

LFBC Family Law Advocacy Binder



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1. LAW FOUNDATION PROGRAM ADMINISTRATION

This tab includes the following documents that all Law Foundation funded advocates should be familiar with and use in the administration of, and reporting for, their program.

- a. Law Foundation Advocacy Program Guidelines**
- b. Legal Supervision Requirements**
- c. Monthly Advocacy Statistics Form and Frequently Asked Questions (FAQs)**
 - Monthly Statistics Database
 - FAQ for Advocates
- d. Continuing Program Activity Report**

Law Foundation Advocacy Program Guidelines

The Law Foundation Advocacy Program Guidelines describe different elements of advocacy work and the type of work and advocates may do in each category. The Guidelines also set out how much time advocates funded by the Law Foundation are expected to spend working in each area. If you have questions about the percentages set out in the Guidelines or are concerned that your workload varies significantly from the guidelines, please contact your Program Director.

Legal Supervision Requirements

The Legal Supervision Requirements is the document legal supervisors receive about their responsibilities when supervising an advocate. We have included the Requirements here for your information so that you understand what to expect when meeting with your legal supervisor

Monthly Advocacy Statistics Database, Reporting Form and FAQs

All advocates funded by the Law Foundation have free access to a Statistics Database developed by a consultant to collect the statistics needed for Law Foundation Monthly Statistics report and to collate and format them quickly at the end of each month. No group is required to use the Law Foundation database (many larger groups have their own system used to report to various funders), but it is available to help groups who do not already have a system of recording statistics electronically.

The Monthly Advocacy Statistics Form and a sheet of Frequently Asked Questions (FAQs) explain the statistics the Foundation expects advocates to keep and report on each month. Statistics are an important part of reports about any advocacy program, so it is important that you collect statistics as you work and maintain good records of your service.

If you have questions about statistics, please contact your Program Director to avoid any confusion. Please note that there are different forms for advocates working in poverty law and family law programs.

Continuing Program Activity Report

The Continuing Program Activity Report must be submitted according to the schedule set out in your organization's contract with the Law Foundation. As the advocate you will either be asked to contribute information to, or complete, these reports.

The sample Activity Report included here is a good example of the type of information the Law Foundation finds helpful.

THE LAW FOUNDATION OF BRITISH COLUMBIA

ADVOCACY PROGRAM GUIDELINES

The Law Foundation Board of Governors has approved guidelines with respect to advocacy work done by the Foundation-funded advocates. The Foundation-funded advocates are expected to provide assistance as follows:

- a) Information and Referral:
 - being available
 - making legal information available
 - providing appropriate referrals as needed.
- b) Advocacy:
 - assessing a specific situation such as client with disability benefit problems
 - providing information about benefits
 - advocating with decision-makers on behalf of clients
 - representing clients at tribunals and other hearings.
- c) Systemic Advocacy: In some circumstances, it is appropriate to address systemic, substantive and procedural issues that affect more than one client with the relevant department or decision-maker. This should involve specific concerns with specific recommendations for change.
- d) Public Legal Education (PLE): While PLE is not a core service or required, most advocacy programs will likely provide some limited PLE workshops and take initiative in doing so.

In summary, the Foundation expects that advocates:

- will provide legal advocacy services as per above, up to and including a tribunal hearing and, where appropriate, judicial reviews,
- will likely provide limited PLE workshops and take initiative in doing so; and
- will possibly have some involvement at the broader community level.

Law Reform - advocates will not generally be involved with law reform unless the advocates work in a very specific area of law. These programs can devote up to 5% of their time to law reform, if needed. Advocacy programs that do not have a specific focus will be required to seek approval to work on law reform issues, when the need arises to do so.

Legal Research - Legal research will be handled as follows: if the research is client focused, the time spent is to be accounted for under advocacy. If the research is for a legal presentation, it would be accounted for as PLE. If the research is for Law Reform, it would be under the Law Reform guidelines.

Legal Supervision - Legal supervision activities take up time and should be accounted for. A reasonable amount of time for legal supervision, training and for keeping statistics is 5% or 1 day per month.

The suggested time allocation guidelines for advocacy programs, as approved by the Law Foundation Board of Governors, are as follows:

Advocacy – 80% (75% if working in a focused area with 5% for Law Reform)
PLE – 10%
Community Involvement – 2.5%
Systemic Advocacy - 2.5%
Legal Supervision, Administration, and Training – 5%

Note: Poverty Law Advocacy programs assist clients with Income Security, housing, debt, Employment Assistance, Employment Insurance, Canada Pension Plan, Old Age Pension, Worker's Compensation and Employment Standards issues.

Other advocacy programs will have their own criteria.



THE LAW FOUNDATION OF BRITISH COLUMBIA

LEGAL SUPERVISION REQUIREMENTS

October 2019

Thank you for agreeing to be a supervising lawyer for one (or more) of the Foundation's advocates. These advocates provide an important front-line service to low-income British Columbians and the lawyers who supervise the advocates are making an important contribution to their communities. Please take some time to become familiar with the type of work done by the program you are supervising.

General

A supervisory lawyer must be a member in good standing of the Law Society of British Columbia and be a minimum of a three year call.

As a starting proposition, the Foundation expects that each advocate should be supervised according to his or her level of competence and experience in each area of law. It is for the supervising lawyer to assess an advocate's competence and experience in each area of law, and to then determine the level of supervision required, based on the guidelines set out below.

A supervising lawyer is responsible for the supervision of an advocate's work in regards to substantive and procedural legal matters. It should be borne in mind that the advocate is an employee of an organization and as such will have a supervisor at that organization in regards to employment related matters. However, should a supervising lawyer have concerns regarding an advocate's performance of their duties, those concerns should be included in the supervising lawyer's reports.

The initial stages of supervision of an advocate should include the level of supervision for a new advocate. This is to allow the lawyer to become familiar with the advocate's work. The level of supervision can later be adjusted, as the advocate's competence and experience dictates.

It is expected that at the start of a relationship with an advocate, and annually thereafter, the supervising lawyer will attend at the advocate's office and review the advocate's files and file management systems to ensure they are appropriate. The Law Foundation has examples of file management documents that our advocates can use if you wish to see them.

Frequency of Meetings

There should be regular meetings between the advocate and the legal supervisor, in person if possible, and if not by Skype/Facetime. Meetings should take place at a minimum once per month in addition to being available by phone or email as required.

Meeting should include a review of the file list, and relevant files, to ensure proper advocacy and file management.

Levels of Experience

The criteria set out below in this section are meant to provide guidelines for a supervising lawyer to assess an advocate's level of experience. They are subject to the supervising lawyer's discretion when taking into account factors such as an advocate's education or prior related work experience.

New Advocate: a new advocate will generally be considered to be someone with up to two years experience in an area of law.

Intermediate Advocate: a junior advocate will generally be considered to be someone with two to five years experience in an area of law.

Senior Advocate: a senior advocate will generally be considered to be someone with more than five years experience in an area of law.

Levels of Supervision

The Law Foundation defines an Advice/Summary Service file as: Advice and assistance up to 2 hours.

The Law Foundation defines a Full Representation file as: Advice and assistance totaling more than 2 hours, must include document preparation, dealing with external bodies and/or representation at hearings.

New Advocate:

1. Review of all full representation files opened, including a merit assessment, and close monitoring of each full representation file to completion.
2. Review of all administrative tribunal and court documents before filing.
3. Review of letters or any other documents containing substantive arguments regarding a client's case, prior to their being sent.
4. Review of proposed advocacy work prior to any administrative tribunal or court appearance.
5. Periodic review of advocate's file list.
6. Answering any questions posed in relationship to supervised files.
7. Review of all full representation files being closed.

Intermediate Advocate:

1. Review of all full representation files opened, including a merit assessment.
2. Review of all administrative tribunal and court documents before filing.
3. Review of proposed advocacy work prior to any administrative tribunal or court appearance.
4. Periodic review of advocate's file list.
5. Answering any questions posed in relationship to supervised files.
6. Review of all full representation files being closed.

Senior Advocate:

1. Review or discuss of all full representation files opened.
2. Review of all court documents before filing.
3. Review or discuss proposed advocacy work prior to any court appearance.
4. Periodic review of advocate's file list.
5. Answering any questions posed in relationship to supervised files.
6. Review of all full representation files being closed.

Reporting

The Board of the organization the advocate works for should receive reports from the supervising lawyer with respect to the advocate's caseload, competence and skill, and indicating the level of supervision. These reports should be provided to the Board to coincide with the organization's activity reports to the Foundation, and at other times as required by either the organization or the Foundation.

In turn, the Board is accountable to the Foundation for the work of both the advocate and the supervising lawyer and should incorporate the supervising lawyer's report in its reports to the Foundation.

Please review the Legal Supervisors Reporting Requirements for more details.

Monthly Advocacy Statistics (Poverty Law Advocates)

Name of Organization	[enter organization name here]			
Name of Program:	[enter program name here]			
Names of all Law Foundation advocates reporting on this form:	[enter names here]			
Reporting Period:	Start Date:		End Date	

Please note:

If a client attends your office several times about one legal issue, record this only once. (For example, a client attends your office six times about a residential tenancy matter, that is one legal issue, record it once.)

If a client attends your office, be it one time only or several times, about more than one legal issue, you record each legal issue separately. (For example, a client has a family matter and a WCB claim, those are two separate legal issues, record them separately.)

Legal Issue	Information/Referral	Advice/Summary Service	Representation Files Closed	Total
Income Security (includes CPP, OAS WCB, Welfare, Disability, EI)				0
Housing (includes Residential Tenancy)				0
Debt				0
Family				0
Child Protection				0
Other (includes Criminal, Mental Health, Immigration/Refugee, Wills/Estates, Human Rights, Consumer, Employment, etc.)				0
Total	0	0	0	0

Information Referral: Activity up to 30 minutes where the information and/or referral provided relate to a legal resource: Only record service provided by Foundation funded staff and, in particular, do not record service provided by volunteers.

Advice/Summary Service: Advice and assistance up to 2 hours (if any advice is given or advocacy with an external agency undertaken requiring less than 30 minutes, include in this category and not in the Information/Referral category.)

Full Representation: Advice and assistance totaling more than 2 hours, must include document preparation, dealing with external bodies and/or representation at hearings. This space is for full representation files closed during the month. Full representation files OPEN at the end of the month are recorded on the next page.

