

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.

2.3 EXPAND SCOPE OF LEGAL AID

Make legal aid available to more people and for a wider range of legal problems.

2.2 ENCOURAGE INNOVATION

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

2.4 FOCUS ON ACCESS TO JUSTICE

Emphasize the responsibility of lawyers and paralegals to fill access to justice gaps.

Projects advancing this goal



148

Organizations identifying this goal as their primary focus



50

HIGHLIGHTS

Bill C-15

addressing UNDRIP protections was introduced in Parliament providing a framework for reconciliation and renewal of relationships with Indigenous Peoples

3

hours of free summary advice is now offered by the NWT's Outreach Legal Aid Clinic with no means test

7

LGBTQ families, represented by private lawyers and the Manitoba Public Interest Law Centre, changed family law processes for same-sex parents

All 13 jurisdictions

now offer workplace sexual harassment services and resources including hotlines, apps, legal advice, and information portals

What is JDG#2 About?

Meeting legal needs is a combination of maintaining critical core services and developing new ways to meet emerging needs, connect with under-served communities and expand services. This includes delivering legal help in language that people understand, in locations and on technologies they use. Meeting legal needs means expanding and innovating legal services while also maintaining existing legal aid and pro bono services.

Meeting legal needs also requires finding ways to deliver legal services in different 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.

In 2020, many legal services faced an initial period of adjustment when in-person services, including courts, moved online. However, it quickly became clear that legal services were more urgent than ever. Individual lawyers, private and public legal services found new ways to meet with clients, connect with each other and protect individual legal right in this new virtual environment. As the pandemic continued and people faced the serious consequences of job loss and housing instability, legal services and clinics have offered new services. Throughout all of this adjustment, people's ongoing legal issues, unrelated to the pandemic continued. Legal services evolved to meet all of these type of legal needs over the year.

New Government Services

The **BC Ministry of Attorney General** started a consultation on family legal aid and access to justice, part of an agreement with the **Association of Legal Aid Lawyers** and **Legal Aid BC**. The agreement increased tariff rates, established framework for future tariff negotiations and established a formal and ongoing relationship between the province, legal aid and lawyers providing legal aid to explore ways to provide better services, and greater stability in justice processes.

Changes in the Law

The **Government of Nova Scotia** made changes to the Legal Aid Act to modernize legal aid services. The changes allow for greater support for social justice matters, benefits and income protection. It has also changed the governance of the Legal Aid Commission to increase its operational autonomy and ensure that its Board has knowledge and experience with Indigenous, Black and Mi'kmaw communities.

Manitoba Public Insurance adopted a new policy on non-binary government identification to settle case brought by **Legal Aid Manitoba** on behalf of non-binary residents seeking to expand the gender markers on driver licenses and identification cards. The opportunity to have a legal identification which accurately reflects a person's gender identity removes systemic barriers for meaningful participation in society.

Responding to a request made by **The Law Society of Manitoba**, the **Provincial Government** introduced Bill 24 in the fall of 2020. Once passed, the amendments to The Legal Profession Act will allow the Society to create a new category of legal service provider to be known as "Limited Practitioners." This new category of regulated professional will be able to provide specific legal services.

At the federal level Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples was introduced in **Parliament** in December 2020. The legislation will provide a framework for reconciliation and renewal of relationships with Indigenous Peoples. By providing a framework and process for working collaboratively, the legislation can provide the basis for dialogue required to advance reconciliation, resolve long-standing disputes, and position the UN Declaration as a key guide for policy and legislative development. The legislation requires the federal government to work together with Indigenous Peoples to develop and action plan for implementing the UN Declaration within Canada.

Legal Aid Manitoba's **Public Interest Law Centre** represented a 65 year old man with disabilities who was forced to start collecting CPP at age 60. The Law Centre argued that persons with disabilities are disproportionately affected, are at greater risk of living in poverty and are dramatically over-represented among those in receipt of income assistance. The Court of Appeal found that the provision discriminatory. The **Law Centre**, working with the **Social Planning Council of Winnipeg** ensured that community voices were heard at Court of Appeal.

Private bar lawyers working in collaboration with the **Public Interest Law Centre** represented 7 LGBTQ families to successfully challenge the Manitoba Family Maintenance Act as discriminatory. The Act will be amended to remove the requirement that same-sex parents who use on assisted reproduction must go through a costly and complicated legal process to be recognized as the child's parent.

