limited ability to advance their rights in this area. What the respondent characterized as the “monopoly” of the legal profession in the justice system does not help this situation, since lawyers can, essentially, “pick and choose who they want to serve,” leaving little assistance available in less attractive or lucrative areas of law.

Lack of Financial and Human Resources

Related to the above point is another respondent’s comment that there is not enough funding available to community organizations to deliver the services needed by low-income people. According to this representative, one result of funding limitations is that organizations end up having to target their services to a particular group or area of law rather than embracing a more holistic approach. Similarly, another respondent noted that too many community organizations rely on volunteers to deliver their programs. This leads to instability in service delivery, due to volunteer turnover and uncertainty about future human resources. A third respondent expressed a different opinion, pointing out that good services are being delivered in Alberta, and that the coverage provided by these services is fairly comprehensive. However, the problem is figuring out how to provide a sufficient level of services within the constraints imposed by time and funding.

Success Stories

Individualized Approach of Community Groups. One respondent suggested that a positive feature of the current legal system is that it embraces “a certain willingness to respect and be sensitive to disadvantaged people.” At the same time, this respondent noted that the role of community organizations is key, in that these agencies are willing and able to take a more individualized approach to addressing problems. Staff at these agencies recognize the importance of determining how much support is needed by each person, and the best way to deliver this support, in order to be able to provide services effectively.

Saskatchewan

Six community organizations were interviewed in Saskatchewan. None of these organizations has firm restrictions on whom they will serve, although three respondents pointed out that low-income and/or unemployed people are their primary clientele. Most organizations serve all of the people that come to them, though one group noted that its services are primarily targeted to refugees, while another suggested that “special attention” is paid to women, people with disabilities, youth, and First Nations people. A third organization has actively tried to recruit

people with disabilities and First Nations people into its client group. The groups interviewed are located Saskatoon and Regina.

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	All of the organizations interviewed in Saskatchewan provide some kind of public legal education services. These typically include the provision of information, and the co-ordination of workshops or other events.
Referrals	Most of the organizations interviewed in Saskatchewan refer clients to other resources as needed. Three agencies noted that these referrals include legal aid, while two do not refer clients to this service.
Preparation of Legal Aid Applications	Two organizations assist with the preparation of legal aid applications.
Advice	Four organizations provide general advice to clients. Two organizations explicitly stated that they provide legal advice, while a third suggested that extending services in this area is dependent on the particular situation and the knowledge of staff.
Advocacy	Three organizations will act as client advocates in formal proceedings, although one noted that this is performed very irregularly. A fourth agency will sometimes provides advocacy services, depending on the particular situation and the knowledge of staff.

One organization in Saskatchewan – Roots of Poverty – is unique among the groups interviewed for this project. It was originally formed to complete a short-term project intended to build community resources and empowerment around the issue of poverty (what poverty is, available resources to address it, strategies, and so on). The approach of this project included a variety of community forums and workshops designed to facilitate dialogue among community members (particularly low-income people), and to provide venues in which people can voice their concerns. These events provided an opportunity for informal learning, networking, and community development outcomes, and addressed topics ranging from facilitation to leadership to skill building. Given the unique nature of the Roots of Poverty project and the fact that it does not offer direct client services, information collected from this organization is not included in the discussion below of available poverty law services, staffing, and funding.

Public Legal Education

The Unemployed Workers' Centre provides information to clients on issues relating to all aspects of the Employment Insurance system. Similarly, the Public Legal Education Association (PLEA) produces and makes accessible to the general public information on a wide variety of legal topics. This activity includes writing pamphlets, guides, and articles for local newspapers, as well as speaking engagements, community lectures, workshops for legal skills, and free law classes.

Equal Justice For All provides speakers for events and organizes workshops upon request on a wide range of legal issues. These kinds of services typically are requested by schools, church social justice committees, hospitals, universities, and immigrant services organizations. Due to limited funding, Equal Justice reported that no publications or other documents are produced. The Regina Open Door Society co-ordinates workshops on employment issues, labour standards, policing, and other issues of interest to clients. Staff at Renters' Rights very occasionally host workshops – for example, on conflict resolution. This organization has monthly meetings to discuss tenancy rights, advocacy strategies, dispute management, and so on.



Referrals

Four of the organizations interviewed in Saskatchewan refer clients to a wide range of other resources, including community organizations, government offices, and support services, as appropriate to their needs and the particular issue. In addition to referrals, the PLEA respondent noted that this organization forms partnerships with other community groups in particular projects, and shares information and resources.

Three organizations noted that they refer clients to legal aid, with two of these noting other legal resources are also available for referrals (the John Howard Society, private bar lawyers, and some judges who will assist people “behind the scenes” by writing letters, etc.). Two organizations noted that they do not refer people to legal aid because there is no legal aid coverage for civil law issues.

Preparation of Legal Aid Applications

Only the Regina Open Door Society and Equal Justice for All noted that they assist clients with the preparation of legal aid applications. However, the Equal Justice respondent noted that this kind of assistance is provided only to people who lack the skills to complete the application themselves.

Advice

The Regina Open Door Society provides general advice to clients on an individual basis if the issue is within the expertise of staff. Otherwise, the client will be referred to another resource. Renters’ Rights staff also tend to provide only general advice, typically with the goal of ensuring that people understand the legal process, the options they have, and the key agencies involved. However, the respondent did note that staff “will go as far as we can” on behalf of a client, within the limits of their knowledge and experience.

The Unemployed Workers’ Centre provides both general and legal advice to clients on Employment Insurance matters. Similarly, Equal Justice for All assists clients by providing general and legal advice on a variety of issues. For both organizations, general advice includes the provision of information on the problem(s) faced by a client, educating them about relevant legislation and policy, and ensuring that they know what their rights and responsibilities are. Legal advice includes help with the preparation of appeals (or other) forms, and, in the case of Equal Justice, writing letters on behalf of clients and gathering background information.

Advocacy

At present, the Regina Open Door Society only very occasionally acts as an advocate at formal proceedings (the respondent recalled only one instance of this, in an EI case). However, the Society is currently trying to expand its services to include non-legal representation in court and other formal proceedings. This new role would primarily be to provide support to clients, not to direct them on an appropriate legal course or action.

The Unemployed Workers' Centre will provide representation at appeal proceedings on Employment Insurance matters. Equal Justice for All will act as lay advocate for clients in a variety of contexts, particularly income assistance. Staff who perform this role are not legally trained and, accordingly, tend to act largely in a support capacity. The respondent from Equal Justice noted that attendance at hearings was formerly a role played only by lawyers, but, in the absence of civil legal aid in Saskatchewan, other groups have had to become involved in this area.

As noted above, Renter's Rights staff will do as much as they can on behalf of clients, within the constraints imposed by the knowledge and experience of staff. This may include engaging in mediation with clients or trying to negotiate an agreement between landlords and tenants. The respondent characterized this work as lay advocacy.

Types of Poverty Law Issues

The Public Legal Education Association has information, publications, and workshops available on a wide variety of legal issues, including the six listed below.

Employment Insurance (EI)

The Unemployed Workers' Centre is the primary resource in Saskatchewan for assistance with EI issues. Another organization noted that its staff used to do work in this area – up to and including appearing before appeal boards in cases of benefits denial – but now clients are generally referred to the Workers' Centre.

Canada Pension Plan/Old Age Security (CPP/OAS)

Only one organization interviewed in Saskatchewan provides assistance with CPP/OAS issues. The services offered include information, general and legal advice, and advocacy at tribunals and appeals. The respondent noted that they receive a lot of inquiries from people who have been denied disability benefits on the assumption that their disability is not severe enough to warrant long-term coverage.

Income Assistance (IA)

Income assistance is the principal area of service for one organization interviewed in Saskatchewan, constituting approximately 80 percent of its work. The most common problem encountered in this area is denial of both regular benefits and special benefits. A second organization will also assist clients with income assistance, typically by providing information, helping with the application process, and escorting clients to social services to meet workers.

Housing and Landlord/Tenant

Two organizations provide assistance with housing matters. In addition to providing basic information and education on housing issues, these groups will attempt to mediate disputes, resolve conflicts, and generally facilitate communication between tenants and landlords. Both



organizations will also engage in advocacy, taking clients' cases to the Rentalsman Office if necessary, if the issue is within staff expertise.

The respondent from a third organization noted that this group used to be the only source of advocacy in housing issues. With the advent of other specialized groups, staff now typically refer clients to these agencies, or to one or two private advocates who may take on cases in this area. This representative did comment that a problem for low-income people in the housing area is that they often cannot afford the filing fee that is charged for the initiation of an appeal (for example, for an unfair eviction).

Workers' Compensation (WCB)

Only one organization will actually assist clients with the WCB application process, as well as with the initiation of complaints or appeals of benefit denial. A second organization provides only referrals on WCB matters.

Debtor/Creditor

There are no direct services for debtor/creditor issues offered by the organizations interviewed in Saskatchewan, although two groups noted that they refer clients to other places. One respondent noted that a problem with referrals in this area is that available services often require the payment of user fees that low-income people cannot afford.

Staffing and Funding Information

Types of Staff

Only one organization has lawyers on staff, and none of the agencies employ paralegals or community legal workers. However, a respondent from one group did note that it is currently looking for funding sources to train staff as community legal workers, in order to increase the legal expertise within the organizations.

Other organizations characterized their employees as outreach staff, lay advocates, and general community workers from a variety of backgrounds. One organization has a social worker on staff, but most rely on volunteers in some capacity. Another organization has no paid staff, relying exclusively on volunteers. Law and other students are also involved with many of these organizations, on a paid or volunteer basis, and one organization relies on private bar lawyers who volunteer their time.

Sources of Funding

There is no pattern to the funding sources of the organizations interviewed in Saskatchewan. Funding is provided by federal (Justice Canada), provincial, and municipal governments, labour organizations, the Law Foundation, Social Services, District Health bodies, churches, community organizations, and fundraising activities.

Larger funding sources that were characterized as stable include the provincial government, labour organizations, and the Law Foundation. The one organization that reported receiving funding from Justice Canada suggested that it was also a relatively stable funding source for individual projects. One agency that receives funding from District Health bodies, as well as in-kind support from other community groups, also reported that funding is stable – although there is not enough of it.

The only group that described its funding as unstable reported annual grants from municipal government as the primary funding source. This support is supplemented by Social Services, churches, and fundraising activities.

One organization reported that it does not receive any specific funding for poverty law work or for work targeted to low-income people. This is just a component of their general work in the area of immigrant settlement.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Saskatchewan.

Problem Areas

Funding Cuts. One respondent reported that, at present, nothing in the system of delivering poverty law services in Saskatchewan is working well, because the province is currently in a cycle of cutbacks. In this context, support for services directed at low-income people is less likely to be forthcoming.

Legal Aid Coverage. Two respondents noted that the absence of legal aid coverage for civil law matters (outside of family law) is problematic, with a third pointing to under-representation in the poverty law area and limited access to services. The fact that there is no legal aid coverage for poverty law means that many low-income people have few places to turn for assistance. The legal aid system needs to be expanded to enable poor people to access justice services if they cannot afford their own lawyer. One respondent also noted that legal aid eligibility criteria are too strict, with the result that too many people are “falling through the cracks.” However, this is more relevant in the family and criminal law areas, since there is no coverage for other civil law matters.

Legal Aid Funding Constraints. Two respondents noted that legal aid in Saskatchewan is overburdened, that staff are overworked, and that the result is a system that is inaccessible for many people. Staff have so many cases that they are unable to provide quick responses or action on a claim, with deleterious repercussions for clients who end up having to wait. One respondent attributed this problem to the funding constraints being faced by legal aid, and the fact that, with such a tight budget, the necessary expansion of staff and programming cannot be implemented.



Lack of Resources. One respondent explicitly stated that the lack of funding for community groups is a key concern. For this representative, lack of resources is holding back community organizations from doing more work and helping more people. This situation contributes to the problem that many low-income people lack access to the assistance they need.

Related to the lack of resources is the complaint that there is no effective system for coordinating the involvement of private bar lawyers in the poverty law area. According to one respondent, many private lawyers are willing to – and do – perform this kind of work on a pro bono basis. As long as there is no system in place, however, there is no way of ensuring that clients' needs are matched with the appropriate legal expertise.

Another point related to the lack of resources is one respondent's charge that there are too many resources going into documentation and other materials needed to sustain project-based funding. Organizations that pursue and receive money on an individual project basis are putting too much time and money into researching available funding opportunities, doing interim reports, and other similar activities. This is an inefficient way of funding community groups, since it detracts from the direct client services that could be delivered.

In a similar vein, one respondent commented that advocates should be paid for what they do, and not simply provide services on a volunteer basis. The assistance delivered to clients by advocates is very valuable, and should be recognized as such.

Success Stories

Access to Public Legal Education. One respondent noted that the universal availability of public legal educational materials is positive, particularly in a place like Saskatchewan with a large rural population. Farmers and other rural residents need access to information on a variety of topics, but they are unlikely to be familiar with the community poverty network. Wide distribution of printed materials makes resources available with no stigma attached.

Mediation and Conflict Resolution Options. Another respondent suggested that the mediation and conflict resolution strategies currently being used in the landlord/tenant area are an effective means of dealing with problems up front. This representative thinks that people often just want to have a chance to be heard or to have a voice – meetings and other forums where this can happen often lead to positive outcomes.

Manitoba

Five community organizations were interviewed in Manitoba. Providing services to Aboriginal people is the target area for one organization, while two others identified this as a primary area of need in which they try to provide services. The remaining two agencies serve all people who come to them and do not target their services to any particular group(s).

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	Four of the organizations interviewed in Manitoba provide public legal education. One offers no services in this area.
Referrals	All of the organizations interviewed refer clients to other resources as appropriate to the particular needs of the client.
Preparation of Legal Aid Applications	None of the organizations interviewed will help to prepare legal aid applications.
Advice	General and legal advice is provided by all of the organizations interviewed, although for several groups the amount of legal advice available is relatively limited.
Advocacy	Four organizations are open to providing advocacy services, with two of these regularly offering services in this area. One respondent noted that staff cannot do any advocacy work because of this agency's charitable status.

Public Legal Education

The respondent from Winnipeg Harvest noted that the goal of this organization is to try to raise community consciousness about issues related to poverty, and to educate people about these issues. The organization does not produce its own literature, but does distribute information produced by other organizations. The Community Unemployment Help Centre respondent estimated that approximately 10 percent of the work of this agency is in the area of public legal education, particularly in terms of public interest advocacy and social policy. Norwest creates literature promoting its programs and services, but the particular public legal educational events co-ordinated by the organization depend on program staff. However, they include community outreach activities and information sessions. While this organization does engage in poverty law advocacy, a large part of its work concerns health issues.

The Workers' Organizing Resource Centre offers a different kind of public legal education, in that it trains clients on how to handle their own legal issues. This kind of training currently happens on an individual basis, but the respondent noted that the organization would like to expand services to include workshops on various legal issues – for example, handling your own appeal – with accompanying pamphlets and other information.

Referrals

All of the organizations interviewed refer clients to a variety of other resources as needed. For legal matters, groups reported referring clients to legal aid, Aboriginal legal aid, public legal education and information agencies, and (for two agencies) private bar lawyers. Other places where referrals are given include a wide variety of community groups (including workers' centres, women's organizations, and Aboriginal groups), government offices, band offices, and the Human Rights Commission. When asked about relationships with other groups, only one



organization did not refer to a system of cross-referrals. This respondent noted, instead, that opinions may be sought from other organizations, but that advocacy usually remains internal.

Advice

Advice is offered by all of the organizations interviewed in Manitoba, typically both general and legal. Winnipeg Harvest offers general advice in the form of information and referrals, as well as providing mediation between welfare recipients and workers, landlords and tenants, and so on. Staff will also help with the completion of some forms (e.g., income tax), but do not generally provide legal advice in the sense of directing the client on a course of action for handling a legal issue. For this kind of assistance, clients are generally referred to legal aid. However, Winnipeg Harvest does have a relationship with some private bar lawyers who will work with clients on a pro bono basis to provide advice, and sometimes a legal aid paralegal will visit the organization to do a workshop for clients.

The provision of general and legal advice was characterized as a significant component of the services of the Community Unemployment Help Centre. These services are provided in Employment Insurance matters, and include filling out forms, providing information, and answering questions. Norwest offers a similar range of services, noting in particular that staff provide procedural assistance including assistance with forms, writing letters, or calling an organization or office on a client's behalf.

