

IMPROVE FUNDING STRATEGIES

9.1 COORDINATE TO SPEND MONEY WELL

Learn what the real costs of legal issues are and divert funding to prevent legal issues and minimize the demand on other social services.

9.2 BETTER FUND LEGAL AID

Increase funding of legal aid, to make more people eligible and to expand the types of legal problems that are eligible.

9.3 MAKE SURE THE MONEY LASTS

Maintain the focus on access to justice to ensure that improvements can be sustained and changes are funded indefinitely.

Projects advancing this goal



23

Organizations identifying this goal as their primary focus



15

HIGHLIGHTS

\$27 million

over four years to modernize Alberta's justice services through the Justice Digital project

\$21.6 million

committed to increase access to family justice in the official language of one's choice across Canada

\$72,504,597

in Law Foundation funding given to A2J projects

\$5000 grants

to A2J projects from the Law Society of Yukon's Initiatives Fund Pilot Project

What is JDG#9 About?

Funding announcements and spending on A2J has been in flux throughout 2020 as funders have been an active part of addressing access to justice during the pandemic. Not only have existing and new sources of funding been maintained, but funders have also been flexible about the timing and activities as organizations have adapted to changing needs of their users.

Stable funding for legal services is critical to existing and new access to justice services. Improved funding strategies would see more money allocated to legal aid in Canada, as well as to preventative approaches to understanding and managing conflict. It also means strategic use of that money by leveraging opportunities to work together, to avoid duplication and to learn from each other. Understanding the impact of unresolved legal conflict on people's finances, as well as on publicly funded services is also a part of a complex funding strategy.

Funding Pandemic Responses

Many funders, particularly **Law Foundations** across the country worked with the A2J organizations and projects they fund to provide flexibility and support. Not only have services and legal institutions adapted quickly, but funders have also worked collaboratively with people providing frontline services. Allowing organizations time to adjust their delivery plans and respond to new needs meant that these organizations were agile and responsive in a time of considerable uncertainty. This flexibility also ensured that the staff at these organizations who work on access to justice have been able to focus on their work without worrying about funding related instability.

As governments responded to economic challenges, legal institutions kept a focus on the access to justice implications of funding announcements. The **Canadian Bar Association** made submissions about the federal governments various benefits and changes to individual and business benefits packages and changes to reporting and tax deadlines to ensure that access to justice and the continuity of legal services remained high priority. This included advocacy to remove the GST/HST on personal protective equipment and changes affecting home and long term care workers.

New Government Funding

Public funding of increased access to justice is critical to addressing systemic and entrenched accessibility issues. As more provinces and territories are responding to calls for legal system reform focused on access to justice, public funding is being announced.

The **BC government** funded a 6% increase in legal aid rates in the province in 2020, resulting in the second consecutive increase in the legal aid tariff. The increase in the tariff rates helps to provide stability in the system by attracting and retaining lawyers to take on legal aid work.

The **Alberta government's** Justice Digital initiative saw an investment of \$27 million over four years to modernize services. Justice Digital will create faster, cost effective and better services for Albertans, the courts, the legal community, stakeholders, and other end users. In collaboration with the Courts Resolution and Courts Administration Services, Justice Digital will deliver transformational initiatives to ensure an effective and timely justice system that is flexible and responsive to the evolving needs of users. Specific digitization projects underway include the Courtroom Digital Service, Traffic Ticket Digital Service, Filing Digital Service (Surrogate Estate applications), Adjournment Digital Service, Transcript Digital Service, case management, virtual courts and others.

The **federal government** committed 21.6 million over the next 5 years to support the implementation of the language rights provision of Bill C-78 and increase access to family justice in the official language of one's choice under the amendments to the Divorce Act. This funding will make it possible for parties to use either official language in any family law proceeding.

The **BC government** gave \$1.5 million in funding to 7 legal clinics. The clinics provide free legal information, advice and representation to low-income individuals. Four poverty law clinics in Kamloops, Surrey, Prince George and Kelowna, a Housing Law Clinic, Disability Clinic and Immigration & Refugee clinic now have a staff lawyer providing legal advice, in addition to advocates and support staff.

The federal government provided \$8.1 million in the Fall Economic Statement to develop Administration of Justice Agreements between Indigenous communities and the federal government in order to recognize and support the implementation of Indigenous justice systems.

Collaborative Approaches to Funding

Nova Scotia announced Collaborative Supports and Housing for Women at Risk investing \$360,000 to the Elizabeth Fry Society's Holly House for the next two years. This funding will provide stability and services to more women in conflict with the law to help them break the cycle of poverty and criminality. The funding, coming from the **departments of Justice, Community Services, Municipal Affairs and Housing, and Health and Wellness**, take a collaborative, wholistic approach to providing the residents of Holly House with the programs and services they need.

Le Barreau du Québec has advocated for changes to the legal aid tariff and promoted legal aid reform. It has entered into agreements to address funding levels and to promote legal aid to lawyers to ensure the participation of its private practice members. This collaboration ensures high quality legal aid services from both emerging and experienced practitioners.

In Manitoba the **Public Interest Law Centre, Legal Aid Manitoba** and the **First Nations Family Advocates Office of the Assembly of Manitoba Chiefs (FNFAO-AMC)** are collaborating on the "Bringing Our Children Home through Advocacy and Research" project. This project, funded through legal aid, will address Manitoba's high rate of First Nation children in care by hiring staff lawyers and law student to assist First Nation families dealing with the child welfare system. The **Public Interest Legal Centre** will conduct research into child welfare law reform aimed at reconciliation and nation-to-nation relationships through First Nation laws, institutions, and ways of being and knowing.

Justice Institutions

Law Society of Yukon established the Initiatives Fund Pilot Project. The Fund invites applications from non-profit organizations, community groups, individuals and Law Society members for access to justice projects with budgets of \$5000 or less. The new fund will focus on enhance the public's understanding of access to justice issues in Yukon.

Le Barreau du Québec is an annual funder of access to justice organizations in Quebec, contributing to the financial stability of **Educaloi, Justice Pro Bono** and **Juripop**.

The **Federation of Law Societies** contributed funding to the **Action Committee on Access to Justice in Civil and Family Matters** as part of its commitment to a national approach to access to justice.

Law Foundations

Progress in access to justice continues to require ongoing and project-based funding across Canada. In 2020 Law Foundations continued their focus on A2J providing coordination and leadership on access to justice across Canada.

Both the **BC Law Foundation** and the **Law Foundation of Ontario** have dedicated funds devoted to access to justice initiatives fostering innovation in the area. In both Manitoba and Nova Scotia, **Law Foundations** provided funding to establish new coordination of A2J collaboration in the province. Across the country **Law Foundations** are supporting both long-standing organizations and projects that provide critical services ensuring access and funding new and emerging approaches. In total, **Law Foundations** grant \$72,504,597 to community and non profit initiatives for A2J projects.

Money from Law Foundations
> \$72,504,597*

In 2020 The **McLachlin Fund** was announced. This new Fund was established to honour Beverley McLachlin's contribution to access to justice in Canada. The Fund will support innovations in access to justice. Administered with the support of both the **BC Law Foundation** and the **Vancouver Foundation**, the **McLachlin Fund** will be granting money in 2021. It is the first foundation devoted solely to Access to Justice in Canada and is a welcome addition to the funding landscape.



"There is no justice without access to justice."
The Rt. Hon. Beverley McLachlin

* taken from available Law Foundation annual reports