

»»»»»»»»»» Goal 9

Goal 9: 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.

Improve Funding Strategies

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 publically funded services is also a part of a complex funding strategy.

In Canada, over \$900 million is spent on legal aid each year, according to a 2016 study, with almost half of that (406 million) spent on civil legal aid. Improved funding strategies focus on maintaining and increasing the funding for legal aid and on funding for innovative alternative approaches, new legal services and smart use of money existing.

Law Foundations

Provincial and territorial Law Foundations collect funds from the interest on lawyers' trust accounts. The majority of this revenue is used to fund legal aid. The remainder is used to fund access to justice projects, public legal education, law libraries and other initiatives. In 2018 Law Foundations distributed \$42 million to these projects, including a \$1 million innovation fund in BC and the Law Foundation of Ontario's \$3.9 million Access to Justice Fund.

Making the Financial Case

As access to justice efforts become better coordinated, there have been more efforts to quantify the costs of legal conflict and demonstrate the impact of preventative and responsive services. In BC, the Law Society has investigated the feasibility of an economic analysis of access to justice to support better public and private sector decision making. Pro Bono Ontario reported on the savings to the legal system of money spent on its legal help centres. A2JBC struck a working group to develop a strategy for enhanced private funding of access to justice. The Legal Help Centre of Winnipeg completed a campaign securing three-year commitments from private firms. The Barreau du Québec and the Law Society of BC both advocated for better funding of legal aid.

Better Coordination

A new Legal Aid Governance Agreement in Alberta has established a transparent funding model between the government, Legal Aid and the Law Society. A new cost-sharing agreement between BC and the federal government provided an additional \$4.3 million for the Legal Services Society. The Ontario government established a \$1.5 million Civil Remedies Grant Program to fight human trafficking, support victims and address mental health issues. BC is making changes to motor vehicle litigation to reduce costs and improve efficiency. PLEAC worked nationally with Justice Canada to increase funding for public legal education. The BC government granted \$358,000 to the Law Foundation to deliver enhanced poverty law services. The three law schools in BC made a joint application to fund Access to Justice week activities across the province.

CREATE Justice was funded by the Saskatchewan Health Research Foundation to host a conference on medical-legal partnerships. UVic's Access to Justice Centre of Excellence worked with CALIBRATE to launch the *Out-of-Pocket*

project examining individual costs and lost employment revenue in family law disputes. Pro Bono Ontario developed a fee-for-service model that generates funds from the Ministries, small businesses and hospitals that save money as a result of its services. Educaloi conducted an Olympic-themed fundraiser with high profile champions that raised \$225,259.

Community-based funding provided more local access to justice approaches. The Government of Nunavut issued a call for applications for victims' services projects. Quebec's Access to Justice fund, offered by the Ministry of Justice, provided \$650,000 to 20 new projects in addition to the nine Centres de Justice de proximité operating in 9 regions of Quebec. Seventeen projects received a total of \$325,000 to deliver community-led crime prevention and victims services projects in the Yukon.

Increased Legal Aid and Duty Counsel Services

A new government funding strategy incentivized lawyers to take child protection and family cases in remote BC communities. Ontario legal aid rates were increased by another 6%, the third recent increase in eligibility criteria. Justice Canada increased the scope of legal aid funding to include victims of workplace harassment. BC increased funding of immigration and refugee services by \$800,000 and the Yukon received an additional \$241,000 for legal aid. Legal Aid Manitoba met increased demand and expanded its coverage areas, universal duty counsel services and family law coverage within its existing funding model.



* Based on a 2016 study