

Legal Services Society

# Annual Service Plan Report

2002/2003

Our vision:  
An innovative, collaborative legal  
aid system that responds to the  
needs of low income people  
throughout British Columbia.



Legal  
Services  
Society

British Columbia  
<http://www.lss.bc.ca>

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# Message from the Official Trustee

My term as Official Trustee for the Legal Services Society (LSS or the society) expires on May 31, 2003. On June 1, a new board of directors will assume management of the organization.

Throughout 2002/2003, LSS faced enormous challenges. I am pleased to report that Executive Director Mark Benton and his staff have met those challenges; they have reason to be proud of all they have accomplished. In particular, significant achievements were made in four critical areas:

- A new service-delivery system was created.
- A ground-breaking Memorandum of Understanding (MOU) with the Ministry of Attorney General was negotiated.
- A new strategic plan was developed.
- A new governance framework for the incoming board was established.

These, along with the society's other major activities during the year, are described in detail throughout this annual service plan report.

The foundations are in place for the society to manage legal aid in British Columbia within the funding limits set by government and the new mandate set out in the revised Legal Services Society Act. Staff are committed to responding to the needs of low income people with creative and effective approaches to providing services. To cite just a few examples, this year the society —

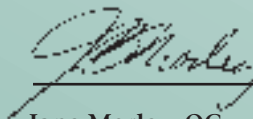
- instituted the first province-wide toll-free call centre in Canada that allows people to apply for legal aid by telephone,
- developed Legal Information Network Kiosks (LINKs) to help clients access resources on the Internet, and
- implemented family duty counsel pilot projects to assist people who are

no longer eligible for legal representation under LSS coverage policies.

LSS fully retired its accumulated deficit by March 31, 2003 — a year earlier than anticipated. This came about as a result of the effective management of the transition to a new service delivery system and unforeseen case volume reductions. Consequently, the society will be able to launch some exciting and innovative projects in the coming year. As well, at the end of the year, the Ministry of Children and Family Development (MCFD) gave the society a \$600,000 grant to provide leadership in alternative dispute resolution programs in the area of child protection. This is a powerful endorsement of LSS as an organization that is well situated to utilize public funds effectively.

During my term at LSS, and particularly during the society's strategic plan consultations, I had the opportunity to meet with many people who have expertise in various aspects of the justice system. I want to take this opportunity to thank everyone for their input. Community and staff participation in the consultation process helped the society develop a plan that not only reflects its new mandate but also emphasizes a collaborative and innovative approach to delivering legal aid services in BC. This approach was also enshrined in the society's by-laws with the establishment of board liaison directors, liaison committees, and advisory groups to ensure ongoing co-operation between the society and external organizations.

I have great confidence that LSS is now in a position to further the important public policy of facilitating access to justice in BC. For my part, I am grateful to have had the opportunity to participate in the society's work during this period in its history. It has been a most illuminating and worthwhile experience.



Jane Morley, QC

Official Trustee

April 2003



# Message from the Executive Director

This year was unquestionably the most difficult and challenging in the history of the Legal Services Society. At the same time, the society's accomplishments were considerable. These are outlined in the "Message from the Official Trustee" and elaborated throughout this report.

LSS was faced with the daunting task of replacing, by September 2002, an \$85 million operation with one that could function on \$55 million in government funding by 2004/2005. Perhaps the greatest risk was that this work might take longer and cost more than planned — an outcome that would have required even deeper cuts to services and programs. I am pleased to report that thanks to the vision, diligence, and commitment of staff and key stakeholders, the seemingly impossible was achieved and the society completed the transition on time and within overall cost projections.

Although some important long-standing services, such as legal representation for poverty law problems, no longer exist, others, such as taking applications for legal aid over the telephone, are available for the first time. As well, services such as Law Line and legal information on the Internet are more accessible than ever before.

This year, revisions to the LSS Act and provisions in the new Memorandum of Understanding (MOU) between LSS and the Ministry of Attorney General improved the society's ability to manage its finances. LSS can now budget for three-year periods, rather than for one year at a time. The society's obligation to provide service in any given area is now limited to the funding allocated to that area in the MOU. And, while LSS became responsible this year for all expenses related to exceptional matters (such as *Rowbothams* or cases within the society's mandate that cost more than \$50,000), the MOU's funding stipulations for these

cases offset the risks they can pose to balancing the budget.

Over the past several years, there has been a serious decline across Canada in the number of private bar lawyers who are willing to accept legal aid referrals. The growing complexity of court cases and low tariff rates aggravate this problem, making it increasingly uneconomical for lawyers to represent our clients. This year, LSS continued its efforts to improve conditions for the private bar. Progress was made on tariff processing enhancements and quality assurance initiatives. Because reduced case volumes resulted in lower tariff costs, the society was able to postpone replacing its holdbacks system with tariff reductions and to pay lawyers a significant portion of the holdbacks. As well, the MOU recognizes the need for, and funds, enhanced fees for senior counsel in large and complex cases.

The future of legal representation for immigration cases remains uncertain. The provincial government announced last year that it would fund this service until March 31, 2004. Unless the federal government steps in with funding, LSS will have to begin phasing out the service next fiscal year. In the meantime, a priority for the society will be to investigate alternative sources of funding for emergency services in this area.

Other priorities for the coming year will be to complete the transition to new funding levels, stabilize the new service delivery system, continue to collaborate with partners in the justice system and the community to enhance services, and develop rigorous performance measures for improved accountability to the government and the public. Staff will also focus on initiating pilot projects to determine the most effective ways to assist clients.

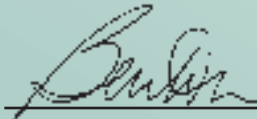
The society is grateful to the Law Foundation and the Notary Foundation for ongoing support and funding, and to all those who contributed to implementing a new and innovative legal aid system this year.

In particular, thanks go to all LSS staff who dedicated themselves to developing the best possible legal aid services for clients. Both those who were to remain with LSS after September 2002, and those whose employment with the

society would end after the transition was completed made this their top priority. Throughout the year, staff continued to apply the highest standards to new and ongoing projects. This was recognized in a variety of ways. For example, LSS publications and the newly launched Family Law website received awards for communications excellence, and the electronic billing project and family law duty counsel pilots received praise from the legal community.

Thanks also go to members of the private bar and the judiciary, anti-poverty advocates, government officials, and a wide range of other service providers who were generous with their time and expertise, as were the lawyers who sit on the society's tariff committees. Over the course of the year, everyone provided LSS with valuable feedback on the development of its new strategic plan and on ways to help clients who are no longer eligible for representation under the society's coverage policies.

Last, but far from least, LSS was fortunate to have Jane Morley, QC, as its official trustee. During her tenure, she has provided superb strategic leadership and contributed a wealth of experience, knowledge, and creativity to all aspects of the society's endeavours.



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**Mark Benton**

Executive Director

April 2003

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# Organization Overview

The Legal Services Society provides legal aid services in British Columbia. Created in 1979 by the Legal Services Society Act, which merged the Legal Aid Society and the Legal Services Commission, LSS is an independent non-profit organization managed by a nine-member board of directors.

While the provincial government is the society's primary funder, LSS remains independent of government and is mandated to serve the interests of people with low incomes.

## Mandate

The LSS Act provides the governance framework for the society. Substantial revisions to the act in May 2002 included changes to the LSS mandate. The new mandate, which governed the society's activities for most of this fiscal year, is to —

- (a) help low income individuals resolve their legal problems and to facilitate access to justice for them,
- (b) establish and administer an effective and efficient system for providing legal aid to low income people in British Columbia, and
- (c) provide advice about legal aid to the Attorney General.

### Mission

To assist low income individuals to resolve their legal problems by providing a spectrum of services that promotes their effective participation in the justice system.

### Vision

An innovative, collaborative legal aid system that responds to the needs of low income people throughout British Columbia.

### Values statement

Making a difference through leadership, respect, and working with others.

The revised act sets out four principles to guide the society in pursuing its mandate —

- (a) identify and assess the legal needs of people with low incomes in British Columbia,
- (b) consider the perspectives of both the justice system service providers and the general public,
- (c) co-ordinate legal aid with other aspects of the justice system and with community services, and
- (d) be flexible and innovative in the provision of legal aid.

Following the revisions to the act, the society developed a new strategic plan. This plan consists of a new mission, vision, and values statement (see sidebar) as well as eight new strategic objectives (see page 12).

## Core services

LSS offers a continuum of services that includes legal information, education, advice, advocacy, and representation.

These services are delivered by staff at regional centres and the toll-free LSS Call Centre and Law Line, and by funded local agents across the province (see page 69 for a list of offices). Private bar lawyers who accept LSS referrals provide most of the legal representation services. In addition, the society contracts with private bar lawyers and other organizations to deliver some services, such as duty counsel. See Appendix 1 for a more detailed description of the society's service delivery structure.

LSS provides legal representation for financially eligible people who —

- are charged with a criminal offence and face jail, loss of livelihood, or deportation if found guilty;
- are victims of domestic violence and likely need a physical restraining order, have a child or children who are at risk and a supervised access order or restraining order is needed to protect them, or need changes to their current custody or access order to ensure their and/or their children's safety;
- need a non-removal order to prevent their children from being permanently removed from the province;



- are parents and the Ministry of Children and Family Development has taken or is threatening to take their children away from them;
- face a refugee or deportation hearing; or
- face Mental Health Review Panel, a BC Review Board hearing, or prison issues for which the Charter of Rights and Freedoms establishes a right to counsel.

See Appendix 2 for a more detailed description of legal aid coverage provisions.

The society's public legal education and information (PLEI) services include —

- a province-wide toll-free telephone service called Law Line;
- publications about various aspects of the law;
- the LSS website, the *Family Law in British Columbia* website, and the *Electronic Law Library* (ELL);
- Legal Information Network Kiosk (LINK) services;
- support for PovNet; and
- training for community advocates.

See Appendix 3 for a more detailed description of PLEI services.

Under the revised LSS Act, the society and the Ministry of Attorney General negotiate an MOU every three years. The MOU —

- sets out the roles and responsibilities of both parties, and
- establishes the foundation of the society's budget and planning process.

The LSS Act and the MOU provide the framework for relations between the society and the provincial government. The first MOU, finalized March 5, 2003, covers the three-year period from April 1, 2002, to March 31, 2005 (see page 10).

# Governance

## Board of directors

LSS is managed by a nine-member board of directors. At their first meeting in each fiscal year, the directors elect one of their members to be chair of the board. Two other directors, along with the board chair, constitute the board's executive committee. Of the nine directors —

- five are appointed by the Lieutenant Governor in Council on the recommendation of the Attorney General, and
- four are appointed by the Law Society of BC after consultation with the executive of the BC Branch of the Canadian Bar Association.

The LSS Act outlines the need for the board as a whole to have a range of knowledge, skills, and experience in areas including —

- business management and the financial affairs of public and private sector organizations;
- law and the operation of courts, tribunals, and alternative dispute resolution processes;
- legal aid provision;
- BC's cultural and geographic diversity; and
- social and economic circumstances associated with the special needs of low income people.

Section 25 (formerly s. 19) of the act states that the "Lieutenant Governor in Council may appoint an official trustee to manage the property and conduct the affairs of the society if, in the opinion of the Lieutenant Governor in Council, the appointment is in the public interest and is required to ensure continued and effective delivery of legal aid." The official trustee assumes all the powers of the board.

Under this provision, Jane Morley, QC, was appointed official trustee on February 22, 2002, for a one-year term. In February 2003, her term was extended by Order in Council to May 31, 2003, to allow for a smooth transition to a new board and to give the appointing bodies additional time to find directors who meet the criteria outlined in the act.

## Senior management

The board of directors appoints an executive director to supervise, manage, and administer the business of the society. The executive director chairs the society's Executive Management Committee (EMC), which oversees the management of the society in accordance with the LSS Act and the society's mission statement, strategic goals and objectives, and policies. The committee develops the society's policies, budget, and service plan; implements new initiatives or other changes to the service plan; makes decisions on emergency issues; responds or co-ordinates responses to board and board committee requests; co-ordinates grant applications to external agencies; and approves staffing decisions.

At March 31, 2003, EMC members were:

- Mark Benton, Executive Director
- Harold V. J. Clark, Director, Field Operations and Human Resources
- David H. Govett, Director, Legal Information, Technology, and Communications
- Catherine McNeil, Director, Finance and Corporate Services
- Joy-Ann Lee, Executive Assistant, Executive Office (recorder)

The Operations Management Team (OMT) manages the day-to-day operations of the society in accordance with the LSS Act and the society's mission statement, strategic goals and objectives, and policies as established by the board of directors and EMC. This committee co-ordinates interdepartmental communications and initiatives, and forwards recommended policy changes to EMC. OMT also participates in the development of the LSS service plan and operational and administrative policies.

At March 31, 2003, OMT members were:

- Kerry Bentley (co-chair), Controller
- David Griffiths, (co-chair), Manager, Field Operations
- Joel Chamaschuk, Manager, Information Technology
- James Deitch, Manager, Tariff Services

- Thomas Fink, Manager, Corporate Research Services
  - Christal Pendleton, Acting Manager, Human Resources
  - Heidi Mason, Manager, Field Operations
  - Carol McEown, Manager, Public Legal Information
  - John Simpson, Manager, Community and Poverty Services
  - Janice Staryk, Manager, Tariff Operations
  - Edward Tanaka, Manager, Audit, Investigation, and Appeals
  - Eugene Wandell, Manager, Financial Services
  - Camia Weaver, Manager, Community and Aboriginal Programs
  - Wendy Rausch, Executive Assistant, Legal Information, Technology, and Communications (recorder)
-

# Year in Review

## Overview of major developments affecting performance

Two key developments in 2002/2003 will determine the nature of legal aid in the years to come. These were the proclamation of a new Legal Services Society Act in May 2002 and the signing of a three-year Memorandum of Understanding in March 2003.

The LSS Act establishes the society's new mandate, restructures the board of directors, and provides a process for setting three-year budgets and service plans. The MOU outlines the anticipated government funding for legal aid and the priorities for the use of that funding for 2002/2003 through 2004/2005. The MOU also establishes, for the first time, the roles and responsibilities of the society and the government, and provides a framework for handling large and complex cases.

The society's first task in 2002/2003 was to establish a new service delivery system for providing legal aid under its new legislative mandate and with substantially reduced funding. While negotiating the MOU and restructuring, LSS also formulated a new strategic plan and an improved governance framework to support the new legal aid system in British Columbia.

The strategic plan, completed in November 2002, had an immediate impact on the society's work. Reflecting the LSS Act and the restructured society, it emphasizes collaborating with other service providers to help people with low incomes participate in the justice system and developing new ways to serve clients. This approach prompted the initiation of several pilot projects to evaluate the most effective means of providing —

- advice and other services for unrepresented people with family law problems, and
- consultation services for advocates.

The improved governance framework for the incoming board of directors reflects the new structure of and requirements for the board set out in the revised LSS Act. Like the strategic plan, the governance framework emphasizes collaboration and contains innovative approaches to community liaison.

The changes to the society's operating environment are discussed in Part 1 of the "Report on Performance."

## Key operational highlights

During the first five months of the year, LSS eliminated, reduced, or redesigned a variety of services, and replaced 60 offices with a much smaller organization based on 7 regional centres, 19 local agents (later increased to 22), and a provincial call centre. This complex undertaking involved a myriad of critical projects ranging from closing client files in areas where coverage was to be discontinued, developing new intake and legal information systems, and establishing new contracts for delivering services; to closing old offices, opening new facilities, and changing the society's technological infrastructure.

By September 2002, LSS had achieved its objectives and a new service delivery system was in place. While the context for this transition was reduced funding and services, the new system features some significant advances that will enhance access to justice for clients. These include the first province-wide toll-free call centre in Canada that allows people to apply for legal aid by telephone, and innovative legal information services such as Legal Information Network Kiosks (LINKs) that help clients access resources on the Internet and a province-wide toll-free Law Line. How this transition was achieved is described in Part 2 of the "Report on Performance."

Total applications and referrals for the year dropped by 42% and 33% respectively compared to 2001/2002. This significant decrease is explained by the service changes that took effect between May and September 2002, and in particular the elimination of intake cases (apart from administrative matters) and coverage for poverty law matters, and the

reduction in coverage for family law matters. Because these changes took place during the year, data from 2002/2003 reflects two different levels of service and therefore cannot be used as a benchmark for assessing performance in the future. LSS expects to establish a variety of benchmarks during 2003/2004.

Case volumes for areas unaffected by the service reductions also declined significantly. Anecdotal evidence suggests that during the transition process, the public was unclear about what family legal aid services remained. This confusion may have led to a drop in those applications between January and August 2002. Other factors, external to LSS, such as fewer children taken into care by the provincial government and fewer refugee claims in Vancouver, also affected volumes throughout 2002/2003.

Case volume changes are discussed in Part 4 of the "Report on Performance."

## Key financial highlights

The decline in case volumes resulted in reduced tariff expenditures for the year. This, along with the effective management of the transition process, allowed LSS to fully retire its deficit by March 31, 2002 — a full year earlier than expected. In turn, the society was able to —

- allocate additional funds to service and strategic objective initiatives in 2003/2004,
- postpone replacing the tariff holdbacks with reduced tariff rates, and
- pay a portion of the 2002/2003 holdbacks.

Under the MOU, the society's obligation to provide a service is now limited to the funding allocated in the MOU for that area. The MOU also provides restricted funding for exceptional matters and allows the society to treat unspent allocations as deferred revenue to be used for those cases in subsequent years. These provisions, along with three-year budget and service planning, strengthen the society's ability to manage its overall finances.

The year's financial highlights are discussed further in the "Financial Report" and "Financial Statements."

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# Report on Performance

## Part 1: New operating environment

When the provincial government announced dramatic changes to legal aid in BC in January 2002, LSS was finalizing its 2002/2003 – 2004/2005 service plan (due at the end of that month) based on the mandate in place at that time. The announced changes would require revisions to the LSS Act as well as a major shift in focus for the society. As this shift could not, in large part, be properly articulated before the new legislation was in place, LSS submitted a service plan that included one new objective for 2002/2003 — implementing a new service delivery system — and the continuation of several initiatives from the previous year's business plan.

Once the act was revised in May 2002 (see below), the society set itself three additional objectives to establish a foundation for the future:

- Negotiate a three-year Memorandum of Understanding with the Ministry of Attorney General
- Develop a new strategic plan
- Develop a governance framework for the board of directors

The following sections describe the key changes to the LSS Act, the implementation of the three new objectives, and the projects developed under the new strategic plan. The impact of the government's announcement on the projects outlined in the published 2002/2003 – 2004/2005 service plan is discussed in Part 2.

### LSS Act revised

At the end of 2001/2002, the Ministry of Attorney General, in consultation with the society, began revising the LSS Act. The new act, which received royal assent on May 9, 2002, included amendments that —

- changed the LSS mandate (see page 4), making previously required legal

aid services optional and subject to available funding;

- reduced the size of the board of directors from 15 to 9 members (see page 6); and
- instituted a process to establish three-year budgets and service plans.

Under section 21 of the act, the society determines the range of services to be provided within the framework of an MOU negotiated with the Attorney General every three years. This section also allows the Lieutenant-Governor in Council to make regulations concerning legal aid services if the society and the Attorney General are unable to negotiate an MOU.

Other budget-related measures in the new act include the following:

- By November 21 each year, LSS must provide a budget to the Attorney General for approval (LSS Act, Part 4, s. 18).
- For the first time, LSS can supplement its funding through commercial activities (LSS Act, Part 2, s. 10) and recover costs through liens (LSS Act, Part 3).
- The society has sole discretion over how it uses non-government funds (e.g., Law Foundation grants, cost recoveries, etc.) (LSS Act, Part 2, s. 10).

### Memorandum of Understanding signed

On March 5, 2003, the society and the Ministry of Attorney General finalized an MOU covering the period April 1, 2002, through March 31, 2005. Together, the LSS Act and the MOU provide the framework for relations between the society and the provincial government.

Negotiations took a full year, largely because the ministry and LSS were tackling issues for which no templates existed. For instance, the MOU —

- breaks new ground in setting out the roles and responsibilities of both parties, something that is unique to BC; and
- defines exceptional matters and establishes a process for handling large and complex cases (see page 11).

The MOU establishes the foundation for the society's budget and planning process. Government funding of \$71.4 million in 2002/2003, \$63.6 million in 2003/2004, and \$55 million in 2004/2005 is allocated in this MOU to the following services:

- Legal representation for eligible applicants for specified criminal, family, child apprehension, immigration (to March 31, 2004), mental health, and prison law matters, as well as specified exceptional matters that fall within the society's mandate
- Public legal education and information services
- Service and strategic objective initiatives

The agreement may be amended by the parties as necessary. Revisions could be required in response to situations such as legislative changes or judicial decisions affecting the society's or ministry's responsibilities for legal aid, changes in the appropriation received by the ministry, or changes to the federal/provincial agreement on legal aid funding. The MOU includes a mediation provision for dispute resolution between the parties should disagreements arise.



Shown above at the MOU signing are (left to right) Finance and Corporate Services Director Catherine McNeil; Official Trustee Jane Morley, QC; Executive Director Mark Benton; and Contract Lawyer Michael Smith. (Joy-Ann Lee photo)

The following elements of this MOU are of particular note:

- Immigration services: The Attorney General has indicated that funding for immigration law matters will be phased out during the term of the current MOU. No budget has been allocated for these services beyond March 31, 2004. If no federal funding is forthcoming to cover

these cases, in 2003/2004 LSS will begin to wind down the service. At the same time, the society will develop a plan and investigate alternate sources of funding for emergency services in this area.

- Exceptional matters: The MOU defines, for the first time, exceptional matters (such as *Rowbothams* and large or complex cases that fall within the society's mandate but have a significant impact on expenditures). It also outlines a process for assessing large and complex cases to determine whether they require enhanced compensation (see Appendix 4).
- Large cases outside the LSS mandate: In situations where the Attorney General is constitutionally required to provide legal representation in cases outside the society's mandate, the ministry and LSS may work together to promote the effective and efficient administration of justice. For instance, the society may, in return for a fee, provide the ministry with its expertise and administer the costs for these matters.