• Full representation files worked on:	0
• Full representation files carried forward to the next reporting period:	0
• Of the clients whose full representation files were closed, how many withdrew before their case was resolved:	0
• Of the clients whose full representation files were closed, how many had their case resolved prior to a hearing:	0
• Of the full representation files closed, how many required more than 16 hours of work in total:	0
• During the reporting period, how many hearings did the advocates represent clients at (a hearing means participating in a formal alternative dispute resolution process; appearing in person or by phone before an administrative tribunal; appearing in court; or any appeal of a prior decision, including reconsiderations):	0

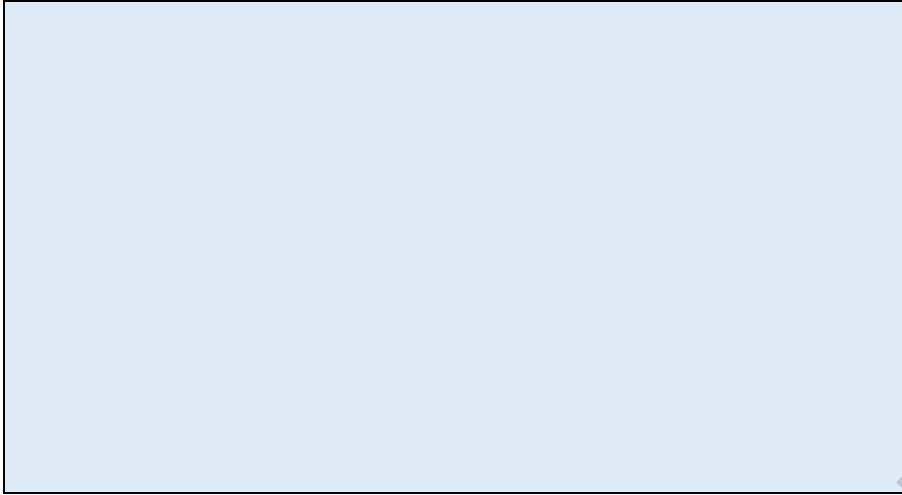
For all the clients you assisted during the reporting period by way of Information/Referral and Advice/Summary Service, and for all of the full representation files closed during the reporting period:

- How many clients were male: female: other:
- To the best of your knowledge, how many were Aboriginal:
- How many clients were served in a language other than English:

Public Legal Education - Workshops Provided

Workshop Topic	Workshop Date	Number of Participants	Length (hours)

Other PLE Services Provided:



Other Activities

Provide a brief description of activities, such as research, meetings, law reform and training attended



Monthly Statistics Database

The Law Foundation has an electronic database available for legal advocacy groups. This database has been developed by the Law Foundation and is available to all Law Foundation funded legal advocacy groups at no charge. Based on results so far, we have found that the database reduces the time involved in generating monthly statistics and can help with file management tasks.

- One of the main functions of the database is to generate the Monthly Advocacy Statistics Form: it creates reports for both poverty and family law programs. If an advocate enters information for each client they help, a report can easily be generated at the end of each month that will summarize all that information in the format required by the Law Foundation.
- The database will also help advocates keep track of important dates: it has a Bring Forward function as well as a place to note limitation dates.
- Advocates will be able to check for conflicts within their own files, and to generate a list of open files to check for conflicts with their supervising lawyer.
- Because the database creates a file for each client that has important intake information, a place to keep notes, and the capability of linking to documents, there is the potential to develop an electronic system of file management.

The consultant who developed the database will help, at Law Foundation cost, any interested group to install the database. It runs on Access (part of the Microsoft Office Suite) but groups that do not have this can use another software that the consultant can help you install. The consultant will also give you an overview of how the database works and can help with questions you have. Lois Shelton, our Legal Advocate Training Manager, lselton@lawfoundationbc.org, has worked on this project and will be available for advocates with any questions now or in the future about the database.

Excel Reporting Form

For groups that have their own database for recording statistics, we ask that you send in your reports on the Excel Reporting Form for Monthly Advocacy Statistics that the Law Foundation provides groups

- It is VERY important that your office not modify this form in any way (for example, by inserting lines), and that you send it to us as an electronic spreadsheet – not a scan or other copy of the excel form.
- If you get a notice saying the document is protected (usually found once you open the excel file just under the ribbon), you can “enable editing” and this will not hurt the form in any way.

Once the form has been filled out correctly you should:

- save the document and then
- email the form to the program director or administration staff as you usually do.

If you have any questions about the new form, or encounter any issues, please contact Lois Shelton at 604 688 4418 or lselton@lawfoundationbc.org

Law Foundation Statistics Database.

New advocates / organizations can get a copy of the free Law Foundation Statistics Database by contacting the Legal Advocate Training Manager or the Program Director responsible for their program.

Lois Shelton
Legal Advocate Training Manager
604 688 4418
lshelton@lawfoundationbc.org

Monthly Advocacy Statistics: FAQs (frequently asked questions)

- 1. If we contact an external agency to help a client, or write a letter on their behalf, but take less than 30 minutes to do that, do we count that as information/referral or advice/summary service?**

You should list this work as advice/summary service even though it took you less than 30 minutes to do. If you give advice or advocate on behalf of a client with another party (eg. government ministry, landlord, ministry social worker) that counts as more than information/referral – it must be listed under advice/summary service.

- 2. Do we have to keep records of information/referral and advice/summary service files?**

Yes. You must have a system for recording information about the client, the issue they asked for help with, and what you told the client. You do not have to open a physical file, but you should keep an intake sheet and copies of any documents and notes you have created. The usual way to organize them is alphabetically by year.

- 3. How do we record advice/summary service files that take less than two hours, but the work is done over more than one month/reporting period? Do we record the file in each month because we worked on it in more than one month -- or just once?**

If you provide advice/summary service (less than two hours) but the work takes place over more than one month, record it only in the statistics for the month in which you conclude the work.

- 4. What should we do if a file we have already recorded as advice/summary service turns into a full representation file in a subsequent month/reporting period? Is there any particular notation we should be making in these situations?**

You should not enter a file into your statistics until you are sure what type of file it will be and the file is closed. In this case, that would mean that you would not enter this work into your statistics until you found out if the advice or summary service you provided resolved the matter or if more work was required -- making it a full representation file.

- 5. When do we have to open a physical file for a client?**

Any time you provide a client with full representation you must open a physical file so that you have all relevant documents in one place. You may also want a physical file for information/referral or advice/summary service matters if they are significant or if you believe it is appropriate to do so. (As groups develop properly organized electronic file management systems, other options may be available.)

While we acknowledge that electronic file management systems may be able to store much of this data, it is anticipated that a physical file will be needed for full representation files

6. If we help a client apply for a benefit (e.g., disability benefits or welfare) or fill out a form (e.g., child support order), do we close the file after we submit the application, or should we wait to find out the result before closing the file?

Keep a file open until the issue the client asked for help with is resolved.

Poverty Law Example:

For example, if a client applied for disability benefits, do not close the file until:

- the client is approved for benefits,
- the client's application is refused and the client decides not to appeal that decision,
- the client goes through the appeal/reconsideration process, knows the result of that decision, and does not plan to do anything else on this issue, or
- the file is abandoned by the client or you no longer represent the client (you will determine this by your organization's policy about when a file is abandoned or when to end your relationship with a client).

Family Law Example:

For example, close the file when:

- an order is filed or an agreement is reached,
 - a referral is made (e.g. client may need to file with the FMEP for enforcement), or
- the file is abandoned by the client or you no longer represent the client (you will determine this by your organization's policy about when a file is abandoned)

7. What if we work a total of 40 hours on one full representation file? How do we let you know when particular files take a long time to resolve?

You should keep track of the hours you spend on all full representation files. There is a question on the back of the Monthly Advocacy Statistics Form that asks you to list the number of closed full representation files that took more than 16 hours of work.

You can also report on particularly important cases in your Activity Report that must be submitted to the Foundation on the dates set out in your grant letter.

8. Where do we record the full representation files that are not closed yet?

There is a question on the second page of the Monthly Advocacy Statistics Form that asks you to list "full representation files carried forward to the next monthly reporting period". You should record the number of open full representation files here.

9. What do we do if a client needs more help after his or her file is closed?

You should open a new file. This is true whether the client is coming with a new issue or wants further help with the issue they needed help with before. If they are coming for more help on an old issue, you may want to review the old file, but you should open a new file nonetheless.

10. When do we enter statistics in response to the question about “full representation files worked on”?

If you did any work on the file -- from making a call about the file through to more involved work -- you should count it in this section.

W:\TEMPLATE\Forms\Monthly Statistics Forms - Current\Monthly Advocacy Statistics - Poverty Law Advocates FAQs Dec 2021.doc

Please keep your Activity Report concise and to a maximum of 5 pages. Point form responses are acceptable.

1. Program Overview

- a) Describe briefly the purpose of the Law Foundation funded Program (“the Program”).

- b) Outline activities carried out by the Program during the reporting period.

2. Program Results

Refer to the outcomes in your Outcome Measurement Framework and the work plan that accompanied your most recent funding application, and briefly describe the progress that the Program has made toward those outcomes.

3. Program Accomplishments

Summarize the Program’s three main highlights of the reporting period. This is your chance to tell us what you are most proud of.

4. **Statistics**

Provide us with appropriate statistics about the work performed by the Program during the reporting period. If the Program is required to submit monthly statistics, please complete the table below, summarizing the statistical data for the reporting period.

Legal Issue	Level of Service			
	Information/ Referral	Advice/ Summary Service	Full Representation- Files Closed	Total
Income Security (includes CPP, WCB, Welfare, Disability, EI)				
Housing (includes Residential Tenancy)				
Debt				
Family				
Child Protection				
Other (includes Criminal, Mental Health, Immigration/Refugee, Wills/Estates, Human Rights, Consumer, Employment, etc.)				
Total				

How many hearings was the advocate involved in?

5. **Program Challenges**

Summarize any challenges that affected the program during the reporting period and how they were addressed.

6. Program Changes

Advise of any changes to the Program's staff, the organization or its finances, or any other material change in circumstances.

7. Conditions on Grant

If there are conditions on the Program's grant, how are they being met?

8. Other Information

- Is there any other information you wish to tell us about the Program or your organization?
- Please provide a financial report for the reporting period.
- If applicable, please provide a report from your Supervising Lawyer.

LAW FOUNDATION OF BRITISH COLUMBIA

CONTINUING PROGRAM - ACTIVITY REPORT/UPDATE

(Advocacy)

Name of Organization: [Name]

Name of Law Foundation Funded Program: Legal Advocacy – Family Law

Amount of Annual Grant: \$95,000

Grant Number: Law Foundation File [No.]

Grant Year: From April 1, 2020 to March 31, 2021

Reporting Period for This Report: From April 1, 2020 to September 30, 2020

(Note: Final report for each grant is to be a cumulative report)

Names of Program Staff Funded by the Law Foundation:

Name: [Name]

Title: Legal Advocate – Family Law Program

Submitted By: [Name] **Title:** Senior Director of Programs & Services

Date: September 30th, 2020

Please keep your Activity Report concise and to a maximum of 5 pages. Point form responses are acceptable.

1. Program Overview

a) Describe briefly the purpose of the Law Foundation funded Program (“the Program”).

The [Name] – Family Law program Advocate helps people by providing information and assistance with family law matters including court orders; custody/guardianship; divorce and

child protection cases. The Advocate can assist with applications and reviews for Legal Aid; affidavits; letters and appeal documents as well as supporting clients in self-advocacy.

b) Outline activities carried out by the Program during the reporting period.

The Advocate met with people to assess their situation, provide appropriate information, referrals and assistance with preparing documents, attending meetings with lawyers or court, etc.