The Workers' Organizing Centre will assist clients in setting up appointments with income assistance, workers' compensation, legal aid, or other relevant groups, as well as helping to complete forms and providing general information. As mentioned above, this organization also provides training to individuals on how to handle particular legal issues. A respondent from the Centre noted that the amount of legal advice offered by this agency is limited, and is an area in which it would like to expand its services.

The advice available through the Aboriginal Council of Winnipeg is not specifically targeted to poverty issues, but staff will provide assistance or intervention where necessary on an individual basis. This can include assistance with completing forms, in addition to answering general questions and providing information, but the lack of staff makes it difficult to make this a comprehensive service. The respondent noted that, while staff are not very involved in the provision of legal advice, they will use contacts with other community members to find someone to advise clients on particular issues if needed.

Advocacy

The Community Unemployment Help Centre and the Workers' Organizing Resource Centre are the primary bodies providing advocacy in poverty law issues. The Unemployed Help Centre assists only with Employment Insurance (EI) matters, acting as a lay advocate for clients at tribunals if they have been denied benefits. The respondent estimated that this constituted approximately 25 percent of the work done by this organization in the EI area. Workers' Centre staff act as advocates at income assistance tribunal and appeals – a role that the respondent characterized as peer advocacy. This organization relies on the “shop-steward” model of

representation, through which claims are handled in the same manner as union grievances. A respondent from the Centre reported that this system has worked extremely well for the organization.

Norwest has provided some advocacy services for appeals of denial of workers' compensation benefits, though this is not a primary service area for the organization. The respondent noted that advocacy would likely be provided in other issues as well, if the need arose, but Norwest has not yet had any such cases. Similarly, the Aboriginal Council of Winnipeg respondent commented that this organization would likely provide advocacy services if necessary, but the need has not yet arisen.

The only organization that explicitly said that it does not do advocacy work is Winnipeg Harvest. According to the respondent, this group is precluded from doing advocacy work by its charitable status.

Types of Poverty Law Issues

Employment Insurance (EI)

Only one organization provides assistance in EI matters, with work in this area constituting 80 percent of its workload. Interestingly, this organization did not characterize its work as being in the area of poverty law. The other four organizations refer clients with EI questions to other agencies, with one respondent noting that some peripheral involvement may be provided (for example, answering basic questions about rights and responsibilities).

Canada Pension Plan/Old Age Security (CPP/OAS)

Three organizations noted that the assistance they provide in CPP/OAS matters is limited to the provision of very basic information and/or referrals. Two of these noted that they rarely receive inquiries in this area, and one indicated that it supports seniors groups and works in coalition with them. The remaining two organizations do not provide any assistance in CPP/OAS issues.

Income Assistance (IA)

For three organizations, income assistance is a main service area, with one noting that approximately half of the inquiries it receives concern this issue. Interestingly, a respondent from one of these three groups commented that this organization is the only group dedicated to addressing income assistance issues in Winnipeg. Given the resources available in the other organizations, however, there clearly are other avenues for assistance.

One organization noted that, while income assistance is not a key area in which services are provided, staff do sometimes provide assistance to people who have been denied benefits. The fourth organization refers clients with income assistance questions to other groups.



Housing and Landlord/Tenant

One organization provides comprehensive assistance with landlord/tenant issues. In addition to offering information and education, this group has a mediation team that facilitates talks between tenants and landlords. If such efforts are unsuccessful, staff will assist clients in landlord/tenant matters.

Three organizations offer limited assistance in the landlord/tenant area, with one noting that it would like to expand services in this area but is constrained by the lack of resources. According to this group, there is no organization in Winnipeg that is focussed on addressing housing issues. One organization provides only referrals on these matters.

Workers' Compensation (WCB)

Three of the organizations interviewed in Manitoba provide assistance with WCB matters. The services provided by two groups are relatively limited: for one agency, WCB issues do not arise often; for the other, cases that involve more than basic information are referred to the WCB appeal board, community groups, or to legal aid. The third group noted that the primary body dealing with WCB is the provincially funded Workers' Advisor office. However, the organization will either assist people or refer them elsewhere in the event of a backlog. Of the two remaining groups, one provides only referrals on WCB matters, while a respondent from the other noted it has not yet received any inquiries in this area (though staff may provide some assistance should this issue arise).

Debtor/Creditor

The only service offered for debtor/creditor issues by the organizations interviewed is referrals to other community resources, and, by one organization, the provision of some basic information.

Other Issues

Several organizations mentioned Aboriginal law and health issues as key areas of concern in Manitoba for which there are not enough resources. One organization also noted that staff deal with issues in the areas of human rights and employment standards.

Staffing and Funding Information

Types of Staff

The organizations interviewed in Manitoba characterized their staff as community workers, outreach workers, general staff (program development, communications), and peer advocates. No organization has staff with legal training.

Several organizations rely on volunteers, including pro bono private bar lawyers, students, and others to assist in service provision. One organization noted that it contacts legal aid lawyers

when legal assistance is needed. One group expects to increase its staff from one paid person to two or three paid persons in the next few months.

Sources of Funding

The organizations interviewed in Manitoba receive funding from a wide variety of sources, including the federal and provincial governments, the United Way, Regional Health bodies, unions, the Manitoba Law Society, and donations from community members.

Two organizations reported that the United Way has been a long-term and stable source of funding. Conversely, two of the three organizations receiving funding from the province reported that this support is unstable, and subject to change according to the party in power. The one respondent who did not raise stability issues with respect to government funding is from an organization that has a tripartite funding relationship with federal, provincial and municipal governments.

One of the representatives who characterized government financial support as unstable highlighted as a key problem the province's adamant stance against providing financial support to advocacy services. Cuts to the funding previously available to organizations doing advocacy work have had a huge effect. Organizations like the respondent's are still trying to locate new sources of funding (federal government, Law Society, Aboriginal community) to keep their work going, but some groups have actually disappeared (e.g., the Manitoba Anti-Poverty Organization). Overall, the system for delivering poverty law services in the province is described as much more sporadic since the imposition of the cuts.

One group receives funding through donations only. Although this is a long-term funding arrangement for the organization, the respondent characterized it as unstable. Another group relies on donations and fundraising to raise 20 percent of its funding (the remainder is provided by the province and the United Way). The largest funder of one group is the Regional Health Authority, providing financial support that is both long-term and stable. For another group, unions are historically the most significant source of funding.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Manitoba. Three respondents commented that they were unable to answer questions about their experiences with the system for delivering poverty law services because these questions pertained to issues outside of their areas of expertise.

Problem Areas

Lack of Services for Aboriginal Peoples. Several organizations pointed to the lack of services targeted to Aboriginal people in issues relating to poverty in general, and legal support in this area in particular. Suggestions were not forthcoming as to how to develop such services, but the respondents noted that this is a key problem that needs to be addressed.



Lack of Services

One respondent suggested that there are generally just not enough services for low-income people in Manitoba, often because of a lack of human and financial resources. Advocates are mostly part-time and are trying to combine their advocacy activities with other job responsibilities. These people often do not have a lot of specialized training, or the opportunity to pursue it. The respondent noted that this organization would like to establish a peer advocate training program to permit greater consistency in and recognition of the work done by advocates. The work of advocates is particularly valuable when dealing with poverty law issues, given that low-income people do not have easy access to the justice system or to other channels through which their opinions can be heard and their rights respected. In a similar vein, another respondent suggested that more options for the funding of advocacy work are needed outside of charitable status, since this approach actually discourages advocacy activities.

Success Stories

Dedication of Poverty Law Advocates. One organization noted that the most successful feature of the poverty law system is the dedication and determination of the people working to provide poverty law services. Despite ongoing struggles about funding and the fact that many people are volunteers, the work they do is the backbone of the current system.

Ontario

Five community organizations were interviewed in Ontario. None of these organizations identified any specific group(s) to whom their services are targeted, other than low-income people in general, and one agency pointed out that the definition of what counts as “low-income” is left up to potential clients. Two of the five organizations interviewed in Ontario did note that they restrict their services to adults: one assists only those aged 25 and over, and one does not provide any services to youth.

The organizations interviewed represent several areas of the province of Ontario, including the Northern area, the Capital region, and the London–Windsor region. Although groups in the Toronto area were contacted for this study, no interviews were completed due to a lack of time and/or lack of response on the part of potential participants.

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	Four of the five organizations interviewed in Ontario provide public legal education services. Most of these services involve the distribution of printed information and materials, although two organizations regularly do public speaking and organize workshops.
Referrals	All of the organizations refer clients to a wide range of other resources. Community Legal Clinics were highlighted as a particularly important referral resource.
Preparation of Legal Aid Applications	None of the groups interviewed regularly assist clients with the completion of legal aid applications.
Advice	The advice offered by four of the organizations interviewed is largely in the area of procedural assistance (completing forms, writing letters, and so on). The organizations are reluctant to direct clients on a particular course of action.
Advocacy	Three organizations provide lay advocacy at tribunals and hearings.

Public Legal Education

The Thunder Bay Coalition Against Poverty distributes self-help materials, most of which it accesses through Public Legal Education Ontario and other organizations. Windsor–Essex Low Income Families Together (W.E.L.I.F.T.) is also an information provision organization, making available to the public materials on a wide variety of legal and other topics. Staff at this group also occasionally organize workshops or meetings to share information about new legislation or policy developments.

In addition to providing pamphlets and other materials, Link staff have created a “survival package” on income assistance. Staff at this organization also participate in public speaking events, demonstrations, and other campaigns, but the respondent noted that most of their work is on an individual basis with clients. Similarly, Life Spin both distributes legal information materials and is involved in other kinds of legal education, including the co-ordination of workshops and educational seminars for a variety of groups. Staff at this organization run advocacy training courses, and have produced an advocate training manual. The respondent from the London Unemployment Help Centre noted that this group is not involved in the public legal education arena.

Referrals

All of the organizations interviewed refer clients to other resources as appropriate to the situation and their legal issue. These referral resources include a wide variety of other community organizations, government offices, food banks, legal aid, and, specifically, Community Legal Clinics that are part of the legal aid network. All of the organizations explicitly mentioned these CLCs as an important resource for clients with poverty law problems (although a respondent from the London Unemployment Help Centre noted that this group most often refers clients to legal aid if they are confronted with criminal matters). A Thunder Bay Coalition Against Poverty respondent noted that, while staff refer clients to other community organizations on a variety of matters, there are no resources that specifically address poverty law.

Preparation of Legal Aid Applications

None of the organizations interviewed regularly assists people with the preparation of legal aid applications. The respondent from Link noted that staff may very occasionally provide some help in this regard.

Advice

The services offered by W.E.L.I.F.T. are limited to information provision and referrals. Clients with legal questions or problems are always referred to other resources. The other four organizations provide both general and legal advice, particularly in the area of procedural assistance. As noted above, respondents indicated that their organizations are typically unwilling to direct clients as to a particular course of action on a legal matter, so legal advice is not provided in this sense.



Staff of the Thunder Bay Coalition Against Poverty will make calls or write letters on behalf of clients, complete forms, and provide other general advice. Link provides general advice and information on various aspects of the legal system and how to navigate it, as well as accompanying clients to meetings, making calls on their behalf, assisting with forms, and other similar services. Similarly, Life Spin extends appropriate general advice and information to clients, in addition to the kinds of procedural assistance mentioned above. The respondent from this organization noted that staff prefer to let clients make decisions about how to proceed on their own, whenever possible, to empower them to take action independently. However, further assistance may be provided to people who are unable to negotiate the system themselves.

Advocacy

Three organizations provide lay advocacy in poverty law issues. The London Unemployment Help Centre limits this assistance to cases concerning Employment Insurance, particularly the denial or termination of benefits. Life Spin staff will accompany clients to tribunals and hearings in a lay advocacy capacity, particularly in the income assistance area, but also with respect to Employment Insurance, CPP/OAS, and housing matters. Similarly, Link staff act as lay advocates in income assistance cases, mostly in appeals of benefit denials. The respondent noted that the role played by Link staff at hearings is limited to providing moral support, although some staff have received training through Community Legal Clinics on rental housing tribunals, so more work will be done in this area in the future.

W.E.L.I.F.T. and the Thunder Bay Coalition Against Poverty do not provide any advocacy at tribunals or hearings. The Coalition respondent commented that there is no need for the organization to provide this kind of service because it is an area covered by Community Legal Clinics, where clinic staff have expertise in appeal processes.

Only one organization in Ontario provided any data on its poverty law services.

NUMBER OF POVERTY LAW CLIENTS, 2000-2001*			
Poverty Law Issue	Public Legal Education	General Advice/ Assistance	Advocacy at Tribunals
EI	–	400	5
CPP/OAS	–	180	5
Income Assistance	1,000	2,400	40
Housing	–	950	3
WCB	–	20	–
Debtor/Creditor	–	640	–
Other	1,000	1,100	–
TOTAL	2,000	5,690	53

* The numbers in this chart are all estimates.
Source: Data collection charts for Ontario.



CHARACTERISTICS OF POVERTY LAW CLIENTELE, 2000-2001*		
Client Characteristic		Percent of All Clients
Sex	Female	70
	Male	30
Age	Under 19	10
	Age 20–35	40
	Age 36–55	40
	55 and over	10
Language #	English	99
	French	1
	Other	0

* The numbers in this chart are all estimates.

Refers to the language in which services are provided.

Source: Data collection charts for Ontario.

The cost of these services was estimated by this organization to be \$61,000 in 2000-2001.

Types of Poverty Law Issues

Employment Insurance (EI)

One organization interviewed in Ontario works predominantly in the EI area, while three other groups will provide some assistance (information and/or referral), but do not receive a lot of inquiries. One organization does not provide any assistance in EI matters, but the respondent noted that it does not receive any requests for assistance in this area.

Canada Pension Plan/Old Age Security (CPP/OAS)

Two organizations regularly work in CPP/OAS matters, while two others will provide some assistance (information, referral, assistance with forms, accompanying clients), but they rarely receive inquiries in this area. One respondent noted that organizational staff refer clients elsewhere on CPP/OAS matters.

Income Assistance (IA)

IA is the primary issue addressed by three organizations interviewed in Ontario, with two of them providing lay advocacy services. Frequent problems encountered include the denial of benefits, with one respondent noting that more difficulties have arisen under the Ontario Works legislation. Two organizations provide only referrals on IA matters.

Housing and Landlord/Tenant

As with IA, three organizations frequently deal with housing and landlord/tenant issues. Assistance ranges from the provision of basic information and general advice to procedural assistance (writing letters, making calls, completing forms) to lay advocacy. Two organizations refer clients elsewhere on housing and landlord/tenant matters.



Workers' Compensation (WCB)

None of the organizations interviewed provide significant assistance with WCB matters, with four noting that referrals are the primary intervention (although one of these groups may provide some procedural assistance). One organization does not provide any assistance on issues concerning WCB.

Debtor/Creditor

Only one organization provides assistance with debtor/creditor matters, principally in the area of utility services (and cut-offs). The primary services provided by this group are information and procedural advice and assistance. Three other organizations noted that clients may be referred elsewhere on debtor/creditor matters, with the remaining group responding that staff do not offer any assistance in this area.

Staffing and Funding information

Types of Staff

The three organizations with paid staff characterized these employees as lay advocates. One of these organizations has only one advocate at present, while the other two also rely on students and volunteers in the delivery of their services. Two of the organizations interviewed are completely staffed by volunteers, with no paid staff members.

Sources of Funding

Two organizations receive funding from the United Way that was characterized as stable. For one group, the United Way is the sole funder. Other sources of funding are varied: one organization receives money from the provincial and municipal governments; one from the Law Foundation; two organizations receive some funding from unions; two rely on donations; and three partially rely on their own fundraising activities. Respondents from two organizations noted that they do not receive funding specifically for poverty law advocacy work, using money from other areas of programming to cover this work. Among funding sources, only the government support was characterized as stable.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Ontario.