## New strategic plan developed

Once the LSS Act was proclaimed, the society revised its strategic plan to reflect the new legislative mandate and service delivery system (see Part 2, A1.1).

This involved an intense process that included widespread internal and external consultations during the summer and fall of 2002. For instance, the executive director and official trustee held one-on-one meetings with a variety of people identified by LSS as having particular expertise in one or more aspects of the justice system. LSS representatives also met with —

- a focus group of private bar lawyers, and
- delegates to the federated anti-poverty groups' (fapg) annual conference.

More than 200 people were involved in these consultations. In addition, there were meetings between LSS managers and their staff, which were preceded and followed by day-long sessions between the executive, managers, and the official trustee.

## New strategic objectives

1. Develop and continually improve an integrated legal aid system that provides a range of high quality legal services that are responsive to the needs of low income individuals.
2. Identify and assess the legal needs of low income individuals in British Columbia, and increase awareness of the services provided by LSS.
3. Secure sufficient funding from diverse sources for LSS to fulfill its mandate and be accountable for the use of that funding.
4. Develop and retain staff who work to their potential to meet the society's objectives, and expand the capacity of legal professionals and other service providers to assist low income individuals to resolve their legal problems.
5. Build and maintain relationships with communities to enhance our mutual ability to meet the needs of people with low incomes.
6. Have a presence in all regions of British Columbia through people and technology.
7. Develop, implement, and evaluate innovative approaches to improve delivery of legal services.
8. Work with others for justice system reform, and, in doing so, advocate for the interests of low income individuals.

Announced in November 2002, the society's new strategic objectives (see sidebar), as well as the new mission, vision, and values statement (see page 4), are rooted in the revised LSS Act and incorporate the themes expressed by those who participated in the consultations.

The strategic plan sets the direction for the society and establishes a framework for the board of directors in its policy-making role. The strategic objectives identify measurable goals to help the society achieve its mission and vision. This plan was included in the *LSS Service Plan 2003/2004 – 2005/2006*, submitted to the government in January 2003. At the end of 2002/2003, staff were finalizing key strategies and performance measures for the next three-year period. This work entails a thorough reassessment of the society's former service plans, with an eye to improving LSS performance reporting and accountability to the government and the public.

Throughout 2002/2003, staff proceeded with a number of initiatives informed by the new strategic plan. The focus this year was to find creative ways to help people with low incomes who no longer qualify for legal representation under LSS coverage policies (see Appendix 2). Ongoing evaluations of this work will help the society determine best practices for providing services.

After office closures removed many of the society's traditional links to BC communities, LSS committed itself to finding creative ways to build local partnerships. The following projects in family law, advocate support, and legal information services reflect the society's initial work in this regard.

### Family law projects

The funding cuts to legal aid required LSS to greatly restrict its family coverage (see Appendix 2). This contributed to an increase in the number of unrepresented litigants in the courts. In response, LSS established and/or funded several family law pilot projects, primarily in provincial courts around the province. These projects, described below, will continue until March 2004.

The project evaluations will increase the society's understanding of unrepresented litigants' needs and determine to what extent LSS can meet those needs through services ranging from Web-based information to limited legal representation and advice.

#### **Family duty counsel pilot projects**

In fall 2002 and spring 2003, LSS established family duty counsel (FDC) pilot projects in 11 communities across BC. These pilots provide duty counsel services in provincial court on family list days (i.e., first time court appearances for Family Relations Act and Child, Family, and Community Service Act [CFCSA] matters). Duty counsel can help people with family law problems or child protection issues by providing advice and speaking on their behalf in court on simple matters. Priority is given to people who have matters in court that day. Duty counsel do not take on entire cases or represent people at trial.



Two of these pilots provide expanded services:

- The FDC project at the Surrey Provincial Court, which started in January 2003, offers a full-time lawyer acting as duty counsel on all court days. This project is also staffed part-time by one of a roster of private bar lawyers on each family list day. Duty counsel in Surrey helped 659 clients in three months.
- The FDC project at the Robson Square Provincial Court in Vancouver, which started in November 2002, provides an array of family court-based services. It operates in collaboration with family justice counsellors housed at the court. Staffed by 1 contract lawyer and 1 lawyer from a roster of 10 who work on rotation, this project helped 435 clients in five months.

The project in Prince George began in mid-February 2003, and FDC projects were established on Vancouver Island (Colwood, Nanaimo, and Victoria) and in northern BC (Prince Rupert, Smithers, and Terrace) in March 2003. Preparations for projects in Kamloops and Kelowna, scheduled to begin in April 2003, were complete by the end of March.

The society's long-term plan is to provide family duty counsel services in all BC provincial courts.

#### ***Family advice lawyer project***

This year, LSS and the Ministry of Attorney General's Family Justice Services Division (FJSD) began a family advice lawyer project to provide up to three hours of free legal advice to low income parents experiencing separation or divorce. This advice service began as part of the Vancouver FDC project in November 2002. By spring 2003, the service was also available in Kelowna, Surrey, and Victoria, and plans were underway to start it in Kamloops, Prince George, and Terrace. Qualifying clients may receive advice relating to custody, access, guardianship, and child support; property (limited); tentative settlement agreements; and court procedures.

#### ***Victoria Law Centre pilot project***

LSS provided the Law Centre in Victoria with approximately \$200,000 to fund a

### **Praise for family duty counsel pilots**

- The Honourable Judge Rose Raven, on behalf of Surrey Provincial Court judges, told LSS that the society's FDC project in Surrey was "receiving rave reviews from all Judges" within the first month of its inception in January 2003:

Judges are already feeling significantly reduced levels of stress in family court as we are able to send unrepresented litigants to Duty Counsel to obtain legal advice and information about court procedure. This is allowing Judges a more reasonable amount of time to get through heavy family lists on remand days. In addition a very valuable service is being provided in screening and assisting unrepresented litigants on Ex Parte applications. As well, with two duty counsel present, both parties on a case are able to access advice which is frequently resulting in a resolution of the immediate crisis, and an agreement regarding the next step. ... In some cases, Duty Counsel are facilitating a final resolution of all issues by consent of the parties.

- The Honourable Judge M. E. Rae of the Robson Square Provincial Court in Vancouver spoke highly of the FDC pilot there:

As this is a Rule 5 Registry, many parties now know from the Family Justice Counsellors that they may request effective, timely, summary legal advice before positions become more entrenched. This service assists parties to make agreements at the first appearance, thus saving court time and the inconvenience of returning for another appearance or a hearing. ... The FDC lawyers provide considerable assistance to the parties in understanding what facts they need to address and the legal principles that a judge would be required to apply at a trial. ... Although the FDC lawyers cannot replace the service that individual counsel appointed by Legal Services could provide to assist children and families in high conflict cases, they do provide much needed summary advice and service to help people in stressful situations find their way through the Court process.

family law pilot project for unrepresented low income people. Clients can receive services ranging from introductory family law information sessions and assistance with preparing family court documents, to summary advice and limited representation (for those who cannot represent themselves due to poor health or limited education).

Between October 1, 2002, and March 31, 2003, this project assisted 286 clients.

## Advocate support services

The elimination of various programs, including poverty law and small grants to community organizations, meant LSS had to find new ways to support community advocates in their work on behalf of people who no longer qualify for legal representation under LSS policies. Initiatives undertaken this year include a welfare law consultation services pilot project and training for advocates.

### ***Welfare law consultation services pilot project***

Community advocates and organizations that represent the interests of low income people in BC have said they need access to legal consultation services for advocates.

In March 2003, LSS started a pilot project so the society could evaluate the effectiveness of legal consultation services as a means of providing community advocates with the knowledge, skills, and ability to help people with low incomes resolve their legal problems. The society contracted with a private bar lawyer to provide a variety of services pertaining to welfare rights, including —

- giving legal information and advice to advocates,
- developing and presenting training sessions for advocates, and
- reviewing materials for legal accuracy.

The project will continue until March 31, 2004.

### ***Training conferences***

In November 2002, a three-day training conference for about 70 lay advocates from 62 community and Aboriginal organizations was co-sponsored by the society and the Law Foundation, in collaboration with PovNet. Held in Richmond, it focused on the new welfare and disability legislation and advocacy skills. Other topics

included family law, legislative changes to the Residential Tenancy Act and the Human Rights Code, Employment Insurance, Workers' Compensation, child protection, mental health, and Aboriginal aspects of poverty law. Regional follow-up sessions are planned for later in 2003.

## Legal information services

LSS is making greater use of technology to give clients immediate access to accurate legal information in easy-to-understand formats. This year saw several developments in this area, including the expansion of Law Line and the creation of the LINK service (see Appendix 3).

LSS is also providing leadership in forming a new provincial public legal education and information (PLEI) working group to ensure needs are met in the most efficient manner. Development of this group was a key recommendation of the *Review of the Role of Public Legal Education in the Delivery of Justice Services*, a report commissioned by the Ministry of Attorney General in fall 2002. A key initiative of this working group will be to undertake a province-wide PLEI needs assessment.

## Board governance framework designed

In spring 2003, LSS developed a governance framework for the incoming board of directors. Based on the LSS Act, this framework consists of revised board policies and by-laws reflecting established best practices for governance. It is designed to help the board provide leadership and direction through strategic and service planning.

A key innovation in the by-laws is the creation of board liaison directors, liaison committees, and advisory groups that —

- promote an ongoing exchange of information and co-ordination of efforts with external organizations and individuals on issues of common interest and concern, and
- ensure the board's policy and planning priorities are placed in a context that considers broader social trends and issues that could affect legal aid services.



Conference participants shown here are (left to right) Kathryn Wellington, Kettle Friendship Society; LSS Field Operations Manager Sherry MacLennan; and Daphne Morrison, the Law Foundation. (Cynthia Bartholomew photo)



## Part 2: Report on 2002/2003 published objectives

The new objective in the *LSS Service Plan 2002/2003 – 2004/2005* — implementing a new service delivery system — was a massive undertaking. It took priority over most of the other objectives in the plan, particularly during the period from April 1, 2002, to September 1, 2002, when administrative time and effort was primarily devoted to managing the transition while maintaining as many client services as possible.

This year, the society made decisions concerning several initiatives that were in the 2001/2002 business plan but not carried over into the 2002/2003 service plan. A summary of those decisions is provided in Part 3.

The following can be reviewed independently or with the *LSS Service Plan 2002/2003 – 2004/2005*. Each goal is identified, but details included in the service plan are not necessarily reiterated here. For easy reference, the service plan's numbering system for goals and objectives (e.g., Part A, Goal 1, A1.1; Part A, Goal 2, A 2.1) is retained in this report.

### A: Mandate and service delivery

#### **Goal 1** Provide appropriate levels of service in each area of law, as mandated by the Legal Services Society Act.

##### **A1.1: February 2002 transition plan**

As stated in the *LSS Service Plan 2002/2003 – 2004/2005*, the BC government announced in January 2002 that it would reduce legal aid funding by 38.8% over the three years covered by the plan. The government also announced that —

- it would restrict the use of its funding largely to cases where legal representation is required by the

Charter of Rights and Freedoms or the courts, and

- LSS would have to absorb significant new costs related to downsizing, inflationary pressures, successful *Rowbotham* applications (where people who are denied legal aid apply for, and are granted, a court-appointed lawyer), and large cases (those that exceed \$50,000 in fees or disbursements).

Because these changes meant the society could no longer meet its legislative mandate, the government also said it would amend the LSS Act to allow for the necessary service modifications (see Part 1, page 10).

The society had to fully implement these cuts in 2002/2003 so it could operate within its new budget by 2004/2005. This was necessary because it often takes more than a year from the initial referral for a legal aid case to complete and for LSS to pay related costs.

The challenge for LSS was to restructure in a way that would allow it to —

- follow the new legislative mandate,
- realign its funding according to budget cutbacks,
- shut down old processes and systems in a timely manner and within budget guidelines, and
- design and implement new systems and processes to serve clients.

The work began at the end of February 2002 with LSS submitting a budget to the Ministry of Attorney General incorporating the cuts; beginning to deliver, in person, six-month layoff notices to staff; and sending six-month funding termination notices to funded agencies and area directors. By the end of March 2002, the society had also established a project management office (PMO) and nine interdepartmental project teams to manage the restructuring process, referred to as the transition plan.

The following describes the transition that took place in the first five months of 2002/2003 and identifies the key strategies that helped LSS successfully complete this work.

### **Transition 2002: The Challenge of Change**

The first task was to finalize a transition plan. *Transition 2002: The Challenge of Change* was completed and sent to the Ministry of Attorney General in April 2002.

This plan outlined how LSS would create a new service delivery system that could provide high quality legal services with reduced funds. It contained each project team's charter (see sidebar), which described the scope, schedule, and budget for each undertaking, and summarized the significant related issues, risks, and constraints.

The transition plan noted that the task in front of the society "involves literally tearing down an \$85 million operation and building, from the ground

up, a \$54 million operation. All this is going to happen in a five-month period while LSS continues to offer legal aid services. This is no small feat. Despite the optimistic language in the Charters, the possibility that this project will exceed its time goals and/or budget goals is very real."\*

The society, however, substantially achieved its goals on time and under the estimated overall costs (see "Financial Report"). By September 2002, LSS had completed key components of the transition plan.

LSS replaced its former head office, branch offices (BOs), community law offices (CLOs), native community law offices (NCLOs), and area directors with

- regional centres in 7 communities (some retained former office locations), and
- local agents (some had been area directors) in 19 of the planned 24 communities. (By December 2002, there were local agents in another 3 communities and the Terrace Regional Centre had opened a satellite office in Prince Rupert.)

Office locations were selected based on application/referral volumes, accessibility, cost efficiency, proximity to courthouses, and the need to provide some level of infrastructure in each region of the province.

This restructuring included shifting from a mixed model of providing legal representation (through staff lawyers and paralegals) to a primarily private bar model (retaining a minimum number of staff lawyers at regional centres to provide services in areas where LSS has difficulty making referrals).

LSS developed and put in place innovative intake and public legal education services, including —

- the first province-wide toll-free call centre in Canada that allows people to apply for legal aid by telephone, and
- an expanded province-wide toll-free Law Line.

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\* Later in the year, the government provided the society with additional funds for large and complex cases and to cover increased BC Medical Association fees, thus raising LSS funding for 2004/2005 to \$55 million.

### **Project team charters**

The transition plan's nine project team charters were as follows:

- Facility changes (closing BOs, CLOs, and NCLOs — including the Legal Resource Centre (LRC) in Vancouver — and replacing them with regional centres)
- Technology changes (replacing telephone systems and redesigning computer infrastructure)
- Records management (centralizing and storing files from closed offices and managing related client conflicts issues)
- Service delivery support systems (developing a new intake system, including a toll-free call centre, and making related changes to policies and procedures)
- Service area decommissioning (winding down areas of law where coverage was to be reduced or eliminated)
- Contracted services (closing area director offices and replacing them with a new system of local agents)
- Service delivery changes (determining and implementing methods of providing pro bono disbursements, mental health services, and prisoners' services)
- Legal information services and delivery (winding down some programs and replacing them with new approaches to providing public legal education and information, and making use of new technologies)
- Business software applications changes (determining whether existing applications are appropriate or should be upgraded or replaced given the requirements of the new service delivery system, and ensuring all are functioning properly)

This entailed enhancing and restructuring the society's technological environment, allowing LSS to —

- launch a new main website with more public legal information content and updated details on legal aid services,
- give staff access to intake systems, operating policies, and other information on a new intranet and through a secured Web space via the Internet, and
- launch a new LINK service by March 2003.



LSS held a contest to find a name for its new legal information service. The winner was Intake Legal Assistant Lida Williams (second from the right) for her entry: Legal Information Network Kiosk (LINK). Contest judge Community and Aboriginal Programs Manager Camia Weaver (far right) presents Lida with her award while the other judges, Fieldworkers Fran Auckland (far left) and Cynthia Bartholomew, look on. (*Denise Tremblay photo*)

Client contributions were eliminated (effective July 2, 2002) because the potential income was unlikely to exceed the administrative cost of collecting them, given the new intake system and service reductions (see Appendix 5 for details on financial eligibility).

Contracts were established with the Community Legal Assistance Society to provide mental health services, the West Coast Prison Justice Society to provide prison law services (see Appendix 1), and government agents across the province to give clients access to LSS services such as online legal information.

Restructuring and downsizing also cause significant cuts to staff and services. For LSS, this meant —

- reducing staff by 68% (from 448.2 FTEs at BOs, CLOs, and NCLOs on March 31, 2002, to 142.8 at regional centres on March 31, 2003). By fiscal

year-end, the staff reduction was 6% less than the 74% anticipated at the outset of the transition process.

Initial staffing levels were adjusted during the year to ensure LSS could provide the necessary infrastructure to support the new service delivery system;

- closing the Legal Resource Centre (LRC). LSS retained about 15% of the materials as a staff library to support services such as Law Line. Staff distributed most of the remaining collections to more than 50 new locations — primarily other libraries and community organizations that had relied on the LRC over the years;
- eliminating small grants to libraries (by April 2002) and to local organizations for community development and public legal education projects (by August 2002);
- eliminating poverty law coverage (phased out between April 1 and August 31, 2002);
- restricting family law coverage to matters involving violence, the threat to parents of permanently losing contact with their children, and child apprehension matters (by May 22, 2002); and
- eliminating summary advice services at intake.

In December 2002, the provincial government approved a new three-year budget based on reduced funding. In his letter to the official trustee and the executive director, Attorney General Geoff Plant, QC, praised the society for its work, saying:

“You and your staff have demonstrated outstanding leadership and worked very hard in order to meet challenging budget targets and effect significant organizational change. Your success has been demonstrated by the launch of the LSS's new service delivery model in September 2002. ... I appreciate the commitment to legal aid and the justice system that you have demonstrated by your diligent and capable efforts.”

#### **Key strategies for success**

LSS embarked on the transition plan with a clear commitment to emerge as much more than a bare bones legal aid plan.





Representatives from LSS attended the federated anti-poverty groups (fapg) conference in October 2002. Shown above are (left to right) Executive Director Mark Benton; Audit, Investigation, and Appeals Manager Edward Tanaka; Community and Aboriginal Programs Manager Camia Weaver; Community and Poverty Services Manager John Simpson; Legal Information, Technology, and Communications Director Dave Govett; and Official Trustee Jane Morley, QC. *(Diane Phillips photo)*

Staff were guided by values they had embraced for more than 20 years, including the importance of working toward shared goals with service providers in communities across the province.

The following strategies guided the society's successful transition to a new service delivery system:

- Meeting with key justice system partners and community advocates, involving them in the planning and restructuring process. At these meetings, LSS heard first-hand about the impact of its downsizing and service cuts (see also page 11).
- Giving interdepartmental teams decision-making authority to complete 54 projects that would redesign operations while simultaneously closing offices and laying off staff. Staff researched issues and worked closely with each other to exchange information and lessons learned.
- Using prolific, timely, and structured communication with the society's employees and other key partners to ensure all were —
  - Δ aware of developments as they occurred, and
  - Δ given the opportunity to contribute their knowledge and expertise to develop new ways to provide legal aid.

- Employing technology to develop innovative ways to give clients access to legal aid and accurate legal information in easy-to-understand formats.
- Encouraging an organizational culture of collaboration, knowledge-sharing, respect, and satisfaction within the society. For instance, LSS —
  - Δ assigned staff to test technological innovations as they were developed to identify problems and ensure usability, and to help staff acquire new skills;
  - Δ protected training budgets, particularly to assist staff going into unfamiliar positions as a result of the complex "bumping process" under the society's collective agreements;
  - Δ continued social activities and clubs (which saw increased participation by staff); and
  - Δ gave top priority to employee recognition and support (with union endorsement).



Vancouver Regional Centre staff take a break for a lunchtime picnic in August 2002 at Coal Harbour in Vancouver. *(Candice Lee photo)*

## **Goal 2** Provide public legal education to help more people understand and benefit from the law.

### **A2.1: Legal information for non-English speakers**

LSS continued a project, begun in 2000/2001 with Law Foundation funding, to produce basic rights information for people whose first language is not English. Four areas of law

— seniors, family, immigration, and welfare — were selected for this project after consultations with communities and service providers identified these as key needs.

This year, staff focused on seniors' benefits and family law.

The popular LSS booklet *When I'm 64: A Guide to Benefits and Services for People Aged 60 and Over* was condensed and adapted for readers of English as a second language and then translated into Chinese, Farsi, Japanese, Korean, Punjabi, and Spanish. Most of this work was completed in 2001/2002, and the new booklet, named *Benefits and Services for Seniors*, was published and distributed this year. It will also be available in French by May 2003.

Because of the changes to legal aid this year, it was crucial to produce information about coverage policies and how and where people could access LSS services. Therefore, the society's first new multi-language project was producing the brochure *Legal Aid — Help with Your Legal Problems* in Chinese, Farsi, French, Punjabi, Spanish, and Vietnamese. These translations were available in December 2002.

In spring 2002, the society began work on welfare fact sheets to provide concise and up-to-date information on legislative changes in this area. The process of adapting these fact sheets into Chinese, Persian, Punjabi, Spanish, and Vietnamese began in January 2003, and LSS plans to have the translated fact sheets ready by summer 2003.