The Advocate adapted to Covid-19 requirements and services continued with no interruption. The Advocate works from home most of the time only meeting in person with clients where that is required in order for service to be maintained. Our offices are set up to allow for client meetings while observing all safety protocols.

2. Program Results

Refer to the outcomes in your Outcome Measurement Framework and the work plan that accompanied your most recent funding application, and briefly describe the progress that the Program has made toward those outcomes.

With each client, depending on their circumstances, skills and needs the Advocates assist them to resolve their concern.

Of the 27 full representation files that were closed to September 30th, 2020 the following outcomes occurred:

- 19 clients received outcomes in which the client stated they got what they wanted. These outcomes included: applying for and receiving Legal Aid Funding from Legal Services Society; receiving appropriate legal advice from counsel and acting on it with the help of the Advocate. Work completed on full representation files included: writing, swearing, and filing affidavits as needed; filing court applications for: Sub-Service, Notices of Family Claim regarding Divorce, Financial Statements.
- 6 files were abandoned because the client chose to withdraw from the program due to other issues.
- 2 clients were denied. One denial was due to the person's immigration status.

3. Program Accomplishments

Summarize the Program's three main highlights of the reporting period. This is your chance to tell us what you are most proud of.

Cases worthy of note:

- Advocate assisted a client with a legal aid appeal. The Client had \$50K in assets. The Advocate was able to advise that the opposing party had provided the funds to her after he had mortgages placed on their home. The opposing party then distributed the funds received to her and to a variety of places. Our client was liable for the loan and would not be able to keep the \$50K. She was awarded a full contract for legal aid support.
- Family Law and Community Law Advocate teamed up to help a client where it was alleged the client had received an income assistance overpayment of \$14K. They helped the client have this reduced to 0.

4. Statistics

Provide us with appropriate statistics about the work performed by the Program during the reporting period. If the Program is required to submit monthly statistics, please complete the table below, summarizing the statistical data for the reporting period.

Legal Issue	Level of Service			
	Information/ Referral	Advice/ Summary Service	Full Representation- Files Closed	Total
Family	54	76	13	143
Child Protection (matters where there is a separate court proceeding)	10	45	4	59
Income Security (includes CPP, OAS, WCB, Welfare, Disability, EI)	20	20	5	45
Housing (includes Residential Tenancy)	18	11	3	32
Debt	0	0	0	0
Other (includes Criminal, Mental Health, Immigration/Refugee, Wills/Estates, Human Rights, Consumer, Employment, etc.)	17	11	2	30
Total	119	163	27	309

How many hearings was the advocate involved in?

- Court Mediations/Arbitration accompaniments: 7

- Lawyer accompaniments: 34

5. Program Challenges

Summarize any challenges that affected the program during the reporting period and how they were addressed.

Covid-19 required that the Advocate quickly pivot to working at home. She quickly arranged to do this, brought files home and was provided with other resources as needed. The Advocate meets with clients at the office when needed. SHARE offices have been set up to accommodate client meetings while observing all safety protocols.

Call volumes are high and at least in part this is related to increased challenges within households and resulting need for support in Family Law matters.

Due to Covid-19 systems are slower and it is harder to access/get responses with government systems.

6. Program Changes

Advise of any changes to the Program's staff, the organization or its finances, or any other material change in circumstances.

As noted earlier Covid-19 has required that most work be done remotely from home.

Conditions on Grant

If there are conditions on the Program's grant, how are they being met?

Not applicable.

7. Other Information

- Is there any other information you wish to tell us about the Program or your organization?
- Please provide a financial report for the reporting period.
See attached.
- If applicable, please provide a report from your Supervising Lawyer.
Not available.

2. POLICY AND PROCEDURES FOR LAW FOUNDATION FUNDED LEGAL ADVOCATES

The documents included in this section have been developed by in consultation with advocates and lawyers working with advocates to provide guidance to advocates funded by the Law Foundation about best practices and the scope of their work.

- a. Best Practices for Advocates**
- b. Scope of Service**
- c. Financial Eligibility Guidelines**

Best Practices for Advocates

The Best Practices for Advocates document provides an overview of the key responsibilities of legal advocates funded by the Law Foundation and to identify what is expected from advocates to meet these responsibilities.

Program Scope of Service

The Scope document provides guidelines about areas in which advocates provide services as well as some areas that are considered beyond the scope of their work. Advocates should consider the scope in assessing whether or not to take on a case.

If you have any questions about anything in these documents, contact your Program Director. <https://www.lawfoundationbc.org/about-us/staff/>

Further, more detailed guidance about professional responsibility and file management is included in sections that follow.

Financial Eligibility Guidelines

The Financial Eligibility Guidelines are for family law advocacy programs to offer direction in determining whether to provide full representation services to a client.

Please note that these are guideline only, and not firm cut-offs. We encourage you to use your judgment and discretion in applying the guidelines (see the Exception Review section of the guidelines).

THE LAW FOUNDATION OF BRITISH COLUMBIA

BEST PRACTICES FOR ADVOCATES

This document is intended to serve as a guide to advocates funded by the Law Foundation as to what practices and level of conduct are expected of them. The document does not deal with why these are the best practices to be followed, nor does it explain how to implement these practices. Rather it is meant to provide a touchstone regarding the professional fulfillment of the duties of an advocate. If an advocate does not understand why a particular best practice exists or how to meet the standard expected, they should follow up with their supervisor at work, their supervising lawyer or their program director at the Law Foundation for clarification.

Client Relationships and Professional Responsibility

1. Maintain strict confidentiality regarding all information with respect to a client's file
2. Avoid any conflict of interest regarding a client's file. If there are any questions about a possible conflict of interest, your supervising lawyer should be contacted.
3. Treat all clients with respect and courtesy
4. Clients are entitled to have their files handled in a competent, thorough and timely manner
5. Communicate clearly with clients regarding what you can do for them, and what you cannot do for them, in order to manage client expectations and establish boundaries for your professional well being
6. For every full representation file provide the client with a retainer letter setting out what you will be doing, and what you will not be doing, for that client
7. Respond promptly to any communication from clients
8. Keep clients regularly updated on the status of their file
9. Make use of the Community Advocate Support Line lawyer
10. Know what other resources there are, both within your community and elsewhere, to refer clients to
11. Maintain a collection of current Public Legal Education and Information materials to provide to clients

Opposing Parties

1. Treat all opposing parties with respect and courtesy
2. Respond promptly to any communication from opposing parties

Tribunals and Courts

1. Treat all administrative tribunal members and judges with respect and courtesy
2. Ensure that all procedural requirements of any tribunal or court are met
3. Respond promptly to any communication from tribunals, courts or other government agencies

File Management

1. Utilize the Foundation's key precedent documents, or equivalent documents, for full representation files (intake form, file opening checklist, retainer letters, authorizations to release information, consent for disclosure of information and waiver of confidentiality, file closing form)
2. Any consent for disclosure of information form used must include permission for Law Foundation staff or their agents to review the file
3. Maintain a formalized intake process (what is the process once people contact the office, what happens when they arrive, what are the income criteria, what paperwork is to be completed, what happens at the end of the initial interview)
4. Maintain a bring forward system for all open client files
5. Maintain a conflicts check system for all new clients
6. Maintain a system for identifying and monitoring any limitation periods
7. Have file contents organized chronologically (and in accordance with organization's protocol)
8. Keep and date notes of all substantive conversations and meetings with respect to client files, in particular information received from and advice given to clients
9. Maintain a system for work load management (what types of cases are taken, merit assessment, time allocation parameters)

10. Maintain a system for storing open and closed client files securely and separately
11. Maintain a central file index with a list of all open files and all closed files (containing information such as client name, address, legal matter, file number, date file opened, date file closed)
12. Maintain a list of all open files
13. Ensure the safekeeping of all original documents
14. Maintain a formalized file closing process (criteria for when to close a file, completion of a file closing form, review file with supervising lawyer, file closing letter to client, return of any original documents to client, physical storage of closed files)

Legal Supervision

1. Be familiar with the Foundation's Legal Supervision Requirements, which set out a supervising lawyer's responsibilities in supervising advocates. Bear in mind that the Foundation expects that each advocate should be supervised according to his or her level of competence and experience in each area of law. It is for the supervising lawyer to assess an advocate's competence and experience in each area of law, and to then determine the level of supervision required. A supervising lawyer is responsible for the supervision of an advocate's work in regards to substantive and procedural legal matters
2. Respond promptly to any communication from your supervising lawyer
3. Hold regularly scheduled meetings with your supervising lawyer, and at other times as needed
4. If you think you should ask your supervising lawyer about something, no matter how small – ask

Professional Education

1. Participate in ongoing professional education (Provincial Training Conference, the Foundation's Education and Training Fund)
2. Participate in PovNet
3. Participate in regional calls with the Ministry of Social Development or meetings of groups such as the Front Line Advocacy Workers, as appropriate
4. Keep current on relevant legislation

Law Foundation

1. Respond promptly to any communication from the Foundation
2. Assist with the provision of activity reports to the Foundation, as required by the Foundation's grant
3. Assist with the provision of monthly statistics to the Foundation, as required by the Foundation's grant
4. Be familiar with the Foundation's Advocacy Program Guidelines
5. Comply with any conditions attached to the Foundation's grant



THE LAW FOUNDATION OF BRITISH COLUMBIA

Family Law Advocacy Program Scope of Service November 2019

Overall Objective: To deliver a range of family law advocacy services including legal information, advocacy and assistance to individuals in the community. This will involve:

Areas of law covered:

Primarily family law, including child protection, with some assistance in other overlapping matters (e.g. immigration, criminal, etc.).

Family law matters covered:

- Guardianship and parenting time
- Parental responsibilities
- Child support
- Spousal support
- Divorce
- Assistance with separation agreements
- Protection orders
- FMEP
- Mobility/relocation
- Property, debts – up to 20k, emergency asset restraint
- Matrimonial property on reserve – identify issues and refer to appropriate service
- Child protection

The advocate will be properly trained and supervised by a supervising lawyer. The Law Foundation will develop training and qualification processes and support the advocates' professional development.

Level and type of services:

Information, education and building legal capabilities

The advocate will provide legal information to people who are having relationship difficulties in a one to one format and will organize public legal information sessions.

Triage and referral

The advocate will interview clients to help identify legal issues, prioritize their legal needs, and help them choose realistic and fair legal solutions by providing legal information, advocacy, referrals and access to volunteer lawyers. The advocate will provide clients with options and assist them with decision-making, keeping in mind their specific needs due to disability, cultural or language barriers, literacy issues, transportation and child care issues and make appropriate referrals to legal and other resources.

Information and summary advice

By providing supported information and assisting clients' access to summary advice, the advocate will contribute to the early resolution of their legal problems. The advocate will assist in this regard by preparing a written summary of the client's legal needs and a list of questions for them to discuss with duty counsel or when appropriate, a *pro bono* lawyer. The advocate will attend court on list days to assist unrepresented litigants by providing information about the court process, connecting them with duty counsel, identifying clients who require additional assistance from the advocate, and assisting in dealing with conflicts when possible. In cases of violence, the advocate will provide safety-planning, risk-assessment and crisis intervention, where needed, and refer client to appropriate resources (transition houses, trauma counselling, victim services, police etc.).

