

JDG 2

MEET LEGAL NEEDS

2.1 FOCUS ON LEGAL NEEDS FOR EVERYONE - Focus on addressing service gaps for basic, essential legal services including family law, wills, employment, housing and consumer issues.

2.2 ENCOURAGE INNOVATION - Develop and expand alternative ways to get legal help including different kinds of professionals, partnerships or ways of doing business.

2.3 EXPAND SCOPE OF LEGAL AID - Make legal aid available to more people and for a wider range of legal problems.

2.4 FOCUS ON ACCESS TO JUSTICE - Emphasize the responsibility of lawyers and paralegals to fill access to justice gaps.

Meeting everyone's legal needs means building on what is already working and expanding and adapting service models to make more legal services available to more people. This includes legal help for the wide range of legal issues that people face in language they understand, to pursue the legal options that work best for them. Meeting legal needs means expanding and innovating legal services while also maintaining existing legal aid and pro bono.

Meeting legal needs also requires finding ways to deliver legal services in difference languages, reflecting different approaches to dispute resolution, available across big distances. Technology and creativity are being used to meet the same range of needs in remote and rural communities as in cities. New court-based models and alternatives to litigation are being integrated as dispute resolution options in both cities and small communities.

In 2019, although many legal aid plans grappled with funding cuts, legal aid remained a critical response to the access to justice crisis. Legal aid plans and clinics found creative and effective ways to increase their impact, while law foundations and pro bono lawyers continued to support innovative activities to meet legal needs.

Organizations saying this is their primary impact on A2J: **33** Projects aligned: **134**

Increasing the Impact of Legal Aid

In 2019 Legal Aid Ontario worked with the Law Society of Ontario on obtaining an amendment to the Law Society's Rules of Professional Conduct that would provide a "brief service" exemption for LAO. At the October 24, 2019 Convocation, the Law Society amended the Rules of Professional Conduct to extend the modified conflict of interest standard that existed in the short-term pro bono legal services rules to lawyers providing short-term legal services under the auspices of a Legal Aid Ontario (LAO) program or clinic.

The Law Society has also recently identified that it will be modifying its definition of "firm" to ensure that two LAO lawyers can represent opposing parties in certain matters.

The exemption for brief legal aid services is important, particularly in rural and remote locations and most notably in family law, where both parties may need to access brief legal aid duty counsel or staff lawyer services. The change will improve access to services for clients and increase LAO's efficiency.

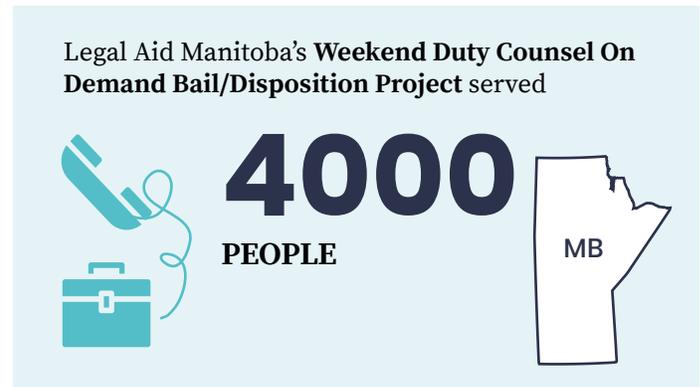
In July 2019 LAO launched its redesigned Test Case Program with an updated mandate and new eligibility criteria. Legally and financially eligible clients may apply to LAO for test case funding. Under its new mandate the program will consider funding test case matters that:

- Provide access to justice in LAO's core areas of service: criminal law, family law, mental health law, clinic law;
- Further an issue beyond the interests of the individual client; and
- Address a serious issue that fundamentally impacts LAO clients and would be unlikely to come before the courts but for the involvement of LAO.

Through the Aboriginal Legal Aid in BC web project, the Legal Services Society worked closely with Indigenous stakeholders and community members to develop a user-friendly site tailored to meet the information needs of Indigenous clients. Inclusivity and accessibility were foundational, as it was a priority to recognize the diversity of Indigenous peoples in BC. Co-design workshops and extensive user testing from all regions of the province shaped the redevelopment. The new, rights focused site features responsive design, empathetic language, videos led by Indigenous people, and breaks down information into small segments, making it easy to use on a phone.

Legal Aid Manitoba's Weekend Duty Counsel On Demand Bail/Disposition Project (Winnipeg) provided experienced staff criminal defence counsel on call in Winnipeg to review each arrest and provide immediate services to all

accused (no requirement of financial or merit eligibility) so they can negotiate with the Crown for consent release or do contested hearings and dispositions through the weekend, with the lawyer also following through in court on the Monday and Tuesday following. In 2019, the project served 4000 people.



Legal Aid Manitoba introduced the Accessibility Case Conduct Requirement. Revisions to the policy and recording system were developed to support a requirement to provide notes on every case file where any barrier to services is observed or indicated for clients so the need can be planned for and accommodated in advance of client attendance at offices.

This year, Legal Assistance of Windsor and Community Legal Aid engaged in systemic advocacy on housing, homelessness, criminal law reform and prison law initiatives as well as work on anti human trafficking education, training and community protocols and advocacy related to legal aid funding.