Legal Clinic Services

CASA (Childhood Arrivals Support and Advocacy) launched, serving young people who were brought to Canada as children and are living in Ontario without immigration status. Housed at **Justice for Children and Youth**, CASA provides outreach, legal representation, and trusted intermediary supports to ensure these “undocumented” young people, to help them access the knowledge, resources, and legal supports they need to take agency of their futures and live safe, secure, chosen lives.

Legal Help Centre of Winnipeg offered a specialized Consumer Protection Clinic helping people with small claims, residential tenancies, employment, debt collection, estate administration and other civil matters. Help includes drafting pleadings and correspondence and communication with third parties to attempt resolution of conflicts.

Pro Bono Ontario Workplace established a Sexual Harassment Hotline providing free legal assistance for individuals who are victims of workplace sexual harassment. Callers to the helpline can get help identifying their legal issues, understanding the legal options, drafting letters and legal forms and referrals to lawyers.

BC’s Virtual Initial Needs Determination (VIND) providing seamless access to family law supports, was expanded to include Kelowna and Vancouver, now offering services throughout the province. Through an integrated telephone/computer-based service, family justice centres’ local office phones are routed to a hub of staff that can give family justice services to clients wherever they live in the province. Clients speak with an administrative staff within 30 seconds and are connected to an Interviewer in under two minutes. Interviewers screen for safety, provide legal information, make referrals to legal advice and community resources as appropriate, and book appointments with family justice counsellors and child support officers.

Nova Scotia Courts offered four free Legal Clinics legal clinics at courthouses across the province. These clinics help people who need help with civil law matters and family law appeals, excluding child protection. The clinics offer private one-hour sessions with a pro bono lawyer, by appointment, one day a week. Since the pandemic, that service has transitioned to telephone appointments only, which in many instances has proved to be easier for clients and the lawyers.

The NWT’s **Outreach Legal Aid Clinic** started offering up to 3 hours of summary advice with no means test.

The amount of assistance provided is proportional to the need and vulnerability of the client - the more needy and vulnerable clients get advice and help drafting forms while less needy or vulnerable clients are referred to other resources after receiving summary advice.

Indigenous Justice Centres operated by the **BC First Nations Justice Council** provide free legal counsel to Indigenous people in BC. Located in Prince Rupert, Prince George and Merritt, these clinics serve people who self-identify as First Nations, Metis or Inuit and are facing criminal or child protection matters. Staff also work with the surrounding Nations to encourage support and connection to Nation citizens that are involved in the justice system. The IJCs are part of the First Nations Justice Strategy to reduce the over-representation of Indigenous people in the justice and child protection systems.

In Manitoba, **Legal Aid’s** weekend Duty Counsel services were expanded to offer evening and overnight duty counsel. Duty Counsel is now available 24/7 to negotiate and secure release of persons held in custody without moving them from their Communities. This service is available to everyone with no financial eligibility test.

New Legal Services

In 2020, the **Law Society of Alberta** started operating the Lawyer Referral Service, connecting members of the public with a lawyer. Contact information for up to three lawyers is provided to a member of the public, who may help them with their legal needs. The first half-hour of conversation with the lawyer is unbilled and is generally used to discuss legal issues, explore options, evaluate potential costs and help determine if the lawyer is a good fit for the legal issue.

In Quebec, **Justice Pro Bono** offered a virtual Immigration Law Conference following the August 2020 Beirut bombing to support the Lebanese community. **Justice Pro Bono** continues to offer free legal information, by video, to Lebanese citizens who want to learn more about immigration to Canada. Lawyers answer questions about family sponsorship, economic immigration process and temporary residence permits.

Yukon Department of Justice started offering Free Independent Legal Advice and information for victims of intimate partner violence and/or sexualized assault, including those who do not wish to report their experience to the RCMP.

Justice Canada provided funding to the **Legal Information Society of Nova Scotia** for a new project entitled Sexual Harassment Prevention through Legal Advice, Legal Information and Training for Employees in the Workplace. The project provides public legal education and free legal advice to people who have been sexually harassed at work. The Society is developing an app to allow victims to access resources, community support services, and legal information and with a reporting option. The app is a discrete platform, especially for those who are reluctant to use a work computer or shared home computer.