Supported dispute resolution

The advocate will support dispute resolution from the outset by educating clients about the nature of collaborative values and the availability of consensual dispute resolution ("CDR") in the family justice system. The advocate, while making it clear to clients that judicial resolution is available when needed, will help clients prepare for CDR. The advocate will screen for cases where CDR is not an appropriate option (e.g. where there is an acute power imbalance, violence, or high-conflict).

Legal representation

The advocate will not represent clients in court hearings but will assist unrepresented litigants by educating them on the court process. The advocate, under legal supervision, will also assist the client in the following ways:

- Preparing summaries of facts and memoranda outlining the client's legal issues to make best use of appointments with duty counsel, *pro bono* or low bono lawyers;
- Identifying documentation and evidence the client needs to support positions, provide coaching and interpreting substantive and procedural law;
- Providing tips for legal research and self-advocacy by assisting the client to draft documents;
- Helping with form completion (initiating proceedings, varying orders, enforcing orders) and document preparation, including financial statements, fee waiver applications, writing letters on behalf of the client;

- Communicating with the other party, as appropriate;
- Communicating with the other party's representative (lawyer or advocate);
- Accompanying the client to court to orient, assist and organize, for example, directing clients to duty counsel or other court staff and facilities (Judicial Case Manager, Court Registry), informing them about court room etiquette, providing some level of emotional support, taking notes and, when allowed by judge and is helpful to the client, speaking in the court; and
- Explaining orders or agreements, including how they impact the client's rights and obligations.

Other functions

- Identifying gaps in services and systemic issues and collaborating with others to identify solutions where appropriate;
- Assisting in accessing legal aid (including appeals), finding a lawyer, connecting clients with appropriate services and supports;
- Providing skill- based training to intermediaries and acting as a resource for other staff in the agency and in the community;
- Developing legal resources and hand-outs;
- Organizing pro bono legal clinics;
- Acting as a liaison to the justice system, including court, duty counsel, LSS, family justice counsellors, police/Crown and lawyers; and
- Staying apprised and educated of new legal developments and resources.

Child protection

Explaining child protection legislation, Ministry of Child and Family Development (MCFD) policies and legal proceedings and parents' rights and responsibilities to clients in plain language to ensure that parents understand the expectations the MCFD have when it enters into agreements with them, connecting parents with appropriate MCFD and community services.

Assisting in accessing legal aid (including appeals), finding a lawyer, connecting with appropriate services and supports.

Advocating/liaising with MCFD or delegated agencies' social workers, assisting to develop plans of care, reviewing and interpreting medical/psychiatric reports and assessments, and to help clients understand their content, and reviewing and explaining supervised visit reports.

Accompanying clients to court, appointments with lawyers, family planning meetings, family case conferences, integrated case management meetings, circles, meetings with social workers etc.

Coordinating with family support workers or other such intermediaries and acting as a resource to them.

Means Test/Working with Lawyers

All clients have access to up to two hours of free legal assistance, regardless of income. After that, they are means tested in accordance with guidelines developed by the Foundation, which include disclosure of income and assets. Where eligible, the clients are assisted in accessing legal aid through assistance with applications and appeals. Those clients that are able to pay for legal services are referred to the private bar.

Becoming a Commissioner for Taking Affidavits:

The advocate, their organization, and their supervising lawyer have discretion as to whether to seek the appointment order and deciding who can access the service. This discretion is subject to the following limitations:

- the supervising lawyer must be in agreement with the advocate obtaining the appointment as commissioner;
- advocates must limit their commissioning services to clients of the organization;
- advocates must not commission affidavits or statutory declarations on any matter that relates to real property or any other property or matters with a value in excess of \$20,000;
- advocates must take regular Law Foundation training on the correct procedure for commissioning affidavits and statutory declarations; and
- advocates must complete a checklist confirming the procedure they followed when confirming the identity of the client; the fact sheet must remain on the file after closing.

Conflicts Policy:

Each program will develop a conflicts policy. Family advocacy offices are designed to represent the interests of only one party to a dispute and therefore must keep a robust and up-to-date system of checking for conflicts. Services will be provided to the clients on a first come, first serve basis.

If the poverty law program and the family law advocacy program are housed in the same organization, the programs will share client lists. Accessing one program will disqualify the opposing separating spouse from accessing the program. First come, first served means that if client A is using poverty law services, their separating spouse B cannot access the family law advocate. But client B can access other services at the agency. Clients who are conflicted out should be referred to another family law advocacy program in the closest community.

Law Foundation Training:

Law Foundation Advocates are expected:

- To attend the Family Law Advocate Training Course;
- To attend the Provincial Training Conference every year;
- To attend the monthly two-hour family law workshop delivered by the lawyer for the Family Advocate Support Line (FASL); and
- To avail themselves of the Law Foundation Education and Training Fund where appropriate. Legal advocates funded by the Law Foundation working at least .5 FTE may apply to the fund for financial support for the costs of:
 - training for professional development, or
 - counselling to support advocates dealing with trauma related to their work.

Suggested Percentages as Guidelines:

- Advocacy 80% (75% if working in a focused area with 5% for Law Reform)
- PLE – 10%
- Community Involvement – 2.5%
- Systemic Advocacy - 2.5%
- Legal Supervision, Administration, and Training – 5%

If there is ambiguity or uncertainty as to the meaning of terms within this document, then the advocacy program will contact the Law Foundation program director to resolve the ambiguity or uncertainty.

Family Law Advocacy Programs
Financial Eligibility Guidelines

The Financial Eligibility Guidelines are for family law advocacy programs to offer direction in determining whether to provide full representation services to a client. Advocates may provide up to two hours of service to anyone, regardless of income. The means/asset test is only applied if you are taking on file or client matter beyond brief service. In assessing whether a client is eligible for assistance with a legal matter, please first refer to the Scope of Service for Family Law Advocates. If the legal matter is covered under the Scope, determine if you need to apply a means test as per the guidelines before determining whether full representation services will be provided.

Please note that these are guideline only, and not firm cut-offs. We encourage you to use your judgment and discretion in applying the guidelines (see the Exception Review section of the guidelines).

We have tried to keep the guidelines simple as we do not want you to spend significant time carrying out income verification from clients who need brief assistance or are clearly low income. For example, if your client is on income assistance or disability benefits, the program does not need to ask for financial disclosure.

Note: The guideline was developed based on the Legal Services Society Duty Counsel and adapted for the advocacy programs funded by the Law Foundation.

A. Monthly Income

Household Members ⁱ	Net Monthly Income ^{ii iii}
1-4	\$3,265.00
5	\$3,860.00
6	\$4,470.00
7+	\$5,055.00

B. Asset Level

<u>ASSET</u>	<u>ASSET LIMIT</u>
Vehicle	The market value of any vehicles registered in the client's name should not exceed \$20,000.00
Cash & Investments Bank Account Balances	

Registered Retirement Savings Plan Tax Free Savings Term Deposits Canada Bonds	Total should not exceed \$7,500.00
Matrimonial Home/Family Home Client registered owner with spouse Client registered owner with spouse's family member's	Exempt Asset
Matrimonial Home/Family Home Client is the registered owner of the family home Client registered owner with her family or other third parties	Client will be denied services. If case has merit advocate must present case before exception review committee

C. Exception Review

If client exceeds financial eligibility then the advocate should consider if the case has enough merit to be considered for an exception review. When making an exception review the advocate should include pertinent information such as:

1. No value in selling matrimonial/family home to pay for legal expenses as there is no equity or client may owe money by selling
2. Client cannot remortgage house to pay for legal expenses
3. Client has substantial debt (due to medical expenses or substantial child support/ spousal support arrears owing)
4. Client is suffering from a debilitating or terminal illness
5. Child that is part of the proceedings has a debilitating illness or terminal illness

ⁱ Household members include the client, children, and adults that care for the children and/or contribute to the household income.

ⁱⁱ Net monthly income does not include any child support or extraordinary expenses the client may receive on a monthly basis.

ⁱⁱⁱ Income of partner's common law spouse (common law defined as partner's living together more than 2 years) or married spouse must be included in monthly income total

3. PROFESSIONAL RESPONSIBILITY

Several important elements of an advocate's professional responsibility are addressed in this section.

- a. Confidentiality**
 - **Overview sheet**
 - **Webinar on Professional Responsibility**
- b. Conflict of Interest**
- c. Reporting Child Abuse**
- d. Limitation Periods**
- e. Privacy Issues**

Please Note: If you have questions about any of the topics addressed here, contact your program director <https://www.lawfoundationbc.org/about-us/staff/> or your supervising lawyer for guidance.

Confidentiality

- Basic principles of confidentiality are listed here. The webinar listed above provides more information and guidance on this issue
- The webinar on Professional Responsibility provides an introduction to important elements of professional responsibility for advocates.

Conflict of Interest

- The Conflicts document provides guidance for advocates in understanding the general principles of conflicts of interest as well as examples of particular situations and how to handle them.
- Myths vs Fact article

Reporting Child Abuse

This document considers child abuse and sets out the varying responsibilities of advocates and lawyers to report.

Limitation Periods

- Your Right to Reconsideration and Appeal
<https://pubsdb.lss.bc.ca/resources/pdfs/pubs/Welfare-Benefits-eng.pdf>

Privacy Issues

- Ten Principles of Privacy Protection
- Contact information for the Freedom of Information and Privacy Association (FIPA) <http://fipa.bc.ca/home/>

Confidentiality

It is important that the people you deal with are comfortable talking with you and confident that you will not tell others about the issues they discuss with you. Advocates have a responsibility to keep client information confidential.

Confidential information includes information about an applicant or a client gathered in the course of:

- determining if they are eligible for your service,
- making a referral to a lawyer, or
- helping them resolve their legal problems

Consider the need for confidentiality when you plan where to keep any information about people who ask you for help. They should be accessible only to the people working on the files and should not be accessible to the public or people doing other types of work in your office.

Your responsibility as an advocate to respect confidentiality means that you cannot disclose any information if someone asks if a person is a client, has applied for your help, or even simply if they have come for information. One possible response to such questions is: "I'm sorry I can't answer that question – my work is confidential."

Law Foundation Webinar on Professional Responsibility

The link to the webinar created by the Law Foundation on professional responsibility is at <https://vimeo.com/216091654>



THE LAW FOUNDATION OF BRITISH COLUMBIA

Conflicts of Interest: Policy and Procedures for Law Foundation Funded Legal Advocates January 2020

Maintaining client confidentiality is a key responsibility of legal advocates. It is essential for you to properly do your work and to maintain client confidence in your services. This document explains what conflicts are, and sets out standard procedures that advocates should follow to avoid finding themselves with a conflict of interest. Concrete examples of particular situations, and a table listing some of these, are included to provide further guidance.

A. Conflicts of Interest

1. On initial intake

You and your organization owe a duty of undivided loyalty to your clients. To ensure that you do not take on a matter that conflicts with duties owed to current or former clients, you must do a conflict check of all advocacy clients every time someone asks you to represent them. You must not act for them if there is a conflict of interest.