LSS also participated in two joint projects for translations this year, both of which were funded primarily by the provincial government:

- The Intergovernmental Relations Secretariat (IGRS) approached the society for permission to translate some LSS materials into French, based on needs identified by the francophone community. LSS contributed production services for all of the materials and translation costs for two items. In February and March 2003, translations were produced and printed of the brochures *If Your Child Is Taken by the Ministry of Children and Family Development* and *Legal Aid — Help with Your Legal Problems*, as well as

## Award-winning publications

LSS consistently wins awards for producing quality public legal education materials. In 2002/2003, the following publications received Apex Awards:

- *Rights and Benefits for First Nations People*
- *Native Programs Newsletter* (Fall 2001)
- *Next Step Series* on what to do if you are charged with:
  - △ Assault
  - △ Mischief
  - △ A drinking and driving offence
  - △ Theft under \$5,000
  - △ Possession of property under \$5,000 obtained by crime
  - △ Possession of an illegal drug

The following materials received Communicator Awards:

- LSS *Family Law in British Columbia* website, self-help materials section (Crystal Award of Excellence)
- *Benefits and Services for Seniors*, English and multilingual versions (Honourable Mention)

the booklet *Benefits and Services for Seniors*. The French editions of *If Your Marriage Breaks Up*, *Living Common Law*, and *Parents' Rights, Kids' Rights* will be completed early next fiscal year.

- The Victim Services branch of the Ministry of Attorney General contracted with the society to produce Chinese and Punjabi editions of the Ministry of Public Safety and Solicitor General's publication *For Your Protection: Peace Bonds and Restraining Orders*. These translations are scheduled for completion in May 2003.

**Goal 3** Provide the best possible mix of service delivery models by continuously monitoring services and implementing any adjustments needed to meet changing requirements or take advantage of new opportunities.

### A3.1: Family law services on the Internet

The LSS *Family Law in British Columbia* website was launched in July 2002. This was year two of a five-year project



funded by the Law Foundation to help low income people resolve their family law issues.

In the first phase of the project, emphasis has been placed on developing the self-help section of the site, which provides kits to help people work through a legal procedure or understand a family law process.

Kits on initial applications in Provincial and Supreme Court were not included in the original plan for the website, but became a priority after the May 2002 reductions to legal aid coverage in family law (see page 17).

By the end of the year, the site included the following features:

- A “Family law subject areas A – Z” section providing links to publications and websites with information on adoption, child removal, child support, custody and access, family violence, marriage and common-law relationships, seniors issues, separation and divorce, sponsorship, and spousal support
- Self-help kits on initial family orders, divorce, changing support orders, and child protection issues
- Information on legal and other resources that can help people resolve their legal problems
- Links to services in BC (LSS offices, public libraries, and government agents)
- Links to nine LSS-approved sites offering a variety of information about family law matters

The site was promoted through announcements on the LSS website, LSS publications, and at various workshops. The society also took measures to ensure the site is picked up by more search engines.

By the end of May 2003, an independent evaluation of the project’s first phase will be completed, and a new work plan will be created for phase two. The evaluation includes —

- an analysis of the data being collected, and
- use of a questionnaire and a focus group to identify user priorities and the tools required to address them.

As well, the self-help section of the site was submitted for peer review to the

Communicator Awards, based in the United States. It won the Crystal Award of Excellence — an honour that recognizes it as “among the best in the field.”

The site receives some 2,500 visits a month. Initial responses (65) to a questionnaire (distributed to potential users and placed on the website) found that intermediaries and personal users like the site and are satisfied with the information available. They rated possible new features, and LSS took those results into consideration in developing the final list of requirements for phase two development of the website.

## **Goal 4** Work with Aboriginal people and their communities to develop and promote innovative and effective methods to deliver legal services and legal education.

### **A4.1: Aboriginal child welfare**

At the end of 2000/2001, LSS began a two-year Law Foundation-funded project to —

- reduce the number of Aboriginal children separated from their parents or communities by child apprehension proceedings, and
- facilitate greater use of alternative support mechanisms for parents and other family members.

This year, the society planned to run pilots on one urban and one rural reserve and to complete training manuals to meet the different needs of these communities. Work on the project was largely suspended in the first part of the year due to the requirements of implementing the society’s transition plan.

In fall 2002, the provincial government and Aboriginal community leaders established Regional Aboriginal Transition Committees (RATC) to begin transferring child protection and family development resources and services to regional Aboriginal authorities. In response to this development, the society established a consultation process with Aboriginal frontline workers and RATC members to ensure the project remains

appropriate and beneficial, and to provide input for the training manual.

The pilot projects should be completed in 2003/2004.

#### **A4.2: Poverty law services on reserves**

The Aboriginal Case Legal Fund, established in 1999/2000, was designed to help Aboriginal people on reserves who faced poverty law problems as a result of actions taken by their band councils. As it had been only partially used in previous years, continuation of the fund was reconsidered in light of the cuts to the society's overall funding. It was eliminated in May 2002, along with other poverty law representation and summary advice services, which were phased out by the end of August 2002. A few cases, approved but not concluded before May 2002, will be funded to completion.

**Goal 5 Work together with poor and otherwise disadvantaged communities throughout BC to develop innovative and effective methods to deliver legal services and information, and to remove barriers to obtaining legal services and information.**

#### **A5.1: Expand Law Line to remote communities**

Further work on the 2000/2001 extension of Law Line from a Lower Mainland user area to remote and underserved communities was superseded by the society's reorganization of its public legal information services. Law Line was expanded to a province-wide toll-free service in September 2002 (see page 30).

#### **A5.2: Develop PovNet as a significant poverty law resource**

LSS continues to contribute to PovNet, a popular poverty law website. The society co-funds PovNet with the Law Foundation, provides representatives to the steering committee, and provides

some administrative and financial supervision.

This year, PovNet's goals included —

- maintaining active discussion lists, and
- increasing training resources in housing and Canada Pension Plan (CPP) benefits.

Although the society's poverty law advocates left PovNet's e-mail lists when LSS discontinued its services in this area, more community advocates joined these discussion groups throughout the year. Advocates continued to assist one another and find timely answers to their questions through these lists. LSS helped by assigning some of its staff to answer questions on various topics.

#### **Law Line kudos**

A Law Line client wrote to LSS in September 2002 to say:

I have had the misfortune to be embroiled in a dispute with a painting contractor, but this morning had the good fortune to speak to a woman on the Law Line who offered abundant information in a professional yet empathetic manner. Her referrals to other services ... have also proved to be useful in charting my course with regard to the painter.

Development of materials on housing is moving forward. Changes to BC's welfare legislation made producing updated welfare information a priority. PovNet worked with LSS to create and disseminate welfare fact sheets. PovNet also provided links on its site to advocacy materials on CPP benefits developed by several organizations, including the BC Coalition for People with Disabilities and the Multiple Sclerosis Society.

Statistics from PovNet show a steady increase in visits to the site — from 4,748 per month in January 2002 to 6,755 in October 2002 (compared to 1,755 in January 2001 and 4,378 in October 2001). The most popular parts of the site are the advocate resources; "Find an advocate" maps; links; and pages with information about housing and homelessness, welfare, and disability.

## B: Quality assurance

**Goal 1** Improve the society's quality assurance systems so that all service delivery and systems comply with society policies, meet professional standards, and are effective in meeting clients' legal needs.

### B1.1: Aboriginal awareness training

Aboriginal awareness training for staff began in 2000/2001. The demands of implementing the transition plan this year meant the society had to postpone further work in this area. By March 2003, staff had begun to develop a new employee training plan, which will review Aboriginal awareness needs.

### B1.2: Quality assurance for the tariff

Funded by the Law Foundation, this three-year project began in 2000/2001 with the objective of implementing practical measures that ensure LSS provides high-quality tariff services to its clients. Work on the project was somewhat delayed this year, as staff required time to re-examine these initiatives to ensure they could be properly developed in the context of the new LSS mandate, organizational structure, and operational requirements.

LSS will seek approval from the Law Foundation to extend the completion date to March 2005. No additional funding will be required. The following summarizes the status of the project's various components.

#### *Client expectation form*

An evaluation of the client expectation form, which outlines the standard of service LSS clients should receive from their lawyers, was conducted at the former Surrey branch office before the society restructured in 2002. Next year, LSS will proceed with a pilot in another regional centre and conduct a formal evaluation of the form's effectiveness for the new LSS service delivery system. LSS anticipates the form will eventually be incorporated into the intake process. Distribution of the form to applicants

and clients who deal with the society through its provincial call centre rather than a local office may pose a challenge.

#### *Electronic resources and continuing legal education (CLE)*

- **Case Digest Connection**

Through an arrangement with the Continuing Legal Education Society (CLES), LSS continued to provide the *Case Digest Connection* to more than 500 private bar lawyers this year. The digests provide notice of recent developments in criminal and family law (there is no similar service in BC for immigration law).

CLES and LSS evaluated several of their joint programs this year. A November 2002 electronic survey, completed by 125 private bar lawyers, showed that the bar found access to the case digests beneficial and that it improved the quality of their work for legal aid clients.

- **CLE seminar discount**

LSS, with the assistance of CLES, offers a 25% discount for CLE seminars to lawyers who have accepted, or will accept, at least 12 legal aid referrals within a 12-month period.

The November 2002 evaluation found that a majority of respondents believed that CLE courses, and particularly CLE materials, had a high or very high impact on service quality. Although the society's discount was just one of several factors influencing their decision to take CLE courses, tariff lawyers indicated very strong support for LSS initiatives in this area. In view of these results, LSS continues to offer this discount.

- **Quicklaw**

This year, the society resumed talks with Quicklaw to investigate the possibility of implementing group licensing on a trial basis. The November 2002 evaluation indicated this is a service the private bar would use frequently if it were provided to them.

The idea behind this initiative is that lawyers who accept a substantial number of legal aid referrals would be eligible to join a group licensing



arrangement. Through that arrangement, LSS would cover the lawyers' Quicklaw access costs for their legal aid cases. This would eliminate the need for the lawyers to bill the society for computer research disbursements.

If it proves feasible, LSS plans to put the initiative in place by fall 2003.

- **Access to Legal Aid Ontario (LAO) database**

Legal Aid Ontario has offered LSS access to its entire online research database at a discounted rate. This database includes a variety of materials in most areas of legal aid practice. Once a service agreement formalizing this access is finalized, LSS plans to designate staff to provide copies of requested research materials from the LAO database to lawyers who take legal aid referrals. The society anticipates that this service will be available in fall 2003.

- **Additional education initiatives**

Three potential initiatives that reached the conceptual stage this year will be further investigated in 2003/2004: establishing online discussion groups where lawyers can exchange relevant information on practice problems; developing an integrated initiative with CLES that would incorporate various methods of promoting lawyer education; and either expanding the *Legal Aid Fax*, which currently advises lawyers about relevant LSS policies and practices, or developing alternative communication methods to encompass a broader range of practice issues.

#### ***Lawyer recognition***

LSS deferred further work in this area to 2003/2004, when staff will seek input on potential lawyer recognition activities from the tariff committees and the new board of directors.

#### ***Strategic Case Assessment Program***

Implemented in 2001, this program is a fundamental part of the criminal case management process (see Appendix 4). However, other priorities related to the society's restructuring in 2002 required

LSS to postpone evaluating its effectiveness until 2003/2004.

### **B1.3: Human Resources Information System (HRIS)**

As planned, LSS reviewed and revised its requirements for a new Human Resources Information System in light of the society's restructuring. Having confirmed the need to replace its out-dated DOS-based HRIS, the society issued a request for proposals, then evaluated and selected a vendor.

The successful vendor, HR Technologies, began to implement its Super HR and Payroll Professional system in the last quarter of the fiscal year. The Super HR component is scheduled to be fully operational in May 2003 and the Payroll Professional component in August 2003. Both will allow LSS to run reliable and timely reports in areas such as employee training and development, statistics, and history, which will help managers administer staffing and operations.

### **B1.4: Executive/management reporting capability**

The majority of work on this project was completed in 2001/2002 with the development and installation of a database that allows LSS to run a variety of reports using information in its Case Management System (CMS).

Further work was postponed primarily because the changeover to a new service delivery system this year means LSS must re-examine its overall reporting needs. The project will be revisited after the society's new system is stabilized and managers can determine what type of reports they need to help them make decisions.

### **B1.5: Tariff processing enhancements**

Largely funded by a Law Foundation grant, this multifaceted initiative consists of several sub-projects spanning three years. The overall objective is to develop less complicated support and billing systems for private bar lawyers. Given the volumes of private bar billings, these projects will have a considerable impact

on both lawyers and the society. In 2002/2003, tariff staff processed an average of 2,189 private bar lawyer accounts each week (down from 2,575 in 2001/2002, in part because of the lower case volumes this year — see page 27).

A more user-friendly system should attract new lawyers and encourage a number of experienced lawyers to resume taking legal aid referrals.

Although work on several aspects of this initiative was delayed because staff had to devote much of their time to transition projects, significant progress was made in several areas. The status of these initiatives is described below.

### **Quick reference guides**

Last year, the criminal and family quick reference guides — one page summaries of information in the *Guide to Legal Aid Tariffs* — were completed. Originally, LSS planned to finish the disbursements, immigration, CFCSA, and appeals guides by December 2002, but the work was postponed. By March 2003, work on this project resumed and the disbursements guide was being developed. LSS plans to distribute it with the next set of tariff revisions in June 2003.

### **Electronic billing forms**

This project was completed in 2002/2003 and all LSS billing forms are now available on the society's website. Lawyers can download the forms to their computer or complete them online, then print and submit them to LSS for processing.

### **“Wow Times Three!”**

Feedback from the E-Billing pilot was positive. One example of this came from Prince Rupert Lawyer Darrell O'Byrne, who commented:

Wow Times Three. This E-billing is great — for the first time in over 20 years I actually enjoyed legal aid billing! It is super easy and the forms “make sense” if you know what I mean. Anyone who has filled out one of the old forms, by hand or otherwise, will easily take to this. I got through a number of bills plus disbursements in record time and without a lot of the frustration of the photocopying, mailing, etc.

### **Electronic billing**

This project will allow private bar lawyers to submit their tariff bills to LSS through a secure website.

A limited electronic billing pilot project, involving 16 lawyers and assistants from around the province, was launched in late 2002 and expanded to 32 people in early 2003. The first group accessed the society's criminal, CFCSA, and disbursement billing forms online, where they created and validated draft accounts. They then submitted the account directly to CMS for processing. The expanded group had access to the initial three forms plus the family, immigration, immigration appeals, and CFCSA appeals forms.

Feedback from the pilot has been positive (see sidebar) and, along with the results of a survey of users, is helping the society fine-tune the system. During the year, LSS processed 800 E-Billing accounts, and completed the Web design, a user access form, and a user guide for final implementation. LSS plans to launch the full system for province-wide use in July 2003.

The transition plan included changes to the society's technical platforms so LSS could support its new service delivery system. This presented considerable challenges for the E-Billing initiative, as it required developing a new approach for implementing industry best practices for security.

Elements of this project that remain to be developed include —

- completing criminal and family appeal forms, third party vendor (transcript service providers) forms, and a frequently asked questions page;
- enabling lawyers to access historical information on their accounts; and
- providing direct links from the billing system to the section of the *Guide to Legal Aid Tariffs* that covers the service for which the lawyer is billing.

### **Tariff simplification**

Work on simplifying the *Guide to Legal Aid Tariffs* was delayed due to the requirements of the transition plan. Changes to services implemented in 2002 (see Part 2, A1.1) resulted in the need for



significant revisions to the tariff guide, in addition to those planned as part of this initiative.

This project continues to be a high priority for the society and staff have adjusted the schedule so it can be completed by the end of 2004/2005.

#### **Case Management System (CMS) edits**

This initiative was to improve some CMS functions for staff who process accounts. It was put on hold this year and the feasibility of completing it will be reviewed in summer 2003.

#### **Electronic funds transfer**

Before a direct deposit system for paying private bar lawyers' bills can be implemented, the society must make some changes to its financial systems. This initiative was postponed until these changes are complete later in 2003/2004.

## **C: Fiscal resources**

**Goal 1** Secure sufficient funding to meet the demand-driven nature of the society's services.

### **C1.1: Legal fee recovery through property liens**

The May 2002 amendments to the LSS Act included changes that permit the recovery of legal fees from clients who have significant equity in family assets that is not accessible when they apply for legal aid but that becomes available at a later date.

As reported last year, the society will be unable to implement a liens recovery program for family cases in the immediate future. The pool of family cases that would be affected by a recovery scheme is now so small that the cost of the program would exceed the recoveries generated. However, LSS is considering possible recovery programs for *Rowbotham* cases.

## **Part 3: Outcomes of former initiatives**

Several initiatives from the *LSS Business Plan 2001/2002* were postponed that year pending implementation of the society's new service delivery system. Rather than carry the initiatives forward as objectives in the *LSS Service Plan 2002/2003 – 2004/2005*, this year LSS reviewed whether they could be continued in light of the society's funding and restructuring, and the changes to its mandate.

### **Produce an Aboriginal law guide (formerly initiative B1.1)**

The *Aboriginal Poverty Law Manual* was completed in September 2002. This manual is designed to provide legal information for advocates on areas of law that affect Aboriginal people in BC. LSS gave this project high priority, particularly since the society —

- is committed to providing services specific to the needs of Aboriginal people, but
- had to eliminate poverty law representation and advice services this year, including those for Aboriginal people, due to funding restrictions.

The online version of the manual is on the LSS website and will be updated as necessary. Distribution of the print version was funded in part by the Vancouver Regional Office of Justice Canada.

### **Knowledge management for LSS staff (formerly initiative B1.6)**

A daily "What's New" e-mail service for staff, provided by LSS librarians, continued in 2002/2003. This service identifies key court decisions, changes in legislation, and other news and Internet resources useful for legal aid staff. Plans to make it part of the society's intranet site remain on hold indefinitely due to staff reductions.

### Include field office information on the LSS website (formerly initiative A2.1)

When the society restructured its service delivery system, plans for developing Web pages for LSS offices were superseded and pages developed for some offices last year became outdated. Whether LSS will develop specific pages for regional centres will be decided next year, in the context of determining how the society might increase its profile.

Local offices were promoted this year by distributing revised posters, brochures, and bookmarks about legal aid services.

### Substantive poverty law guide (formerly initiative B1.2)

This guide was intended to outline levels of service considerations and provide practice advice on approximately 25 poverty law topics to help the society's staff lawyers and paralegals manage poverty law cases. The project was superseded when the society eliminated its poverty law advice and representation services in September 2002.

## Part 4: Overall performance measures

The *LSS Business Plan 2001/2002* set out four overall performance measures for the society, which were retained in the *LSS Service Plan 2002/2003 – 2004/2005*:

1. Provide application and referral numbers for the past three years in each area of law, along with an explanation of changes over the past year.
2. Identify trends in the proportion of unrepresented litigants at court.
3. Assess the nature and degree of individual requests for legal information.
4. Report at year-end on the number of public legal education presentations made in local communities by the staff of LSS field offices.

As part of the transition to a new service delivery system this year (see Part 2, A1.1), the society developed a new strategic plan and re-evaluated its

performance measures. LSS determined that while the existing measures offer a snapshot of work done over a given period, they are inadequate to properly gauge the society's success in achieving its goals or to measure the quality of its services.

The following performance measures will be replaced with new and more appropriate measures in next year's service plan.

### Applications and referrals

People can apply for legal aid at any of the society's regional centres and local agent offices, or by calling the province-wide toll-free LSS Call Centre (see Appendix 1).

All information an applicant or client gives to LSS is subject to solicitor-client privilege. LSS cannot disclose that information to any third party without the applicant's or client's informed written consent. Solicitor-client privilege is protected under section 23 of the LSS Act and section 14 of the Freedom of Information and Protection of Privacy Act (FOIPPA).

In 2002/2003, 1,078 private bar lawyers received referrals for cases opened during the year (compared to 1,263 in 2001/2002). As a result of the elimination of most staff lawyer positions, the private bar handled a greater portion (93.4%) of all LSS referrals this year (compared to 77.1% in 2001/2002).

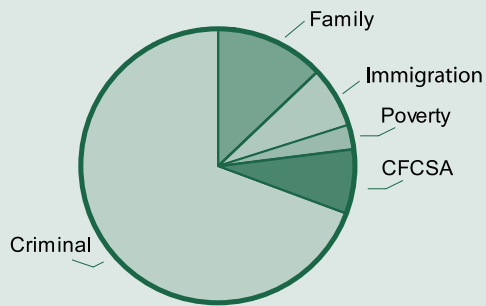
### Reliability of data

When annual report numbers are generated for any fiscal year, a few paper applications remain to be processed and a few applications initiated in error remain to be corrected. As a result, the final numbers for each year are different from those in the annual report. For example, the final numbers for 2001/2002 differed by 0.07% from the data published in the *LSS Annual Report 2001/2002*. The accuracy of the 2002/2003 application data in table 1 is expected to be similar to that published last year (i.e., accurate to within 99.9%).

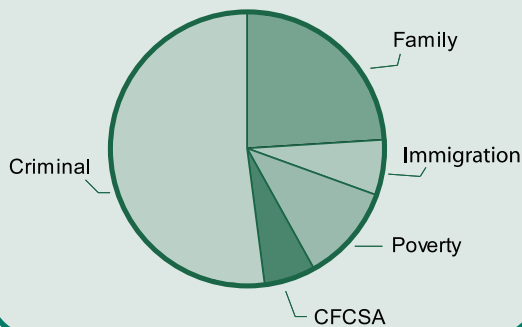
Before a referral can be issued, the client's income must be verified and his or her legal situation assessed, and a



**Figure A**  
Referrals by case type 2002/2003



**Figure B**  
Referrals by case type 2001/2002



investigate the case, and recommend charges against suspects. Then Crown counsel must decide to lay charges. Only at that point do suspects apply for legal aid. Thus, even when crime levels remain constant, the number of legal aid cases can still fluctuate significantly.

A decline in applications for family cases involving violence from January through August 2002 (the period when service reductions were announced and the transition plan was being implemented) suggests the transition process may have negatively affected LSS performance in this area. This conclusion cannot be proven, but it is supported by anecdotal evidence from staff, who reported that people in their communities were saying they thought family legal aid was no longer available in BC. To counter this misconception, LSS regularly updated information about its services on its websites and made current information available to its key partners around the province.