Problem Areas

Increasing Demand Versus Lack of Resources. The primary weakness in the current system for delivering poverty law services in Ontario, noted by four respondents, is the lack of resources available to support this work. Respondents particularly highlighted the fact that Community

Legal Clinics are overburdened with more clients than they can handle. Two representatives attribute this in part to the new income assistance regime created by the Ontario Works legislation – the “regressive” nature of this legislation has increased the number of people with legal problems, but there has been no corresponding increase in the resources directed towards poverty law advocacy services. As a result, it is increasingly difficult for clients to access Clinic services. Since staff lack the time to accommodate all those in need of assistance, the result is often a “targeting” of available services towards a narrower range of issues. Overall, several respondents suggested that more lawyers and community legal workers are needed in the poverty law area to keep pace with the demand for legal assistance in this area, and to give people options in accessing the support they need. One respondent also suggested that, with more resources, Community Legal Clinics could play a role in the policy advocacy area.

According to two respondents, housing is a particular area where more support is needed. One organization also highlighted income assistance as an area in which services need to be expanded, along with family law (as it intersects with poverty issues). This respondent also suggested that further opportunities for one-on-one advocacy should be developed. People who are unable to negotiate the system themselves benefit from individual assistance, particularly in light of the ongoing legislative changes in Ontario. People are unable to keep up with these developments, and cannot educate themselves quickly enough about the laws and regulations affecting them.

Lack of Funding for Community Organizations. One respondent noted that community organizations are trying to fill the gaps left by the legal system, but that these groups need more avenues for funding support. Community organizations can play an important role in poverty law advocacy, because they are often not bound by as restrictive a package of regulations as legal aid, in terms of the issues covered and clients eligible for assistance. This greater flexibility means that a solution can sometimes be found before legal intervention is required.

Success Stories

Community Legal Clinic Network. The only positive feature of the current poverty law system in Ontario, highlighted by four respondents, is the Community Legal Clinic (CLC) system within legal aid. Despite the pressures CLCs are confronting in terms of increased demand for services, respondents considered these offices to be a very valuable resource for both clients and other organizations. Having a network of CLCs, staffed by people with expertise in the poverty law area, increases the options available to people with legal problems, and provides community groups with a resource to contact for information, support, and training opportunities.



Quebec

Seven interviews were conducted in Quebec, although two people from one organization – the *Association québécoise de défense de droits des personnes retraitées et semi-retraitées* (ADQR) – were contacted. One representative is from the head office of this organization, and one from a regional office.

The majority of respondents in Quebec reported that their organizations generally provide at least some form of assistance to all persons who come to them. However, one representative did point out that, insofar as poverty law is linked to people with low incomes, a focus on issues of relevance to this group tends to emerge. A respondent from one organization noted that while all persons are eligible to receive information and general advice, specific criteria are imposed for the receipt of legal representation. Only one organization reported that its services are formally limited to a specific group (senior citizens), although another representative of this agency suggested that assistance will not actually be denied to other persons.

Three different organizations raised the issue of the geographic location of their services. Two of these groups noted that they will assist people from outside of their territories, while the third suggested that assistance may be given to people from other areas, even though the priority of the organization is serving its own region.

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	All of the groups interviewed in Quebec are engaged in public legal education activities. Five agencies organize workshops and information sessions, and five groups distribute written materials to their clients.
Referrals	All of the organizations refer people as appropriate to their needs. All respondents mentioned that legal aid was one place to which clients are referred.
Preparation of Legal Aid Applications	Three groups assist people with the preparation of legal aid applications. Some ADQR offices will also provide assistance in this area.
Advice	All of the organizations interviewed provide some kind of general and/or legal advice, although for most groups legal advice is limited to assistance with forms or making inquiries on a client's behalf. Only one group provides direct legal advice and opinions.
Advocacy	Four organizations interviewed in Quebec provide advocacy services in the poverty law area.

Public Legal Education

Five organizations in Quebec organize workshops or information sessions on poverty law matters. *Regroupement de défense des droits sociaux*, *Association pour la défense des droits sociaux du Montréal Métropolitain* and *Comité des personnes assistées sociales de Pointe-St-Charles* offer activities that focus on issues concerning income assistance. *Services juridiques communautaires de Pointe-St-Charles et Petite Bourgogne* also primarily works on income assistance matters, but sometimes provides information sessions on Employment Insurance as well. This organization does not work as frequently on EI matters as it did in the past, because there is now an organization that specializes in Employment Insurance matters (*Action-Chômage*). *Action-Chômage* provides information sessions to selected groups, often at the request of employers or unions, or at critical times (e.g., during large-scale lay-offs). ADQR does not co-ordinate workshops, but both respondents from this group noted that some sections (there are 40 around the province) organize monthly conferences on various topics. However,

these conferences do not necessarily address poverty law, and some may not even have a legal focus.

Services juridiques communautaires de Pointe-St-Charles et Petite Bourgogne and the *Comité des personnes assistées sociales de Pointe-St-Charles* are also involved in training activities. *Services juridiques communautaires* supports other poverty law organizations by training front-line staff, while the *Comité* provides advocacy training. All of the organizations interviewed in Quebec except the *Comité* reported that they distribute written materials to clients on poverty law and other matters.

Referrals

All of the organizations interviewed in Quebec refer clients to other resources as appropriate to their needs. The organizations to which referrals are made mentioned by respondents include other community organizations, legal aid, the ombudsman, government offices, food banks, and private bar lawyers. All of the organizations noted that legal aid and a variety of other community groups are key places for referrals.

The respondent from *Services juridiques communautaires de Pointe-St-Charles et Petite Bourgogne* noted that referrals to legal aid, in particular, are given to clients with problems in the immigration and criminal law areas, since these are issues not covered by the organization. *Action-Chômage* reported that staff have worked jointly with legal aid to prepare and distribute information on the preparation of medical certificates (e.g., for disability applications). The *Comité des personnes assistées sociales* refers clients to legal aid for housing and family law issues. The *Comité* is also the only group that reported referring clients to private bar lawyers.

Preparation of Legal Aid Applications

Four respondents reported that their organizations will assist people with the completion of legal aid applications: *Services juridiques communautaires*, *Action-Chômage*, *Association pour la défense des droits sociaux*, and the head office of ADQR. Interestingly, the regional ADQR respondent noted that this office does not assist with legal aid application preparation, along with *Regroupement de défense des droits sociaux* and the *Comité des personnes assistées sociales*.

Advice

All of the organizations interviewed in Quebec provide some kind of general and/or legal advice and assistance to their clients. *Regroupement de défense des droits sociaux* principally offers only general advice in the forms of information and materials; staff provide legal advice only occasionally, and primarily on issues in the income assistance area. Similarly, *Action-Chômage* will answer client questions and provide information about the law. Staff at this organization characterize their work as the provision of legal advice insofar as they strive to give people the tools they need to get through the legal process and prepare for their case.

The *Association pour la défense des droits sociaux* provides assistance with filling out forms, as well as reviewing already completed forms and other documents and suggesting revisions if necessary. The *Comité des personnes assistées sociales* also assists people with forms, as well



as providing information and answering questions. The respondent from this group noted that staff also occasionally assist clients to access information in their file and/or claim by contacting an office or worker on the client's behalf. ADQR respondents reported that information provision is the primary kind of assistance they offer, including advice on legislation and legal rights and responsibilities. One ADQR respondent noted that this is a key function because educating people enables them to "take charge of their own situation." Some branches of ADQR will assist clients with the completion of forms, although no legal advice is offered in the sense of directing a client on a particular course of action.

Services juridiques communautaires provides information and assistance on various legal issues, including poverty law. Clients may be provided with information on an individual basis, with the goal of giving them the tools to deal with an issue themselves. Legal advice and opinions are also provided by *Services juridiques communautaires* staff to people who have been found ineligible for legal aid.

Advocacy

Four organizations interviewed in Quebec provide advocacy services in the poverty law area. *Services juridiques communautaires* noted that staff lawyers provide representation in court, although the same eligibility criteria that apply to legal aid also apply to their services. According to the respondent, this is a restriction imposed by their funding structure. *Action-Chômage* staff regularly appear at Employment Insurance tribunals and will also assist clients in preparing for these proceedings through rehearsals and other activities. However, the respondent from this organization estimated that, in 75 percent of cases, staff are successful at resolving an issue before it gets to the point of a tribunal or hearing. The regional ADQR office representative noted that staff will act as advocates for housing matters, although the head office respondent reported that there are no advocacy services available through this office. The *Comité des personnes assistées sociales* regularly provides advocacy in income assistance matters.

The *Association pour la défense des droits sociaux*, *Regroupement de défense des droits sociaux* and the head office of ADQR do not provide advocacy services.

The following data was provided by two of the organizations interviewed in Quebec concerning their poverty law services.



TOTAL NUMBER OF POVERTY LAW CLIENTS, 2000-2001	
Poverty Law Issue	Total Number of Clients Receiving Assistance*
Public Legal Education #	750
General advice/assistance	36
Legal advice/assistance	516
Preparation of Legal Aid Applications	524

Source: Data collection charts for Quebec.

* Although both of the organizations that submitted data offer advocacy services in the poverty law area, neither one provided information on the number of clients receiving this kind of assistance.

One organization noted that, while it will offer public legal education, it did not receive any requests for this kind of service in the 2000-2001 fiscal year.

A respondent from a third organization estimated that this group receives 30 to 50 calls per day (predominantly on issues relating to employment). Callers typically receive either general advice/information or legal advice.

One of the two organizations from which data was collected estimated that 35 percent of the organization's overall work is in the poverty law area, with 5 percent in the consumer law area (including, among other things, debtor/creditor issues and utility/service disconnections). Of its poverty law work, approximately 53 percent pertains to QPP/OAS issues, and approximately 47 percent pertains to housing matters. Data from the other group indicates that the bulk of its work is in the areas of income assistance (48 percent of reported activities) and housing (20 percent of reported activities).

Only one organization provided data on the characteristics of its poverty law clients. In addition to the information below on sex and age, the respondent reported that some of the ethnic groups with which staff regularly work are Asian, Haitian, Greek, and Egyptian.

Client Characteristic		Percent of All Clients
Sex	Female	90
	Male	10
Age	Under 19	0
	Age 20-35	0
	Age 36-55	10
	55 and over	90

Source: Data collection charts for Quebec.

Types of Poverty Law Issues

For the purposes of this section, the two ADQR offices interviewed have been counted as separate organizations, as the services offered by each office vary.

Employment Insurance (EI)

One organization works primarily in the EI area, with the respondent noting that it handles many cases in which people are determined ineligible for benefits because of a lack of work hours. Five other organizations also provide assistance in EI matters, although only two noted that this is an area in which they regularly receive inquiries and provide information. Respondents from

the other three groups noted that staff occasionally provide some limited assistance, but are more likely to refer clients elsewhere. One organization does not offer any assistance in EI.

Quebec Pension Plan/Old Age Security (QPP/OAS)

Four organizations provide regular assistance with QPP/OAS issues. One group reported that QPP/OAS is a primary area of focus, although the services provided do not extend to lay advocacy or representation. A second organization provides assistance with applications and the completion of forms, while a third characterized the service it provides as “reference assistance” (answering questions, information, referrals). The fourth organization offers services that range from general information and advice to representation.

Of the remaining three agencies, one may occasionally provide assistance with QPP/OAS issues if staff have the relevant knowledge, but it is more likely that clients are referred to other resources; one provides some services, but the respondent noted that this is not an area in which they receive many inquiries; and one offers no services in this area.

Income Assistance (IA)

Five organizations provide assistance with IA issues, with two of these groups characterizing IA as their primary area of service. Two of the five organizations offer services that range from general information and advice to advocacy/representation. The other three groups tend to offer basic assistance (information, referrals), as well as some assistance with forms. Of the remaining two agencies, one may occasionally assist with IA matters, and one offers no services in this area.

Housing and Landlord/Tenant

Four organizations regularly offer assistance with housing and landlord/tenant issues, with one group characterizing this as an area in which it does a lot of work, ranging from information provision to representation. One other group provides advocacy in housing issues, while the other two focus their services on delivering information and general advice to clients.

Two organizations occasionally provide assistance in housing issues, although both reported that this is not a significant area of work. One of these groups noted that clients are more likely to be referred elsewhere for assistance in this area. The final agency does not offer any assistance in housing or landlord/tenant issues.

Workers' Compensation (WCB)

Two organizations offer regular assistance in WCB issues, one offering only information and one providing services ranging from information to representation. Two other organizations may occasionally assist with WCB cases if staff have the relevant knowledge, but this is not a primary focus and clients are often referred elsewhere. The remaining three agencies do not offer any services in this area.



Debtor/Creditor

Two organizations offer regular assistance in debtor/creditor issues, one offering only information and one providing services ranging from information to representation. One additional group may provide some services, but this is not a primary area of work for staff. The remaining four organizations do not do any work in the debtor/creditor area.

Staffing and Funding Information

Types of Staff

Two organizations interviewed in Quebec employ lawyers or other staff with legal training. For one of these organizations, there is no requirement that the relevant position(s) be filled by a lawyer (although currently this is the case). The respondent from this agency did indicate certain advantages to having staff with legal training, notably that the same staff person can handle a case through all possible stages, including advocacy/representation. For the two organizations that have legal staff, other employees include community workers and administrative staff (receptionist, accountant). A respondent from a third organization noted that it would like to hire someone with legal training, but that it is difficult to find someone willing to work for the available remuneration.

The remaining five organizations have quite varied staff members. Two have directors, two have advocates/co-ordinators, one has a community worker, and one has administrative staff. Four organizations rely on volunteers for administrative work, for direct client services, and to fill the positions of president and treasurer. One organization is entirely staffed by volunteers.

Five of the six organizations with paid staff have five or fewer paid employees.

Sources of Funding

Three organizations were unwilling to provide a great deal of information about their funding structure. One respondent would not offer any information about funding. A second respondent would not reveal sources of funding, but noted that this group's historically stable financial support may be compromised in the future, due to some changes that are on the horizon. The third representative did comment that the *Régie régionale de la santé et des services sociaux* provides some funding, but would not comment on the stability of this support.

The remaining four organizations receive funding from a wide range of sources. One group has long-term support from legal aid (its largest funder), and from the provincial Ministry of Justice (for legal education work). The respondent from this group noted that, without having funding through the legal aid network, it would be facing a great deal more uncertainty. For many other organizations, restrictions on funding for advocacy work are a source of financial instability.

A second organization has received most of its long-term financial support from religious communities, followed by the United Way and unions. More recently, the provincial government ministry responsible for employment has provided some funding for community

programs. The respondent from this agency reported that funding is always unstable – it is “a real problem” that has had a negative impact on the range of services delivered by this organization.

A third organization also receives funding from the provincial government through the Department of Social Services, Ministry of Education, and the ministry responsible for Immigration. The only other sources of financial support for this group are membership fees and some project-based support through the Office for Disabled Persons. The respondent from this group described funding as stable, but insufficient.

The fourth organization is funded by the *Régie Régionale de la santé et des services sociaux de Montréal-Centre*, a provincial government body under the Ministry of Health. In addition to this money, a limited amount of support is delivered through membership fees and donations. Overall, this group characterized its funding as limited – although the recurring amount is stable, it is too small. A respondent noted that staff are currently trying to access other funding sources.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents’ comments concerning what is working well, what is not working well, and key gaps within the current system for delivering poverty law services in Quebec. One organization was unwilling to answer questions about its impressions of the poverty law system in Quebec, and two others were reluctant to discuss these questions in detail.

Problem Areas

Lack of Funding. Three respondents highlighted insufficient funding for poverty law services as a key problem area in Quebec, leading to gaps in available services. For some matters, there is simply no help available, regardless of the demand. One area noted particularly by two respondents is OAS. According to them, there are no organizations that specifically provide assistance in this area, so people are forced to deal with public servants and government bureaucracy. One group also reported that the lack of funding makes it difficult to find people with legal training who are willing to work for the wages available in the poverty law/advocacy area, while a second agency suggested that it is becoming more difficult to recruit volunteers to assist in service provision.

Available Legal Services. Two respondents also pointed out that people who have been denied legal aid coverage have very few avenues through which to receive assistance. This is particularly the case in certain regions, given that service availability is inconsistent across the province. When people are unable to access even information or advice about the law and their legal situation, they are not able to effectively defend their rights. According to one representative, care needs to be taken to ensure that both legal aid and available popular legal educational materials are accessible to the general public.



Success Stories

Individualized, Community-based Approach to Services. Two respondents commented that the way in which their organizations provide clients with individualized assistance is a successful feature of their service delivery model. Clients appreciate the fact that they can access services immediately, that there is little bureaucracy, and that services are personalized. In addition, the location of services within the community provides people with a sense of belonging and support, which is particularly important in economically disadvantaged neighbourhoods.