A conflict of interest between Client A and Client B does not necessarily prevent you from providing information and referral only to Client A, and providing fuller service to Client B. Note, however, that if the Client A gives you information about their situation that may be related to the matter in which you are acting for Client B, you may be in a conflict even though you only gave Client A information and/or referral service.

2. Arising with an current client

If you discover a conflict of interest while representing someone, you must immediately advise the client and the other party that you can no longer assist.

Commentary in the Law Society of BC's *Code of Professional Conduct* (the "Code") Rule 3.4 sets out the following guidelines for lawyers about what constitutes a conflict of interest:

...a conflict of interest exists when there is a substantial risk that a lawyer's loyalty to or representation of a client would be materially and adversely affected by the

lawyer's own interest or the lawyer's duties to another client, a former client, or a third person. The risk must be more than a mere possibility; there must be a genuine, serious risk to the duty of loyalty or to client representation arising from the retainer. A client's interests may be seriously prejudiced unless the lawyer's judgment and freedom of action on the client's behalf are as free as possible from conflicts of interest.

Conflicts of interest can be complicated. If you feel that there may be a conflict of interest, you should discuss the situation with your supervising lawyer and obtain their opinion.

It is important to check thoroughly for conflicts when opening a new file, although you should also be alert for conflicts that develop during the course of the file.

B. Checking for Conflicts when Opening a New File

Clients of the agency include all clients, whether in the family law stream or the poverty law stream. The conflict rules and conflict check extend to all advocates working in the same agency.

Before opening a file for a new client, the advocate must always perform a conflict search to determine if the other side on the potential new client's file (called "the opposing party") has ever been a client of any of the advocates in the organization. If no opposing party has ever been a client of the agency, then the advocate is free to take on the new client.

The following steps set out proper file-opening procedure:

1. When an individual contacts your organization for service, reception staff or advocate will ask for the person's first and last name and the names of other parties involved.

Individuals who do not wish to provide this information may receive basic information and referral only.

2. Before providing brief or full service, staff will:
 - i. Check the client database to see if another party involved in the matter is, or has been, a client.
 - ii. Determine if there is a conflict. (For further guidance on this, consider the scenarios below.) If there is a conflict, the new client must be referred out.

- iii. Provide the individual with the applicable terms of service, either verbally, in writing, or both. Ideally clients will sign to indicate their consent. However, if this is not possible, staff will initial the intake form or service notes to indicate the client's consent.
3. Staff must enter all clients into the client database as soon as possible following intake and no later than the end of the business day, or, if staff are working off site, by the end of the next business day.

C. **Scenarios**

The scenarios included below provide guidance on conflicts by setting out examples of common situations in which you might have to consider if there is a conflict.

1. **Two advocates in the same agency acting for clients with competing interests**

Principle: Generally, conflict rules extend to all advocates working in the same agency. So, if your agency has both a poverty and a family law advocate, and the poverty law advocate saw a client then, generally speaking, the family law advocate cannot see a party with opposing interests to the client who met with the poverty law advocate.

This principle applies to lawyers in law firms where associates shall not represent parties with potentially conflicting interests because they have access to the client records and the client management software is the same. In fact, the Law Society BC goes so far as to say that lawyers sharing an office may not represent clients with adverse interests¹. The reason is the same -- lawyers have access to fax machines and incoming mail, pleadings etc, so they can access information that may be detrimental to the opposing party's file.

Is there any situation in which two advocates in an organization may see parties who could possibly have conflicting interests? Consider these indicia:

- i. Do you share a client database?
- ii. Do you have the same fax number and, as such, have access to incoming material about the other advocate's client?
- iii. Do you share a filing cabinet?

¹ Refer to the Code Rule 3.4-42 and 3.4-43 on space-sharing arrangements for details on this.
<https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/code-of-professional-conduct-for-british-columbia/chapter-3-%E2%80%93-relationship-to-clients/>

- iv. Are your respective offices and filing cabinet locked or can your colleagues access your files?
- v. Do you have the same supervising lawyer?
- vi. Do you have the same supervisor with whom you discuss files?
- vii. Are there any other way(s) in which you may have access to the other advocate's client files?

If the answer to any of the above is 'yes', then you cannot both accept the clients.

If you answered all the above questions with a "no", then you may take the file. We encourage you to discuss this with your supervising lawyer or the CASL or FASL Lawyers. You will need to arrange for separate lawyer supervision for each client.

Practice tip: If your organization has both a poverty and family law advocate, and is worried about their advocates conflicting one another out in too many cases, consider using different databases for client details and creating walls so that advocates cannot view conflicting client information.

Fact Pattern 1: two clients with competing interests

Paul and Sara are married and have a child together. Sara wants the family law advocate's help with separation. Earlier this year, the poverty law advocate assisted Paul with an Employment Standards issue.

Analysis: No, you should not represent both concurrently. Therefore, Sara should be referred out. There might be a conflict in their interests in dealing with the family law matter, which would likely include child and possibly spousal support AND the poverty law advocate has financial information from working with Paul on Employment Standards matter.

Fact Pattern 2: two clients with no competing interests

Paula and Karima are roommates. Paula seeks help from Advocate 1 at your agency regarding an employment law matter, and Karima seeks assistance from Advocate 2 for an immigration issue. Can the advocates take both matters on?

Analysis: Yes, you may work with them concurrently. They do not have competing interests at the moment, so you may represent them both. You should advise them both that if a family law issue comes up, or another matter comes up that may give rise to a conflict, then you will not be able to assist either of them.

Potential for a conflict in another area of law does not prevent you from working with both parties. Of course, you evaluate conflict at the beginning before you commence work with a client, but it is helpful to constantly evaluate conflict as well.²

2. One advocate asked to assist clients who are spouses, or otherwise related

Fact Pattern 1 – spouses with unrelated issues

Joe and Sam have been living together in a marriage like relationship for 4 years. Joe wants to retain an advocate to help him with an EI appeal and Sam wants to retain the same advocate to help him with an immigration appeal.

Analysis: The advocate can act for both Joe and Sam. Their EI and immigration issues are not competing interests between them.

Ideally a separate advocate should act for each of Sam and Joe. That way, confidentiality between Sam and Joe can be better preserved even though the matters the organization is assisting with are wholly unrelated.

Fact Pattern 2 – spouses with unrelated issues that get complicated

The agency has 3 advocates, 2 in poverty law and 1 in family law. Charlie is a client of the poverty law advocate, getting help with an Employment Insurance appeal. Charlie's wife Sue wants to retain the family law advocate to help her do an uncontested divorce.

Analysis: The family law advocate should talk to their supervising lawyer. The family law advocate should get Sue's understanding and consent that the advocate is assisting only with the uncontested divorce. This is because family law cases can "morph" into other issues and the advocate should always be very clear about that issue he or she is dealing with. For example, IF the couple started to argue over financial issues, there would be a conflict because the advocate helping with the EI claim would likely have information about Charlie's finances.

Charlie's EI appeal and Sue's divorce are not related matters and there is likely nothing to prevent the advocate from assisting with the uncontested divorce. Charlie and Sue do not have opposing interests in this scenario.

Fact Pattern 3 – related issues

² The Code Rule 3.4-1[2] commentary reads "A lawyer should examine whether a conflict of interest exists not only from the outset but throughout the duration of a retainer because new circumstances or information may establish or reveal a conflict of interest."

Imagine the same as above but now Sue wants help to make a claim for spousal support against Charlie.

Analysis: These are related matters for clients with opposing interests. The family law advocate cannot assist Sue.

3. A new advocate is bound by earlier conflicts

Principle: You and your organization owe a duty of undivided loyalty to a past client. There is no expiration date on this duty to protect your client's interests.

Facts: In 2007, client Paula gets help from an advocate regarding a family law issue. In 2010, the advocate retires and a new advocate is hired. In 2017, Paula's spouse, Karima, visits the new advocate. Can the new advocate represent Karima?

Analysis: There is a conflict of interest. Paula and Karima are opposing parties. The advocates work for the same organization and may have access to previous records (on paper or otherwise). The duty to represent the client and act in their best interests does not end when the client walks out the door. The new advocate cannot assist Karima.

4. The opposing party is a former client

Principle: If a former client was helped in a meaningful way (that is, more than information referral), then you cannot assist a party with related, opposing interests.

Fact Pattern 1 – issues closely related

The potential new client (Client B) is subject to a child support order that the advocate helped the other side (Client A) get several years ago. Client A is now a "former client" of the organization. The child who was the subject of the child support order is 18 years of age. Client B wants to consult the advocate about child support for the 2 year old child of their new relationship.

Analysis: Client B's matter is not "wholly unrelated". This is because the new matter could reasonably be affected by, and/or related to, Client A's matter. Child support was a live issue in the former client's file and could be related in the new representation under the Child Support Guidelines hardship sections.

Fact Pattern 2 -- legal issues of opposing party resolved and therefore unrelated

On the same fact pattern as above, but now Client B's child with Client A is now 19 years of age, and is living in Alberta working in the oil patch. Client B does not owe any child support arrears to Client A, and their child is no longer entitled to child support.

Analysis: The advocate will have to obtain the relevant information and determine whether the information is in fact correct before acting, and these efforts should be set out in the file.

Fact Pattern 3 – organization no longer has documents for a former client

If Client A was a client 10 years ago and your agency shreds documents 7 years after file closings, then you may assist their spouse. Please make sure that you do not have a way to access records for Client A.

When in doubt about

- whether another client's or former client's matter is "related" to a matter for which the potential client seeks to retain the advocate, and/or
- whether a conflict exists which might prevent representation of the potential client, the Advocate should consult with their supervising lawyer before agreeing to represent the client.

The supervising lawyer will provide an opinion about whether the Advocate is permitted to assume conduct of the potential client's matter. The supervising lawyer's opinion should be in writing and should be kept in a file marked "Conflicts" if the potential client does not become a client of your organization, or in the client's file if the organization assists the client.

The supervising lawyer will want to determine whether the organization has a policy backed up with rigorous practice of periodically destroying client files (including data files) after 7 years. If this is the case, and there is no risk of the advocate having any access to confidential information of the former client (since the former client's file no longer exists), the advocate may act for the potential client.

5. Conflict between the advocate's client and a client of the supervising lawyer

When there is a conflict between the advocate's client and the supervising lawyer's client, the advocate and supervising lawyer cannot discuss the matter and the supervising lawyer cannot review the advocate's file on closing. The advocate should get advice from a different supervising lawyer (or the CASL or FASL lawyer) and the file should be sent to a different supervising lawyer for review on closing.

Practice tip: In certain cases it may be possible, subject to your supervising lawyer's views, to discuss a matter without disclosing the parties' names. If the facts do not identify the parties, then the advocate and supervising lawyer may discuss the matter without checking for conflicts.

6. Personal conflict

Sometimes personal relationships give rise to an actual conflict or a possible, perceived conflict between the advocate and their client. The client should be referred out or, at a minimum, the client should be advised of the personal relationship so that they can make their own decision about whether to continue with the advocate.