Declines in CFCSA volumes this year can be attributed directly to a decrease in the number of children being taken into care by the Ministry of Children and

Family Development. New legislation passed during the period under review expanded the range of support options available to social workers by allowing a child to be placed in the custody of extended family members or friends of the family. As well, the ministry's new Regional Aboriginal Transition Committees, established in fall 2002, began transferring child protection and family development resources and services to regional Aboriginal authorities.

The decline in immigration legal aid cases in BC is consistent with the decrease in the number of applications referred by Citizenship and Immigration Canada to the Immigration and Refugee Board (IRB) in Vancouver. There appears to be a shift in refugee claimants from Vancouver to Toronto. IRB data shows that from 1998/1999 to 2002/2003, claims increased by 128% in Toronto, decreased by 40% in Vancouver, and remained constant in Montreal. These are the three main centres for refugee claims in Canada.

Overall, the percentage of applications resulting in referrals (excluding intake cases, which were not eligible for legal representation) was 71.4% in 2002/2003 (compared to 67% in 2001/2002 and 68% in 2000/2001).

LSS staff also helped with close to 15,000 matters at intake that did not result in legal aid referrals to lawyers. Individuals were given administrative assistance (e.g., recording a change of counsel), directed to alternative service providers, or given summary advice and/or legal information (see table 1, intake case plus information/summary advice total). The number of people receiving this assistance is considerably smaller than in previous years because by September 2002, LSS had eliminated intake cases (except for administrative issues) and summary advice at intake. One of the society's priorities for the future is to find creative ways to provide advice and information services (see Part 1).

Additional 2002/2003 data on applications and referrals by area of law is provided in Appendix 6.



## Duty counsel and Brydges line services

The society provides legal advice services through duty counsel and the Brydges line (see Appendix 1). These services do not require a formal application for legal representation.

### Reliability of data

Duty counsel data is compiled from reports submitted by the lawyers providing this service. Duty counsel submit their bills and information on the number of clients assisted up to six months after the service date.

Accordingly, not all information is available when data for the annual service plan report is generated. For example, after generating the 58,311 total published in the *LSS Annual Report 2001/2002*, duty counsel billed for another 3,484 cases applicable to that fiscal year. As LSS ran duty counsel reports one month later this year, the 2002/2003 data in table 2 is expected to be more accurate than that published last year.

Brydges line data is provided by the contracted service provider.

### Quality assurance

Staff at regional centres, local agent offices, and the LSS Call Centre must refuse to provide legal aid if they believe an applicant —

- is not financially eligible,
- has a problem that falls outside the society's coverage rules, or
- has provided insufficient information to satisfy LSS that he or she is eligible for legal aid.

Staff perform internal audit functions to ensure LSS coverage and financial eligibility policies are applied accurately and consistently across the province. These include —

- reviewing refusals of legal aid when applicants request such reviews within 21 days of receiving the decision, and
- investigating all complaints alleging a client is improperly receiving legal aid.

Tables 3 and 4 on page 30 show the volumes and results of these reviews and investigations for the past three years.

### Reliability of data

As part of the society's restructuring process, LSS decentralized reviews of refusals based on coverage eligibility. These reviews are now conducted by managing lawyers at regional centres and by local agents elsewhere. Reviews of refusals based on financial eligibility are conducted at the Vancouver Regional Centre.

LSS is developing a reliable method of gathering statistics on coverage eligibility reviews, but this work was incomplete at the end of the fiscal year. As a result, the 2002/2003 statistics in table 3 reflect only financial eligibility reviews. Previous years' statistics include both types of reviews and therefore are not directly comparable to this year's.

Complaints data is drawn from an LSS database maintained by staff.

### Unrepresented litigants

Further research in this area was suspended while LSS dedicated its resources to implementing the transition plan and stabilizing the new service delivery system (see Part 2, A1.1).

**Table 2 Duty counsel and Brydges line assistance to clients 2000/2001 – 2002/2003**

| Service        | Number of clients assisted |             |             |
|----------------|----------------------------|-------------|-------------|
|                | 2002/2003                  | 2001/2002 1 | 2000/2001 1 |
| Duty counsel 2 | 60,152                     | 58,311      | 49,872 3    |
| Brydges line   | 25,385                     | 29,930      | 30,051      |

1 Data as recorded in previous annual reports.

2 Excludes duty counsel for immigration services (in Vancouver) and family duty counsel pilot projects (across the province).

3 Duty counsel services were restricted to in-custody accused in most BC provincial criminal courts from April – September 2000. This reduction was put into effect because the available budget for private bar lawyers' duty counsel work was insufficient to cover both in-custody and out-of-custody clients. Additional government funding allowed the society to restore full services in fall 2000.

**Table 3 Coverage and eligibility reviews 2000/2001 – 2002/2003**

| Reviews                | 2002/2003 <sup>1</sup> | 2001/2002 | 2000/2001 |
|------------------------|------------------------|-----------|-----------|
| Received               | 243                    | 1,081     | 836       |
| Abandoned <sup>2</sup> | 23                     | 92        | 11        |
| Approved <sup>3</sup>  | 10                     | 38        | 25        |
| Refused                | 210                    | 945       | 792       |
| Files open at year-end | 0                      | 6         | 8         |

Based on data run: April 2003                      May 2002                      April 2001

<sup>1</sup> 2002/2003 statistics include only reviews of refusals based on financial eligibility. Previous years' statistics include reviews of refusals based on financial eligibility and refusals based on coverage eligibility.

<sup>2</sup> Abandoned means the matter was returned to the referring office to consider additional information or issues, or the applicant resolved the matter by other means.

<sup>3</sup> Approvals are often based on additional information provided by applicants that was unavailable when they first applied for legal aid.

## Requests for legal information

### Law Line calls

The society's overall legal information services were enhanced with the expansion of Law Line to a province-wide toll-free service in September 2002. This involved improving the telephone technology used and increasing staff to manage higher volumes. Calls rose from a monthly average of 799 from April to July 2002, to 2,000 from January to March 2003. LSS anticipates Law Line will receive at least 24,000 calls in 2003/2004.

In September 2002, a computerized telephone system replaced the former

manual tabulation of Law Line statistics. Calls were not tabulated in August 2002 as no staff were available to manually count interview forms. Total Law Line calls for the year were 16,912 over 11 months (compared to 12,482 over 12 months in 2001/2002, and 12,615 over 12 months in 2000/2001).

### Publications distributed

A major challenge for the society this year was to identify the public legal education and information (PLEI) materials it would keep as part of a core collection. Staff also had to distribute materials not identified for this collection and create new materials to explain the society's new services and locations. As a

**Table 4 Complaints about clients' eligibility 2000/2001 – 2002/2003**

| Result of investigation   | 2002/2003  | 2001/2002  | 2000/2001  |
|---|------------|------------|------------|
| Complaint unfounded/coverage continued  | 104        | 132        | 137        |
| Coverage terminated/case converted to private fee retainer or collection file opened                                      | 86         | 76         | 119        |
| Referral cancelled after client failed to respond to a request for reassessment <sup>1</sup>                              | 10         | 19         | —          |
| Complaint about non-LSS client <sup>2</sup>   | 99         | 31         | 12         |
| Complaint received after case concluded or substantially completed  | 34         | 10         | 19         |
| No further investigation required (e.g., complaint duplicates information already reported and investigated) <sup>1</sup> | 16         | 25         | —          |
| Open, investigation continuing  | 39         | 144        | 153        |
| <b>Total <sup>3</sup></b>   | <b>388</b> | <b>437</b> | <b>440</b> |

Based on data run: April 2003                      April 2002                      April 2001

<sup>1</sup> This information was not tabulated separately from other categories until 2001/2002.

<sup>2</sup> These files are kept open for at least six months in case individuals apply for legal aid.

<sup>3</sup> Number of individuals complained about includes files still open at end of previous fiscal year.

result, staff produced fewer PLEI materials (25) and more administrative documents (27) in 2002/2003 compared to the previous two years (54 and 17 in 2001/2002 and 42 and 21 in 2000/2001).

Staff distributed 251,255 copies of PLEI items this year compared to 166,997 in 2001/2002 and 191,245 in 2000/2001. As in previous years, most of the publications distributed (215,261) were produced by LSS. The remainder (35,994) were produced by other agencies.

At the same time, LSS developed a new distribution system to augment its PLEI services. Web-based services were expanded, allowing people to use the Internet to obtain legal information. To supplement this service, the Public Legal Information Division will continue to provide regional centres, local agents, government agents, and public libraries with print materials. The division, along with other LSS staff, also used fieldwork and surveys to identify a core list of community groups willing to distribute the society's PLEI materials to their clients.

### Website visits

The transition plan included enhancing and restructuring the LSS website, which was re-launched in October 2002. The site was moved to an in-house server, allowing staff to manage and provide a large amount of information for users. Content for the site was rewritten to reflect the restructured society and its services, and more PLEI materials were added.

The society also launched its new *Family Law in British Columbia* website in July 2002 (see Part 2, A3.1).

Table 5 presents an approximate measure of public use of the society's websites. Only the *Electronic Law Library* (ELL) statistics are directly comparable from one year to the next.

The society implemented a statistical package in January 2003 to tabulate visits to the new in-house LSS site. The statistics below are based on three months' activity. They cannot be compared to previous years' data because LSS has no reliable information on how the former external host was tracking usage. In addition, the former host experienced technical difficulties in 2001/2002, resulting in a loss of some statistical information for the first five months of that year.

The Family Law website data is also based on three months' activity.

The society plans to establish benchmark figures for the LSS and Family Law websites in 2003/2004. LSS anticipates that visits to its main site may go down as users become familiar with, and go directly to, the Family Law website, which is at a separate address.

### Public legal education presentations

Data collection in this area was suspended while LSS dedicated its resources to implementing the transition plan and stabilizing the new service delivery system (see Part 2, A1.1).

**Table 5 Public use of the LSS, ELL, and Family Law websites**

| Site                     | Average use                               |                            |                            |
|--------------------------|---|----------------------------|----------------------------|
|                          | 2002/2003                                 | 2001/2002                  | 2000/2001                  |
| LSS website <sup>1</sup> | 5,326 visits/month <sup>2</sup> (178/day) | 866 visits/day             | 783 visits/day             |
| ELL <sup>3</sup>         | 19,019 page requests/month                | 15,021 page requests/month | 12,055 page requests/month |
| Family Law website       | 2,533 visits <sup>2</sup> /month          | —                          | —                          |

<sup>1</sup> 2002/2003 statistics are not directly comparable to those of previous years (see explanation above).

<sup>2</sup> LSS data is tabulated automatically by a computer. "Visits" are the number of times the site is accessed over a given period (if the same person returns to the site after one hour, that person is counted again as a new visitor). Visits to the LSS website include LSS and local agent staff accessing the society's internal resources.

<sup>3</sup> ELL data is tabulated automatically by a computer. "Page requests" are the number of hits on specific files on the site (i.e., the number of times files are viewed, downloaded, printed, etc.).

# Financial Report 2002/2003

Reduced government funding for legal aid in 2002/2003 significantly changed the Legal Services Society's financial situation. At the same time, the revised LSS Act and the Memorandum of Understanding with the Ministry of Attorney General contain requirements that improve the society's ability to carry out long-term planning and control expenditures.

The revised LSS Act instituted a process to establish three-year budgets. The society's budget for the period 2002/2003 – 2004/2005 was approved by the Ministry of Attorney General in December 2002. The act continues to require the society to balance its budget. LSS can incur an operating deficit in any given year only if it has prior approval from the Attorney General and the Minister of Finance and Corporate Relations.

The MOU outlines anticipated provincial funding for legal aid and the priorities for use of that funding. It defines exceptional matters and establishes a stable process for funding them (see "Tariff expenses," page 33). It also allocates specific amounts for representation in each area of law, for public legal education and information services, and for service and strategic objectives; and sets out priorities for handling surpluses and shortfalls. The society's obligation to provide services is

now limited to the funding allocated in the MOU for each specific area.

To meet new reporting requirements, additional details (e.g., information about deferred contributions) are disclosed to the public in the notes to the financial statements (see pages 43 – 47). The objective is to provide more complete and transparent financial information.

## Management discussion and analysis

### Income

The provincial government provides the major portion of the society's funds (see table 6). Under federal-provincial contribution agreements, the federal government reimburses the provincial government for some legal aid costs. In 2002/2003, the federal contribution to BC for criminal, young offender, and immigration legal aid was anticipated to be about \$12 million. The society also receives annual grants from the Law Foundation of BC and the Notary Foundation of BC.

#### Notary Foundation grants since 1987

The Notary Foundation has contributed grants to LSS since 1987. The October installment of this year's grant brought its total contribution over the years to more than \$10 million.

On top of its annual grant, the Law Foundation gave LSS an additional \$435,997 in project grants. Of this, \$144,128 was included in this year's revenue, along with \$257,835 in Law Foundation project grants deferred from 2001/2002. The remainder was deferred to 2003/2004 for subsequent work on these projects.

On March 31, 2003, the Ministry of Children and Family Development provided the society with \$600,000 to establish pilot projects for alternative resolution programs relating to child protection in BC. This funding was deferred and will be included in revenue

**Table 6 Legal Services Society income 2002/2003**

| Income                           | 2002/2003            |                      |
|----------------------------------|----------------------|----------------------|
|                                  | Actual               | Budget               |
| Core government funding          | \$ 71,544,971        | \$ 71,435,000        |
| Law Foundation grant             | 3,272,500            | 3,272,500            |
| Notary Foundation project grants | 514,995              | 450,000              |
| Other                            | 592,108              | 544,500              |
| Law Foundation project grants    | 401,963              |                      |
| <b>Total</b>                     | <b>\$ 76,326,537</b> | <b>\$ 75,702,000</b> |



as the related expenditures are incurred. LSS matched this funding by internally restricting \$600,000 of net assets for the same purpose.

LSS eliminated client contributions as of July 2, 2002, when the new LSS Call Centre began operations. The society determined it would be difficult to collect contributions from applicants who apply for legal aid by telephone. Under the new service delivery system, the potential income to LSS would be less than the administrative cost of collecting the fee. Contributions of \$25, \$50, \$75, or \$100, depending on net household incomes, had been in effect since 1995 and provided revenue ranging from a high of \$289,542 in 1996/1997 to a low of \$186,961 in 1998/1999.

### Expenses

The society's expenses came to \$73.2 million in 2002/2003 (see table 7), compared to \$95.5 million in the previous fiscal year. Most of this year's cost reductions were anticipated as part of the transition to a new service delivery system.

The major reductions were for tariffs (down by \$5.9 million), grants and contracted services (down by \$5.8 million), salaries and benefits (down by \$5.1 million), transition (down by \$3.7 million), and premises (down by \$0.7 million). (See figure C and the "Statement of Operations" on page 41).

Three of these items were over budget for 2002/2003. The society retained 6% more staff than originally planned (see page 17), provided an extra month of benefits for laid-off BCGEU employees, and hired more casuals than anticipated, which, along with an increase in dental plan usage, resulted in an extra \$1 million cost for salaries and benefits. Lease operating expenses exceeded projections, resulting in an additional \$97,385 cost for premises. Severance expenses were higher than anticipated, resulting in an extra \$167,734 for transition costs (see figure C).

Overall transition costs came to \$7.4 million for 2001/2002 and 2002/2003 — well under the original estimate of \$10 million.

**Table 7 Legal Services Society expenses 2002/2003**

| Expenses   | 2002/2003            |                       |
|--|----------------------|-----------------------|
|  | Actual               | Budget                |
| Contracted representation services and support (tariffs etc.)                          | \$ 47,878,326        | \$ 53,698,000         |
| Service and strategic objective initiatives (i.e., family duty counsel pilot projects) | 187,322              | 500,000               |
| Client liaison (offices; PLEI)   | 16,809,865           | 16,667,000            |
| Administration (transition and infrastructure/system support)                          | 8,345,122            | 8,712,000             |
| <b>Total <sup>1</sup></b>  | <b>\$ 73,220,635</b> | <b>\$ 79,577,000</b>  |
| <b>Surplus (Deficit)</b>   | <b>\$ 3,105,902</b>  | <b>\$ (3,875,000)</b> |

<sup>1</sup> Actual total includes \$71,352,901 in operating expenses and \$1,867,734 in transition expenses.

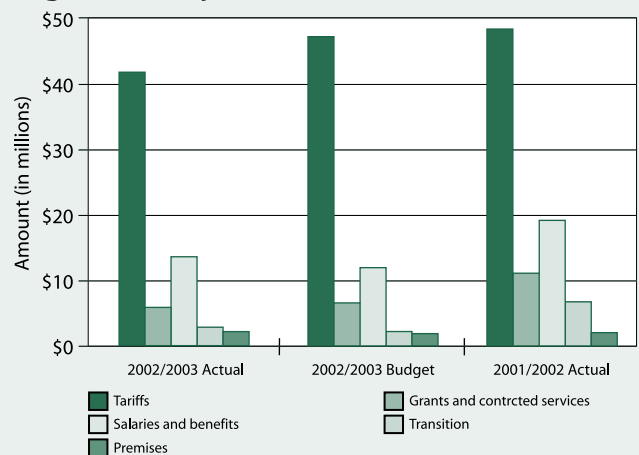
The tables on pages 35 – 36 show the society's expenditures over the past five years.

### Tariff expenses

The decline in tariff costs exceeded projections based on anticipated case volume reductions (see page 27).

Case volumes are always unpredictable. In light of this, LSS bases its budget projections on the average volumes and costs over several years, as well as on service changes. Nonetheless, fluctuations in demand that occur in response to short-term trends can dramatically affect actual expenditures in any given year. In 2002/2003, external factors such as fewer child apprehensions by the government and a smaller number

**Figure C Major cost reductions 2002/2003**



of refugee claims in Vancouver account for much of the unanticipated volume declines.

The drop in tariff costs made it possible for the society to pay a portion of the 2002/2003 holdbacks (see below).

In 2002/2003, LSS became responsible for costs related to all exceptional matters (see Appendix 4), and received \$1,900,000 in baseline funding and an additional \$340,000 in special funding for them. The total expenditure came to \$1,426,087. The MOU provides restricted funding for these cases. This means that in any given year, unspent funds allocated to this budget item are treated as deferred revenue for exceptional matters in the future. The remaining \$813,913 for 2002/2003 is therefore included in deferred revenue for these cases in subsequent fiscal years.

LSS continued to manage lengthy cases through its Strategic Case Assessment Program. It also retained its case cap policy by reserving the right to terminate referrals for large and unpredictable cases once fees or disbursements reach \$50,000 and the society concludes further expenditures are unjustified (see Appendix 4).

### **Holdbacks**

Because the tariffs were significantly under budget this fiscal year, the official trustee authorized the payment of holdbacks and fee reductions for criminal, family, immigration, and duty counsel cases to an aggregate amount of \$3 million. The payment will be made on a pro rata basis for fees billed and approved between April 1, 2002, and March 31, 2003. The holdbacks payment is included in the tariff costs for 2002/2003.

In addition, the society postponed its plans to replace the holdbacks with a 10% reduction to all tariffs until April 1, 2004.

### **Deficit elimination**

LSS had budgeted a \$3.9 million deficit for 2002/2003 and a \$4.5 million surplus for 2003/2004. The society planned to retire its accumulated deficit (i.e., the

\$0.6 million from 2001/2002 plus the expected \$3.9 million from 2002/2003) by March 31, 2004.

Instead, the unforeseen decline in case volumes and the effective management of the transition process allowed LSS to eliminate its deficit by March 31, 2003, and close this fiscal year with an accumulated surplus. That surplus consists of \$1,498,894 invested in property and equipment, \$600,000 internally restricted for alternative dispute resolution pilot projects in the area of child protection, and \$365,356 in unrestricted net assets (see "Balance Sheet," page 39).

### **Future outlook**

By fiscal year-end, LSS had completed most of the work required for its transition to a new service delivery system. The society anticipates no substantial transition-related costs for 2003/2004.

Eliminating the deficit a year ahead of schedule allowed LSS to allocate \$7.1 million to service and strategic objective initiatives in 2003/2004 (this amount includes the \$4.5 million no longer required for retiring the deficit plus the \$2.6 million originally budgeted for this area).

While this funding is specific to 2003/2004, the initiatives will continue over 22 months. A priority for the society early next year will be to work with the provincial government to ensure any portion of the \$7.1 million not spent will be reserved for the initiatives in 2004/2005.

As LSS moves through the next two years of funding reductions, staff will continue to look for cost efficiencies and innovative strategies to ensure clients' needs are met.

## History of income and expenses

**Table 8 Income and expenses 1998/1999 – 2002/2003**

|                             | 2002/2003    | 2001/2002     | 2000/2001     | 1999/2000     | 1998/1999      |
|-----------------------------|--------------|---------------|---------------|---------------|----------------|
| Income                      | \$76,326,537 | \$101,458,186 | \$88,324,187  | \$86,544,948  | \$86,213,047   |
| Expenses                    | 73,220,635   | 95,535,921    | 87,515,039    | 83,650,024    | 80,335,396     |
| Excess income over expenses | 3,105,902    | 5,922,265     | 809,148       | 2,894,924     | 5,877,651      |
| Surplus (deficit)           | \$2,464,250  | \$(641,652)   | \$(6,563,917) | \$(7,373,065) | \$(10,267,989) |

**Table 9 Operating expenses: Legal aid offices <sup>1</sup> 1998/1999 – 2002/2003**

|                                  | 2002/2003           | 2001/2002           | 2000/2001           | 1999/2000           | 1998/1999           |
|----------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Regional centres                 | \$3,015,176         | —                   | —                   | —                   | —                   |
| Local agents                     | 464,502             | —                   | —                   | —                   | —                   |
| Contracted services <sup>2</sup> | 644,295             | —                   | —                   | —                   | —                   |
| Branches                         | 8,181,134           | \$17,310,186        | \$12,974,517        | \$12,293,098        | \$11,888,103        |
| CLOs <sup>3</sup>                | 2,844,785           | 9,440,909           | 7,649,349           | 7,000,320           | 6,981,093           |
| NCLOs                            | 1,330,111           | 2,916,045           | 3,168,803           | 2,881,273           | 2,945,194           |
| Brydges duty counsel             | 242,843             | 229,576             | 211,248             | 207,317             | 204,916             |
| Area directors                   | 87,019              | 227,847             | 195,943             | 189,336             | 191,269             |
| Salvation Army <sup>4</sup>      | 0                   | 8,250               | 9,750               | 8,250               | 60,000              |
| <b>Total</b>                     | <b>\$16,809,865</b> | <b>\$30,132,813</b> | <b>\$24,209,610</b> | <b>\$22,579,594</b> | <b>\$22,270,575</b> |

1 In September 2002, branch offices, community law offices, native community law offices, and area directors were replaced by regional centres, local agents, and the LSS Call Centre.