Public Legal Education. One respondent noted that, while providing services to respond to the immediate needs of low-income people is important, the education and information that organization staff deliver are also appreciated by members of the community. The experience of organization staff is that people like to have an opportunity to educate themselves about the law, and their rights under it, to better understand their situation and the available options. In this sense, the respondent suggested that the work of community organizations can improve quality of life.

Success in Handling Cases. A respondent from one organization noted that this group has been around for a long time and that staff, accordingly, “know the ropes.” As a result, they tend to win approximately 80 percent of tribunal cases, and have connections with public servants that serve staff (and by proxy, clients) well.

Nova Scotia

Three community organizations were interviewed in Nova Scotia. Two of these organizations do not have any restrictions on the clients they will assist, while the third group primarily serves people who have been referred to them through Nova Scotia legal aid. All of the organizations interviewed are located in Halifax.

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	All of the organizations interviewed in Nova Scotia distribute written materials, and two groups also organize educational activities such as workshops, information sessions, and presentations at public events.
Referrals	All of the organizations interviewed refer clients to a range of legal and community resources as appropriate to the clients needs.
Preparation of Legal Aid Applications	Only Dalhousie Legal Services assists clients with the preparation of legal aid applications.
Advice	Two organizations provide advice to clients, although the advice provided by one group is general in nature and primarily concerns income assistance.
Advocacy	Only Dalhousie Legal Services provides advocacy services to clients.

Public Legal Education

Dalhousie Legal Services has a community legal worker who works in the community to provide workshops and educational seminars. In addition, this organization strives to support, educate, and work with community agencies, providing information and workshops tailored to particular service areas (for example, information on changes to social assistance legislation).

The Legal Information Society of Nova Scotia is essentially an information provision agency. Information primarily is dispensed over the phone, although the organization does have a collection of written materials compiled from other groups. The respondent from this agency noted that staff responded to over 9,000 calls in 2000-2001, and that another 12,000 inquiries were received by the pre-recorded, toll-free legal information line. The Legal Information Society has done workshops in the past, and currently has a speaker's bureau to arrange public talks on a variety of topics.

The North End Community Health Centre is not involved in the organization of public legal education events, but this group does have pamphlets and other written materials produced by other organizations available for distribution.

Referrals

The respondent from Dalhousie Legal Services noted that staff primarily refer clients to other legal resources, including the Legal Information Society of Nova Scotia and legal aid. For legal matters beyond staff expertise, the Legal Information Society of Nova Scotia and the North End Community Health Centre refer people to legal aid and to Dalhousie Legal Services. Both of these organizations also refer clients to a variety of other community resources, as appropriate to the client's needs and the legal issue.

Advice

Dalhousie Legal Services provides advice to clients in the same manner as legal aid, although a respondent from this group noted that staff first try to provide people with the tools they need to help themselves, through education and information. The North End Community Health Centre also provides some advice, particularly in terms of ensuring that people know their legal rights in welfare issues, how the system works, the options available to them, and what to expect. No direct legal advice is provided by this organization. The Legal Information Society of Nova Scotia does not provide clients with any advice; its activities are limited to the provision of general information. However, the Society does operate a lawyer referral service through which clients can speak to a lawyer for 30 minutes at a cost of \$20.

Advocacy

As with legal aid, Dalhousie Legal Services will provide legal representation to clients in a variety of poverty law matters (although income assistance is the primary service area). The other two organizations interviewed in Nova Scotia do not offer any advocacy services.

Two organizations interviewed in Nova Scotia provided some limited data on the services offered by their organizations. One organization had recently conducted a user-survey of 100 clients, the results of which indicate the following breakdown of clients across various poverty law issues.



NUMBER AND TYPE OF POVERTY LAW INQUIRIES, 2001	
Type of Poverty Law Issue	Number of Inquiries
Income Assistance	1
Landlord/tenant	9
Debtor/Creditor	6
Employment	9
TOTAL	25*

* According to survey results, the total number of inquiries on these four issues constituted one quarter of all inquiries tracked for the survey. Family law was by far the largest area in which inquiries were received by this organization, accounting for the services provided to 53 percent of survey respondents.

Source: Data provided by organization.

Data was also collected on the number of calls made to the Legal Information Line and the Lawyer Referral Service in 2000 and 2001. As the chart below indicates, the number of calls received on landlord/tenant and employment matters grew significantly over this period.

Type of Poverty Law Issue	Number of Calls in 2000	Number of Calls in 2001
Income Assistance	164	180
Landlord/tenant	366	431
Debtor/Creditor	551	557
Employment	506	560

Source: Data provided by organization.

Two organizations submitted information on the sex and age of their clientele. For what is called Organization A in the chart, this data pertains to all inquiries received in 2000, not just those concerning poverty law. For Organization B, the information is for poverty law clients in the 2000-2001 fiscal year. For both organizations, women and adults constituted the vast majority of clients. In addition, client services were disproportionately likely to be delivered in English.

Organization A			Organization B		
Sex	Female	60	Sex	Female	64
	Male	40		Male	36
Age	Under 19	0	Age	Under 18	25
	Age 20-35	43		Age 18-40	47
	Age 36-55	40		41 and over	28
	55 and over	17			
Language*	English	88	Language*	English	99
	French	1		French	0
	Other	11		Other	1

* Refers to the language in which services are provided.

Source: Data collection charts for Nova Scotia.

With respect to ethnic origin, Organization A reported that clients were made up predominantly by Anglo-Canadians (65 percent), followed by French Canadian (7 percent), Black (5 percent), Native (4 percent), and other or unknown (19 percent). Organization B reported that 5 percent of its clients are of First Nations ethnicity.

Only one organization provided any cost information on its poverty law services. No specific data was available for particular types of services, but the respondent reported that the cost of all services in 2000-2001 was \$430,000.

Types of Poverty Law Issues

Employment Insurance (EI)

One organization provides a full range of assistance in EI matters, although this is not an area where the group receives many inquiries. The other two organizations may provide some basic information if requested, but EI is not a primary issue for them either.

Canada Pension Plan/Old Age Security (CPP/OAS)

This is a significant area of service delivery for one organization, with assistance ranging from information to representation at appeals. The other two organizations may provide some basic information if requested, but this is not an area in which they often provide assistance.

Income Assistance (IA)

For two organizations, IA is one of two main issues in which the most requests for assistance are received. For one organization, the assistance provided extends to legal representation at appeals of benefit denials. The third organization primarily refers people to government resources for more information on IA issues.

Housing and Landlord/Tenant

Housing and landlord/tenant matters are the second of the two significant issue areas for two organizations interviewed in Nova Scotia. For one organization, the assistance provided extends to legal representation at tribunals; a respondent for the other organization noted that utility disconnection is a key area of work. The third organization has information and materials available on housing and landlord/tenant issues, and does some public speaking in this area.

Workers' Compensation (WCB)

Two organizations provide assistance in WCB cases, although this is not an area in which one of the groups receives many inquiries. The third organization refers people elsewhere for WCB issues.

Debtor/Creditor

Two organizations provide assistance in debtor/creditor cases, although this is not an area in which one of the groups receives many inquiries. The third organization does not assist people in this area.



Staffing and Funding Information

Types of Staff

Two of the organizations interviewed in Nova Scotia employ lawyers, including the one agency that provides legal representation. One group also has community legal workers on staff. These employees do not generally provide legal advice, although they do represent people at income assistance appeals. Two organizations also rely on law students to provide information and advice to clients. The third organization is staffed by social workers.

Sources of Funding

One organization receives most of its funding from legal aid Nova Scotia, although some financial support also comes from universities and the Law Foundation. Before legal aid became the primary source of funds, this agency was primarily supported by the Law Foundation and the provincial government. The respondent characterized the funding structure of this organization as unstable.

The Law Foundation is also a funder for a second organization interviewed in Nova Scotia, along with the provincial and federal departments of Justice and internal fundraising campaigns. A respondent from this agency characterized its funding as stable, despite the fact that it is reviewed on a yearly basis. The provincial Ministry of Health funds the third organization. According to a respondent from this group, funding is unstable, in the sense that it has not kept pace with changing needs.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents' comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Nova Scotia.

Problem Areas

Lack of Poverty Law Services. All three organizations interviewed in Nova Scotia reported that there is an overall lack of services available for poverty law. One respondent suggested that poverty law issues often have to be covered on a pro bono basis in conjunction with a claim in another area, resulting in significant limitations on the number of cases that can be handled. Poverty law needs to be seen as a legitimate area for the provision of legal services in and of itself. In the current system, people who have genuine needs are not always able to access services.

Respondents from two different organizations highlighted the fact that there is a lack of support for poverty law on the part of both legal aid and the broader community, with the result that people do not have a sufficient range of options for legal representation. Community organizations have tried to take on some of the burden of providing legal assistance, but they

have been unable to completely fill the gaps that exist. According to one person, this is particularly the case in rural areas.

Lack of Funding

Three respondents linked the lack of poverty law services available in Nova Scotia to the general lack of funding in this area. In the absence of sufficient financial support, poverty law services have not been further developed.

Success Stories

Individualized Approach to Service Delivery. One respondent cited the availability of one-on-one assistance, commenting that it is an effective way of providing poverty law services. This approach enables community organizations to offer clients individualized assistance.

New Brunswick

Two community organizations were interviewed in New Brunswick, both located in Saint John. One organization assists all people who come in, although the focus of this group is on labour issues. The other organization relies primarily on income to determine eligibility for assistance, insofar as the focus of this group is on serving low-income people. A respondent from this agency also suggested that, while family law is not a specific target area, a lot of requests for assistance are received in this area. Generally, the organization tries to provide whatever help is needed to clients.

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	Neither organization interviewed in New Brunswick provides any public legal education.
Referrals	Staff at both organizations will provide clients with referrals, although one respondent noted that this is not a common service.
Preparation of Legal Aid Applications	Saint John Legal Centre staff help prepare legal aid applications, but staff at Labour Community Services do not.
Advice	Both organizations provide general and legal advice, although one largely relies on relationships with private bar lawyers to collect information to relay to clients.
Advocacy	Both organizations provide advocacy or legal representation in various poverty law issues.

Referrals

Saint John Legal Centre refers clients to legal aid for criminal matters, and to other community organizations as appropriate to the need of the client for civil matters. The respondent from Labour Community Services noted that referrals are not a primary kind of assistance provided by staff, although they will refer on certain issues. It was noted that there are very few poverty law resources to which to refer people in New Brunswick – legal aid provides no coverage in this area, and, according to the respondent, there are no other community organizations that provide assistance in poverty law matters. A respondent from Labour Community Services noted that this organization does have a relationship with some private bar lawyers who will sometimes provide assistance to clients on a pro bono basis.



Advice

Saint John Legal Centre provides legal advice in poverty law cases. According to the respondent, this organization essentially offers the same range of services as would be available from private bar lawyers. Labour Community Services offers general advice as well as some legal advice. The respondent noted that legal advice is typically gleaned from conversations with some private bar lawyers with whom staff have a relationship. The information, and advice on available options, is then relayed to the client.

Advocacy

As noted above, staff at the Saint John Legal Centre essentially provide the same range of services as private bar lawyers, so legal representation is provided in a variety of poverty law and other matters (notably family law, which the respondent indicated is a common issue). Labour Community Services staff will act as advocates for clients at EI, CPP, and WCB appeals. However, the respondent noted that advocacy services will only be provided up to a certain level – beyond that, clients are referred to private bar lawyers.

Types of Poverty Law Issues

Employment Insurance (EI)

Both organizations interviewed in New Brunswick assist people with EI cases, including the provision of representation/advocacy at appeals of benefit denials. For one organization, this is its third largest area of work.

Canada Pension Plan/Old Age Security (CPP/OAS)

Both organizations interviewed in New Brunswick assist people with CPP/OAS cases, including the provision of representation/advocacy at appeals of benefit denials. This is the area of most cases for one organization.

Income Assistance (IA)

Only one organization provides assistance in this area, including representation/advocacy at tribunals. The other organization may refer clients elsewhere on IA issues.

Housing and Landlord/Tenant

Only one organization provides assistance in this area, including representation/advocacy at tribunals. The other organization does not provide any services in such matters.

Workers' Compensation (WCB)

Both organizations interviewed in New Brunswick assist people with WCB cases, including the provision of representation/advocacy at appeals of benefit denials. This is the second largest area of work for one organization.

Debtor/Creditor

One organization provides assistance in this area, including representation/advocacy at tribunals. The other organization only offers general information/advice and referrals.

Other Issues

One organization will assist people with a wide range of issues, depending on the needs of the client. The other organization highlighted income tax assistance as an additional service provided by staff.

Staffing and Funding Information

Types of Staff

The only staff providing service at one organization is a lawyer. The other organization has two advocates on staff and sometimes has practicum law students.

Sources of Funding

One organization has charitable status and so depends entirely on donations. The respondent from this group noted that funding is constantly insufficient. The other organization is funded largely by the United Way, although some support is also delivered through the Labour Council and private donations. The respondent from this organization characterized funding as unstable.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents' comments concerning what is working well, what is not working well, and key gaps within the current system for delivering poverty law services in their province.

Problem Areas

Lack of Poverty Law Services. One respondent noted that there are too few options for people in needs of advice and assistance in poverty law services.. According to this respondent, clients often want more than information and advice, particularly when they are ill-equipped to negotiate the legal system on their own. If these people do not have access to adequate legal representation, it is unlikely that the courts can make fair and informed decisions.



Lack of Funding. One respondent highlighted the fact that there is an overall lack of funding for the delivery of poverty law services, and that the funding that is available is not available on a stable or consistent basis. In the absence of sufficient funding to provide a solid base of services, the poverty law system as a whole is unstable.

Newfoundland and Labrador

Only one organization, located in St. John's, was interviewed in Newfoundland. As a legal information organization, this group assists all clients who access their services through the office, telephone, or Web site. There is no specific target audience for the organization as a whole, but it does develop materials focussed on specific issues or groups (for example, a family law guide for women).

Types of Poverty Law Services

Public Legal Education

The mandate of the Public Legal Information Association of Newfoundland (PLIAN) is to assist people to understand the law and to make the legal system more accessible. To this end, PLIAN operates a public legal information line, organizes information sessions and a speaker's bureau, visits schools to increase awareness and disseminate information, and publishes a variety of resources. Many publications are also available on the PLIAN Web site.

Referrals

Referrals are made as appropriate to the client's case. The referral locations highlighted by the respondent are legal aid, the Law Society, certain private bar lawyers, transition housing, the landlord/tenant board, and the courts.

Advice

The Public Legal Information Association of Newfoundland is a legal information organization, and as such distributes a wide range of general information and advice, predominantly through its telephone service. However, the respondent resisted characterizing this service as the provision of advice.

The Association also operates the lawyer referral service for Newfoundland. Through this service, individuals can contact lawyers to arrange for a half-hour consultation at a nominal charge. Organization staff do not provide any legal advice.

The following data was provided on the poverty law activities of PLIAN in 2000-2001.

Type of Service	Estimated Number of Clients	Estimated Cost of Service
Public legal education	7,500	\$20,000
Provision of general information/assistance	2,300	\$20,000

Source: Data collection charts for Newfoundland.

The respondent noted that, in addition to the above client numbers, PLIAN receives numerous Web site hits pertaining to all areas of law. However, there is no record of the number of people accessing services in this manner, or the legal issue(s) with which they are concerned.

PLIAN also provided the following data on the sex and age of poverty law client characteristics. While no quantitative data on ethnicity was provided, the respondent observed that key groups serviced by the organization as a whole include Chinese, Innu, French, and American.

Client Characteristic		Estimated Number of Clients
Sex	Female	1,325 callers
	Male	976 callers
Age	Under age 18	32 callers
	Age 18–39	1,314 callers
	Age 40–54	914 callers
	Age 55 and over	41 callers

Source: Data collection charts for Newfoundland.

Types of Poverty Law Issues

The Public Legal Information Association of Newfoundland provides assistance in a wide variety of poverty law and other legal issues, including Employment Insurance, income assistance, landlord/tenant and other housing matters, workers’ compensation, and debtor/creditor matters. Few requests are received in Canada Pension Plan/Old Age Security issues.