7. If a conflict is identified after service is provided

If you become aware of a conflict after providing services, consider the above scenarios to see if yours fits.

Notify your supervisor and supervising lawyer to reach a decision as to what to do and what to say (and not say) to your clients.

D. For Victim Service Workers and Family Law Advocates working at the same organization

There is a conflict of interest if the victim service worker is helping a client and the opposing party wishes to access family law services.

In some cases there may be firewalls or other insulation methods employed by the agency to ensure there is no conflict or sharing of confidential information. Consider the same indicia that apply to two advocates acting for clients with competing interests:

- i. Do you share a client database?
- ii. Do you have the same fax number and, as such, have access to incoming material about the other advocate's client?
- iii. Do you share a filing cabinet?
- iv. Are your respective offices and filing cabinet locked? This means, can your colleagues access your files?
- v. Do you have the same supervising lawyer?
- vi. Do you have the same supervisor with whom you discuss files?

- vii. Are there any other way(s) in which you may have access to the other advocate's client files?

Many organizations have both advocates and victim service workers. When they both work for the same organization, but do not work in the same area and maintain completely separate files, conflicts are unlikely to arise.

The situation that this section addresses, is when the advocate and the victim service workers work in the same environment and have access to the same client information.

Consider the following scenarios.

Fact pattern 1: One party is an existing victim services client. An opposing party wishes to access poverty law services for an unrelated matter.

Analysis: No conflict. Both parties may be served.

If either the poverty law worker or the victim services worker becomes aware that they are serving a client who is an opposing party to a client of the other program, they must notify the other worker; care must be taken to avoid both parties being in the office at the same time.

Fact pattern 2: One party is an existing victim services client. An opposing party wishes to access family law services for an unrelated matter (eg. the victim services worker is assisting a woman who assaulted by her husband and the husband comes to the family law advocate seeking assistance with cancelling spousal support arrears related to a previous partner).

Analysis: A decision will be made on a case by case basis with respect to services for the second client in consultation with staff, the advocate and their manager, and the supervising lawyer.

If service is provided to the second client, care must be taken to avoid having both people in the office at the same time.

Facts Pattern 3: One party is an existing victim services client. An opposing party wishes to access family law services for related matter.

Analysis: There is a conflict and the advocate cannot act. The opposing party should be referred out.

E. Conflict Chart

First Client	Second Client	Matter: same or unrelated?	Conflict?	Conflict Procedure to Follow
Poverty Law	Poverty Law	Unrelated	No	
Poverty Law	Poverty Law	Same or related	Yes	Opposing Party Referred Out
Poverty Law	Family Law	Either	Yes	Opposing Party Referred Out
Family Law	Poverty Law	Either	Yes	Opposing Party Referred Out
Family Law	Family Law	Either	Yes	Opposing Party Referred Out
Victim Services	Poverty Law	Unrelated	No	
Victim Services	Poverty Law	Same or related	Yes	Opposing Party Referred Out
Poverty Law	Victim Services	Unrelated	No	
Poverty Law	Victim Services	Same or related	Yes	Case by case; may follow "Both Parties Served" procedure if files handled entirely separately
Victim Services	Victim Services	Unrelated	No	
Victim Services	Victim Services	Same or related	Yes	Case by case; may follow "Both Parties Served" procedure if files handled entirely separately
Victim Services	Family Law	Unrelated	Yes	Case by case; may follow "Both Parties Served" procedure if files handled entirely separately
Victim Services	Family Law	Same or related	Yes	Opposing Party Referred Out
Family Law	Victim Services	Unrelated	Yes	Case by case; may follow "Both Parties Served" procedure if files handled entirely separately
Family Law	Victim Services	Same or related	Yes	Case by case; may follow "Both Parties Served" procedure if files handled entirely separately



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November 6, 2007

Manjeet K. Chana
Provincial Training Advocacy Conference

Myth vs. Fact: Conflicts of Interest

1. **Myth or Fact:** It is a conflict of interest to represent both parties in the same matter (for example, where you are representing both the landlord and tenant in a residential tenancy matter or a husband and wife in the early stages of a family law matter).

Fact. You cannot act for both parties in the **same** matter in light of these considerations:

- Duty to give undivided loyalty to each client. This duty cannot be met if you determine that the two parties have very different interests;
- Each party may have information that they do not want the other to know.

However, you can act for clients who have opposing interests in **different** matters where:

- The matters you are representing both parties on are substantially unrelated;
- Both parties are informed you will act for each of them and they both consent;
- You do not have confidential information about one of them that might reasonably affect the representation of the other.

2. **Myth vs. Fact:** It is a conflict of interest to act for multiple clients who appear to be on the “same side” (eg. co-tenants in a residential tenancy matter or a spouse and his or her c/l spouse in a child protection matter).

Myth. You may act for two or more clients who may be “on the same side” as long as:

- You tell each client that you have a duty to give undivided loyalty to each of them and each of them gives their informed consent (in writing, if possible) for you to represent both of them;



- You tell each client that if you get confidential information from one of them, it will have to be disclosed or told to the other;
- You get each client's informed consent for what to do in case you later get information from one client that is relevant to you representing both clients. Your clients agree that if this situation arises, you either (1) cannot disclose the information to the other client and you withdraw from representing both or (2) they agree that you must disclose the information to the other client and continue acting for the clients jointly.

3. **Myth vs. Fact:** It is not a conflict of interest to represent a party in a matter where the opposing party is a former client of yours (eg. a wife that you formerly represented in a family law dispute is now a client of another advocate on the other side of your current client, the husband, in the same ongoing dispute);

Myth. The correct principle is: if you have acted for a client ("A") in a matter, you should not act against "A" in the same or any related matter because you may have confidential information that might affect your representation of your current client ("B"). The exceptions to this rule are:

- "A" is told that you are going to be acting for "B", who is someone adverse in interest to him/her in the same or related matter and "A" gives you informed consent to do so; or,
- your representation of "D", a new client, is substantially unrelated to the representation of "C", your former client, and you do not possess confidential information arising from representing "C" that might reasonably affect the representation of "D".

4. **Myth vs. Fact:** It is a conflict of interest to act for a client where his or her interest in a matter competes with a personal or financial interest you have or that of a third party with whom you have a relationship (eg. a family member of yours).

Fact. Generally speaking, a legal advocate must, if he or she has a financial interest in a matter they are conducting for a client, adopt the position of saying "I can be your business partner or I can be your legal advocate but I cannot be both". Note that a



transaction of sale or purchase between a legal advocate and client will be upheld if the legal advocate can prove:

- that he or she made full disclosure to the client of all relevant information known to him or her;
- that the price was fair; and
- that the client was advised by an independent solicitor to whom all circumstances were disclosed

5. **Myth vs. Fact:** When you are sharing an office space with another advocate, it is not a conflict of interest to act on behalf of a client who has an opposing interest to that of a client of another advocate.

Myth. It is a conflict of interest for an advocate to represent a client whose interest is adverse to a client of another advocate in a space-sharing arrangement. One exception to this is where each advocate who is sharing space discloses in writing to all of his or her clients:

- that an arrangement for sharing space exists;
- the identity of all the advocates who make up the office acting for the client, and;
- that advocates sharing space with the office are free to act for other clients who are adverse in interest to the client.

6. **Myth vs. Fact:** A conflict of interest can arise as a result of an advocate transferring from one advocacy office to another.

Fact. A conflict of interest exists if you transfer from one office to another office and:

- either you or your new office knows or later learns that your former office and your new office each represent a client in the same matter;
- the clients have interests that conflict (opposing co-tenants/co-defendants); and,
- you actually have relevant information about the case that may result in prejudice or unfairness to your former client if the information is disclosed to your new office.



In this situation, your new office has to stop acting for its client unless 3 criteria are met:

- the former client consents to your new office continuing representation; or
- your office can show that it is in the interests of justice that your new office's representation of the client continue; or
- your new office has taken reasonable steps to ensure that there will not be disclosure of the former client's confidential information to anyone else at your new office. This means you cannot participate in any way in your new office's representation of the new client unless the former client consents.

This does not apply to a government employee transferring from one department, ministry or agency to another.



THE LAW FOUNDATION OF BRITISH COLUMBIA

Reporting Child Abuse: Policy and Procedures for Law Foundation Funded Legal Advocates January 2020

Issue: Do advocates have to report child abuse to Ministry of Child and Family Development (MCFD), or are client communications with them protected under privilege?

Advocates do not have the same privilege as lawyers.

Advocates must report child abuse in the circumstances listed in section 13 of the *Child, Family and Community Service Act* that is set out below.

1. A child needs protection in the following circumstances:
 - a. if the child has been, or is likely to be, physically harmed by the child's parent;
 - b. if the child has been or is likely to be, sexually abused or exploited by the child's parent;
 - c. if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;
 - d. if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
 - e. if the child is emotionally harmed by:
 - i. the parent's conduct;
 - ii. living in a situation where there is domestic violence by or towards a person with whom the child resides;
 - f. if the child is deprived of necessary health care;
 - g. if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;
 - h. if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
 - i. If the child is or has been absent from home in circumstances that endanger the child's safety or well-being;
 - j. if the child's parent is dead and adequate provision has not been made for the child's care;
 - k. if the child has been abandoned and adequate provision has not been made for the child's care;

- l. if the child is in the car of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.
- 1.1 For the purpose of subsection 1.b and c, but without limiting the meaning of 'sexually abused' or 'sexually exploited', a child has been or is likely to be sexually abused or sexually exploited if the child has been or is likely to be;
 - a. encouraged or helped to engage in prostitution, or
 - b. coerced or inveigled into engaging in prostitution.
- 1.2 For the purpose of subsection 1(a) and (c), but without limiting the circumstances that may increase the likelihood of physical harm to a child, the likelihood of physical harm to a child increases when the child is living in a situation where there is domestic violence by or towards a person with whom the child resides.
- 1.3 For the purpose of subsection 1.e, a child is emotionally harmed if the child demonstrates severe:
 - a. anxiety;
 - b. depression;
 - c. withdrawal; or
 - d. self-destructive or aggressive behaviour.

Reporting

Advocates should not make the decision to report child abuse on their own. The default position is not "just report". There must be persuasive grounds to make a report of child abuse.

Before making a report, an advocate should fully document the grounds they are relying on so that accurate evidence can be discussed with the supervising lawyer before taking any steps to report.

Discussions with the supervising lawyer should take place as soon as possible after the concern arises.

1. Does the advocate need to inform the client about their duty to report child abuse?

You should discuss the "duty to report" at the beginning of the first meeting with the new client. Suggestions for how to approach this are:

"everything you tell me is confidential other than I must discuss matters with my supervisor and my supervising lawyer for assistance and direction on your file. One exception to this rule is that if I believe that there is a threat

to a child's safety, then I have an obligation to report that to the Ministry of Children and Family Development."

"you are my client now so before I make a report of my concern regarding a child's safety, I will speak with you"

The client has a right to know what you are obligated to do before they reveal any details to you.