2 Since September 2002, includes Community Legal Assistance Society (CLAS) and West Coast Prison Justice Society.

3 Prior to September 2002, included funding for CLAS.

4 Until March 31, 2002, the Salvation Army provided services under contract in Victoria prisons and courts.

**Table 10 Operating expenses: Client programs 1998/1999 – 2002/2003**

|  | 2002/2003          | 2001/2002          | 2000/2001          | 1999/2000          | 1998/1999          |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| Appeals  | \$494,235          | \$647,791          | \$564,584          | \$607,968          | \$740,289          |
| Community and Aboriginal Programs <sup>1</sup> | 121,119            | —                  | —                  | —                  | —                  |
| Community and Poverty Services <sup>2</sup>    | 64,526             | —                  | —                  | —                  | —                  |
| Public Legal Information <sup>3</sup>          | 490,328            | —                  | —                  | —                  | —                  |
| Library services <sup>4</sup>                  | 319,063            | 702,042            | 693,063            | 643,724            | 603,730            |
| Public Legal Education <sup>4</sup>            | 167,473            | 740,988            | 571,361            | 557,222            | 643,387            |
| Publishing <sup>4</sup>                        | 347,435            | 465,624            | 435,612            | 361,419            | 260,950            |
| Native Programs <sup>5</sup>                   | 83,713             | 314,885            | 417,249            | 346,957            | 287,940            |
| <b>Total</b>                                   | <b>\$2,087,892</b> | <b>\$2,871,330</b> | <b>\$2,681,869</b> | <b>\$2,517,290</b> | <b>\$2,536,296</b> |

1 The Community and Aboriginal Programs Division was established in September 2002.

2 The Community and Poverty Services Division was established in September 2002.

3 The Public Legal Information Division was established in September 2002.

4 The 2002/2003 amount reflects services available prior to September 2002. Expenses since September 2002 are included in Public Legal Information.

5 The 2002/2003 amounts reflect services available prior to September 2002. Expenses since September 2002 are included in Community and Aboriginal Programs.

**Table 11 Operating expenses: Service delivery support 1998/1999 – 2002/2003**

| Service delivery support           | 2002/2003          | 2001/2002          | 2000/2001          | 1999/2000          | 1998/1999          |
|------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Tariff and Audit and Investigation | \$1,395,135        | \$1,400,170        | \$1,354,843        | \$1,303,586        | \$1,173,670        |
| Field Operations <sup>1</sup>      | 531,794            | 895,038            | 869,348            | 821,846            | 692,280            |
| <b>Total</b>                       | <b>\$1,926,929</b> | <b>\$2,295,208</b> | <b>\$2,224,191</b> | <b>\$2,125,432</b> | <b>\$1,865,950</b> |

<sup>1</sup> Field Operations (formerly called Client Services) includes reciprocals.

**Table 12 Operating expenses: Management and administration 1998/1999 – 2002/2003**

|   | 2002/2003        | 2001/2002          | 2000/2001          | 1999/2000          | 1998/1999          |
|---|------------------|--------------------|--------------------|--------------------|--------------------|
| Human Resources <sup>1</sup>                | \$ 677,174       | \$1,184,480        | \$1,134,290        | \$1,108,355        | \$901,120          |
| Finance and Corporate Services <sup>2</sup> | 2,889,780        | 3,513,022          | 2,951,341          | 2,755,559          | 2,466,072          |
| Information Technology                      | 2,323,670        | 2,529,604          | 2,492,076          | 2,250,867          | 1,809,351          |
| Communications                              | 56,277           | 51,063             | 46,886             | 43,570             | 46,104             |
| Depreciation                                | 940,370          | 1,455,537          | 1,275,748          | 1,071,140          | 510,369            |
| <b>Total</b>                                | <b>6,887,271</b> | <b>\$8,733,706</b> | <b>\$7,900,341</b> | <b>\$7,229,491</b> | <b>\$5,733,016</b> |

<sup>1</sup> Includes training.

<sup>2</sup> Formerly called Finance and Administration.

**Table 13 Operating expenses: Tariff <sup>1</sup> 1998/1999 – 2002/2003**

| Area of Law                      | 2002/2003           | 2001/2002           | 2000/2001           | 1999/2000           | 1998/1999           |
|----------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Criminal                         | \$19,269,211        | \$18,835,042        | \$18,947,381        | \$19,087,078        | \$18,865,063        |
| Family                           | 11,319,885          | 18,162,787          | 16,530,017          | 15,898,761          | 16,830,821          |
| CFCSA                            | 4,112,980           | 4,200,867           | 4,225,398           | 4,024,888           | 3,580,262           |
| Immigration                      | 3,695,260           | 4,435,750           | 5,271,599           | 5,212,065           | 4,169,935           |
| Exceptional matters <sup>2</sup> | 1,426,087           | —                   | —                   | —                   | —                   |
| Duty counsel <sup>3</sup>        | 3,639,683           | 3,187,290           | 2,766,854           | 2,449,565           | 2,257,998           |
| Human rights <sup>4</sup>        | 189,343             | 398,582             | 526,060             | 310,541             | 332,941             |
| Prison <sup>5</sup>              | 97,034              | 173,834             | 142,927             | 92,336              | 72,559              |
| Transcripts                      | 1,223,329           | 1,164,625           | 1,299,439           | 1,432,072           | 1,062,920           |
| Pro bono disbursements           | 155,077             | 320,547             | 217,520             | 138,496             | 183,048             |
| Staff case disbursements         | 380,789             | 623,540             | 571,832             | 552,415             | 574,012             |
| <b>Total <sup>6</sup></b>        | <b>\$45,508,678</b> | <b>\$51,502,864</b> | <b>\$50,499,027</b> | <b>\$49,198,217</b> | <b>\$47,929,559</b> |

<sup>1</sup> Tariff expenditures include disbursements and holdback payments. Recoveries from lawyers for accounts billed in error (\$97,147 in 2002/2003) and recoveries from clients (\$537,279 in 2002/2003) are paid back into the applicable tariff budget.

<sup>2</sup> Costs for exceptional matters (see Appendix 4) were not reported separately or were not covered by LSS prior to April 1, 2002. In 2002/2003, the costs for the four categories of exceptional matters were a) *Rowbothams* — \$349,146, b) cases exceeding \$50,000 — \$858,580, c) complex cases requiring fees in excess of the regular tariff — \$218,361, d) and groups of related cases that together result in large costs — \$0.

<sup>3</sup> Duty counsel includes circuit court counsel payments and \$187,322 for the family duty counsel pilot projects. It does not include Brydges costs (\$242,843), which are included in the duty counsel amount in the "Statement of Operations" on page 41.

<sup>4</sup> The BC Human Rights Commission (via the provincial government) reimburses LSS for the cost of the human rights tariff for BC Human Rights Act matters. Human rights coverage was eliminated as of April 1, 2002, due to funding cuts to the commission. 2002/2003 expenditures are for referrals issued prior to April 1, 2002.

<sup>5</sup> The 2002/2003 total includes payments to private bar lawyers for referrals made prior to September 2002.

<sup>6</sup> The 2002/2003 total consists of the following expenditures (shown in the "Statement of Operations" on page 41): tariffs plus transcripts plus duty counsel minus Brydges (included in duty counsel) minus mental health and prison services (included in grants and contracted services). Brydges costs (reported separately under legal aid offices in table 9) were \$242,843, and grants and mental health and prison services (reported separately as contracted services under legal aid offices in table 9) were \$644,295.

The 2001/2002 total consists of the following expenditures (shown in the "Statement of Operations" on page 41): tariffs plus transcripts plus duty counsel minus Brydges (included in duty counsel) minus mental health services (included in tariffs). Brydges costs (reported separately under legal aid offices in table 9) were \$229,576, and mental health services costs (reported as part of CLO expenses in table 9) were \$22,616.



# Legal Services Society

## Financial Statements


### 2002/2003

#### Legal Services Society Management's Responsibility for the Financial Statements


Management is responsible for the preparation of the society's financial statements. This responsibility includes maintaining the integrity and objectivity of the society's financial records, and presenting the society's financial statements in accordance with Canadian generally accepted accounting principles.

Management maintains a system of internal controls that ensures that all material agreements and transactions of the society are properly recorded. The society's financial statements for the year ended March 31, 2003, have been examined by the Office of the Auditor General. Their examination was made in accordance with Canadian generally accepted auditing standards, and included obtaining a sufficient understanding of the society's internal controls to plan the audit.

The official trustee of the society is not an employee of the society. The official trustee is responsible for determining that management fulfils its responsibilities in the preparation of the financial statements and the control of the society's financial operations. The official trustee meets with staff of the Office of the Auditor General to discuss their audit work, the society's internal controls, and the financial statements. The official trustee is responsible for approving the financial statements.



Mark Benton  
Executive Director



Catherine McNeil  
Director, Finance and Corporate Services



## Report of the Auditor General of British Columbia

*To the Official Trustee,  
Legal Services Society, and*

*To the Attorney General,  
Province of British Columbia:*

I have audited the balance sheet of the *Legal Services Society* as at March 31, 2003 and the statements of changes in net assets, operations and cash flows for the year then ended. These financial statements are the responsibility of the Society's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the *Legal Services Society* as at March 31, 2003 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

*Victoria, British Columbia  
May 20, 2003*

Wayne Strelieff, CA  
Auditor General

**Legal Services Society**  
**Balance Sheet**  
**As at March 31, 2003**

|   | 2003                 | 2002                 |
|---|----------------------|----------------------|
| <b>Assets</b>   |                      |                      |
| <b>Current assets</b>   |                      |                      |
| Cash and short-term investments                                   | \$ 10,291,136        | \$ 2,572,368         |
| Accounts receivable - Government of British Columbia<br>(note 11) | 778,411              | 7,811,563            |
| - Government of Canada  | 549,004              | 495,254              |
| - other   | 216,886              | 145,307              |
| Prepaid expenses  | 109,237              | 183,084              |
| Total current assets  | 11,944,674           | 11,207,576           |
| Property and equipment (note 3)                                   | 1,521,365            | 1,582,562            |
|   | <u>\$ 13,466,039</u> | <u>\$ 12,790,138</u> |
| <b>Liabilities</b>  |                      |                      |
| <b>Current liabilities</b>  |                      |                      |
| Accounts payable - general  | \$ 896,046           | \$ 1,149,166         |
| - tariff (note 5)   | 6,545,220            | 4,648,878            |
| Transition costs (note 9)   | 846,000              | 5,570,000            |
| Professional staff benefits plan                                  | 536,314              | 945,223              |
| Current portion of obligation under capital lease (note 6)        | 22,470               | 224,766              |
| Deferred contributions (note 10)                                  | 2,155,739            | 871,287              |
| Total current liabilities   | 11,001,789           | 13,409,320           |
| <b>Long-term liabilities</b>                                      |                      |                      |
| Obligation under capital lease (note 6)                           | -                    | 22,470               |
|   | <u>11,001,789</u>    | <u>13,431,790</u>    |
| <b>Surplus (deficiency) in net assets</b>                         |                      |                      |
| Invested in property and equipment                                | 1,498,894            | 1,335,326            |
| Unrestricted  | 365,356              | (1,976,978)          |
| Internally restricted (note 11)                                   | 600,000              | -                    |
|   | <u>2,464,250</u>     | <u>(641,652)</u>     |
|   | <u>\$ 13,466,039</u> | <u>\$ 12,790,138</u> |

The accompanying notes are an integral part of these financial statements.

Approved by the Official Trustee:

  
 Jane Morley

**Legal Services Society**  
**Statement of Changes in Net Assets**  
**For the year ended March 31, 2003**

|   | Invested in<br>property and<br>equipment | Unrestricted  | Internally<br>restricted<br>(note 11) | Total        |               |
|---|--|---------------|---------------------------------------|--------------|---------------|
|   |  |               |                                       | 2003         | 2002          |
| Balance, beginning<br>of year                                   | \$1,335,326                              | \$(1,976,978) | \$ -                                  | \$(641,652)  | \$(6,563,917) |
| Excess (deficiency)<br>of revenue over<br>expenses for the year | (940,370)                                | 3,446,272     | 600,000                               | 3,105,902    | 5,922,265     |
| Investment in property<br>and equipment                         | 1,103,938                                | (1,103,938)   | -                                     | -            | -             |
| Balance, end of year  | \$1,498,894                              | \$ 365,356    | \$ 600,000                            | \$ 2,464,250 | \$ (641,652)  |



**Legal Services Society**  
**Statement of Operations**  
**For the year ended March 31, 2003**

|  | 2003                | 2002                |
|--|---------------------|---------------------|
| <b>Income</b>  |                     |                     |
| <b>Grants</b>  |                     |                     |
| Government of British Columbia                                   | \$ 71,544,971       | \$ 88,776,475       |
| Law Foundation   | 3,674,463           | 3,388,974           |
| Notary Foundation  | 514,995             | 525,936             |
|  | <u>75,734,429</u>   | <u>92,691,385</u>   |
| <b>Other Income</b>  |                     |                     |
| Interest   | 428,892             | 523,649             |
| Legal costs recovered from clients                               | 48,665              | 231,391             |
| Miscellaneous  | 114,551             | 271,761             |
|  | <u>592,108</u>      | <u>1,026,801</u>    |
|  | <u>76,326,537</u>   | <u>93,718,186</u>   |
| <b>Expenditures</b>  |                     |                     |
| Amortization   | 940,370             | 1,455,537           |
| Area directors/Local agents                                      | 551,521             | 227,847             |
| Board expenses   | 19,940              | 130,666             |
| Computer   | 1,394,810           | 1,632,088           |
| Duty counsel   | 3,882,526           | 3,416,864           |
| Grants and contracted services                                   | 4,904,720           | 10,728,444          |
| Libraries  | 117,215             | 301,837             |
| Miscellaneous  | 247,113             | 473,153             |
| Office   | 906,379             | 1,367,832           |
| Premises   | 1,572,315           | 2,258,547           |
| Publications   | 77,720              | 119,217             |
| Salaries and benefits  | 14,057,244          | 19,178,183          |
| Tariffs (note 5)   | 41,289,961          | 47,173,565          |
| Transcripts  | 1,223,329           | 1,164,625           |
| Travel   | 167,738             | 337,516             |
|  | <u>71,352,901</u>   | <u>89,965,921</u>   |
| <b>Excess of revenue over expenditures<br/>from operations</b>   | <b>4,973,636</b>    | <b>3,752,265</b>    |
| <b>Deficit reduction grant</b>                                   | <b>–</b>            | <b>3,740,000</b>    |
| <b>Government of British Columbia transition<br/>costs grant</b> | <b>–</b>            | <b>4,000,000</b>    |
| <b>Transition costs (note 9)</b>                                 | <b>(1,867,734)</b>  | <b>(5,570,000)</b>  |
| <b>Excess of revenue over expenditures</b>                       | <b>\$ 3,105,902</b> | <b>\$ 5,922,265</b> |

**Legal Services Society**  
**Statement of Cash Flows**  
**For the year ended March 31, 2003**

|   | 2003                        | 2002                       |
|---|-----------------------------|----------------------------|
| <b>Cash flows provided by (used in):</b>                  |                             |                            |
| <b>Operating activities</b>                               |                             |                            |
| Excess of income over expenditures for the year           | \$ 3,105,902                | \$ 5,922,265               |
| Items not involving the outlay of cash:                   |                             |                            |
| Amortization  | 940,370                     | 1,455,537                  |
|   | <u>4,046,272</u>            | <u>7,377,802</u>           |
| Changes in non-cash operating items:                      |                             |                            |
| Accounts receivable                                       | 6,907,823                   | (7,515,353)                |
| Prepaid expenses  | 73,847                      | 260,957                    |
| Accounts payable  | 1,643,222                   | (2,006,606)                |
| Transition costs  | (4,724,000)                 | 5,570,000                  |
| Professional staff benefits plan                          | (408,909)                   | (170,073)                  |
| Deferred contributions                                    | 1,284,452                   | (364,763)                  |
|   | <u>8,822,707</u>            | <u>3,151,964</u>           |
| <b>Investment activities</b>                              |                             |                            |
| Property and equipment additions                          | (879,173)                   | (244,123)                  |
| <b>Financing activities</b>                               |                             |                            |
| Equipment lease payments                                  | (224,766)                   | (643,271)                  |
| <b>Net increase in cash position</b>                      | <b>7,718,768</b>            | <b>2,264,570</b>           |
| <b>Cash and short-term investments, beginning of year</b> | <b>2,572,368</b>            | <b>307,798</b>             |
| <b>Cash and short-term investments, end of year</b>       | <u><u>\$ 10,291,136</u></u> | <u><u>\$ 2,572,368</u></u> |
| <b>Supplemental cash flow information:</b>                |                             |                            |
| Interest paid   | <u><u>\$ 7,334</u></u>      | <u><u>\$ 36,094</u></u>    |

## Legal Services Society

### Notes to the Financial Statements

#### For the year ended March 31, 2003

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### I. The Society

#### Purpose

The society was originally established under the Legal Services Society Act on October 1, 1979, and is not an agent of the Crown. On May 9, 2002, a new Legal Services Society Act replaced the 1979 act. The society's objects for the 2002/2003 fiscal year were as follows:

April 1, 2002, through May 8, 2002

- 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, and
- to ensure that education, advice, and information about law are provided for the people of British Columbia.

May 9, 2002, through March 31, 2003

- to help low income individuals resolve their legal problems and facilitate access to justice for them,
- to establish and administer an effective and efficient system for providing legal aid to low income people in British Columbia, and
- to give the Attorney General advice about legal aid.

The society is not subject to income taxes.

#### Governance

The society was governed by an official trustee for the fiscal year 2003.

#### Significant changes

During January 2002 through May 2003, a series of significant changes were made to the society's budget, its governance structure, the location and number of its offices, and its legislation:

- a) In January 2002, the Government of British Columbia announced a 38.8% reduction in

legal aid funding over three years — from \$88.3 million in 2001/2002 to \$54.7 million in 2004/2005.

- b) In February 2002, an official trustee replaced the board of directors of the society. The official trustee's term was extended to May 31, 2003.
- c) In March 2002, LSS announced a restructuring plan that replaced all offices operated or funded by the society with 7 regional centres, 24 local agents, and a provincial call centre. This plan resulted in transition costs, which are described in note 9.
- d) On May 9, 2002, a new Legal Services Society Act replaced the October 1, 1979, act. The new act —
  - reduces the size of the LSS board;
  - changes the obligations of the society so that legal aid is no longer an entitlement and gives the society the power to establish priorities and policies for the types of legal aid provided, the method of providing legal aid, and the eligibility criteria it considers appropriate;
  - clarifies that the powers of the society allow it to undertake commercial activities where advisable, and that the society may provide legal aid through a number of different methods;
  - provides for the Ministry of Attorney General and the society to enter into a Memorandum of Understanding every three years, and for the society's budget to be provided annually; and
  - provides lien mechanisms to allow the society to recover money owed to it by its clients.

### Funding

In 2003, the society received 94% (2002 – 95%) of its operating income from the Government of British Columbia and 5% (2002 – 4%) of its operating income from the Law Foundation of British Columbia. The society depends on funding from these sources for the continuance of its operations.

Under cost sharing agreements, the Government of British Columbia recovers approximately 10% of its contribution to the society from the Government of Canada.

## 2. Significant Accounting Policies

### Basis of accounting

These financial statements have been prepared in accordance with Canadian generally accepted accounting principles for non-profit organizations.

### Revenue recognition

The society follows the deferral method of accounting for contributions. Unrestricted contributions are recognized as revenue when received or receivable, if the amount can be reasonably estimated and collection is reasonably assured. Restricted contributions for expenditures that will be incurred in future periods are deferred and recognized in the period in which the related expenditures are incurred.

### Donated services

Donated services are recorded at fair value when they would normally be purchased by the society and when fair value can be estimated for the services. If fair value cannot be reasonably estimated, the services are not recorded.

### Use of estimates

The preparation of financial statements, in conformity with Canadian generally accepted accounting principles, requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reported period. Significant estimates are used for the accrual of tariff expenditures and transition costs (note 9). Actual results could differ from the estimates.