Staffing and Funding Information

Types of Staff

PLIAN has one lawyer on staff, and hires others as needed on a contract basis. The organization relies on many volunteers.

Sources of Funding

Core funding for PLIAN is provided by the Law Foundation and the federal Department of Justice, with some in-kind funding delivered by the provincial government. These sources of funding are all long-term, and are characterized as stable by the respondent.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents’ comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in Newfoundland.



Problem Areas

Lack of Funding. One area identified as problematic is the lack of funding available for legal services. In the context of the respondent’s organization, this was noted to be of particular concern with respect to ensuring that services are available in rural as well as urban areas.

Lack of Legal Representation. The respondent also noted that there are limited options through which people denied legal aid coverage can access legal services. This is particularly the case with respect to legal representation, since this is an area in which few community organizations provide services. If people cannot afford their own lawyer, they essentially do not have any access to justice.

Prince Edward Island

Four community organizations were interviewed in P.E.I., all of them located in Charlottetown. None of these organizations has any formal restrictions with respect to income levels on who receives assistance. Providing services to individual clients is not the primary focus of one group, although staff do offer some targeted services to low-income people in certain circumstances. A second organization noted that it works with various disadvantaged groups on economic and political issues as part of its mandate, and tends to prioritize low-income people. However, the respondent indicated that the most significant restriction on the range of services available is limited staff time/resources. The third organization also pointed to low-income people as the group’s only area of focus, while the fourth agency noted that there are no restrictions on potential clients.

TYPES OF POVERTY LAW SERVICES	
Public Legal Education	All of the organizations interviewed in P.E.I. are involved in public legal education in some capacity, most commonly through the organization of workshops or other public information sessions.
Referrals	All of the organizations interviewed refer clients to other groups as appropriate to their needs. However, referrals on legal problems are constrained by the lack of legal aid or other resources in the province.
Preparation of Legal Aid Applications	None of the organizations interview in P.E.I. provide assistance with the preparation of legal aid applications. This is unsurprising since there is no legal aid coverage for poverty law matters in the province.
Advice	The organizations interviewed provide general advice and assistance (typically in the form of information about laws). They do not offer any legal advice, with two groups citing lack of resources to deliver sufficient one-on-one services to clients.
Advocacy	Only one organization provides any advocacy, and this is a limited component of its services.

Public Legal Education

All of the organizations interviewed in P.E.I. are involved in public legal education in some capacity. The educational activities with which the Federation of Labour is involved pertain largely to labour law issues, although this group does do some coalition work with other community agencies on other issues (e.g., pensions). A respondent from Cooper noted that this organization provides limited public education on legal issues. In this area, the most common issue on which staff act as a resource is Employment Insurance. However, Cooper staff also

regularly work in collaboration with other organizations in organizing public information sessions.

Alert conducts general workshops on poverty, both for those currently living in poverty and for others interested in learning about what it means to be poor. A respondent from Alert noted that a key topic addressed in these workshops is the right to receive income assistance, and avenues for defending this right. Alert has also developed written materials in this area.

The Community Legal Information Association (CLIA) organizes legal workshops throughout P.E.I. and plans special education projects (conducted by staff members, volunteer private bar lawyers, or others, depending on the audience and topic). CLIA provides speakers for meetings, other events, and schools, and assists in organizing law courses in Community Schools. The agency acts as a resource for groups that wish to inform and educate others about the law by helping them conduct training programs, workshops and/or conferences, to develop legal materials, and keep up with changes in the law. CLIA also has a library with a wide selection of reference materials, and a variety of written materials and pamphlets available for distribution.

Referrals

All of the organizations interviewed in P.E.I. refer clients to other available resources in the community as appropriate. The referrals mentioned by the organizations include community organizations, government offices, labour groups, legal aid, private bar lawyers, and the lawyer referral service.

Respondents from Cooper and CLIA explicitly said that they do not tend to refer clients to legal aid for matters outside of the criminal and family arenas, since there is no legal aid coverage for other civil issues (including poverty law). The Alert representative noted that its primary resources for referral are legal aid and CLIA, although apparently these two organizations also direct people to Alert for questions about income assistance. Alert was the only organization to report that referrals to community organizations are not a common practice.

The Federation of Labour and Cooper also pointed to CLIA as a primary resource to which people with legal problems and/or questions are referred. The CLIA representative noted that CLIA refers people in need of legal assistance (beyond what staff can offer) to private bar lawyers and to the lawyer referral service that is run through the CLIA office.

Advice

The four organizations interviewed in P.E.I. provide a limited amount of advice to clients on poverty law matters. The Federation of Labour respondent noted that staff will try to facilitate requests and refer people to the appropriate resource, but they do not deliver a lot of individual assistance, because there are few staff. The one area in which the organization does get more involved is injured worker cases. In these matters, staff try to access legal opinions and educate members on changes in the law, but they never deliver legal advice in terms of directing clients on a particular course of action. According to a respondent, this organization “sort of does things ad hoc, depending on what resources are available.” However, it is recognized up front that they



cannot meet all needs for support and assistance. Similarly, a respondent from Alert noted that staff essentially try to assist people when they have the relevant knowledge, but they lack sufficient resources to regularly provide direct support to clients. According to this representative, Alert staff do “the best we can in the circumstances.” Generally speaking, Alert characterizes itself as more of a political advocacy organization than a direct client advocacy organization.

The advice and assistance provided by Cooper staff mostly involves explaining legislation and any changes that have emerged, rather than working on particular client cases. Staff essentially provide general information on the law and people’s rights under it, but do not offer legal advice. CLIA also primarily provides general information to clients, either through direct calls to the office or through the Law Line inquiry service (pre-recorded legal information). For legal advice, the respondent noted that CLIA staff must refer the client to a lawyer.

Advocacy

The Federation of Labour is the only organization interviewed in P.E.I. that provides any client advocacy, and this is not a typical component of the services offered by this group. The respondent noted that Federation staff generally help only to set up appointments and meetings for Employment Insurance appeals, although occasionally someone from a Federation member organization (perhaps a union affiliate) may accompany clients to formal proceedings. The Federation of Labour is an umbrella group for other labour organizations.

Types of Poverty Law Issues

Employment Insurance (EI)

Three organizations provide some kind of assistance with EI. For one group, assistance includes only the provision of general information and answering clients’ questions – there are no programs or projects in place on this subject. A second group participates in educational campaigns, in co-operation with other groups, concerning past legislative changes. In addition, this organization organizes workshops and other events to raise awareness about the EI system, and has done some work with individual clients on particular cases.. The third group also provides general information and assistance on EI issues, although the respondent noted that the range of services available is limited by funding constraints. Occasionally, this organization also assists people with EI appeals.

Canada Pension Plan/Old Age Security (CPP/OAS)

Two organizations have done some limited work on CPP/OAS matters, principally in the area of public legal education. The other two organizations do not provide any assistance in this area.

Income Assistance (IA)

Three organizations regularly provide assistance in IA issues. One organization reported that IA is their specific focus, although it lacks the funding to provide a large amount of direct client

services. A second group participates in joint initiatives with other groups on IA matters, as well as providing general support to clients, principally in the form of information on laws. The third agency also provides information to clients, and organizes workshops for its own and other community groups' staff.

Housing and Landlord/Tenant

Referrals are the primary form of assistance offered on housing issues by three of the four organizations interviewed in P.E.I., with the fourth commenting that no assistance is provided in this area. One organization also noted that staff do some joint research with other groups on the impact of legislative and policy changes.

Workers' Compensation (WCB)

One organization noted that staff may occasionally provide some assistance in WCB cases, while two other groups generally refer clients to other resources (notably private bar lawyers, the lawyer referral service, or the WCB office). One organization does not provide any assistance in WCB matters.

Debtor/Creditor

Two organizations do not do any work in the debtor/creditor area, while a third only lends support to other initiatives that may be occurring in this area. The fourth organization provides information on debtor/creditor issues.

Staffing and Funding Information

Types of Staff

Volunteers figure heavily in the staffing of organizations delivering poverty law services in P.E.I. One organization has no paid staff, but rather relies on a network of volunteers to provide services. A second group has only one paid staff member, with volunteers delivering the majority of services. A third organization characterized its two staff members as lay advocates, noting that they have expertise as adult educators and sociologists. This group also relies on volunteers. The fourth and largest agency referred to staff as information providers. A respondent from this organization noted that it also relies on the volunteer efforts of members of the legal profession, courthouse and government personnel, and knowledgeable lay people.

Sources of Funding

There is little pattern to the funding accessed by the organizations interviewed in P.E.I. One organization receives no funding at all, while a second relies only on membership fees – a source of funding described as stable but variable, depending on the number of members in any given year. The other two organizations noted that they do not receive any funding that is specifically targeted to poverty law activities. One group receives mostly project-based funding, which was characterized as unstable, insofar as it is subject to renewal. Project-funding sources identified



by respondents include the federal Ministry of Health, the Canadian Women’s Foundation, and CIDA. The final organization receives funding from the federal Department of Justice, the provincial Department of Justice (mostly in-kind), and the P.E.I. Law Foundation. This is the only organization that reported consistent financial support.

Strengths and Challenges of Available Poverty Law Services

The following section presents respondents’ comments concerning what is working well, what is not working well, and any key gaps within the current system for delivering poverty law services in P.E.I.

Problem Areas

Lack of Services. Respondents from three organizations commented that there is essentially no “system” for delivering poverty law services in P.E.I. There is no coverage for these issues through legal aid, and not enough resources available through community groups to meet people’s needs. As a result, even when a poor person has a strong case they are often unable to get assistance. Since the legal system is difficult to navigate on one’s own, low-income people are often left with no recourse. Accordingly, the key gap in P.E.I. is simply that there are no services – as one respondent put it, “There is no avenue for support, even for basic assistance.”

Lack of Funding. Respondents from three organizations pointed to the lack of resources as a key reason why community groups are unable to deliver more direct client services in poverty law (and other) issues. There is no support available to permit the expansion of services into other areas, or to increase the number of people who are assisted. This problem is exacerbated by the limited population base in P.E.I. – given the small number of people who would arguably make use of an improved poverty law network, it is more difficult to justify the provision or expansion of a service. In addition, one respondent noted that the small size of P.E.I. means that people are more likely to have easy access to the elected representatives, and often go to these people with their problems. In this way, the respondent suggested P.E.I. may not fit the same template as the other provinces.

Barriers to Accessing Services. One respondent suggested that P.E.I. faces particular barriers with respect to ensuring access to poverty law (and other) justice services. This representative pointed to the general lack of public transportation, the distribution of services across rural and urban areas, the lack of toll-free lines for government offices, and high levels of illiteracy, as key barriers to access to justice.

Conclusion

The most common public legal education activities provided by community organizations are workshops/information sessions and the provision and distribution of written materials. At least some of the agencies interviewed in each of the provinces deliver services in one or both of these areas, with the exception of New Brunswick where neither group is engaged in educational activities. The range of topics covered by the organizations interviewed is quite broad, addressing both specific poverty law issues like income assistance and Employment Insurance,

as well as broader matters such as legal rights and responsibilities, and overviews of legislative changes.

Referrals are a service provided by the vast majority of organizations interviewed in all of the provinces. Respondents from most agencies reported that clients tend to be referred to a wide range of additional community, regional, or provincial resources, depending on their needs and the legal issue(s) involved. In addition, many respondents noted that referrals tend to be extended when the assistance required by a client is outside the range of services offered by the organization, or if the legal issue in question is beyond the expertise of staff.

The preparation of legal aid applications is the least common service provided by the organizations interviewed for this project, across all provinces. No organizations in Manitoba, Ontario, Newfoundland or P.E.I. provide this service, and only one of the interviewed groups in B.C., Nova Scotia and New Brunswick offer this kind of assistance (although two groups in B.C. did note that they may assist people who have been denied legal aid coverage).

Providing “legal” advice was identified as a problem by respondents from organizations across Canada. Respondents were generally uncomfortable with provide advice in the sense of directing clients on a particular course of action. While a small number of organizations do have a program in place to offer advice in this sense, the majority of groups view their role as presenting information and options to clients to educate them about their situation and strategies for dealing with it. Clients are then empowered to make their own decisions about how to proceed. In light of this overarching theme, the kinds of advice provided by the community organizations interviewed for this project tend to fall into two categories: the provision of general information and assistance, and the provision of procedural assistance. The majority of the organizations interviewed across the provinces provide general advice to clients on poverty law matters in the form of basic information, answering questions, and providing referrals. The availability of procedural assistance – including the completion of forms, making calls or writing letters on a client’s behalf, accompanying clients to meetings – is more varied.

The advocacy services offered by community organizations in the poverty law area are more limited than the availability of advice. Among the agencies interviewed, some advocacy services are available in poverty law matters in all of the provinces except Newfoundland. The topics in which community organizations provide advocacy vary, often depending on the focus of the organization in question.



EI is not a primary issue dealt with by the community organizations interviewed for this project. In each of the provinces, only a small proportion of agencies provide assistance in EI matters, and most of the assistance that is provided is limited to the provision of general information and answering clients' questions. CPP/QPP and OAS matters are dealt with by the community organizations interviewed somewhat more frequently than EI matters. More organizations deliver a full range of services in CPP/QPP, and OAS matters, but general information is still the most common service provided in most jurisdictions.

IA is one of the issues most commonly dealt with by the organizations interviewed in all of the provinces. It is also an area in which community groups are most likely to offer a wide range of services, including general and legal advice and advocacy. After income assistance, housing and landlord/tenant matters are the largest area of work for the poverty law organizations interviewed for this project. P.E.I. is the only province in which none of the organizations interviewed offer significant services in the housing and landlord/tenant area.

Workers' compensation is an issue in which community organizations provide limited assistance. Some respondents suggested that comprehensive services are not extended in this area because of the internal capacity of the WCB system to handle claims, and/or because there are other resources available to assist with issues in this area. The community groups interviewed for this project provide the least assistance in debtor/creditor issues. Only a handful of groups provide any assistance in this area beyond referrals to other resources. Among those that do extend services, it tends to be limited to the provision of basic information.

In terms of the experiences of community organizations with the poverty law system, a problem area mentioned by representatives from all jurisdictions is the lack of funding available for poverty law work. Respondents from all jurisdictions except B.C., Saskatchewan and Ontario also pointed to what was characterized as an overarching lack of poverty law services in their respective provinces – a comment linked in part to the limited availability of funding. Community organization respondents in B.C., Alberta and Nova Scotia all noted that legal aid needs to provide more comprehensive poverty law coverage. In Saskatchewan and P.E.I. – jurisdictions in which there is not legal aid coverage for poverty law – respondents noted that the absence of services in this area is a key weakness. Finally, community organizations in B.C. and Saskatchewan highlighted funding cuts as an area of concern.

With respect to successful features of the poverty law system, several respondents mentioned the individualized service delivery approach of community organizations. Respondents in Saskatchewan and Quebec also pointed to the availability of public legal education materials on poverty law matters as a particularly valuable component of the poverty law system. Finally, community organizations offered a wide range of comments concerning various features of the service delivery models in place in their respective provinces, including the breadth of the legal aid system, community-based legal aid resources, the dedication of poverty law advocates, and the long-standing experience of community groups.



Part Three: The National Picture

Summary of Legal Aid Poverty Law Services

In this section, an overview is developed of the services available through legal aid in each of the jurisdictions providing coverage for poverty law matters. For the purposes of this summary, the three provinces that provide no legal aid coverage in poverty law have been omitted, namely Saskatchewan, New Brunswick and Prince Edward Island. It is important to recall that all comments concerning B.C. reflect the poverty law legal aid services available prior to significant funding cuts and program restructuring currently being implemented. Further analysis of the poverty law coverage that remains after the implementation of these changes will be necessary to generate an accurate picture of the services available in B.C.

Types of Poverty Law Legal Aid Services

The table below summarizes the types of services offered in each of the jurisdictions with poverty law legal aid coverage. As is illustrated by this table, the most consistent area of service provision is legal representation – all of the provinces and the Northwest Territories offer at least some legal representation in poverty law cases. The availability of general and legal advice is somewhat more limited, with Alberta and Newfoundland lacking established programs in this area. Public legal education on poverty law is the most limited aspect of legal aid services, with only B.C. and Ontario having comprehensive programs in place in this area.