2. Should the Advocate inform the client before calling the Director of Children and Families (commonly called MCFD) to make a report of a child in need of protection?

- Before calling MCFD, remember that the duty to report to MCFD does not negate the duty to act in the client's best interest. Try to avoid situations where the client withholds information from you for fear of being reported. You also do not want to take either the duty to act in the client's best interest or the duty to report child abuse lightly. This is a difficult path to tread. So do not make this decision alone.
- If you and your supervising lawyer decide that it is necessary to report to MCFD that you believe that a child is in need of protection, **before contacting the Ministry you should speak with the client about your obligation to report** and explain the reasons to them. Explain to the client that MCFD investigates all complaints and that if MCFD finds that there is no child protection concern, they may close the file. Consider telephoning MCFD with the client in the room. Consider using speakerphone so the client is a party to the conversation. Give your client the tools to deal with MCFD before and/or at the same time as you report. Help the client navigate MCFD and the complaint, and if required, help the client to apply for legal aid and refer to other resources.
- Under certain circumstances, contacting MCFD with the client may not be advisable (e.g. if you have concern that your client is harming the child). Again, this decision should be made in discussion with your supervising lawyer.
- Calls and reports made to MCFD are confidential, and the intake workers or social workers cannot divulge the name of the person who made the call.

3. What if a child tells the Advocate that his/her parents are abusing him?

If the child discloses to the advocate in the course of conducting a file that they are being harmed by their parents (whether they are the advocate's clients or not) in any of the ways set out in 13(1) *CFCSA*, this mandates the advocate to make the report to MCFD.

When hearing from children, especially very young children, context is important. You may wish to rely on other resources such as the children's lawyer or a counsellor.

4. What are an advocate's responsibilities if they hear information that raises child protection concerns when they accompany a client to a meeting with their lawyer?

Lawyers are protected by privilege and usually do not have to report child abuse (concerns of imminent harm or death are not protected by solicitor-client privilege and must be reported regardless of relationship or privilege). It is not clear whether third parties (like advocates) in the room are also covered by the lawyer's privilege.

- Communications with third parties may be considered privileged if the third party is acting on behalf of the client. Case law¹ tells us that the third-party's function must be considered essential or integral to the maintenance or operation of solicitor-client relationship for that to apply.
- The privilege protects communications to or by a "third party acting as a messenger, translator, and amanuensis, and includes a third party employing an expert to assemble information provided by the client and to explain it to the lawyer" (General Accident at p.323). If the lawyer is employing the third party, then privilege likely applies.
- This means that whether privilege extends to the advocate or not must be examined in light of the purpose for which the Advocate accompanied the client, and whether the presence was "necessary" for that meeting. For example:
 - if the Advocate was interpreting for the lawyer,
 - if the Advocate attends the meeting for the purpose of helping the client take notes and organize documents etc.

then there is an argument that the advocate's presence is integral to the meeting and "solicitor/client" privilege extends to the Advocate.

Best practice: Inform the client before accompanying the client to the lawyer's meeting that if a child protection concern arises, then you may have to report to MCFD.

It is also important to keep in mind that in many cases, third parties are persons who can be compelled to give evidence in Court. For example, if the client attends your office with a friend or family member whom they wish to have sit in on their meeting with you, that friend is likely a compellable witness and could be called upon to disclose the communications that took place at the meeting. The best practice is to meet with clients privately and without such third parties in attendance.

¹ *General Accident Assurance Co. v. Chrusz* (1999), 180 D.L.R. (4th) 241 (Ont. C.A.) at paras. 120 to 122, cited with approval in *College of Physicians of British Columbia v. British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at paras. 46 to 50, leave to appeal dismissed [2003] S.C.C.A. No. 83

5. Penalties for failing to report

Under section 14 of the *Child Family and Community Service Act* a person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director. To not report in these circumstances is an offence.

This section applies even if the information on which the belief is based

- a. is privileged, except as a result of a solicitor-client relationship; or
- b. is confidential and its disclosure is prohibited under another Act.

A person who knowingly reports to a director, or a person designated by a director, false information that a child needs protection commits an offence.

No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.

A person who commits an offence under this section is liable to a fine of up to \$10,000 or to imprisonment for up to 6 months, or both.

The limitation period governing the commencement of a proceeding under the *Offence Act*, does not apply to a proceeding relating to an offence under this section.

6. Examples: Which situation warrants reporting to MCFD?

- The mother tells you that she left an 11-year-old in the house for 5 minutes while she went to collect the mail. This does not warrant reporting.
- If mum and child disclose that another adult has sexually abused the child, then you need to report.
- If mum suspects that the father is abusing the child, ask for physical data. Ask what circumstance(s) gave rise to that suspicion. Make suggestions such as taking the child to a doctor, the police, get medical records, and verify information. You can have a discussion without reporting.
- A parent tells you that the other has been feeding the child popcorn for dinner. This does not qualify as “neglect” and you do not need to report.

Limitations and Deadlines Quick Reference List

(June 2014 – later updates noted within the text)

This list is provided for reference only. It is not exhaustive, and should not replace regular review of the relevant legislation (including the *Interpretation Act*), rules and case law (see *Beat the clock*, tips 30, 31).

Area of Law, Statute and Section	Required Step	Deadline or Limitation
Administrative		
<i>Judicial Review Procedure Act</i> , R.S.B.C. 1996, c. 241, s. 11	Apply for judicial review	No limitation unless an enactment otherwise provides and the court considers that substantial prejudice or hardship will result to any other person affected by reason of delay
<i>Administrative Tribunals Act</i> , S.B.C. 2004, c. 45, s. 24(1) (Act applies if specified in a tribunal's enabling legislation)	File notice of appeal to appeal tribunal respecting a decision	Within 30 days from date of decision unless otherwise provided in a tribunal's enabling Act, however, the tribunal may extend the time to file a notice of appeal, even if the time to file has expired, if satisfied that special circumstances exist
<i>Human Rights Code</i> , R.S.B.C. 1996, c. 210, s. 22(1)	File complaint pursuant to Code	Within one year of the alleged contravention [June 2019]
Bankruptcy and Insolvency		
<i>Bankruptcy and Insolvency Act</i> , R.S.C. 1985, c-B3, s. 81(4)	File proof of claim (relating to property in the possession of the bankrupt) with the trustee in bankruptcy	Within 15 days after the sending of notice by trustee
<i>Bankruptcy and Insolvency Act</i> , s. 168.2(1)(b)	Give notice of intention to oppose a bankrupt's automatic discharge (to bankrupt, trustee and Superintendent)	Before the automatic discharge would otherwise take effect (see s. 168.1 to determine applicable period as may be as short as nine months)
<i>Bankruptcy and Insolvency Act</i> , s. 135(4)	Appeal disallowance of creditor's claim by trustee	Within a 30 day period after the service of the notice, or such further time as the court may, on application made within that period, allow
Bankruptcy and Insolvency General Rules, C.R.C. c. 368, ss. 30 and 31	Appeal decision of the registrar or to Court of Appeal from decision of a judge (by filing <i>and</i> serving)	Within 10 days after the day of the decision appealed from
Civil Procedure, Litigation and Remedies		
<i>Limitation Act</i> , S.B.C. 2012, c. 13, s. 27 ¹	Sue for a judicial remedy or exercise a non-judicial remedy (some exceptions – see Creditors Remedies)	Not more than two years after the claim is discovered, regardless of the terms of any non-judicial remedy ²
<i>Limitation Act</i> , s. 16 ¹	Commence third party proceedings for contribution and indemnity	The later of the day on which the third party claimant is served with a pleading in respect of a claim for contribution and indemnity or the first day the claimant knew or reasonably ought to have known that a claim may be made
Supreme Court Civil Rules, BC Reg. 168/2009, Rule 7-7(2)	Respond to notice to admit	Within 14 days of service of the notice
Supreme Court Civil Rules, Rule 3-5(4)	Commence third party proceeding	Within 42 days after service of the notice of civil claim (or counterclaim), absent leave of the court
Supreme Court Civil Rules, Rule 3-2(1), (3)	Apply to renew an original notice of civil claim where defendant has not been served	On application by the plaintiff before (or in many circumstances, after) the expiry of 12 months from the date the notice of civil claim was issued
Supreme Court Civil Rules, Rule 13-2(18), (19)	Apply to renew writ of execution	Within one year of the issuance of the original writ or the date of renewal of the writ
Supreme Court Civil Rules, Rule 23-6(9)	File notice of appeal of a Master's order	Within 14 days of the order or decision
Court of Appeal Rules, BC Reg. 297/2001, Rule 34(1), (2)	Apply to vary or discharge order of a justice	Within seven days after the order is made
<i>Court of Appeal Act</i> , R.S.B.C. 1996, c. 77, s. 14(1)	Bring an appeal or apply for leave to the court to appeal (by filing <i>and</i> serving)	Unless otherwise specified, 30 days running from the day after the order is pronounced
<i>Supreme Court Act</i> , R.S.C. 1985, c. S-26, s. 58	Apply for leave to appeal/file notice of appeal where leave not required or granted	Within 60 days from the date of the judgment appealed from/within 30 days of judgment or order granting leave
Corporate/Commercial		
<i>Business Corporations Act</i> , S.B.C. 2002, c. 57, s. 348(2)	Name shareholder as a party to an action against a dissolved corporation	Shareholder to be added as a party to the action within two years of company's dissolution