### Property and equipment

Property and equipment are recorded at cost and are amortized on a straight-line basis as follows:

| Per Year                               |     |
|--|-----|
| Furniture                              | 20% |
| Equipment                              | 20% |
| Computer equipment                     | 33% |
| Computer equipment under capital lease | 33% |
| Computer software                      | 33% |
| Case Management System                 | 10% |
| Leasehold improvements                 | 20% |
| Equipment under capital lease          | 20% |



### 3. Property and Equipment

|   | Cost        | Accumulated<br>amortization | Net book value |             |
|---|-------------|-----------------------------|----------------|-------------|
|   |             |                             | 2003           | 2002        |
| Furniture                                 | \$ 181,056  | \$ (108,796)                | \$ 72,260      | \$ 56,033   |
| Equipment                                 | 794,168     | (495,019)                   | 299,149        | 265,248     |
| Computer equipment                        | 1,920,049   | (1,676,136)                 | 243,913        | 293,954     |
| Computer equipment under<br>capital lease | 1,118,443   | (1,001,733)                 | 116,710        | 96,977      |
| Computer software                         | 524,900     | (435,146)                   | 89,754         | 30,599      |
| Case Management System                    | 1,126,527   | (660,422)                   | 466,106        | 579,876     |
| Leasehold improvements                    | 774,872     | (541,398)                   | 233,473        | 256,980     |
| Equipment under capital lease             | 265,537     | (265,537)                   | –              | 2,895       |
|   | \$6,705,552 | \$(5,184,187)               | \$1,521,365    | \$1,582,562 |

### 4. Donated Services

The society's Vancouver Regional Centre (VRC) premises are provided at a reduced rent under an agreement between the City of Vancouver and the building's owner that expires on June 14, 2004. The annual difference between the market value of the rent and the rent paid is approximately \$225,655 (2002 – \$240,454). Because the society would not be leasing its current VRC office premises if it were paying the full market rent, this donation is not recorded in the society's financial statements.

Lawyers from the private bar are retained by the society to represent eligible clients in criminal, immigration/refugee, and family cases. Some lawyers subsidize the society by being paid fees for their services that are less than those that they would normally charge privately. Because the donated portion of these services cannot be reasonably estimated, it is not recorded in the society's financial statements.

### 5. Tariff Holdbacks

The \$6,545,220 of tariff payables includes \$3,000,000 of tariff holdbacks, as described below.

Since 1994, the society has held back a percentage of tariff fees payable to lawyers from

the private bar. In past years, where money was available, the society would authorize payment after the year-end of some tariff holdbacks, and such amounts would be expensed. The total holdback on tariff accounts for the year ended March 31, 2003, approximated \$3,964,000 (2002 – \$4,776,000).

In fiscal 2002, the society advised the private bar by Notice to Counsel that all holdbacks to March 31, 2002, would not be paid. Consequently, no expense was recorded in the accounts for holdbacks for 2002.

On May 7, 2003, the official trustee decided to delay the elimination of holdbacks and the reduction of tariff rates until April 1, 2004. The official trustee authorized the payment of holdbacks and fee reductions to an aggregate amount of \$3,000,000 on a pro rata basis for fee billings approved for payment between April 1, 2002, and March 31, 2003, inclusive. This amount has been included in the expenses and liabilities of the society as at March 31, 2003. The remaining balance of the holdbacks, in the amount of \$964,000 (2002 – \$4,776,000), has not been recorded as a liability of the society as at March 31, 2003, or included in the tariff expenditures for the year.

## 6. Obligation Under Capital Lease

|                       | 2003              | 2002        |
|-----------------------|-------------------|-------------|
| IBM Canada Ltd.       |                   |             |
| Lease payments of     |                   |             |
| \$2,682 per month on  |                   |             |
| computer equipment    |                   |             |
| expires December      |                   |             |
| 31, 2003              | <b>\$ 23,310</b>  | \$ 253,863  |
| Less: amount          |                   |             |
| representing interest |                   |             |
| 8.88% per annum       | <b>(840)</b>      | (6,627)     |
|                       | <b>22,470</b>     | 247,236     |
| Less: current portion | <b>\$(22,470)</b> | \$(224,766) |
| Long-term             | <b>\$ -</b>       | \$ 22,470   |

## 7. Pension Plan

The society and its employees contribute to the Municipal Pension Plan (the plan), a jointly trusteed pension plan. The board of trustees, representing plan members and employers, is responsible for overseeing the management of the pension plan, including investment of the assets and administration of the plan. The pension plan is a multi-employer contributory defined benefit pension plan with about 126,000 active contributors.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and the adequacy of plan funding. The most recent valuation as at December 31, 2000, indicates a funding surplus of \$436 million. The Joint Trust Agreement specifies how surplus assets can be used. The actuary does not attribute portions of the surplus to individual employers. The society paid \$714,174 for employer contributions to the plan in fiscal 2003 (2002 – \$928,683).

## 8. Commitments

The society has the following commitments for long-term leases of its office premises and operating leases:

|      |            |
|------|------------|
| 2004 | \$ 505,852 |
| 2005 | 266,486    |
| 2006 | 60,079     |
| 2007 | 42,811     |
| 2008 | 16,426     |

## 9. Transition Costs

Transition costs are expenses that have been incurred or accrued to close or reduce a component of the society's operations, and which provide no future benefit, or were required to restructure the society. Examples include severance pay, lease cancellation and relocation costs, and systems upgrades. During fiscal 2003, an additional \$1,867,734 (2002 – \$5,570,000) was incurred.

## 10. Deferred Contributions

Contributions that are restricted to funding specific expenditures are deferred and amortized to operations as the related expenditures are incurred.

|  | Balance as at<br>March 31, 2002 | Restricted<br>contributions | Amortized to<br>operations | Balance as at<br>March 31, 2003 |
|--|---------------------------------|-----------------------------|----------------------------|---------------------------------|
| Government of<br>British Columbia<br>(Duty counsel pilot)  | \$ 400,000                      | \$ –                        | \$ (187,322)               | \$ 212,678                      |
| Law Foundation   | 471,287                         | 435,997                     | (401,962)                  | 505,322                         |
| Ministry of Children<br>and Family Development             | –                               | 600,000                     | –                          | 600,000                         |
| Human Resources<br>Development Canada                      | –                               | 23,826                      | –                          | 23,826                          |
| Government of<br>British Columbia<br>(Exceptional matters) | –                               | 2,240,000                   | (1,426,087)                | 813,913                         |
| <b>Total</b>   | <b>\$ 871,287</b>               | <b>\$ 3,299,823</b>         | <b>\$ (2,015,371)</b>      | <b>\$ 2,155,739</b>             |

The society's Memorandum of Understanding with the Attorney General of British Columbia provides for restricted funding for exceptional matters commencing with the 2003 fiscal year. Exceptional matters are cases that meet one or more of the following criteria:

- A court has ordered that counsel be provided.
- The complexity of the legal matter requires payment of fees in excess of the standard rate.
- Legal fees or disbursements exceed \$50,000.
- Several individuals are involved in a similar or related legal proceeding.

## 11. Internally Restricted Net Assets

On March 31, 2003, the Ministry of Children and Family Development agreed to provide \$600,000 to establish a pilot project for alternative dispute resolution programs in relation to child protection. The funds are included in both Accounts receivable —

Government of British Columbia and Deferred contributions. The society has matched this funding by internally restricting \$600,000 of net assets for the same purpose.

## 12. Related Parties

The society is related to the Province of British Columbia and its ministries, agencies, and Crown corporations, and community law offices and native community law offices. Transactions with these entities are generally considered to be in the normal course of operations and are recorded at the exchange amount, unless otherwise disclosed separately in these financial statements.

## 13. Comparative Figures

Certain comparative figures have been changed to conform to the current year's presentation.

## Appendix 1

# Structure

People in BC can apply for legal aid at 7 LSS-operated regional centres, 1 regional centre satellite, and 22 local agent offices funded by LSS, or by calling the toll-free

LSS Call Centre (for a list of these offices, see page 69). Free legal information is available at these offices as well as through the society's websites and toll-free Law Line service.

The society works to ensure its services are accessible to all communities. For example, LSS —

- funds interpreter services when an interpreter is required to work with a lawyer,

- provides public legal education and information (PLEI) materials in a variety of languages,
- requires staff to adhere to a code of ethics that includes non-discrimination and non-harassment, and
- follows an employment equity policy.

## Regional centres

Staff in regional centres —

- take applications for legal aid and refer eligible clients to lawyers;
- take legal aid referrals (staff lawyers);
- liaise between LSS and advocacy groups, court, and the private bar;
- co-ordinate regional duty counsel;
- direct clients to legal information resources such as electronic and print materials, Law Line, and community agencies; and
- provide Legal Information Network Kiosks (LINKs) where clients can

access the LSS website and other Internet-based legal resources.

## LSS Call Centre

The LSS Call Centre is a toll-free service. Call centre staff —

- take applications for legal aid and refer eligible clients to lawyers;
- support and provide back-up for regional centres and local agents; and
- redirect calls to legal information resources such as Law Line, Dial-A-Law, and community agencies.

## Local agents

Local agents are private bar lawyers funded by LSS to —

- take applications for legal aid and refer eligible clients to lawyers;
- take legal aid referrals (they are limited to an equitable portion of the referrals issued by their office);
- liaise between LSS and the community and private bar; and
- direct clients to legal information resources such as electronic and print materials, Law Line, and community agencies. LINKs are available at many local agent offices.

## Other funded services

### Brydges line

Sykes Canada Corporation contracts with LSS to provide the province-wide 24-hour toll-free Brydges line telephone service. The Brydges line gives prompt access to emergency legal advice for people who are arrested, detained, or under active investigation by the police or other law enforcement agencies but are not yet charged with an offence.

### Circuit courts

LSS contracts with lawyers in private practice or provides staff lawyers to work as counsel in circuit courts. These courts consist of a court team that travels to remote areas of the province to hear cases. Many of the communities where these courts sit are small, rural, and



Shown above at the Terrace Open House are (standing, left to right) Community and Aboriginal Programs Manager Camia Weaver, Field Operations Manager David Griffiths, Intake Legal Assistant Michelle Angus, Managing Lawyer (Terrace) Judith Kenacan, and Human Resources and Field Operations Director Harold Clark; and (seated, left to right) Intake Legal Assistant Violet Grant, Senior Legal Secretary Ginny Aiello, and Intake Legal Assistant Carol Schaeffer. (Dmytro Antonovych photo)



predominantly Aboriginal. Circuit court lawyers represent clients in criminal, family, and youth court matters, including preliminary hearings and trials. They also provide duty counsel services.

## Duty counsel

LSS funds staff and private bar lawyers to provide duty counsel services to in- and out-of-custody accused people in most courts. Duty counsel advise these clients about the charges against them, court procedures, and their legal rights (including the right to counsel and the right to apply for legal aid). Duty counsel often represent clients at hearings to apply for a release, enter a guilty plea, and/or speak to sentence.

In Vancouver, limited duty counsel services are available to people detained on immigration matters. In 11 communities across the province, pilot projects in provincial courts provide duty counsel to help people with family law problems. The pilot projects are scheduled to continue to March 31, 2004 (see page 12).

Clients do not have to be financially eligible for legal aid to receive duty counsel services, but only those who meet LSS coverage and financial eligibility requirements are entitled to a referral for ongoing representation.

## Government agents

LSS clients can access some of the society's services through government agent offices across BC. Under contract with LSS, these agents —

- provide clients with copies of the society's legal information publications,
- help clients navigate the society's websites and other Internet-based legal resources,
- offer clients limited free printing services, and
- provide a mail and fax drop-off/pick-up point for clients.

## Mental health law services

The Community Legal Assistance Society (CLAS) contracts with LSS to provide representation services at Mental Health Review Panels in BC where people are detained under the Mental Health Act. CLAS also contracts to provide representation at all British Columbia Review Board hearings (under the Criminal Code) in the Lower Mainland (see page 53).

## Prison law services

The West Coast Prison Justice Society (WCPJS) contracts with LSS to take prison law referrals from the call centre. WCPJS provides charter-mandated services for prisoners in all federal and provincial correctional facilities in BC (see page 54).

## Provincial support services

The society's provincial support services, housed at the Vancouver Regional Centre, provide services to the public and assistance to legal aid offices through client programs, service delivery support, and management and administration.

## Client programs

Client programs are available to clients and the public on a daily basis.

### *Judicial appeals*

Appeals staff provide legal aid services to eligible clients who are applying for a judicial appeal of a lower court, administrative board, or tribunal decision (see page 53).

### *Legal information*

LSS has three key programs that focus on providing legal information services to low income people in BC (see Appendix 3): Public Legal Information (PLI), Community and Aboriginal Programs (CAP), and Community and Poverty Services (CPS).

PLI staff produce and distribute legal information materials, design and maintain the LSS and Family Law websites, and support PovNet. They also produce administrative materials (for example, the *Guide to Legal Aid Tariffs*,

*Intake Policies and Procedures*, and corporate reports) and provide design and editing support to other LSS departments.

CAP staff liaise with community and Aboriginal groups, organize and provide training for community advocates, manage the society's Legal Information Network Kiosk (LINK and LINKPlus) services to increase public access to legal information on the Internet and through other resources, ensure LSS is aware of current Aboriginal law issues, develop Aboriginal law materials, and provide some public legal education on Aboriginal law issues.

CPS staff provide the society's toll-free Law Line service, manage the Brydges line and welfare law consultation services pilot project; maintain the *Electronic Law Library* (ELL), provide a "What's New" alerting service and legal research for LSS staff, and liaise with pro bono organizations on behalf of LSS.

### Service delivery support

Service delivery support is provided for legal aid offices by Field Operations, and for private bar lawyers by Audit and Investigation, Tariff Operations, and Tariff Services.

#### *Field operations services*

Field Operations staff are responsible for office intake and service delivery operations. They —

- develop intake, eligibility, and coverage policies (see Appendices 2 and 5) with input from staff in other departments, regional centres, and local agent offices;
- monitor operations to ensure these policies are applied consistently throughout the province;
- help staff maintain professional standards; and
- process appeals from clients deemed financially ineligible for legal aid (see page 29).

Field Operations managers directly supervise LSS regional centres; administer local agent, duty counsel, and circuit court contracts; and monitor the West Coast Prison Justice Society contract. They also supervise the LSS Call Centre and family law clinic at the Vancouver

Regional Centre, and carry out ongoing program evaluation, renewal, and development.

#### *Tariff and audit services*

Tariff staff answer billing questions and process accounts from lawyers, manage exceptional matters and the Strategic Case Assessment Program, provide tariff and disbursement authorizations, develop tariff policy and application guidelines, monitor the Community Legal Assistance Society contract, and manage content for the *Guide to Legal Aid Tariffs*. The guide includes the appeals; criminal; family; Child, Family and Community Service Act; immigration; and disbursement tariffs (see Appendix 4).

Audit and Investigation staff monitor lawyers' bills to ensure compliance with the *Guide to Legal Aid Tariffs*. They investigate complaints made against referral lawyers and perform random audits of expensive cases, files showing unusual billing patterns, and other accounts such as those of top-billing private bar lawyers. This division is also responsible for quality assurance initiatives.

### Management and administration

Several departments at the Vancouver Regional Centre provide management and administrative support.

#### *Executive office*

The Executive Office supports the LSS Board of Directors/Official Trustee, board committees, and the Executive Management Committee to provide overall direction and policy planning for the society.

#### *Communications*

Communications staff produce the society's annual report, in-house newsletter, and news releases/backgrounders. With advice from in-house counsel, Communications manages all LSS responses to formal applications under the Freedom of Information and Protection of Privacy Act.

### **Finance and corporate services**

Finance staff record and report all LSS financial transactions. Their responsibilities include cash management, budgeting, financial reporting, and payroll.

Administration staff provide distribution, mail, and reception services at the Vancouver Regional Centre, and manage central files and off-site file storage, facilities, space planning and renovations, lease and contract negotiations, and furniture and equipment purchase and maintenance for all regional centres.

Corporate research staff establish research policies, procedures, and standards; provide detailed research information for the board/official trustee and senior management; develop evaluation processes for tracking performance indicators and benchmarks; oversee and report on all LSS projects; and provide a variety of data to support corporate planning.

### **Human resources**

Human Resources (HR) staff, in partnership with staff, managers, and supervisors throughout the society, provide support services in recruitment; salary and benefits administration; job evaluation and classification; employee relations; training and development; strategic and organizational change; performance management; employee recognition; HR information systems reporting; general HR program development and implementation; labour relations (including collective bargaining and employee contract administration); HR administrative policy and procedures development, application, and administration; retirement planning; and succession planning.

### **Information technology**

Information Technology (IT) staff, together with LSS staff and key partners in the justice system, identify and implement business systems to enhance the society's work. Specifically, the division is responsible for strategic planning to introduce sustainable computer systems and improve application development and support, and for operations services.

Application development and support refers to the design, development, deployment, and maintenance of key business applications. The primary application is the Case Management System (CMS), which supports the society's intake, referral, tariff processing, and other business functions. Other applications include WebTime (for timekeeping), JD Edwards (for finances), enterprise reporting, and human resources and payroll systems. The department is also responsible for developing and maintaining a society-wide intranet and an extranet that provides business systems to LSS partners, such as local agents and private bar lawyers who take legal aid referrals.

Operations services include desktop, LAN, WAN, server support, call centre and telephone systems, database management, software installation and maintenance, e-mail administration, back-ups, security, account administration, and disaster recovery. IT supports a wide variety of user groups including LSS staff, local agents, family duty counsel workers, and the private bar. An IT helpdesk service provides technical help to staff.



During a Vancouver Regional Centre break for ice cream in August 2002, Legal Information, Technology, and Communications Director Dave Govett (far right) serves Public Legal Education Assistant Mona Sangra, while to her left, Information Technology Manager Joel Chamaschuk and Controller Kerry Bentley look on. (Candice Lee photo)



## Appendix 2

# Coverage

LSS provides legal representation to financially eligible people whose legal problems fall within the society's coverage guidelines.

Clients who qualify for legal representation are normally referred to the lawyer of their choice if that lawyer practices in the community where the case will be heard and is available and willing to do legal aid work. Clients are entitled to change their lawyer only once during a case. They must provide LSS with a reasonable explanation for their request for a new lawyer.

LSS coverage provisions are outlined in the following sections.

### Criminal law

LSS provides legal representation to financially eligible people charged with criminal offences who, if convicted, —

- are likely to go to jail,
- might lose their means of earning a living, or
- could be deported from Canada.

Applicants may also receive legal representation if they —

- do not face imprisonment if convicted but have a mental or emotional disability that prevents them from defending themselves (for instance, if they cannot understand the nature or possible consequences of the proceedings, or they are unable to communicate effectively with counsel or the court); or
- are Aboriginal and their ability to follow a traditional livelihood of hunting and fishing could be affected if they are convicted of an offence.

Under the federal Young Offenders Act (renamed the Youth Criminal Justice Act in April 2003), anyone under 18 years of age charged with a federal offence has a legal right to a lawyer paid for by the state. Coverage must be provided regardless of financial eligibility or likelihood of imprisonment.

With special funding from the Ministry of Attorney General, LSS provides legal advice and representation to victims of, or witnesses to, sexual offences when the lawyer for the defence asks for disclosure of personal information (such as counselling records). Criminal Code provisions require a judge to hear arguments about the relevance of the information sought and the effect of a disclosure on the victim of, or witness to, a crime. Applicants requesting representation in these matters do not have to be financially eligible for legal aid to get a lawyer.

### Family law

LSS provides legal representation in family law for financially eligible people who —

- are victims of domestic violence and likely need a restraining order,
- have a child or children who are at risk and a supervised access order or restraining order is needed to protect them,
- need to change a current custody or access order to ensure their and/or their children's safety, or
- need a non-removal order to prevent the other parent from permanently moving their children out of the province (the threat must be real and imminent and involve a permanent change of residence).

Coverage is limited to one emergency referral. This includes all the additional relief available under the Family Relations Act or the Divorce Act, such as custody, access, and maintenance orders, and orders restraining the disposition of property, within the limits of the family tariff.

Coverage exceptions may be approved in extenuating circumstances. These include situations where —

- court documents refer to sexual, physical, or emotional abuse, and the offending parent or partner is back in the community;
- a serious condition or disability makes the applicant unable to represent him or herself and the family matter must be resolved to avoid further harm;



- a child is kidnapped by the access parent, and there is an existing custody order or separation agreement;
- the applicant is the respondent in a maintenance enforcement committal proceeding and will be sent to jail as a result of a failure to pay maintenance;
- there has been complete denial of access for three months or more, in breach of a court order or separation agreement; or
- the applicant is a victim of litigation harassment.

## Child apprehension law

LSS provides assistance to eligible clients who have a legal problem that falls under the Child, Family and Community Service Act (CFCSA) and the society's CFCSA coverage guidelines.

LSS guidelines provide legal aid coverage to applicants when —

- the Ministry of Children and Family Development (MCFD) has taken, or threatens to take, their children away from them; or
- legal representation is required to deal with custody and access issues related to a child in the care of the MCFD.

Legal aid is provided to obtain or vary access to children who are in the continuing care of the MCFD.

## Immigration and refugee law

LSS provides legal aid for financially eligible people who face immigration proceedings that could result in their removal from Canada. Most immigration cases covered by legal aid are refugee matters.

## Judicial appeals

Judicial appeals include —

- appeals of lower court decisions made to the BC Supreme Court, the BC Court of Appeal, the Supreme Court of Canada, and the Federal Court of Appeal; and

- applications to judicially review decisions made by administrative boards or tribunals (for example, under the Immigration Act or the BC Benefits Act). These applications are made to the BC Supreme Court or the Federal Court Trial Division.

Applicants who are financially eligible for legal aid may be covered if they are responding to appeals initiated by another party. Otherwise, LSS funds only those appeals and judicial reviews that fall under the society's regular coverage criteria and have a reasonable chance of success. The Appeals Division must approve all judicial appeals and all services to be provided in each case.

## Mental health law

LSS contracts with the Community Legal Assistance Society (CLAS) to provide representation services at all Mental Health Review Panels throughout BC where people are detained under the Mental Health Act (MHA). People involuntarily detained in a mental health facility under the provisions of the MHA have a right to have their detention reviewed. The review panel consists of a chair, a doctor appointed by the hospital, and a person appointed by the patient. The patient also has the right to counsel at the review panel hearing, as it will determine whether the patient should continue to be detained.

LSS also contracts with CLAS to provide representation services at all British Columbia Review Board hearings in the Lower Mainland. Review boards are established pursuant to the Criminal Code to make or review dispositions concerning accused people found by the courts to be —

- not criminally responsible by reason of mental disorder, or
- unfit to stand trial.

These clients have the right to counsel at the hearings, as review boards make decisions about detaining them at a forensic psychiatric hospital or restricting their liberty in the community.