SUMMARY OF AVAILABLE POVERTY LAW SERVICES BY JURISDICTION								
Type of Service	Jurisdiction							
	<i>B.C.</i>	<i>Alta.</i>	<i>Man.</i>	<i>Ont.</i>	<i>Que.</i>	<i>N.S.</i>	<i>Nfld.</i>	<i>N.W.T.</i>
General advice/assistance	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Legal advice/assistance	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Legal Representation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Public Legal Education	Yes	No	No	Yes	No	??	No	Some

Limitations in the amount and kind of data available in each jurisdiction, as well as significant differences in the way in which poverty law cases are tracked, complicate efforts to provide comparisons. However, available data collected on the advice and legal representation components of poverty law legal aid programs is compiled and discussed below.

Advice

TOTAL NUMBER OF CLIENTS RECEIVING POVERTY LAW ADVICE		
Jurisdiction	Number of Clients	Explanation
B.C.	24,948	Intake + summary advice
Manitoba	46	Plus an untracked number of drop-in clients
Ontario	128,408	Summary advice + brief services
Quebec	–	Not available
Nova Scotia	32	Within the administrative tribunals category
N.W.T.	47	Plus an untracked number of clients assisted by Court workers and duty counsel

As the above chart makes clear, the volume of cases handled in B.C. and Ontario is on a different scale than in the other jurisdictions (with the likely exception of Quebec although no data is available given that no distinction is made between full service and advice cases). While this is no doubt linked in part to the larger population of these provinces, it also speaks to the fact that B.C. and Ontario have a much more established and comprehensive system in place for delivering non-tariff legal aid services such as advice. The networks of community offices in each of these provinces provide venues well adapted to addressing poverty law issues, in terms of both the available range of services (advice as well as representation) and the expertise of staff (lawyers and paralegals or community legal workers). In addition, these local offices are grounded in the communities they serve through community member representation on governing boards. This permits local offices to tailor services to the needs of residents, and respond to changing needs and priorities.

Despite not having the same kind of capacity as B.C. and Ontario, several other provinces do have an advice component to their poverty law services. Manitoba has one Poverty Law Office in Winnipeg through which clients can get advice, and Nova Scotia one poverty law staff lawyer stationed in Halifax who advises clients. The Northwest Territories relies on Native Court workers to provide advice services to remote communities in a manner reminiscent of community offices in B.C. and Ontario. However, respondents in this jurisdiction emphasized the underdeveloped nature of available poverty law services, and the correspondingly more limited amount of assistance available.

B.C., Manitoba, Ontario and, to some extent, the Northwest Territories divide the advice services they deliver into two different levels. Specific information on the way in which advice is delivered in Quebec and Newfoundland is not available, and Nova Scotia has a single advice classification (summary services). In those jurisdictions with two advice stages, the levels are typically distinguished by the amount of assistance received by clients at each stage. The lowest level of service typically involves brief consultation on the telephone or in person, and the provision of basic information or a referral to another agency. No specific action is taken on the client's behalf, and there are no eligibility requirements.

The second level of advice service tends to be more involved, and often includes advocacy on a client's behalf (for example, making calls or writing letters, research, accompaniment to meetings, assistance with the completion of self-help kits). Some provinces have time guidelines for this level of service – in B.C. it is expected to take no more than three hours, and in Ontario



no more than two hours. Eligibility testing may be applied in determining who receives this more in-depth kind of assistance.

NUMBER OF CLIENTS RECEIVING ADVICE BY TYPE OF SERVICE							
British Columbia		Manitoba		Ontario		N.W.T.*	
Type of Service	Number of Clients	Type of Service	Number of Clients	Type of Service	Number of Clients	Type of Service	Number of Clients
Intake	22,806	Drop-in	Not tracked	Summary Advice	101,482	Law Line	Not tracked
Summary Advice	2,142	Informal	46	Brief Services	26,926	Advice Certificate	47

* The advice provided by Court workers and duty counsel lawyers may fit into one or both of these categories. However, detailed data is not available on the types of services provided or numbers of clients.

In all jurisdictions, it is legal aid staff members who are primarily involved in delivering advice on poverty law matters. In the case of both Manitoba and Nova Scotia, advice is exclusively delivered by staff lawyers. In B.C., Ontario and the N.W.T., other legal professionals (paralegals, community legal workers, Native Court workers) provide advice to clients, in addition to staff lawyers. The N.W.T. is the only jurisdiction to issue certificates to private bar lawyers specifically for the provision of advice. Private bar lawyers in Quebec work on a certificate basis and may provide some advice on poverty law matters, but respondents did not identify a specific advice certificate category in the same manner as in the N.W.T. Although Alberta has no formal program for the provision of advice on poverty law, respondents did note that some limited advice may be provided by private bar lawyers during the opinion stage of a case. However, eligibility testing does apply to this function.

The only provinces for which advice caseload information is available for individual legal issues are B.C. and Ontario. In B.C., by far the largest areas for intake cases in 2000-2001 were non-tariff family law, administration matters, and non-tariff criminal law. All other issues constituted less than 10 percent of the total intake caseload. Of the four poverty law issues under provincial jurisdiction targeted in this project, income assistance, debtor/creditor, and housing were the largest caseload areas.

With respect to poverty law issues under federal jurisdiction, only income tax/GST comprised more than 5 percent of B.C.'s total intake caseload in the 2000-2001 fiscal year. The two federal issues specifically included in the data collection process – CPP/OAS and Employment Insurance – were much lower, at 2 percent and 0.9 percent respectively.

In Ontario, housing was by far the largest category of summary legal advice, at 40 percent of the caseload in 2000. The family benefits category was the second largest portion of the caseload at 11 percent, followed by welfare assistance and other income maintenance, both of which were at 7 percent. The other income maintenance category includes CPP/OAS and EI, which comprised 2 percent and 1 percent of the summary legal advice caseload respectively.

Housing was also the second largest brief service issue in Ontario, at 27 percent of the caseload, exceeded only by General Administrative law (which includes income tax among other things), at 34 percent. Family benefits constituted 9 percent of the brief services caseload in 2000, followed by other income maintenance, at 5 percent, and welfare assistance, at 4 percent. Within

other income maintenance, CPP/OAS represented 2 percent of brief services cases, and EI just 0.7 percent.

A limited amount of data was provided by legal aid respondents on the cost of poverty law advice services. In B.C., intake services were reported to cost \$785,357 in 2000-2001, 8 percent of the total poverty law budget (\$9.4 million). Manitoba reported that the 46 informal poverty law cases cost \$2,870, for an average cost of only \$62. In Nova Scotia, however, the average cost of the 32 summary service cases in 2000-2001 was \$5,853.

The range of costs reported by legal aid plan representatives in different jurisdictions varies quite widely. It is important to be cautious in terms of drawing conclusions from these numbers, as the kinds of cases and services included in cost figures are likely quite different, given differences in the way in which cases are reported and tracked. Further careful investigation on specific cost issues is needed before useful conclusions about the cost of advice services can be drawn, or reliable comparisons among jurisdictions can be made.

Representation

NUMBER OF CLIENTS RECEIVING POVERTY LAW LEGAL REPRESENTATION*		
Jurisdiction	Number of Cases	Explanation
B.C.	5,948	Includes all poverty law issues.
Alberta	49	Includes EI, WCB, social assistance, open-ended tribunals.
Manitoba	233	Includes certificate cases in income assistance, landlord/tenant, WCB, other administrative. Also includes certificate-equivalent cases.
Ontario	6,621	Includes certificate cases in all poverty law issues.
	16,607	Includes Community Legal Clinic cases in all poverty law issues.
Quebec [§]	25,686	Includes EI, QPP, social assistance, rental housing, WCB.
Nova Scotia	15	Includes all cases in Administrative Tribunals category.
Nfld	–	No data.
N.W.T.	12	Includes income assistance, landlord/tenant, WCB. Does not include Native Court Worker or presumed eligibility cases.
TOTAL	55,171	

* All provincial figures except Ontario are for cases in the 2000-2001 fiscal year. Ontario data is for the 2000 calendar year.

[§] Data for Quebec refers to the number of applications received, not the number of cases granted coverage.

The above chart indicates that the number of clients receiving legal representation in B.C., Ontario and Quebec far exceeds the quantity of services delivered in other jurisdictions. While this may be due in part to the fact that these provinces have much larger populations and, therefore, generate greater demand for services, it is also an indication of the far more limited range of poverty law services offered in other jurisdictions.

Respondents in Alberta reported that poverty law is not really considered a separate category of legal aid coverage, so the services available in this area are limited at best. Coverage may be extended, depending on the nature of the case and the eligibility of the client, but it is on a case-by-case basis. Winnipeg has only one Poverty Law Office, and this office is responsible for most of the poverty law work done by staff lawyers. Nova Scotia has only one staff lawyer who regularly works in the poverty law area, so the amount of legal representation that can be provided is, accordingly, limited by staff resources and time. As a result, the poverty law lawyer



often tries to take on test cases that will yield broader impacts for disadvantaged groups. In Newfoundland, staff lawyers provide legal representation in poverty law matters, but respondents reported that this is not a primary service area for legal aid.

As with advice, legal aid staff are the primary persons involved in the delivery of legal representation in poverty law. B.C., Ontario and the Northwest Territories rely on both staff lawyers and other legal professionals (paralegals/community legal workers/Native Court workers) to provide legal representation. In B.C., the majority of poverty law cases are handled by paralegals, particularly in the areas of income assistance, CPP/OAS, and housing. Community Legal Clinics in Ontario rely on staff lawyers and community legal workers to provide legal representation, but data on the number of cases handled by each type of staff was not provided. Little data is available on the legal representation provided by Native Court workers, due to the limited range of data collection categories used at present in the Northwest Territories. Private bar lawyers in this jurisdiction also provide some legal representation in poverty law on a certificate basis. Only staff lawyers provide legal representation in poverty law matters in Alberta, Nova Scotia and Newfoundland, while both staff and private bar lawyers are used in Manitoba and Quebec on a certificate basis.

The chart below outlines available data on poverty law cases by individual legal issue. The data in this chart is not entirely accurate, given that some provinces amalgamate several poverty law issues into a single category, making the disaggregation of data difficult.

NUMBER OF POVERTY LAW CASES BY LEGAL ISSUE*						
Jurisdiction	Income Assistance	Landlord/ Tenant, Housing	Debtor/ Creditor	WCB	EI	C(Q)PP/ OAS
B.C.	1,816	713	440	250	192	224
Alberta				30	1	
Manitoba [§]	120	9		15		
Ontario	1,563	3,459				
Quebec [#]	13,744	6,284		3,856	953	849
N.S.						
N.W.T. [%]	4	7		1		
TOTAL	17,247	10,472	440	4,152	1,146	1,073

* The figures in this chart are for the number of cases by individual legal issue. Case counts for individual legal issues are not available in some provinces because the types of poverty law issues included in the chart are amalgamated into one or more categories. Data has been included wherever possible on numbers of cases, but, given data limitations, the information in this chart should not be taken as accurately representative of the volume of cases on any given matter. All data is for the 2000-2001 fiscal year except Ontario's, which is for the 2000 calendar year.

[§] Data for Manitoba does not include certificate-equivalent cases. The 12 poverty law certificate-equivalent cases in 2000-2001 are not broken down by separate legal issue.

[#] Data for Quebec refers to the number of applications received, not the number of cases granted coverage.

[%] Data for the N.W.T. does not include Native Court worker or presumed eligibility cases.

With respect to EI and CPP/OAS – poverty law issues under federal jurisdiction – the number of cases listed in the above chart is probably particularly under-reported, given that several provinces for which separate caseload data is unavailable do provide legal representation in these matters. Under the category of other income maintenance, Ontario covers cases concerning EI and CPP/OAS, as well as WCB and some additional income-related issues. Ontario reported 2,564 other income maintenance cases in the 2000 calendar year. Manitoba's other

administrative category includes EI and CPP/OAS, as well as other matters that go before administrative tribunals. There were 77 cases in this area in 2000-2001. Some of Nova Scotia's 15 full service Administrative Tribunal cases may also pertain to EI, although respondents reported that most of the cases in this area concern income assistance and housing.

Despite the under-reporting of federal poverty law issues, the above chart makes it clear that the provincial issues of income assistance and landlord/tenant-housing disputes are the most frequent areas in which legal representation is provided in poverty law. Income assistance is the area in which B.C., Manitoba and Quebec reported the largest number of cases, while Nova Scotia respondents indicated that income assistance and housing are the poverty law issues on which the one poverty law staff lawyer focusses. In Ontario, the family benefits category is by far the largest area of legal representation, followed by housing, other income maintenance, and welfare assistance. Housing comprises the largest portion of the poverty law caseload in the Northwest Territories (particularly if even some of the 93 cases in which Native Court workers were involved in some capacity are included). Only in Alberta do income and/or housing matters not top the poverty law legal representation caseload. In this province, the largest number of poverty law cases concern workers' compensation.

Some data on the cost of providing legal representation in poverty law matters is available for B.C., Manitoba, Ontario and Nova Scotia. However, the limited nature of this data in combination with differences in the way in which cost information is tracked preclude useful comparisons among jurisdictions. As such, reported data on the cost of poverty law legal representation must be treated with caution.

B.C. reported that poverty law legal representation constituted 92 percent (\$8,550,381) of the entire poverty law budget (\$9.4 million). In Manitoba, the cost of the 82 closed staff lawyer cases and the 79 closed private bar lawyer cases in 2000-2001 was \$54,163. The cost of the 12 certificate-equivalent poverty law cases was \$5,219, for total costs in Manitoba of \$59,382. The only cost information available for Ontario was total program expenses for the Community Legal Clinic program in 1999-2000 – \$38,259,000, or 17.3 percent of all expenses incurred by Legal Aid Ontario. For Nova Scotia, the 15 full service poverty law cases had an average cost of \$17,069.

Public Legal Education

Only B.C. and Ontario offer extensive public legal education services in the poverty law area, including publications, reference library services, educational events, and so on. One of Ontario's Community Legal Clinics – Community Legal Education Ontario – has a specific mandate for public legal education.

Manitoba reported that clients are generally referred to the Community Legal Education Association for legal educational materials. Clients in Nova Scotia are similarly directed to the Legal Information Society of Nova Scotia. Respondents from the Northwest Territories indicated that, while some public legal education is available in the criminal and family law areas, little is available on poverty, due to budget constraints. According to respondents, no



public legal education is offered on poverty law in Alberta, Manitoba, Quebec, Nova Scotia or Newfoundland.

Strengths and Challenges of the Poverty Law Legal Aid System

The following discussion summarizes the comments made by legal aid respondents concerning what is working well and what is not working well within the poverty law system in their jurisdiction.

PROBLEM AREAS							
Thematic Problem Areas	Jurisdiction*						
	<i>B.C.</i>	<i>Alta.</i>	<i>Man.</i>	<i>Ont.</i>	<i>Que.</i>	<i>N.S.</i>	<i>N.W.T.</i>
Funding Issues	X		X	X	X	X	X
Coverage Issues		X		X	X	X	X
Visibility of Legal Aid		X		X			

* Information for this section of the report was not collected for Newfoundland as a result of the inability to make contact with respondents during the second phase of this project.

As the above chart indicates, the key problem areas identified by legal aid respondents concern funding levels and the range of poverty law issues covered by legal aid.

Funding Issues. Respondents from six jurisdictions highlighted the limited funding available for poverty law – or for legal aid in general – as a problem area. B.C. representatives pointed to the recently announced cuts as a source of concern in terms of the ability to maintain poverty law services. In Manitoba, a lack of financial resources was identified as the key reason why the Poverty Law

Office model has not been expanded to other regions of the province. Respondents in Ontario reported that increases in poverty law case volume, in the face of frozen funding levels, are creating increased pressure on available services. For many Community Legal Clinics, the result has been a narrowing of the range of issues for which coverage is available. Ontario representatives also pointed to the fact that a lack of funding for administrative tribunals means that these bodies are sitting in fewer locations around the province, making it increasingly difficult for low-income people to access them.

Limited financial resources were identified as a reason for the lack of legal aid coverage in Quebec for poverty law matters prior to formal tribunal or appeal level proceedings. Similarly, Nova Scotia respondents indicated that poverty law services will not be extended until sufficient funding is available to ensure the development of comprehensive services across the entire province. At present, respondents recognize that this kind of financial support seems unlikely. Finally, legal aid representatives in the Northwest Territories insisted that there is too little funding for legal aid overall, and that a repercussion of this is that there is little support for non-core areas, and for poverty law in particular.