In 2019, Legal Aid Ontario staff travelled across Ontario to consult with Indigenous organizations and communities to solicit input on the legal needs of Indigenous Peoples in Ontario. Efforts were made to ensure all Indigenous perspectives – including First Nations, Inuit and Métis – were included. Many of the meetings included participation of an Indigenous Elder, who provided essential teachings and support. Each meeting was approximately a half day in length, and included brief presentations about LAO and LAO services, as well as facilitated discussions to solicit input on the future direction of LAO's Aboriginal Justice Strategy and services for Indigenous clients. The resulting consultation report includes 20 recommendations viewed as the basis for renewal of LAO's commitment to addressing Indigenous justice issues.

Reaching More People

This year, Nova Scotia Legal Aid introduced a Social Justice Support Worker (SJSW) to provide front-line support to clients through the provision of legal information, navigation and advocacy. The SJSW appears regularly at Residential Tenancies hearings and Income Assistance appeals. The SJSW assists clients with CPP-D, EI claims, debt collection, etc. The SJSW provides outreach in Eskasoni, Wagmatcook, Membertou, Sydney Mines and North Sydney. The SJSW offers legal information sessions at the community level. So far, the SJSW has opened 57 client files.



The Chambre des notaires du Québec filed a brief and participated in specific consultations on Bill No. 18 - An Act to amend the Civil Code, the Code of Civil Procedure, the Public Trustee Act and various protection provisions in September 2019. This bill modernizes and simplifies the day-to-day representation of the disabled by introducing a single protection regime, guardianship for the adult, which takes into account the residual capacity of vulnerable people and their autonomy. The Chambre promoted the concept that the notary could provide support to this process, in order to give options to the administrative process advocated by the bill.

National Self-Represented Litigants Project West (“NSRLP West”) was launched in late 2019 as the first branch of the National Self-Represented Litigants Project outside Windsor, ON. NSRLP West aims to support, research, and advocate for systemic improvements on behalf of self-represented people in Canada, with a particular focus on Western Canada. NSRLP West is located at the Thompson Rivers University Faculty of Law in Kamloops, British Columbia, and has received funding from the Law Foundation of British Columbia. It regularly coordinates and collaborates with NSRLP. It is still in the process of setting up and building capacity, but will begin providing resources for community members in 2020.

This year the People’s Law School in collaboration with A2J BC expanded its website, Unbundled Legal Services (unbundlinglaw.ca). The site is designed to help the public understand the unbundled model for legal services offered by an increasing number of lawyers in British Columbia.

BC’s New Residential Tenancy Service Portal project offers a simplified dispute resolution process for both landlords and tenants. By embracing new technologies, landlords and tenants have access to timely and fair justice. The service portal guides applicants through the application process and is continuously updated to help ensure applicants provide the right information, offers digital evidence uploading and includes online payment or a fee-waiver process for those who qualify.

In 2019, the Fonds Accès Justice of the Ministère de la Justice du Québec implemented the General Adult Alternative Measures Program in the Judicial District of Saint-Maurice, designed to provide individuals charged with certain criminal offences with the opportunity to participate in a process of redress for the harm they have caused. The program also aims to reduce delays and increase the efficiency of the court system.

The British Columbia Utilities Commission has identified that there is a lack of a general consumer advocacy group to represent the interests of ordinary ratepayers in regulatory proceedings before the BCUC. The BCUC has introduced a new advocacy group with the assistance of government and is working to find capacity and resources to support the group.

In the past year, the BCUC increased its media and social media presence with a focus on public education. This has resulted in a large increase in the number of interveners participating in proceedings and following the social media accounts, as well as an increased level of interest from media in their inquiries, proceedings and press releases.

The Centres de justice de proximité (CJP), supported by the Ministère de la Justice du Québec, offer free and confidential legal information services to all citizens, regardless of their income or the legal nature of their problem. In January 2019, a mediation service was inaugurated at the CJP of Montérégie and in February 2019, the CJP Nunavik opened its doors, reaching a total of ten CJPs in ten regions.

Pro Bono Lawyers Close the A2J Gap

Members of the Newfoundland and Labrador Access to Justice Steering Committee have collaborated on a number of pro bono legal clinics in the past year, including continuing the Court of Appeal Legal Assistance Clinic and the Small Claims Legal Assistance Clinic on a monthly basis. Additionally, clinics have been held at Her Majesty's Penitentiary in St. John's, at the Gathering Place in St. John's, and at public libraries in St. John's, Gander, and Grand Falls-Windsor, focusing on a range of legal issues. Lawyers from the community have volunteered their time to provide summary legal advice to clients accessing the clinics.

To further improve the public's access to legal services in Alberta, the Law Society of Alberta established the Approved Legal Services Provider (ALSP) program, which creates a clear and streamlined process for established and new pro bono organizations to deliver or facilitate the delivery of pro bono legal services to the public in Alberta. Lawyers who are otherwise exempt from indemnity insurance coverage, such as those who work in-house or in government, are now covered for volunteer services they provide through an ALSP.

The Jeune Barreau de Montréal (JBM) created a service for contractors to discuss their project and the various legal aspects of it free of charge with a volunteer lawyer during a one-hour legal consultation. This service is aimed more specifically at the entrepreneur who starts his business. All legal aspects of starting a business can be addressed, such as the legal form, legal publicity, company organisation, taxation, labour law, etc.

BC Court of Appeal Roster Program is a collaboration with Access Pro Bono to ensure every self-represented appellant and respondent is referred to a volunteer lawyer. Access Pro Bono coordinates a roster of lawyers willing to provide some form of assistance ranging from full no-cost representation to low-cost unbundled services.