At the request of the review board, LSS will issue a referral for a client with a board hearing outside the Lower Mainland. The referral will be made to the same lawyer who previously acted for the client. A client who wants a change

of lawyer can request this by contacting the LSS Call Centre.

## Prison law

LSS delivers prison law services through the LSS Call Centre and the West Coast Prison Justice Society (WCPJS).

LSS policy, based on a right to counsel under the Charter of Rights and Freedoms, is to provide services in situations where clients are unable to protect their own liberty interests in a prison setting. LSS generally approves representation for clients facing internal disciplinary hearings, involuntary transfers to higher security, detention hearings at the point of statutory release, segregation, or parole suspension or revocation.

The LSS Call Centre acts as the first point of contact for all prisoners' calls. LSS has established local and toll-free phone numbers that prisoners can call from correctional facilities. Approved cases are referred to the WCPJS in Abbotsford, which is under contract with LSS to provide charter-mandated services for prisoners in all federal and provincial correctional facilities in BC. WCPJS also provides legal information and self-help assistance.

## Reciprocals

People who face proceedings in a Canadian jurisdiction outside their home province or territory may receive the same level of coverage as received by residents of that jurisdiction, if they meet specific criteria. Applicants must —

- be financially eligible for legal aid in their home province or territory, and
- have a legal problem that is covered —
  - Δ by the legal aid plan in their home province or territory, and
  - Δ in the jurisdiction where the proceedings will take place.

## Appendix 3

# Public legal information services

A priority for LSS is to provide at least some assistance to people who are ineligible for legal representation. The society offers a range of information services that can help people with low incomes resolve their legal problems and increase and improve their access to and involvement in the law. Clients can access these services through legal aid offices, the Internet, and Law Line, as well as through government agents and public libraries.

## LSS publications

LSS staff produce legal information and self-help materials in plain language to help clients identify, avoid, or resolve common legal problems.

Some publications are produced in languages other than English where a need is perceived for such a translation. The society offers publications in Chinese, Farsi, French, Japanese, Korean, Punjabi, Russian, Spanish, and Vietnamese. Most LSS publications are posted on the LSS website.

## Website services

An important focus for the society is to use new technologies to make legal information available to the public. LSS manages three websites and supports PovNet.

## Electronic Law Library

The *Electronic Law Library* (ELL) provides basic links to reliable legal information sites for the general public. These include statute, court, and government sites, as well as sites on topics ranging from Aboriginal law to young offenders. The ELL is also a key resource for LSS staff, community advocacy groups, and

libraries throughout the province. (<http://www.bcpl.gov.bc.ca/ell>)

## Family Law in British Columbia

The *Family Law in British Columbia* website is dedicated to helping people understand and use the law to resolve their family law problems. It is also a resource for people who are trying to help friends or clients. The site contains legal information publications on family law matters, self-help kits, a section on resolving family law problems, and links to other helpful organizations. (<http://www.familylaw.lss.bc.ca>)

## LSS website

The LSS website contains information about the society; how to apply for legal aid; LSS coverage and eligibility guidelines; and services available from regional centres, local agents, and lawyers. This site also features electronic publications about various aspects of the law. (<http://www.lss.bc.ca>)

## PovNet

PovNet is a searchable website for people on welfare, advocates, and community groups involved in anti-poverty work. It provides information on and links to resources for a variety of issues affecting the rights of people with low incomes. (<http://www.povnet.org>)

## LINK

A Legal Information Network Kiosk (LINK) is a public access computer people can use to find legal information and self-help resources on the Internet. LINK computers, along with selected LSS print materials, are available at LSS regional



Local Agent Denice Barrie uses the Nanaimo LINK. (Cynthia Bartholomew photo)

centres, many local agent offices, and 59 government agent offices across the province. At regional centres, the service is known as LINKPlus because it offers additional resources such as legal information videos. Family Law LINKs focusing on family law information are also being installed in a number of courthouses across BC.

LINK computers feature a front page with buttons that give quick access to information on selected areas of law. The LINK front page is also accessible from any computer at <http://www.lss.bc.ca/lsslink>.

## Law Line

Law Line is a province-wide toll-free service that provides legal information for people with low incomes. The service focuses on the areas of poverty, family, criminal, and immigration law for which LSS does not provide legal representation. Law Line staff can answer legal questions and direct people to other information or services that can help them solve their legal problems. They provide information about the law but cannot give legal advice.

## Advocate education and support

LSS provides advocacy skills training and education in substantive law for community advocates and intermediaries to help them build a knowledge base they can draw on when assisting clients.



## Appendix 4

# Tariffs

Private bar lawyers who represent legal aid clients are paid according to a schedule of fees known as the tariffs. These fees are established by the society in consultation with tariff committees representing private bar lawyers.

The criminal tariff is generally based on block fees, which represent the average amount of time required for a proceeding at an hourly rate of \$80 (before holdbacks — see below). Block fees are based largely on court appearances and cover services, including case preparation, that are not billable separately.

The society's Strategic Case Assessment Program helps LSS develop budgets and predict costs and preparation needs for lengthy cases. It is applied to the most serious offences (such as homicide) for which the anticipated length of the preliminary hearing or trial exceeds 10 half-days of court time. Advance budget decisions are made co-operatively by LSS case review lawyers and trial counsel. This program generally pays lawyers a rate of \$80 per hour (before holdbacks) for authorized preparation and court time.

The other tariffs are generally \$80 per billable hour (before holdbacks) up to specified maximums for most work. The family and CFCSA tariffs pay for actual time spent in court. The immigration tariff pays for actual time spent in hearings, except for detention hearings or reviews, which are paid on a block fee basis.

A panel of private bar lawyers with expertise in various areas of law provides staff with advice and assistance in assessing requests for extra fees and extraordinary disbursements. Most disbursement items requiring pre-approval are handled by LSS staff.

Large and unpredictable (usually criminal) cases have a serious impact on the society's budget. One way LSS manages these costs is by reserving the right to terminate a referral at any time once the legal aid fees or the

disbursements paid or billable for a case reach \$50,000, and the society concludes that further expenditures are unjustified.

## Exceptional matters

Exceptional matters are legal proceedings that fall within the society's mandate where —

- representation is required to meet section 7 or 11 of the Charter of Rights and Freedoms and the client is a low income person who is financially ineligible for legal aid;
- the degree of complexity involved, a court order, or an agreement by the government requires the payment of fees and/or disbursements that exceed the standard limits set by LSS policies;
- the total fees, disbursements, or both exceed \$50,000; or
- there are an unusually large number of similar cases that together will result in higher than normal costs.

Cases that require fees in excess of the LSS tariff may qualify for enhanced fees of up to \$125 per hour for senior counsel, as deemed appropriate according to criteria developed in consultation with the tariff committees. Enhanced fees are not subject to holdbacks. The society will establish an advisory panel of private bar lawyers to make recommendations concerning such cases.

To help avoid having the cost of exceptional matters impinge on other LSS services, the current Memorandum of Understanding between the society and the Ministry of Attorney General provides for the society to treat any unspent funds in that budget item as deferred revenue to cover these matters in future years.

## Holdbacks

In 1994, LSS introduced tariff holdbacks as a cost control measure. Holdbacks are amounts deducted from accounts at the time of payment. At the end of each fiscal year, the board of directors determines whether funds are available in the tariff budgets to pay any portion of these amounts (see page 34).

The holdbacks are 10% for all tariffs.

## Tariff committees

There are three standing tariff committees — criminal, family, and immigration — each chaired by an LSS manager. Committee members are chosen from lawyers in private practice. At committee meetings, private bar lawyers provide valuable input on the structure, form, and content of the tariffs, as well as on coverage and eligibility issues.

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# Appendix 5

## Financial eligibility

Anyone whose net household income and assets fall below set limits is financially eligible for legal aid. Some income sources, such as the Child Tax Benefit, are excluded from total net income, while some expenses, such as daycare costs, are deducted.

Applicants whose income is below the guidelines may own some assets and still be eligible for legal aid. There are five asset categories: family home, real property (any kind of real estate except the family home), vehicles, business assets, and personal property (excluding vehicles but including, for example, savings accounts, RRSPs, furniture, and jewellery). Each category has different limits, but applicants may still qualify for legal aid if they have some personal property (e.g., reasonable household furnishings), a small amount of liquid assets (e.g., cash, bank accounts), and equity of \$5,000 or less in vehicles.

As a condition of receiving a legal aid referral, clients must agree to repay some or all of their legal aid costs if their financial situation improves and, on reassessment of their eligibility, the society asks them to do so.

Applicants whose income and assets are above the financial eligibility limits can still receive legal information.

There are two maximum income levels: one for criminal matters and one

for all other matters. These different levels were introduced with the eligibility cuts in 1997 in response to concerns that the reductions would affect women more severely than men. Table 14 sets out the LSS income and personal property asset guidelines that were in effect throughout 2002/2003.

Applicants whose net household income exceeds the guidelines by up to \$150 are eligible for limited legal aid if they face —

- an emergency family problem, or
- a Child, Family and Community Service Act matter.

### Financial eligibility reassessments

Financial eligibility may be reassessed from time to time to determine if a client is still financially eligible for legal aid. If the client is no longer eligible, legal aid is terminated and the individual must pay for a lawyer privately. Such reassessments normally occur —

- if the client’s financial circumstances have changed during the course of a referral;
- if LSS becomes aware of assets, income, or family relationships that the client did not reveal during intake;
- when a new case is opened;
- when a change of lawyer is processed;
- as a result of a complaint about the client’s financial eligibility; or
- on a random basis for auditing purposes.

**Table 14 Income/Asset guidelines (Effective April 1, 2000)**

| Household size | Net household monthly income       |                                     | Assets                                  |
|----------------|------------------------------------|-------------------------------------|---|
|                | Criminal cases (including appeals) | All other cases (including appeals) | Personal property exemption (all cases) |
| 1              | \$ 925                             | \$ 1,002                            | \$ 2,000                                |
| 2              | 1,388                              | 1,504                               | 4,000                                   |
| 3              | 1,620                              | 1,755                               | 4,500                                   |
| 4              | 1,792                              | 1,941                               | 5,000                                   |
| 5              | 1,975                              | 2,140                               | 5,500                                   |
| 6              | 2,147                              | 2,326                               | 6,000                                   |
| 7 or more      | 2,294                              | 2,486                               | 6,000                                   |

A legal aid client's financial eligibility is always reassessed if he or she receives assets or money. In such cases, LSS calculates the total amount received and determines whether to convert the legal aid referral to a private fee retainer to collect a payment from the client. There is a basic exemption of \$10,000 in assets or money received to cover basic needs, including housing. The maximum a client could be asked to pay toward legal expenses is 50% of the amount received after deducting this exemption.

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## Appendix 6

# Application and referral statistics 2002/2003

The following tables provide a detailed breakdown of applications and referrals in 2002/2003. They show the types of legal problems LSS covered in each area of law, and the application volumes by region. For statistics on applications and referrals for all areas of law, see table 1 on page 27.

## Intake

Brief administrative services (such as change of counsel) are recorded as intake cases (see table 15). Until August 31, 2002, intake cases also included assistance provided to an individual seeking help with an “other civil” (poverty) law problem that required only brief service or a legal problem not covered by the tariffs (e.g., in criminal or family law). These matters involved up to two hours of summary legal advice and/or information; they were not a formal application for legal representation and the individual did not have to be financially eligible to receive this help.

**Table 15 Intake cases by issue type 2002/2003**

| Issue                       | Number | %    | Issue                                    | Number       | %   |
|-----------------------------|--------|------|--|--------------|-----|
| Administration <sup>1</sup> | 2,388  | 25.4 | Torts/Negligence                         | 163          | 1.7 |
| Family: Non-tariff          | 1,799  | 19.1 | Contract/Consumer                        | 160          | 1.7 |
| Criminal: Non-tariff        | 1,427  | 15.2 | Canada Pension Plan/<br>Old Age Security | 133          | 1.4 |
| Prison law                  | 788    | 8.4  | Mental health and<br>adult guardianship  | 126          | 1.3 |
| Debt and collections        | 341    | 3.6  | Employment                               | 125          | 1.3 |
| Housing                     | 327    | 3.5  | Immigration: Non-tariff                  | 119          | 1.3 |
| BC Benefits                 | 307    | 3.3  | Other                                    | 559          | 5.9 |
| Income tax and GST          | 241    | 2.6  | <b>Total</b>                             | <b>9,414</b> |     |
| Notarizing                  | 225    | 2.4  |  |              |     |
| Wills/Estates               | 186    | 2.0  |  |              |     |

<sup>1</sup> Administration refers to a variety of services ranging from providing potential applicants with information about legal aid or recording a change of counsel in a file, to swearing an affidavit for a client whose file was opened at another office.

## Criminal

In 2002/2003, 69.7% of legal aid referrals were for criminal matters (compared to 51.8% in 2001/2002 and 51.2% in 2000/2001).

**Table 16 Demand for legal aid: Criminal matters 2002/2003**

| Region <sup>1</sup>          | Total applications received | Adult referrals |                     | Youth referrals |                     | Total referrals | Referrals as % of applications | Information/summary advice <sup>2</sup> |
|------------------------------|-----------------------------|-----------------|---------------------|-----------------|---------------------|-----------------|--------------------------------|---|
|                              |                             | Staff lawyers   | Private bar lawyers | Staff lawyers   | Private bar lawyers |                 |                                |   |
| LSS Call Centre              | 2,158                       | 10              | 1,507               | 3               | 244                 | 1,764           | 81.7                           | 64                                      |
| Interior/<br>East Kootenays  | 2,450                       | 27              | 1,536               | 6               | 385                 | 1,954           | 79.8                           | 293                                     |
| North                        | 2,219                       | 142             | 1,265               | 46              | 315                 | 1,768           | 79.7                           | 75                                      |
| Northwest                    | 1,012                       | 33              | 580                 | 5               | 144                 | 762             | 75.3                           | 108                                     |
| Okanagan/<br>West Kootenays  | 1,980                       | 99              | 1,209               | 20              | 287                 | 1,615           | 81.6                           | 102                                     |
| Surrey/<br>Fraser Valley     | 4,790                       | 178             | 2,722               | 47              | 729                 | 3,676           | 76.7                           | 484                                     |
| Vancouver<br>Island          | 5,022                       | 27              | 2,812               | 9               | 854                 | 3,702           | 73.7                           | 554                                     |
| Vancouver/<br>Sunshine Coast | 9,206                       | 95              | 5,552               | 33              | 1,049               | 6,729           | 73.1                           | 879                                     |
| <b>Total</b>                 | <b>28,837</b>               | <b>611</b>      | <b>17,183</b>       | <b>169</b>      | <b>4,007</b>        | <b>21,970</b>   | <b>76.2</b>                    | <b>2,559</b>                            |

<sup>1</sup> See pages 68 – 69 for a list of offices by region. The call centre takes applications from all regions of the province. The data for each region includes only volumes handled by offices in that area.

<sup>2</sup> These figures do not include summary advice or legal information provided to clients who were also referred to lawyers. They do include diversion to alternate services and referrals to outside agencies.

**Table 17 Criminal cases by most serious charge 2002/2003 <sup>1</sup>**

| Charge category <sup>2</sup> | Adult referrals |                     | YOA referrals |                     | Total referrals | %    |
|------------------------------|-----------------|---------------------|---------------|---------------------|-----------------|------|
|                              | Staff lawyers   | Private bar lawyers | Staff lawyers | Private bar lawyers |                 |      |
| Category 1                   | 93              | 1,945               | 33            | 631                 | 2,702           | 12.3 |
| Category 2                   | 243             | 5,832               | 70            | 1,710               | 7,855           | 35.8 |
| Category 3                   | 272             | 8,902               | 62            | 1,606               | 10,842          | 49.3 |
| Category 4                   | 3               | 504                 | 4             | 60                  | 571             | 2.6  |
| <b>Total</b>                 | <b>611</b>      | <b>17,183</b>       | <b>169</b>    | <b>4,007</b>        | <b>21,970</b>   |      |

<sup>1</sup> Only one charge (the most serious) for each case is included in this chart.

<sup>2</sup> Category 1 includes the least serious offences, such as breach of probation, motor vehicle offences (e.g., driving while suspended), or escapes. Category 2 includes most summary or hybrid offences, such as simple assault, more serious driving offences (e.g., dangerous driving), or theft under \$5,000. Category 3 includes most indictable offences, such as more serious assault, breaking and entering, dangerous or impaired driving causing death or bodily harm, or criminal negligence. Category 4 includes the most serious offences, such as murder, kidnapping, or sexual assault with a weapon or causing bodily harm.

## Family

Effective May 22, 2002, family coverage was restricted to matters involving violence, the threat of violence, or the threat of parents losing contact with their children. Therefore, data for these matters reflects less than two months of the broader service provided under the society's former coverage guidelines.

In 2002/2003, 12.9% of legal aid referrals were for family (excluding CFCSA) matters (compared to 23.7% in 2001/2002 and 24.6% in 2000/2001).

**Table 18 Demand for legal aid: Family matters 2002/2003**

| Region <sup>1</sup>          | Total applications received | Family Referrals |                     | Total referrals | Referrals as % of applications | Information/summary advice <sup>2</sup> |
|------------------------------|-----------------------------|------------------|---------------------|-----------------|--------------------------------|---|
|                              |                             | Staff lawyers    | Private bar lawyers |                 |                                |   |
| LSS Call Centre              | 277                         | 6                | 142                 | 148             | 53.4                           | 36                                      |
| Interior/<br>East Kootenays  | 950                         | 22               | 541                 | 563             | 59.3                           | 178                                     |
| North                        | 712                         | 42               | 283                 | 325             | 45.6                           | 26                                      |
| Northwest                    | 411                         | 30               | 129                 | 159             | 38.7                           | 133                                     |
| Okanagan/<br>West Kootenays  | 756                         | 8                | 381                 | 389             | 51.5                           | 131                                     |
| Surrey/<br>Fraser Valley     | 1,524                       | 121              | 631                 | 752             | 49.3                           | 469                                     |
| Vancouver Island             | 1,900                       | 22               | 876                 | 898             | 47.3                           | 695                                     |
| Vancouver/<br>Sunshine Coast | 1,779                       | 102              | 726                 | 828             | 46.5                           | 471                                     |
| <b>Total</b>                 | <b>8,309</b>                | <b>353</b>       | <b>3,709</b>        | <b>4,062</b>    | <b>48.9</b>                    | <b>2,139</b>                            |

<sup>1</sup> See pages 68 – 69 for a list of offices by region. The call centre takes applications from all regions of the province. The data for each region includes only volumes handled by offices in that area.

<sup>2</sup> These figures do not include summary advice or legal information provided to clients who were also referred to lawyers. They do include diversion to alternate services and referrals to outside agencies.

**Table 19 Family cases by issue type 2002/2003**

| Issue               | Referrals | %    | Issue                          | Referrals    | %   |
|---------------------|-----------|------|--------------------------------|--------------|-----|
| Access/Custody      | 3,586     | 43.3 | Property division <sup>1</sup> | 461          | 5.6 |
| Family violence     | 1,973     | 23.8 | Maintenance enforcement        | 85           | 1.0 |
| Child maintenance   | 1,596     | 19.3 | Other                          | 63           | 0.8 |
| Spousal maintenance | 520       | 6.3  | <b>Total <sup>2</sup></b>      | <b>8,284</b> |     |

<sup>1</sup> Coverage for most property division was discontinued effective May 22, 2002. Now it is covered only in relation to restraining orders or assets, where counsel can deal with property issues within these very limited retainers.

<sup>2</sup> The total is higher than the total family applications referred (4,062) because applications often include more than one issue.

## CFCSA

In 2002/2003, 7.6% of legal aid referrals were for CFCSA matters (compared to 6.1% in 2001/2002 and 6.1% in 2000/2001).

**Table 20 Demand for legal aid: CFCSA matters 2002/2003**

| Region <sup>1</sup>          | Total applications received | Child protection (CFCSA) referrals |                     | Total referrals | Referrals as % of applications | Information/summary advice <sup>2</sup> |
|------------------------------|-----------------------------|------------------------------------|---------------------|-----------------|--------------------------------|---|
|                              |                             | Staff lawyers                      | Private bar lawyers |                 |                                |   |
| LSS Call Centre              | 170                         | 11                                 | 130                 | 141             | 82.9                           | 5                                       |
| Interior/<br>East Kootenays  | 311                         | 19                                 | 273                 | 292             | 93.9                           | 5                                       |
| North                        | 298                         | 12                                 | 226                 | 238             | 79.9                           | 1                                       |
| Northwest                    | 126                         | 15                                 | 96                  | 111             | 88.1                           | 4                                       |
| Okanagan/<br>West Kootenays  | 228                         | 2                                  | 206                 | 208             | 91.2                           | 5                                       |
| Surrey/<br>Fraser Valley     | 461                         | 38                                 | 363                 | 401             | 87.0                           | 20                                      |
| Vancouver Island             | 558                         | 6                                  | 496                 | 502             | 90.0                           | 20                                      |
| Vancouver/<br>Sunshine Coast | 568                         | 72                                 | 427                 | 499             | 87.9                           | 21                                      |
| <b>Total</b>                 | <b>2,720</b>                | <b>175</b>                         | <b>2,217</b>        | <b>2,392</b>    | <b>87.9</b>                    | <b>81</b>                               |

<sup>1</sup> See page 68 – 69 for a list of offices by region. The call centre takes applications from all regions of the province. The data for each region includes only volumes handled by offices in that area.

<sup>2</sup> These figures do not include summary advice or legal information provided to clients who were also referred to lawyers. They do include diversion to alternate services and referrals to outside agencies.

**Table 21 CFCSA cases by issue type 2002/2003**

| Issue   | Referrals | %    | Issue                     | Referrals    | %    |
|---------|-----------|------|---------------------------|--------------|------|
| Removal | 1,627     | 67.2 | Access                    | 113          | 4.7  |
| Custody | 254       | 10.5 | Other (including appeals) | 426          | 17.6 |
|         |           |      | <b>Total <sup>1</sup></b> | <b>2,420</b> |      |

<sup>1</sup> The total is higher than the total CFCSA applications referred (2,392) because applications can include more than one issue.