A new Limited Scope Retainer Guide for Lawyers was developed by the **Law Society of Yukon** helping lawyers who are performing only a portion of the work of a larger legal matter. The **Law Society of Manitoba** has also been promoting the provision of unbundled legal services and developed resources on unbundling and limited scope retainers for lawyers in the province. Making it easier for lawyers to work on this limited basis will reduce legal costs and increase the affordability of professional legal services in Yukon and Manitoba.

Nova Scotia Legal Aid now helps Nova Scotians get title to their land in the five Communities of East Preston, North Preston, Cherry Brook, Lincolnville, and Sunnyville. These five communities, among others, have suffered from historical discrimination that has prevented people from receiving legal title to the land they own. The Province is working with stakeholders to remove barriers to the clarification of land ownership and address the unequal treatment that African Nova Scotians have faced.

Free legal help is offered by **Pro Bono Ontario** to families of the victims on Ukrainian Airlines Flight 752 who had connections to Canada. Families can speak to a lawyer, ask questions, identify legal issues, draft legal forms and get referrals to legal representation.

Remote child support mediation service is now offered by **Legal Aid BC** to help people with child support issues, as part of the online resolution services for people living on lower incomes who do not qualify for legal aid. The service connects eligible parents with a professional family law mediator who provides five hours of free remote mediation. It is available to parents who need to change a child support order or agreement because their income has been affected by COVID-19, or have recently separated and need to make a child support agreement.

The second phase of the Social Justice Support Worker based at **Nova Scotia Legal Aid** was funded this year.

Clients, served in-person and remotely by phone and video have access to the Social Justice Support Worker to provide an innovative approach to service delivery for vulnerable and low-income individuals and families. This provides earlier intervention and support through improved legal information, navigation, and advocacy.

P.E.I.'s **Community Legal Information** continues to run its Tenant Support Centre, providing tenants and landlords with accurate and understandable information about renting on PEI despite a gap in funding. In September 2020, it published a new publication, Renting on PEI: A Guide for Tenants to help navigating legal aspects of renting.

The **Law Society of Alberta** has expanded its Approved Legal Services Providers (ALSPs) Program to further improve access to legal services in Alberta, by creating a clear process for established and new pro bono organizations to provide legal services to the public.

All non-insured members under the **Law Society of Nunavut's** group insurance contract are covered to perform pro bono services through the Society's Access to Justice Program. A motion was recently passed to include the provision of pro bono legal services to not-for-profit corporations and societies. This will address a significant gap by supporting not-for-profits that provide valuable services to Nunavummiut. To ensure high quality services, the **Law Society of Nunavut** also held professional development training for its members on advising societies and not-for-profit corporations.

In Manitoba, the **Community Legal Education Association** set up a Workplace Sexual Harassment Hot Line. A new staff lawyer handles calls to the hot line and answer emails. The hot line allows people to quickly connect with a lawyer and discuss legal options after experiencing harassment in the workplace without having to leave their name or contact information. Callers are referred to lawyers for additional legal services as needed. 1300 brochures and bookmarks were distributed, and a pilot workshop held in February. A further 25 workshops will be offered in the next two years.

Pro Bono Ontario's Consumer Protection Project accepts referrals from the Ministry of Government and Consumer services to provide legal assistance to individuals who cannot resolve their problems through the consumer complaints process. The bulk of clients are seniors that have been victims of unfair business practices. In 2020 alone, **PBO** achieved more than \$1 million in economic benefits for these clients by facilitating contract cancellation or

rescission, court awards and settlements, refunds and honoured warranties.

Saskatchewan's Legal Coaching and Unbundling Pilot Project, a project of **CREATE Justice**, launched an associated practice group and continued to deliver Continuing Professional Development seminars for lawyers and awareness events for the public on legal coaching and unbundling. **CREATE**, in collaboration with the **Law Society of Saskatchewan** and the **Saskatchewan Ministry of Justice**, launched a research study in fall of 2020 associated with the project.

Ontario's **Income Security Advocacy Centre** engaged in systemic advocacy with government and community partners for permanent reform to the EI system, to make it more accessible to precarious and low wage workers. This ongoing work to insure access to EI and CPP benefits became more critical for many as the pandemic-related changes to EI and employment benefits did not affect all workers equally.

The Alberta Legal Assistance Network, an initiative of the **Alberta Ministry of Justice**, is designed to increase access to justice for Albertans, particularly low income Albertans and Indigenous Albertans by alleviating pressures in all areas of the justice system by empowering and supporting Albertans in their journey through the justice system.