Coverage Issues. Respondents from five jurisdictions raised concerns about legal aid coverage in the poverty law area. These concerns include both the range of issues for which clients can receive assistance and the geographic distribution of available services.

In Alberta, a respondent pointed to the lack of legal aid coverage available for landlord/tenant matters as a potential problem area (although this representative went on to note that some of the problems people encounter in this area are more social than legal in nature). The coverage issues raised in Ontario concern variations in the range of issues covered by Community Legal Clinics, and resulting inconsistencies in the services available in different parts of the province. Ontario respondents also pointed to the fact that some regions still lack access to CLC offices altogether.

In Quebec, legal aid representatives indicated that there is too little coverage available for the initial stages of a poverty law problem (prior to the tribunal/appeal process). Respondents in Nova Scotia reported that the limited amount of available poverty law service (one staff lawyer) means that there is simply no coverage for many issues. Finally, respondents from the Northwest Territories suggested that there is a general lack of coverage for poverty law matters, due to the fact that already limited resources are almost entirely dedicated to the primary service areas of criminal and family law. However, it was recognized that the large area and small, often isolated population of the N.W.T. complicate the provision of legal aid services.

Visibility of Legal Aid. Respondents from Alberta and Ontario pointed to the lack of visibility of legal aid as a problem area. In both of these jurisdictions, it was suggested that potential clients’ groups need to know more about available legal aid services. In Ontario, this was particularly emphasized with respect to Community Legal Clinics.

Additional Problem Areas. Respondents in B.C. pointed out that, while private bar lawyers may come to play a larger role in the provision of poverty law legal services as cuts to legal aid are implemented, it is unlikely that their involvement will sufficiently compensate for the reductions in legal aid services. Private bar lawyers not only lack expertise in poverty law matters, but tend to have little interest in this area of law.

SUCCESS STORIES							
Thematic Success Stories	Jurisdiction*						
	<i>B.C.</i>	<i>Alta.</i>	<i>Man.</i>	<i>Ont.</i>	<i>Que.</i>	<i>N.S.</i>	<i>N.W.T.</i>
Service Delivery Models	X	X	X	X			X
Community-Based Approach	X			X			
Comprehensiveness of Coverage		X			X		

* Information for this section of the report was not collected for Newfoundland as a result of the inability to make contact with respondents during the second phase of this project.

Service Delivery Models. Respondents from five jurisdictions pointed to varying aspects of the way in which they deliver poverty law services as examples of aspects of their poverty law systems that are working well. In B.C., the expertise of paralegals involved in providing both advice and legal representation in poverty law matters was identified as a very valuable resource – albeit one that respondents expect may be lost with the restructuring of legal aid. Similarly, respondents in Manitoba pointed to the Winnipeg Poverty Law Office as a success story with respect to the provision of legal aid. Not only do the staff at this office have particular expertise in poverty law, but it has also helped to streamline the application process, with the result that more people are able to get some kind of assistance. In Ontario, efforts to increase the awareness of legal aid’s Area offices about the activities of Community Legal Clinics have resulted in a more effective system of collaboration and cross-referral. Finally, the Northwest Territories



reports that the private bar lawyers who cover poverty law cases offer high quality services, and are, accordingly, a valuable resource for legal aid.

Although it does not pertain specifically to the way in which legal aid services are delivered, a respondent in Alberta suggested that the Boyle Street Co-op model exemplifies the approach that should be taken in poverty law. The Co-op provides a wide range of services in an integrated manner, providing support and resources to address both the social and legal aspects of poverty law matters.

Community-based Approach. Respondents from B.C. and Ontario emphasized the community orientation of their networks of local offices as a positive feature of the poverty law system in these jurisdictions. Representatives in B.C. noted that Community Law and Native Community Law offices are not only an effective mechanism for delivering legal services, but are also an important resource for community development. In Ontario, the range of services offered by Community Legal Clinics (particularly non-tariff activities like advice), and their ability to respond to local needs and conditions, were highlighted as key positive features. As such, the expansion of the Community Legal Clinic network was also identified as a positive initiative.

Comprehensiveness of Coverage. Despite the fact that poverty law is not established as a separate coverage category, a respondent in Alberta suggested that the coverage available for poverty law matters is relatively comprehensive. Provided that a client is financially eligible and the case is considered to have merit as established through a legal opinion, legal aid assistance can theoretically be extended for a very wide range of matters. Similarly, Quebec respondents indicated that the coverage available for poverty law there is very comprehensive, in terms of both range of issues and the geographic distribution of services.

Additional Success Stories. Three additional issues were highlighted as areas in which the poverty law system is working well. Ontario legal aid respondents pointed to the stability of Community Legal Clinic funding as a positive feature, particularly in light of the fact that CLCs are still able to maintain some independence in terms of making decisions about local priorities and services. In Nova Scotia, the work of the poverty law staff lawyer on test cases that have the potential to yield broader impacts for disadvantaged groups was considered valuable (although respondents added that additional poverty law services are clearly needed in this province). Cooperation with community organizations and the development of positive working relationships (including collaboration and cross-referrals) were highlighted in the Northwest Territories as a positive feature of the poverty law system. Respondents noted that this is particularly the case in the family law area – an area that respondents considered to overlap poverty law.

Summary of Community Organization Poverty Law Services

This section develops an overview of the services offered by community organizations in each of the provinces. In reviewing these summary comments, it is important to remember that the organizations interviewed for this project do not represent an exhaustive sample of the community groups involved in the provision of services in the poverty law area.

Types of Community Organization Poverty Law Services

Public Legal Education

The most common public legal education activities provided by community organizations are workshops/information sessions and the provision/distribution of written materials. At least some of the agencies interviewed in each of the provinces deliver services in one or both of these areas, with the exception of New Brunswick, where neither group is engaged in educational activities. The range of topics covered by the organizations interviewed is quite broad, addressing both specific poverty law issues, like income assistance and Employment Insurance, and broader matters such as legal rights and responsibilities and overviews of legislative changes.

All of the organizations interviewed in B.C., Alberta and Saskatchewan provide public legal education in the form of both informational events and the distribution of materials. A respondent in Alberta noted the provision of information is a key function for community groups, insofar as it constitutes a way to give low-income people a connection to the justice system.

In the remaining provinces, many of the organizations interviewed provide some kind of public legal education service, although the type of service varies between groups. Four of the five organizations interviewed in Manitoba are primarily involved in the distribution of information, although two groups also offer occasional educational or speaking sessions and one organization also provides self-help training to clients. Similarly, four of the five organizations interviewed in Ontario distribute printed information and materials, while two regularly do public speaking engagements and organize workshops. In Quebec, five of seven agencies organize workshops and information sessions, and five distribute written materials to clients.

All three organizations interviewed in Nova Scotia provide written materials, and two groups organize educational activities such as workshops, information sessions, and presentations at public events. In Newfoundland, the mandate of the one agency interviewed is to assist people to understand the law and to make the legal system more accessible. To this end, the group is engaged in a comprehensive range of public legal education activities. Finally, all of the organizations interviewed in P.E.I. are involved in public legal education in some capacity, most commonly through the organization of workshops or other public information sessions, although two groups also have written materials available for distribution.

Referrals

Referrals are a service provided by the vast majority of organizations interviewed in all of the provinces. Respondents from most agencies reported that clients tend to be referred to a wide range of additional community, regional or provincial resources, depending on their needs and the legal issue(s) involved. In addition, many respondents noted that referrals tend to be extended when the assistance required by a client is outside the range of services offered by the organization, or if the legal issue in question is beyond the expertise of staff.



In terms of available legal resources, community organizations in most provinces referred people to legal aid – in some cases even when there are few available poverty law legal aid services. For example, some respondents in both Saskatchewan and P.E.I. reported referring clients to legal aid, despite the fact that there is limited civil law coverage outside of the family area. Other legal resources mentioned for referrals by respondents in several provinces include *pro bono* legal services, lawyer referral services, private bar lawyers, and legal information organizations. The Community Legal Clinic network in Ontario was specifically highlighted by respondents from that province as a key resource to which to send poverty law clients. Legal aid was also mentioned by all organizations interviewed in B.C. and Quebec as an important poverty law resource.

Preparation of Legal Aid Applications

The preparation of legal aid applications was the least common service provided by the organizations interviewed for this project across all provinces. No organizations in Manitoba, Ontario, Newfoundland or P.E.I. provide this service, and only one of the interviewed groups in B.C., Nova Scotia and New Brunswick offer this kind of assistance (although two groups in B.C. did note that they may assist people who have been denied legal aid coverage).

Quebec stands out as the province in which the most assistance with legal aid applications is provided by community organizations – four of the seven groups interviewed offering services in this area. In Alberta and Saskatchewan, two of the groups interviewed will assist people in preparing legal aid applications.

Advice

Respondents from organizations across Canada were uncomfortable with the notion that they provide advice in the sense of directing clients on a particular course of action. While a small number of organizations do have a program in place to offer advice in this sense, the majority of groups view their role as presenting information and options to clients to educate them about their situation and strategies for dealing with it. Clients are then empowered to make their own decisions about how to proceed. In light of this overarching theme, the kind of advice provided by the community organizations interviewed for this project tends to fall into two categories – the provision of general information and assistance, and the provision of procedural assistance. The majority of the organizations interviewed across the provinces provide general advice to clients on poverty law matters in the form of basic information, answering questions, and providing referrals. The availability of procedural assistance – including the completion of forms, making calls or writing letters on a client’s behalf, accompanying clients to meetings – is more varied.

All nine organizations interviewed in B.C. provide clients with general advice and assistance, and most groups also offer some kind of legal advice or procedural assistance. Five of the six organizations interviewed in Alberta provide general advice and procedural assistance in poverty law matters, while two of these groups also co-ordinate legal clinics through which clients can access additional assistance. Four of the six groups interviewed in Saskatchewan provide general advice to clients, while only two organizations explicitly stated that they provide

procedural assistance. Advice is offered by all of the organizations interviewed in Manitoba, typically both general and procedural. The advice offered by four of the five agencies interviewed in Ontario is largely in the area of procedural assistance, as well as providing general information and referrals. All of the organizations interviewed in Quebec provide some kind of general and/or legal advice to their clients, although, for most groups, legal advice is limited to procedural assistance. Only one group provides direct legal advice and opinions.

Two of the three organizations interviewed in Nova Scotia provide advice to clients. One group offers only general assistance, while the other is similar to legal aid in its structure and operation, and, accordingly, provides both general and legal advice. Both organizations in New Brunswick provide general and legal advice to clients. One group relies on staff relationships with private bar lawyers to deliver legal advice, collecting information from them and relaying it to clients. The organization interviewed in Newfoundland focusses on information provision – respondents were reluctant to classify these activities as the provision of advice. The four organizations interviewed in P.E.I. provide a limited amount of advice, typically of a general nature, to clients on poverty law matters. Two groups in this province cited a lack of resources sufficient to deliver one-on-one services to clients.

Advocacy

The advocacy services offered by community organizations in the poverty law area are more limited than the advisory services available. Among the agencies interviewed, some advocacy services are available in poverty law matters in all of the provinces except Newfoundland. The topics in which community organizations provide advocacy vary, often depending on the focus of the organization in question.

All nine organizations interviewed in B.C. provide advocacy services in poverty law issues, with the most common areas being income assistance and housing. Three groups in Alberta offer lay advocacy services in poverty law matters, with common issues again being income assistance and housing. Four of the six organizations interviewed in Saskatchewan will act as client advocates in formal proceedings, although one noted that this is a very rare activity. The advocacy services of one group are targeted to Employment Insurance matters, while another group focusses primarily on income assistance.

Four organizations interviewed in Manitoba reported that they may provide advocacy services, although only two noted that this is an area in which services are regularly offered. One of these two groups primarily provides lay advocacy services in Employment Insurance matters, while the other focusses on income assistance. Three organizations interviewed in Ontario provide lay advocacy at tribunals and hearings. One organization works specifically on EI, the second focusses largely on income assistance, and the third works in a variety of areas. One organization that does not offer advocacy services noted that there is no need for further community resources in this area, given the activities and expertise of Community Legal Clinics. Four organizations interviewed in Quebec provide advocacy services for poverty law matters. One organization imposes the same eligibility requirements as legal aid for this service, and provides advocacy services for a range of issues. Of the remaining three groups, one works



predominantly on Employment Insurance issues, one on housing matters, and one on income assistance.

Only one organization interviewed in Nova Scotia provides advocacy services for poverty law matters. This organization operates in a manner similar to legal aid, extending services to clients in a variety of issues (although the primary area is income assistance). Both organizations interviewed in New Brunswick provide advocacy or legal representation in various poverty law issues. One group focusses specifically in EI, CPP, and WCB matters. Only one of the four organizations interviewed in P.E.I. provides any advocacy, and this is a very limited component of its services.

Types of Poverty Law Issues

Employment Insurance (EI)

EI is not a primary issue dealt with by the community organizations interviewed for this project. In each of the provinces, only a small proportion of agencies provide assistance in EI matters, and most of the assistance that is provided is limited to the provision of general information and answering clients' questions. The number of organizations that provide advocacy services – assisting clients with appeals of EI benefit denials and other similar matters – is quite limited. In each of Saskatchewan, Quebec and Ontario, there is one organization that focusses primarily on delivering assistance in EI.

Canada Pension Plan/Quebec Pension Plan/Old Age Security (CPP/QPP/OAS)

CPP/QPP/OAS matters are dealt with by the community organizations interviewed somewhat more frequently than EI matters, probably due at least in part to the disability benefits that are a part of the CPP/QPP programs. More organizations deliver a full range of services in CPP/QPP/OAS matters, including not only the provision of general and procedural advice and assistance, but also lay advocacy at formal proceedings. However, general information is still the most common service provided in most jurisdictions.

Respondents in Manitoba, Newfoundland and P.E.I. reported that CPP/OAS is not an issue on which many inquiries or requests for assistance are received. Accordingly, the services available in this area are quite limited in these provinces. Among the five organizations interviewed in Manitoba, none offer advocacy services. The only organization interviewed in Newfoundland may provide information on CPP/OAS issues, but this is not a common area of work. Respondents from P.E.I. noted that the only activity around CPP/OAS matters is public legal education – there are no direct client services offered.

Income Assistance (IA)

IA is one of the issues most commonly dealt with by the organizations interviewed in all of the provinces. It is also an area in which community groups are most likely to offer a wide range of services, including general and legal advice and advocacy.

All of the organizations interviewed in B.C. identified IA as a primary area of work, and two groups reported specific expertise in dealing with applications for disability benefits and associated issues. All six agencies in Alberta provide assistance with IA matters, although only three reported offering services beyond the provision of general advice. In Saskatchewan, one of the six groups interviewed identified IA as its principal area of work, although a second group also provides assistance in this area. IA is also a primary type of problem for three of the five organizations interviewed in Manitoba and Ontario.

Five groups interviewed in Quebec provide assistance with IA, and two characterized this as their main area of work. IA is a primary issue for two groups in Nova Scotia, although only one provides a full range of services, including advocacy. One organization in New Brunswick provides advocacy services in IA matters, and three of the four groups interviewed in P.E.I. work in this area. The legal information organization interviewed in Newfoundland provides assistance with a wide range of legal issues, of which IA is one.

Housing and Landlord/Tenant

After income assistance, housing and landlord/tenant matters make up the largest area of work for the poverty law organizations interviewed for this project. Six organizations in B.C. noted that they regularly provide services in this area, and that it is a significant part of the work they do. In Alberta, housing is an area in which organizations provide the most services, with five of six groups providing a wide range of assistance. Two Saskatchewan agencies provide advice and advocacy in housing matters, as does one group in Manitoba (although three others there offer more limited services).

As with IA, three of the five organizations in Ontario frequently deal with housing and landlord/tenant issues. Assistance ranges from the provision of basic information and general advice to procedural assistance and lay advocacy. In Quebec, four of the seven organizations interviewed regularly offer assistance with housing and landlord/tenant issues, with two of these providing advocacy at tribunals. Housing is a primary issue for two groups in Nova Scotia (although only one provides advocacy services), while the third organization offers information and basic assistance in this area. One New Brunswick agency provides a full range of services in housing matters. The legal information organization interviewed in Newfoundland provides assistance with a wide range of legal issues, of which housing is one.