## Immigration/Refugee

In 2002/2003, 7.3% of legal aid referrals were for immigration and refugee matters (compared to 6.6% in 2001/2002 and 6.0% in 2000/2001).

**Table 22 Demand for legal aid: Immigration/Refugee matters <sup>1</sup> 2002/2003**

| Region <sup>2</sup>          | Total applications received | Referrals     |                     | Total referrals | Referrals as % of applications | Information/summary advice <sup>3</sup> |
|------------------------------|-----------------------------|---------------|---------------------|-----------------|--------------------------------|---|
|                              |                             | Staff lawyers | Private bar lawyers |                 |                                |   |
| LSS Call Centre              | 50                          | 0             | 35                  | 35              | 70.0                           | 1                                       |
| Interior/<br>East Kootenays  | 3                           | 0             | 0                   | 0               | 0.0                            | 2                                       |
| North                        | 2                           | 0             | 2                   | 2               | 100.0                          | 0                                       |
| Northwest                    | 2                           | 0             | 1                   | 1               | 50.0                           | 0                                       |
| Okanagan/<br>West Kootenays  | 11                          | 0             | 8                   | 8               | 72.7                           | 0                                       |
| Surrey/<br>Fraser Valley     | 243                         | 0             | 211                 | 211             | 86.8                           | 2                                       |
| Vancouver<br>Island          | 68                          | 0             | 54                  | 54              | 79.4                           | 5                                       |
| Vancouver/<br>Sunshine Coast | 2,214                       | 2             | 1,987               | 1,989           | 89.8                           | 29                                      |
| <b>Total</b>                 | <b>2,593</b>                | <b>2</b>      | <b>2,298</b>        | <b>2,300</b>    | <b>88.7</b>                    | <b>39</b>                               |

1 These figures include limited duty counsel services available in Vancouver.

2 See pages 68 – 69 for a list of offices by region. The call centre takes applications from all regions of the province. The data for each region includes only volumes handled by offices in that area.

3 These figures do not include summary advice or legal information provided to clients who were also referred to lawyers. They do include diversion to alternate services and referrals to outside agencies.

**Table 23 Immigration/Refugee cases by country of origin 2002/2003**

| Country       | Referrals | %    | Country            | Referrals    | %    |
|---------------|-----------|------|--------------------|--------------|------|
| Mexico        | 351       | 15.3 | Pakistan           | 61           | 2.7  |
| China         | 301       | 13.1 | Guatemala          | 57           | 2.5  |
| Honduras      | 221       | 9.6  | Colombia           | 48           | 2.1  |
| Iran          | 111       | 4.8  | India              | 44           | 1.9  |
| United States | 109       | 4.7  | Vietnam            | 44           | 1.9  |
| Sri Lanka     | 78        | 3.4  | Costa Rica         | 42           | 1.8  |
| El Salvador   | 65        | 2.8  | Other <sup>1</sup> | 768          | 33.4 |
|               |           |      | <b>Total</b>       | <b>2,300</b> |      |

1 Includes cases where the client's country of origin was not determined.

## Other civil (poverty) law

Legal representation in this area was eliminated by August 31, 2002; the data reflects only 5 months of service.

In 2002/2003, 2.6% of legal aid referrals were for other civil (poverty) law matters (compared to 11.4% in 2001/2002 and 11.8% in 2000/2001).

**Table 24 Demand for legal aid: Other civil (poverty) law matters 2002/2003**

| Region <sup>1</sup>          | Total applications received | Referrals     |            |                     | Total referrals | Referrals as % of applications | Information/summary advice <sup>2</sup> |
|------------------------------|-----------------------------|---------------|------------|---------------------|-----------------|--------------------------------|---|
|                              |                             | Staff lawyers | Paralegals | Private bar lawyers |                 |                                |   |
| LSS Call Centre              | 0                           | 0             | 0          | 0                   | 0               | —                              | 0                                       |
| Interior/<br>East Kootenays  | 137                         | 34            | 31         | 3                   | 68              | 49.6                           | 52                                      |
| North                        | 50                          | 0             | 33         | 2                   | 35              | 70.0                           | 6                                       |
| Northwest                    | 173                         | 24            | 56         | 3                   | 83              | 48.0                           | 25                                      |
| Okanagan/<br>West Kootenays  | 117                         | 26            | 7          | 3                   | 36              | 30.8                           | 69                                      |
| Surrey/<br>Fraser Valley     | 506                         | 34            | 318        | 10                  | 362             | 71.5                           | 135                                     |
| Vancouver<br>Island          | 483                         | 15            | 44         | 7                   | 66              | 13.7                           | 311                                     |
| Vancouver/<br>Sunshine Coast | 265                         | 56            | 92         | 14                  | 162             | 61.1                           | 74                                      |
| <b>Total</b>                 | <b>1,731</b>                | <b>189</b>    | <b>581</b> | <b>42</b>           | <b>812</b>      | <b>46.9</b>                    | <b>672</b>                              |

<sup>1</sup> See pages 68 – 69 for a list of offices by region. The call centre takes applications from all regions of the province. The data for each region includes only volumes handled by offices in that area.

<sup>2</sup> These figures do not include summary advice or legal information provided to clients who were also referred to lawyers. They do include diversion to alternate services and referrals to outside agencies.

**Table 25 Other civil (poverty) law cases by issue type 2002/2003**

| Issue                                   | Referrals | %    | Issue                                    | Referrals  | %    |
|---|-----------|------|--|------------|------|
| BC Benefits                             | 196       | 22.3 | Parole suspension <sup>1</sup>           | 24         | 2.7  |
| Disciplinary charge <sup>1</sup>        | 115       | 13.1 | Involuntary transfer <sup>1</sup>        | 24         | 2.7  |
| Housing                                 | 86        | 9.8  | Canada Pension Plan/<br>Old Age Security | 21         | 2.4  |
| Debt and collections                    | 41        | 4.7  | Family: Non-tariff                       | 20         | 2.3  |
| Torts/Negligence                        | 28        | 3.2  | Other                                    | 272        | 31.0 |
| Administrative segregation <sup>1</sup> | 26        | 3.0  | <b>Total <sup>2</sup></b>                | <b>877</b> |      |
| Employment Insurance                    | 24        | 2.7  |  |            |      |

<sup>1</sup> Prison law issues.

<sup>2</sup> The total is higher than the total number of referrals (812) in the “Demand for legal aid” tables and in table 1 on page 27 because applications can include more than one issue. The percentage column comes to 99.9 due to rounding.

## Judicial appeals

**Table 26 Demand for legal aid: Judicial appeals 2002/2003 <sup>1</sup>**

| Area of law                        | Total applications received | Referrals      |                     | Total referrals    | Information/summary advice <sup>2</sup> |
|------------------------------------|-----------------------------|----------------|---------------------|--------------------|---|
|                                    |                             | Staff lawyers  | Private bar lawyers |                    |   |
| Criminal                           | 590                         | 2              | 227                 | 229                | 4                                       |
| Family                             | 96                          | 3              | 16                  | 19                 | 4                                       |
| CFCSA                              | 41                          | 1              | 26                  | 27                 | 0                                       |
| Immigration <sup>3</sup>           | 753                         | JR: 0<br>AS: 2 | JR: 122<br>AS: 428  | JR: 122<br>AS: 430 | 7                                       |
| Other civil (poverty) <sup>4</sup> | 5                           | 1              | 0                   | 1                  | 1                                       |
| <b>Total</b>                       | <b>1,485</b>                | <b>9</b>       | <b>819</b>          | <b>828</b>         | <b>16</b>                               |

<sup>1</sup> These figures are included in the "Demand for legal aid" tables in this appendix and in table 1 on page 27.

<sup>2</sup> These figures do not include summary advice or legal information provided to clients who were also referred to lawyers. They do include diversion to alternate services and referrals to outside agencies.

<sup>3</sup> There are two kinds of immigration referrals: JR = A referral for a judicial review, where a formal hearing is held in federal court. Applications must pass a merit test before these referrals are issued. AS = A referral for ancillary services, which entails submissions to the Minister of Immigration under sections 9, 53, and 70(5) of the Immigration Act, and section 2 of the Regulations (no formal hearing is held); these applicants would have been denied a referral for judicial review. Referrals for ancillary services are not subject to a merit test. Ancillary services include, for example, submissions to the minister to allow an applicant to remain in Canada for humanitarian and compassionate reasons.

<sup>4</sup> Data reflects services for referrals up to August 31, 2002, only, when legal representation in other civil (poverty) law matters was eliminated.

## Reciprocals

**Table 27 Demand for legal aid: Reciprocals 2002/2003**

| Province                          | Outgoing   |            |          |                      | Incoming   |            |          |                      |
|-----------------------------------|------------|------------|----------|----------------------|------------|------------|----------|----------------------|
|                                   | Applied    | Referred   | Pending  | Abandoned or refused | Applied    | Referred   | Pending  | Abandoned or refused |
| Alberta                           | 105        | 48         | 1        | 56                   | 123        | 87         | 1        | 35                   |
| Manitoba                          | 20         | 11         | 0        | 9                    | 21         | 14         | 1        | 6                    |
| New Brunswick                     | 2          | 1          | 0        | 1                    | 2          | 2          | 0        | 0                    |
| Newfoundland                      | 1          | 1          | 0        | 0                    | 3          | 2          | 0        | 1                    |
| Northwest Territories/<br>Nunavut | 2          | 0          | 0        | 2                    | 2          | 0          | 0        | 2                    |
| Nova Scotia                       | 6          | 3          | 0        | 3                    | 4          | 4          | 0        | 0                    |
| Ontario                           | 55         | 21         | 0        | 34                   | 26         | 13         | 0        | 13                   |
| Prince Edward Island              | 1          | 0          | 0        | 1                    | 0          | 0          | 0        | 0                    |
| Quebec                            | 13         | 6          | 1        | 6                    | 15         | 7          | 0        | 8                    |
| Saskatchewan                      | 14         | 6          | 0        | 8                    | 19         | 16         | 0        | 3                    |
| Yukon Territory                   | 8          | 2          | 0        | 6                    | 3          | 3          | 0        | 0                    |
| Other                             | 4          | 1          | 0        | 3                    | 3          | 1          | 0        | 2                    |
| <b>Total</b>                      | <b>231</b> | <b>100</b> | <b>2</b> | <b>129</b>           | <b>221</b> | <b>149</b> | <b>2</b> | <b>70</b>            |

# Legal Aid Offices

(April – August 2002)

The following offices were closed during July and August 2002 and replaced with a new service delivery system in September 2002. See page 69 for the list of offices in place since September 2002.

## Legend

AD = Area director  
BO = Branch office  
CLO = Community law office  
HO = Head office  
NCLO = Native community law office

## Lower Mainland/ Fraser Valley

Prisoners' Legal Services (Abbotsford BO)  
Abbotsford Community Legal Services Society (CLO)  
Burnaby (BO)  
Chilliwack (BO)  
Langley Legal Assistance Centre (CLO)  
Ridge Meadows Community Law Office (Maple Ridge CLO)  
Westminster Community Legal Services Society (New Westminster & Port Coquitlam CLOs)  
North Shore Community Resources (CLO)  
Robert Parsonage (Richmond AD)  
James K. Flemming (Sechelt AD)  
Brian N. Hughes (Squamish AD)  
Surrey (BO)  
Vancouver (BO)  
Vancouver Aboriginal Law Centre (BO)  
Vancouver (HO)

## Southern Interior

Kootenay Community Law Centre (Cranbrook CLO)  
Ron Bentley (Ferne AD)  
Glen Ewan QC (Golden AD)  
Deanna Ludowicz (Grand Forks AD)  
Barnim Kluge (Invermere AD)  
Kamloops (BO)  
Tom Humphries (Kaslo AD)  
Kelowna (BO)  
Stl'atl'imx/Nlha'7kpmx Legal Services (Lillooet & Lytton NCLOs)  
Nicola Valley Native Community Law Society (Merritt NCLO)  
Nelson (BO)

Penticton Community Law Office (CLO)  
Robert A. Lundberg (Revelstoke AD)  
Garret N. Wynne (Salmon Arm AD)  
North Okanagan Community Law Office (Vernon CLO)

## Vancouver Island

Alert Bay (Campbell River satellite office)  
Campbell River (BO)  
Courtenay (BO)  
Duncan Community Law Office (NCLO)  
David P. O'Connor (Ladysmith AD)  
Doug Traill Memorial Law Centre (Nanaimo CLO)  
Barbara M. Smith (Port Alberni AD)  
Port Alberni Friendship Centre (NCLO)  
Port Hardy (Campbell River satellite office)  
Powell River Legal Services (CLO)  
James P. Roth (Ucluelet AD)  
The Law Centre (Victoria CLO)

## Northern BC

Burns Lake Yinkadinee' Keyakh Law Centre Society (NCLO)  
Glenn A. P. Stasiuk (Chetwynd AD)  
Dawson Creek (BO)  
Fort Nelson Legal Information Services (CLO)  
Dene Law Centre Society (Fort St. James NCLO)  
Fort St. John (BO)  
Fort St. John Friendship Society (NCLO)  
Upper Skeena Counselling & Legal Assistance Society (Hazelton NCLO)  
Haida Gwaii Legal Society (Masset & Skidegate NCLOs)  
Nisga'a Community Law Office (New Aiyansh NCLO)  
Prince George (BO)  
Carrier Sekani Family Services (Prince George NCLO)  
Prince Rupert (BO)  
Community Law Centre (Quesnel CLO)  
Smithers (BO)  
L'ax Ghels Community Law Centre Society (Terrace NCLO)  
Williams Lake (BO)



# Legal Aid Offices

## (Since September 2002)

The following offices began operations on or after September 2, 2002. Check the phone book for current addresses and phone numbers, and for the LSS Call Centre and Law Line numbers. Offices are listed under "Legal Aid — Legal Services Society" in the white pages and in the "Lawyers" section of the yellow pages.

## Interior/East Kootenays

Regional Centre:

Kamloops

Local Agents:

Cranbrook (Richard Strahl)

Salmon Arm (Brian Burgess) (from December 2002)

Williams Lake (Kenneth Grant)

## North

Regional Centre:

Prince George

Local Agents:

Dawson Creek (Glenn Stasiuk)

Fort St. James (Paul Swartz)

Fort St. John (David Fowler)

Quesnel (Gary Lilienweiss)

## Northwest

Regional Centre:

Terrace

Regional Centre satellite:

Prince Rupert (from December 2002)

Local Agent:

Hazelton (Linda Locke)

## Okanagan/ West Kootenays

Regional Centre:

Kelowna

Local Agents:

Nelson (Richard Strahl) (from October 2002)

Penticton (James Pennington)

Vernon (Brian Burgess)

## Surrey/Fraser Valley

Regional Centre:

Surrey

Local Agents:

Abbotsford (Chris Maddock)

Chilliwack (Chris Maddock)

Langley (Scott Rabb)

## Vancouver Island

Regional Centre:

Victoria

Local Agents:

Campbell River (Doug Marion)

Courtenay (Doug Marion)

Duncan (Denice Barrie)

Nanaimo (Denice Barrie)

Port Alberni (Barbara Smith)

## Vancouver/Sunshine Coast

Regional Centre:

Vancouver

Local Agents:

North Vancouver (Dan Sudeyko)

Richmond (Robert Parsonage)

Sechelt (Martin Dubec) (from December 2002)

# Glossary

## Acronyms

|        |  |       |  |
|--------|--|-------|--|
| AJP    | Administrative Justice Project                       | LSLAP | Law Students Legal Advice Program (University of British Columbia)         |
| AS     | Ancillary services                                   | LRC   | Legal Resource Centre  |
| BCGEU  | BC Government and Service Employees Union            | LSS   | Legal Services Society   |
| CAP    | Community and Aboriginal Programs                    | MCFD  | Ministry of Children and Family Development                                |
| CFCSA  | Child, Family and Community Service Act              | MOU   | Memorandum of Understanding  |
| CLAS   | Community Legal Assistance Society                   | OMT   | Operations Management Team   |
| CLE    | Continuing Legal Education                           | PEA   | Professional Employees Association   |
| CLES   | Continuing Legal Education Society                   | PLE   | Public legal education   |
| CMS    | Case Management System                               | PLEI  | Public legal education and information                                     |
| CPP    | Canada Pension Plan                                  | PLI   | Public legal information   |
| CPS    | Community and Poverty Services                       | QC    | Queen's Counsel  |
| CSR    | Core Services Review                                 | RC    | Regional centre  |
| DOJ    | Department of Justice                                | RRSP  | Registered Retirement Savings Plan   |
| DOS    | Disk operating system                                | SCAP  | Strategic Case Assessment Program  |
| ELL    | <i>Electronic Law Library</i>                        | VCN   | Vancouver Community Net  |
| EMC    | Executive Management Committee                       | WAN   | Wide area network  |
| ESL    | English-as-a-second-language                         | WCPJS | West Coast Prison Justice Society  |
| fapg   | federated anti-poverty groups of BC                  | YOA   | Young Offenders Act (renamed the Youth Criminal Justice Act in April 2003) |
| FCMP   | Family Case Management Program                       |       |  |
| FDC    | Family duty counsel                                  |       |  |
| FOIPPA | Freedom of Information and Protection of Privacy Act |       |  |
| FTE    | Full-time equivalent                                 |       |  |
| GST    | Goods and Services Tax                               |       |  |
| HR     | Human Resources                                      |       |  |
| HRIS   | Human Resources Information System                   |       |  |
| ICBC   | Insurance Corporation of British Columbia            |       |  |
| JR     | Judicial review                                      |       |  |
| LA     | Local agent  |       |  |
| LAN    | Local area network                                   |       |  |
| LINK   | Legal Information Network Kiosk                      |       |  |
| LIS    | Legal information services                           |       |  |

## Definitions

**Act** The Legal Services Society Act (the act; also LSS Act), provincial legislation under which LSS operates

**Annual report** Annual service plan report

**Board** The LSS Board of Directors (governing body for LSS)

**Call centre** The toll-free province-wide LSS Call Centre (staff take legal aid applications over the telephone)

**Case Management System** A computer system (designed for and owned by LSS) that supports the society's intake, referral, tariff processing, and other business functions

**Client** An individual who is receiving or who has received legal aid

**Duty counsel** Lawyers who attend court to provide limited assistance to people with low incomes who have no legal representation

**Exceptional matters** Legal proceedings that fall within the society's mandate where —

- representation is required to meet section 7 or 11 of the Charter of Rights and Freedoms and the client is a low income person who is financially ineligible for legal aid;
- the degree of complexity involved, a court order, or an agreement by the government requires the payment of fees and/or disbursements that exceed the standard limits set by LSS policies;
- the total fees, disbursements, or both exceed \$50,000; or
- there are an unusually large number of similar cases that together will result in higher than normal costs

**Fiscal year** A period beginning on April 1 in one year and ending on March 31 in the next year

**Funded agency** A person who received money from the society to provide legal aid, excluding a practising lawyer or notary public

**Hybrid offence** An offence for which the Crown can elect whether to proceed by indictment or summary conviction proceeding

**Indictable offence** A serious offence for which the accused has the right to choose a trial by judge in Provincial Court, by judge in Supreme Court, or by judge and jury in Supreme Court; an indictable offence carries a minimum penalty of two years in prison

**Intake case** Brief administrative services (such as change of counsel) are recorded as intake cases. Until August 31, 2002, intake cases also included assistance provided to an individual seeking help with an "other civil" (poverty) law problem that required only brief service, or a legal problem not covered by the tariffs (e.g., in criminal or family law). These matters involved up to two hours of summary legal advice and/or information; they were not a formal application for legal representation, and the individual did not have to be financially eligible to receive this help

**Law Line** A toll-free telephone legal information service operated by LSS

**Legal aid** Legal representation, advice, information, and other services provided under the LSS Act

**Private bar lawyers** Lawyers in private practice

**Private fee retainer** An agreement between a private bar lawyer and an individual who is not receiving legal aid regarding services to be provided and the rate of compensation to be paid

**Quicklaw** A computerized legal research system owned by the Lexis/Nexis Group, the Quicklaw database contains legal decisions and other resources

**Rowbotham application** An application made by an individual who has been denied legal aid for a stay of proceedings until he or she has been provided a state-funded lawyer

**Staff lawyers** Lawyers employed by LSS

**Society** The Legal Services Society

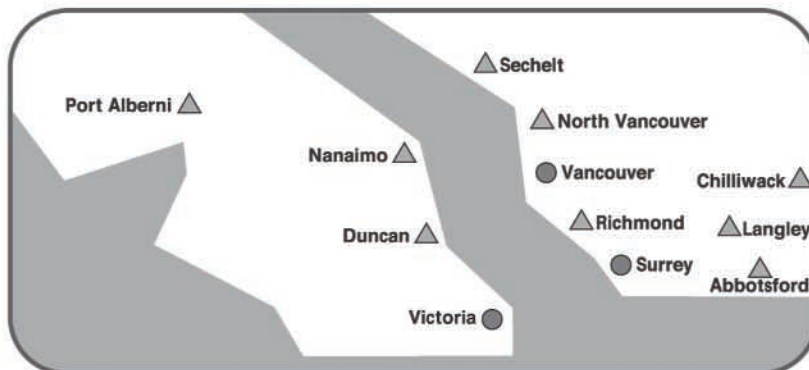
**Summary advice** Legal information and assistance on where to go or what to do next; summary advice may involve a summary review of facts or analysis of the problem; it may be given quickly or in more detail, depending on the problem and the resources available

**Summary offence** Less serious than an indictable offence, a summary offence is always dealt with by a judge in Provincial Court; it usually carries a maximum penalty of a \$2,000 fine and six months in jail

**Year** Refers to fiscal year

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March 2003