P.E.I. is the only province in which none of the organizations interviewed offers significant services in the housing and landlord/tenant areas. Three groups tend to offer only referrals on such matters, while the fourth provides no assistance.

Workers' Compensation (WCB)

Workers' compensation is an issue in which only limited services are offered by community organizations. Some respondents suggested that they do not extend services in this area because matters are handled internally by the WCB system, or because there are other resources available to assist with claims in this area. The most common form of assistance offered by the groups interviewed in all jurisdictions is general information and assistance, although, in most



jurisdictions, at least one agency also offers procedural assistance or advocacy. Respondents in Ontario and P.E.I. reported that assistance is provided in workers' compensation matters only very occasionally, because no organization has an established program or service stream in this area.

Debtor/Creditor

Debtor/creditor is the area in which the least assistance is offered by the community organizations interviewed for this project. Only a small number of groups provide any services in such matters, and, among those that do extend services, assistance tends to be limited to basic information. None of the organizations interviewed in Alberta and Saskatchewan offer any services in debtor/creditor matters, and only one group in each of Manitoba, Ontario, New Brunswick and P.E.I. provides information. The only province in which advocacy services are offered in debtor/creditor matters is Quebec, and these are provided by only one of the three groups providing assistance in this area.

Staffing and Funding Information

Types of Staff

The organizations interviewed for this project tend to use several different characterizations to describe their workers. The most common of these is “advocates,” with “lay advocates” or “peer advocates” sometimes used. This classification was reported by respondents from at least some organizations in all jurisdictions except New Brunswick and Newfoundland. In B.C., all nine organizations describe their staff as advocates. Other common descriptors used by agencies for their staff are “community workers,” “outreach workers,” “general/administrative staff,” and “information providers.”

The majority of staff members in the organizations interviewed tend not to have legal training, whether as lawyers or paralegals. Agencies interviewed in Manitoba, Ontario and P.E.I. do not have any staff with legal training. B.C., Quebec and Nova Scotia are the only jurisdictions that employ legal paraprofessionals (paralegals, community legal workers) or other staff with legal training who are not qualified lawyers. In most cases, the organizations that do employ lawyers tend to have only one or two such individuals on staff. In some cases, legal supervision of the work of other staff members is a requirement of the funding received.

Volunteers feature heavily in the staffs of the organizations interviewed in most jurisdictions, with the exception of Nova Scotia and New Brunswick. Several jurisdictions report having organizations that are staffed entirely by volunteers, and many organizations rely on volunteers to deliver direct client services or for administrative work. Students also are used by organizations in the majority of provinces.

Sources of Funding

Sources of funding for the organizations interviewed for this project are quite varied. As a result, it is difficult to draw any general conclusions about the funding situation of these groups. Provincial governments are the most common source of financial support – although this is also

a source reported by many groups to be unstable. Federal and municipal governments are also sources of funding for some organizations. In addition to government support, the United Way and provincial law foundations and/or law societies are common funding sources for quite a few of the groups interviewed. These sources of funding tended to be viewed overall as more stable than government (and especially provincial government) sources.

A number of smaller funding sources were identified by organizations in addition to those mentioned above. These include churches, local businesses, donations (money and in-kind), legal aid, membership fees, casinos and gaming, private foundations, health and mental health groups, fundraising campaigns, universities, private individuals, unions, and other labour organizations.

Strengths and Challenges of Available Poverty Law Services

The following discussion summarizes the comments made by community organization respondents concerning what is working well and what is not working well within the poverty law system in their jurisdictions.

Problem Areas

Lack of Funding. A problem area in the delivery of poverty law services, mentioned by community organization representatives in all jurisdictions, is the lack of funding available. In B.C., respondents noted that existing limitations in funding levels will be exacerbated by the cuts recently imposed by the provincial government, increasing the risk of division among groups as they compete for available financial support. According to community organizations in Alberta, the overall lack of funding for poverty law means that groups must target their services to a narrow range of issues, and rely on volunteers to assist in service delivery. Respondents from both Saskatchewan and Quebec also reported that insufficient funding results in increased use of volunteers, as well as lengthening the waiting time for clients in need of assistance, and increasing gaps in available services. Representatives from Quebec further noted that limited funding makes it difficult to find persons with legal training, because few are willing to work at the low level of remuneration available in the poverty law field. In Manitoba, respondents simply highlighted the overall lack of funding available for poverty law work. Respondents from Nova Scotia and P.E.I. pointed to funding limitations as a key reason why poverty law services have not been expanded in these provinces, while organization representatives in New Brunswick suggested that low levels of financial support create instability in the poverty law system. In Ontario, respondents reported that community groups are trying to fill the gaps left by legal aid in the poverty law system, but, in the absence of sufficient financial support, they are unable to meet all needs. Finally, Newfoundland respondents suggested that having only limited funding available for poverty law work restricts efforts to provide services for the poor in rural, as well as in urban areas.

Lack of Poverty Law Services. Respondents from most jurisdictions pointed to an overarching lack of poverty law services as a problem area for the poverty law system in their respective provinces. According to community groups in Alberta and Nova Scotia, the absence of sufficient poverty law services means that people tend to “fall through the cracks,” particularly



given that community organizations are not able to offer enough services to meet all needs. Respondents in New Brunswick and Newfoundland highlighted the lack of legal representation as a particular gap in available services, while P.E.I. community groups pointed to an overall lack of options for legal assistance. In Manitoba, community group representatives suggested that there are too few services available to low-income people, and too few training opportunities for the advocates providing these services. Quebec representatives noted that people denied legal aid coverage have very few places to turn for assistance, a problem complicated by regional variations in the availability of services at the community level.

Legal Aid Coverage. Community organization respondents in B.C., Alberta and Nova Scotia all noted that legal aid needs to provide more comprehensive poverty law coverage. In B.C., representatives noted that recent changes to legal aid will have a significant impact in this area, further limiting the range of poverty law issues in which people can receive assistance. Community groups in Ontario noted that Community Legal Clinics are confronting an increasing demand for legal assistance, without any corresponding increase in funding, with the result being a narrowing of the range of issues covered. In Saskatchewan and P.E.I., respondents noted that the complete absence of poverty law legal aid coverage is a key weakness.

Funding Cuts. All community organizations interviewed in B.C. expressed major concerns about the impact of the legal aid changes being implemented by the Liberal government. Respondents in Saskatchewan also suggested that this province is in a “cycle of cutbacks,” with the result being that “nothing is working well” in the poverty law system. According to these respondents, services for low-income people are less likely to be supported in times of fiscal restraint.

Other Problem Areas. Respondents in Manitoba noted that there is an overall lack of community and legal services available for Aboriginal peoples in the province. Community organizations interviewed in P.E.I. highlighted several issues that they consider to be barriers to the development of an effective poverty law system there, notably: limited public transportation, difficulties in distributing services across rural and urban areas, high levels of illiteracy, and the lack of toll-free lines for government offices.

Success Stories

Individualized Approach of Community Groups. Several respondents said a positive feature of the poverty law system is the individual attention that community organizations are able to give to their clients. Alberta respondents noted that this kind of approach permits community group staff to effectively assess a person’s needs and determine how best to deliver support. For representatives in Quebec, personalized support means that there is little bureaucracy with which clients must deal, and that services can remain rooted in the community. Finally, respondents in Nova Scotia suggested that a one-on-one approach is particularly effective in the poverty law area.

Public Legal Education. Respondents in Saskatchewan noted that the availability of public legal education materials on poverty law matters is a valuable component of the poverty law system, particularly given the large rural population in this province. Quebec representatives

also noted that education is a key activity, inasmuch as knowledge empowers people by informing them about their situation and available options.

Service Delivery Models. A wide range of comments were made by community organization respondents concerning various features of the service delivery models in place in their respective provinces. Respondents from B.C. suggested that the community services available in the poverty law area are effectively providing people with immediate assistance in several areas, and that the lived experience of staff with poverty law issues is an asset in this regard. B.C. representatives also suggested that the poverty law legal aid system had been functioning fairly well prior to the cuts currently being implemented, in terms of both available coverage and services. Manitoba respondents commented on the dedication of poverty law advocates working in their province. Similarly, some respondents in Quebec felt that the long-standing experience of some community groups in the poverty law area yielded better services for clients. Finally, respondents in Ontario noted that the province's Community Legal Clinic network is a valuable resource that has increased low-income people's ability to access justice services. The expertise of CLC staff in the poverty law area underline the success of this approach.

Other Success Stories. Community organization respondents in B.C. said that the support of the Law Foundation for poverty law advocacy services should be recognized as a positive feature of the existing system. In Saskatchewan, the availability of mediation and conflict resolution services in the landlord/tenant area was cited as a positive development.



Appendix One: Community Organizations Contacted

Organizations Contacted in British Columbia

Active Support Against Poverty
B.C. Coalition of People with Disabilities – Advocacy Access Program
Branching Out
Downtown Eastside Women’s Centre
MOSAIC – Advocacy Program
Nelson Advocacy Centre
Newton Advocacy Group Society
Terrace Anti-Poverty Group Society
Together Against Poverty Society

Organizations Contacted in Alberta

Boyle Street Community Services Co-op
Calgary Chinese Community Services Association
Native Counselling Services
Philia Advocacy
Student Legal Services
The Support Network

Organizations Contacted in Saskatchewan

Equal Justice For All
Public Legal Education Association
Regina Open Door Society
Renters’ Rights
Roots of Poverty
Unemployed Workers’ Centre

Organizations Contacted in Manitoba

Aboriginal Council of Winnipeg
Community Unemployment Help Centre
Norwest
Winnipeg Harvest
Workers’ Organizing Resource Centre

Organizations Contacted in Ontario

Life Spin (Low Income Family Empowerment Sole Support Parents)

Link

London Unemployment Help Centre

Thunder Bay Coalition Against Poverty

Windsor–Essex Low Income Families Together (W.E.L.I.F.T.)

Organizations Contacted in Quebec

Action-Chômage

Association québécoise de défense de droits des personnes retraitées et semi-retraitées

(Both the head office and a regional office of this organization were interviewed.)

Association pour la défense des droits sociaux du Montréal Métropolitain

Comité des personnes assistées sociales de Pointe-St-Charles

Regroupement de défense des droits sociaux

Services juridiques communautaires de Pointe-St-Charles et Petite Bourgogne

Organizations Contacted in Nova Scotia

Dalhousie Legal Services

Legal Information Society of Nova Scotia

North End Community Health Centre

Organizations Contacted in New Brunswick

Labour Community Services

Saint John Legal Centre

Organizations Contacted in Newfoundland

Public Legal Information Association of Newfoundland

Organizations Contacted in Prince Edward Island

Alert

Community Legal Information Association

Cooper

Federation of Labour



Appendix Two: Interview Schedules

Legal Aid Interview Questions

Interviews with legal aid representatives were conducted in two stages. The first stage was designed to assess what amount of data is available from each province. The second stage elicited further information on the respondents' experiences with legal aid service delivery in the poverty law area. In the second stage, different questions were developed for provinces with and without poverty law legal aid coverage.

Phase One Interview Questions

1. Do you have annual reports or other sources of statistical information that are available in hard copy?
2. Do you collect statistics on:
 - the total legal aid caseload?
 - the total poverty law caseload?
3. Do poverty law caseload statistics include cases that are dealt with through:
 - referrals to staff lawyers?
 - referrals to private lawyers?
 - brief services?
4. Do you collect information on the poverty law issue(s) (e.g., EI, CPP) addressed in cases involving:
 - referrals to staff lawyers?
 - referrals to private lawyers?
 - brief services?
5. Do you collect statistics on the type of service provided in poverty law cases in legal aid offices, including:
 - referrals to a staff lawyer?
 - referrals to a private bar lawyer?
 - brief services?
 - other?
6. Does the legal aid system in Newfoundland include any community legal clinics or other community law structures?

7. If so, do you collect statistics on the activities of these clinics, including:
 - the number of lawyers referrals from clinics?
 - the type of poverty law issue in clinic referrals?
 - the number of brief services from clinics?
 - the type of poverty law issue in clinic brief services?
8. Do you collect statistics on the cost of providing poverty law legal aid services, including:
 - court services?
 - brief services?
 - clinic services?
 - other?
9. Do you collect statistics on the number of poverty law applications that are refused?
10. Are you willing to send copies of the information that is available?
11. How will you send this information?
 - mail?
 - e-mail?
 - fax?

Phase Two Interview Questions: Provinces with Poverty Law Legal Aid Coverage

1. What do you think is working well about the current system of delivering poverty law services? What isn't working well?
2. Can you identify any gaps in the delivery of poverty law services in your area?
3. Are there any other organizations in your province that assist people with poverty law matters?
4. If yes, we would like to send you a form on which you can list the names of these organizations, as well as any contact information you have for them.
5. Do you have any other comments about the delivery of poverty law legal aid services in your province?

Phase Two Interview Questions: Provinces with No Poverty Law Legal Aid Coverage

1. Are there any other organizations in your province that assist people with poverty law matters?



2. If yes, we would like to send you a form on which you can list the names of these organizations, as well as any contact information you have for them.
3. In your opinion, how comprehensive is the range of poverty law services offered by community organizations in your province?
4. What do you think is working well about the current system of delivering poverty law services? What isn't working well?
5. What is your sense of the principal gaps in the availability of poverty law services in your province?

Community Organization Interview Questions

Community organization interview questions are divided into three sections: questions about organizational services, data collection questions, and questions about the delivery, availability, and need for poverty law services.

Questions about Organizational Services

1. How long has your organization been in existence?
2. How long has your organization been providing poverty law services?
3. With which of the following poverty law issues do you provide assistance?
 - Employment Insurance
 - Canada Pension Plan (CPP)/Old Age Security (OAS)
 - Income assistance
 - Housing, landlord/tenant issues
 - Workers' Compensation (WCB)
 - Debtor/Creditor issues (e.g., debt, bankruptcy)
 - Other
4. What kinds of assistance do you provide on these issues?
 - Public legal education: workshops, educational activities, or the provision of self-help educational materials (e.g., pamphlets)
 - General advice and/or assistance: referral to another organization or to legal aid; provision of basic information
 - Legal advice and/or procedural assistance on a specific client case (e.g., filling out forms, accompanying a client to meetings)
 - Preparation of legal aid applications
 - Action as an advocate at tribunals and appeals (legal representation or lay advocacy – a non-lawyer staff person attending a hearing, tribunal with the client)

5. Who provides assistance to clients on poverty law issues?
 - Lawyers on the staff of the organization
 - Paralegals or community legal workers
 - Other staff (e.g., advocates, counsellors)
 - Students, volunteers
 - Other
6. Do you assist all persons who come to you, or are there some restrictions regarding who can receive assistance (e.g., according to sex, age)?
7. Are your services targeted to certain groups (e.g., women, members of a particular ethnic or language group, recent immigrants, Aboriginal peoples, rural/isolated communities, single parents)?
8. If your organization is unable to assist certain persons, do you refer these persons to other organizations? If so, which ones?
9. What sources of funding does your organization receive for poverty law work?
10. How long have you been receiving this funding?
11. Would you characterize the funding you receive for poverty law work as stable or unstable?

Data collection questions

12. Do you collect data on:
 - The number of people to whom you provide assistance on poverty law matters?
 - The types of issues with which these people require assistance?
 - The personal characteristics of your poverty law clients (e.g., sex, age, ethnicity, immigration status, language)?
 - The cost of the poverty law services you provide OR the amount of funding that goes to your poverty law services?
13. If yes, we would like to send you some forms to complete, along with a cover letter with some instructions for completing them. We can send them to you by e-mail or mail.
14. If no, is it possible for you to provide estimates in any of these four areas? If yes, we would like to send you some forms on which you can list these estimates. We can send them to you by e-mail or mail.

Questions about the Delivery, Availability, and Need for Poverty Law Services

15. In what ways do you work with formal legal aid structures in your area to provide poverty law services (e.g., refer people to legal aid, share education materials)?



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16. In what ways do you work with other community organizations in your area to provide poverty law services (e.g., referrals, joint initiatives, sharing of materials)?
 17. What do you think is working well about the current system of delivering poverty law services in your area? What isn't working well?
 18. Can you identify any key gaps in the delivery of poverty law services in your area?
 19. What do you think is working well about the current system of delivering poverty law services in your province? What isn't working well?
 20. Can you identify any gaps in the delivery of poverty law services in your province?
 21. Additional comments.