Area of Law, Statute and Section	Required Step	Deadline or Limitation
<i>Business Corporations Act</i> , s. 349(2)	Apply as a judgment creditor to the Minister for recovery against a dissolved company's assets	Within two years of company's dissolution
<i>Canada Business Corporations Act</i> , R.S.C. 1985, c. C-44, s. 118(7)	Sue director(s) for liability to the company	Within two years from the date of the resolution authorizing the director's action
<i>Canada Business Corporations Act</i> , s. 119(3)	Sue directors for liability to employees	While still a director or within two years of the termination of the directorship
Creditors' Remedies		
<i>Limitation Act</i> , S.B.C. 2012, c. 13, s. 14 ¹	Commence a proceeding for a claim on a demand obligation	Within two years of a failure to perform the obligation after a demand for performance has been made
<i>Limitation Act</i> , ss. 6 and 38 ¹	Commence a proceeding for an unpaid debt	Not more than two or, for government debt, six years after the day on which the claim is discovered
<i>Limitation Act</i> , s. 7(a) ¹ (see s. 1 definition of "local judgment")	Sue on a local judgment for the payment of money or the return of personal property	10 years after the date on which the judgment becomes enforceable
<i>Court Order Enforcement Act</i> , R.S.B.C. 1996, c. 78, s. 91	Apply to renew registration of a judgment	Any time before the expiry of two years from the registration or last renewal of registration of the judgment
<i>Court Order Enforcement Act</i> , s. 29(1)	Apply to have foreign judgment registered in the Supreme Court	Before the time for enforcement has expired in the originating state or 10 years have expired since the date the judgment became enforceable in the reciprocating state [June 2016]
Employee Relief and Compensation Remember to consider limitations applicable to tort claims and human rights complaints (see "Administrative" above) when considering client's options		
<i>Employment Standards Act</i> , R.S.B.C. 1996, c. 113, ss. 112(3) and 122	Appeal to tribunal of director's determination	30 days after the date of service of the determination if served by registered mail; 21 days if served personally, or by fax or email in compliance with s. 122
<i>Employment Standards Act</i> , s. 74(3)	Deliver complaint to director regarding termination	Within six months from last day of employment
<i>Workers Compensation Act</i> , R.S.B.C. 1996, c. 492 s. 55(2)	Apply for compensation	Within one year of the date of injury, death or disablement, unless special circumstances exist
<i>Human Rights Code</i> , R.S.B.C. 1996, c. 210, s. 12(5)	Action by employee for discrimination in wages	12 months from the termination of employment
<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 240(2)	Make complaint to inspector for unjust dismissal	Within 90 days from the date on which the person making the complaint was dismissed
Estates and Trusts For additional limitations and deadlines relating to wills and estates, see the Wills, Estates and Succession Act and the Supreme Court Civil Rules, Part 25		
<i>Wills, Estates and Succession Act</i> , S.B.C. 2009, c. 13, s. 59(3)	Apply for rectification of will	Within 180 days from issue of representation grant
<i>Wills, Estates and Succession Act</i> , s. 146(3)	Commence a proceeding in respect of disputed claim against an estate	Within 180 days after notice is given if the debt is due at the time of the notice, or within 180 days of the time the debt falls due if not due at notice date
<i>Wills, Estates and Succession Act</i> , s. 61(1)(a)	Commence a wills variation proceeding	Within 180 days from issue of representation grant
<i>Wills, Estates and Succession Act</i> , s. 61(5)	File a certificate of pending litigation in support of wills variation claim	Within 10 days of starting wills variation proceeding
<i>Limitation Act</i> , S.B.C. 2012, c. 13, s. 12(1), (2) and (3)*	Commence a proceeding based on fraud, fraudulent breach of trust or recovery of trust property	Within two years of when the beneficiary becomes <i>fully</i> aware of the facts enumerated in s. 12(2)
Family		
<i>Family Law Act</i> , S.B.C. 2011, c. 25, s. 147(4)	Apply for child support from stepparent	Within one year of stepparent's last contribution
<i>Family Law Act</i> , s. 198(2) and (5)	Apply for division of family property or debt, for pension division, or for spousal support	No later than two years after, for married spouses, a judgment granting a divorce or an order declaring a nullity; for spouses living in a marriage-like relationship, the date the spouses separated (family dispute resolution process may suspend running of time)
<i>Family Law Act</i> , s. 198(3)	Apply to set aside or replace an order or agreement respecting property or spousal support	No later than two years after the spouse first discovered, or reasonably ought to have discovered, the grounds for making the application
<i>Family Law Act</i> , s. 233	Appeal order of Provincial Court to the Supreme Court	40 days beginning the day after the order is made

Area of Law, Statute and Section	Required Step	Deadline or Limitation
Canada Pension Plan, R.S.C. 1985, c. C-8, s. 55.1(1)	Apply for division of CPP benefits (between former spouses or former common-law partners)	Within three years of death of former spouse, if spouses apart for more than one year; within four years from the date of separation or at any time with the consent of both former common-law partners
<i>Interjurisdictional Support Orders Act</i> , S.B.C. 2002, c. 29, s. 19(2)	Apply to set aside the registration of a foreign order	Within 30 days after receiving notice of the registration
<i>Interjurisdictional Support Orders Act</i> , s. 36(5)	Appeal an order of any BC court	Within 90 days after the date the ruling, decision or order is entered as a judgment of the BC court
Insurance For additional insurance limitations, see the Insurance Act (life, disability, accident and sickness) and "Personal Injury and Death" (motor vehicle) below		
<i>Insurance Act</i> , R.S.B.C. 2012, c. 1, s. 23	Proceeding against an insurer in relation to property and some other contracts of insurance (see ss. 2 and 8 for exceptions)	If property loss or damage, not later than two years after the date the insured knew or ought to have known the loss or damage occurred; in any other case, not later than two years after the date the cause of action against the insurer arose
<i>Insurance Act</i> , s. 76(1)	Proceeding against an insurer for recovery of life insurance money in the event of death	No later than the earlier of two years after the insurer receives the information mandated by the statute (s. 73) or six years after the date of death
Landlord and Tenant		
<i>Residential Tenancy Act</i> , S.B.C. 2002, c. 78, ss. 46(4), 47(4) and 49(8)	Apply for arbitration to dispute landlord's notice to end tenancy	Five, 10, 15 or 30 days from the date the tenant receives notice, depending on the landlord's reason for termination [June 2019]
Liens Other liens with limitations or deadlines include woodworkers, tugboat workers and repairers liens		
<i>Builders Lien Act</i> , S.B.C. 1997, c. 45, s. 20	File a claim of lien	No later than 45 days after certificate of completion issued or, if none, head contract completed, abandoned or terminated or, if no head contract, improvement completed or abandoned
<i>Builders Lien Act</i> , s. 33	Sue to enforce a claim of lien and file certificate of pending litigation in support of lien action	No later than one year from the date of the filing of the claim of lien unless 21-day notice issued
<i>Builders Lien Act</i> , s. 14	Sue in trust	One year after head contract completed, abandoned or terminated or, if none, improvement completed or abandoned
Municipal Liability		
<i>Local Government Act</i> , R.S.B.C. 2015, c. 1, s. 736(1)/- <i>Vancouver Charter</i> , S.B.C. 1953, c. 55, s. 294(2) [May 2016]	Give written notice of damage to municipality or the City of Vancouver (includes actions against municipal police forces)	Within two months from the date on which the damage was sustained
<i>Local Government Act</i> , s. 735/- <i>Vancouver Charter</i> s. 294(1) [May 2016]	Sue a municipality or the City of Vancouver for damages caused by exercise of a power conferred by an enactment	Within six months after the cause of action first arose
Personal Injury and Death		
<i>Local Government Act</i> , R.S.B.C. 2015, c. 1, s. 736(1)/- <i>Vancouver Charter</i> , S.B.C. 1953, c. 55, s. 294(2) [May 2016]	Give written notice of damage to municipality or the City of Vancouver (includes actions against municipal police forces)	Within two months from the date on which the damage was sustained
<i>National Defence Act</i> , R.S.C. 1985, c. N-5, s. 269	Sue armed forces personnel	Six months after act or six months after continuing injury or damages cease
Insurance (Vehicle) Regulation B.C. (Order in Council no. 595) where s. 103 Notice is issued [April 2019]	Sue ICBC for Part 7 benefits ⁴ for MVA before April 1, 2019	Two years ⁴ from the date of: (i) the accident; (ii) last payment of benefits to insured; or (iii) receipt by ICBC of the s. 103 notice for which benefits are claimed but have not been paid (such notice must be provided within two years of the MVA).
	Sue ICBC for Part 7 benefits ⁴ for MVA after April 1, 2019	Limitation period is suspended indefinitely by written notice to ICBC in compliance with new s. 103 of <i>Insurance Vehicle Regulation (Order in Council No. 595)</i> if ICBC does not issue a written response. If ICBC issues a written response to the new s. 103 notice (the "Response"), the Part 7 action must be filed in the CRT within the later of ⁴ : (i) 3 months from the date of the Response; (ii) 2 years from the date of the accident; and (iii) 2 years from the last payment of benefits to the insured.
Insurance (Vehicle) Regulation B.C. (Order in Council no. 595) where s. 103 Notice is not issued [April 2019]	Sue ICBC for Part 7 benefits ⁴ for MVA before April 1, 2019	Two years ⁴ from date of: (i) the accident; or (ii) last payment of benefits to insured.
	Sue ICBC for Part 7 benefits ⁴ for MVA after April 1, 2019	Two years ⁴ from the date of: (i) the accident; or (ii) last payment of benefits to insured. (Filed in the CRT.)

Area of Law, Statute and Section	Required Step	Deadline or Limitation
<i>Marine Liability Act</i> , S.C. 2001, c. 6, s. 6(1), s. 14(1) [July 2019]	Dependents ³ sue person or ship for damages for personal injury to family member	Two years ⁴ after the cause of action arose ⁵
<i>Marine Liability Act</i> , s. 6(2), s. 14(2) [July 2019]	Dependents ³ sue person or ship for damages for death	Two years ⁴ after the death of the deceased person ⁵
<i>Marine Liability Act</i> , s. 23(1) [July 2019]	Personal injury resulting from a collision between ships (not involving a "passenger")	Two years ⁴ after the loss or injury arose ⁵
<i>Marine Liability Act</i> , s. 37(1) / Athens Convention Article 16 [July 2019]	Personal injury to a "passenger" whether arising from a collision or not	Two years ⁴ from the date of disembarkation
	Death of a "passenger"	In the case of death during carriage, two years ⁴ from the date when the "passenger" should have disembarked In the case of death after disembarkation, two years ⁴ from the date of death of the "passenger".
<i>Marine Liability Act</i> , s. 140 [July 2019]	Other personal injury claims (such as single vessel accidents where the injured person is not a "passenger" on a commercial vessel)	Three years ⁴ after the cause of action arose
Tax – Personal, Property and Business		
<i>Income Tax Act</i> , R.S.C. 1985, c. 1, s. 169(1)	Appeal to the Tax Court of Canada	90 days from the date the notice was mailed to the taxpayer
<i>Income Tax Act</i> , s. 165(1)	File notice of objection to assessment	The later of 90 days from the date of mailing the notice or one year from the taxpayer's filing due date
<i>Assessment Act</i> , R.S.B.C. 1996, c. 20, s. 33(2)	Appeal property tax assessment	No later than January 31 of the year following the year of the assessment
<i>Property Transfer Tax Act</i> , R.S.B.C. 1996, c. 378, s. 19(1)	Mail notice of objection to reassessment to Minister	Within 90 days of the date shown on the notice of assessment
Victim Compensation		
<i>Crime Victim Assistance Act</i> , S.B.C. 2001, c. 38, s. 3(2)	Apply for compensation	Within one year from date of the event or offence
<i>Crime Victim Assistance Act</i> , s. 13(2)	Request that director reconsider decision to deny compensation	Within 60 days from the date the notice of decision was delivered
<i>Criminal Injury Compensation Act</i> , R.S.B.C. 1996, c. 85, s. 6	Apply for compensation	Within one year from the date of injury or death

¹ The former *Limitation Act*, R.S.B.C. 1996, c. 266 applies to pre-existing claims discovered before June 1, 2013. The pre-June 2013 Quick Reference List's references to those limitations are available through www.lawsociety.bc.ca.

² A non-judicial remedy does not survive the expiration of a limitation period (s. 27). Therefore, it would be prudent to sue within two years of discovery.

³ See s. 4 of the *Marine Liability Act* (MLA). The MLA provides for a much broader class of dependents than under the *Family Compensation Act*.

⁴ No postponement for infants.

⁵ Subject to possible extension see Section 23(2) of the MLA.

Source: Welfare Benefits, Your Welfare Rights - LABC March 2018

Your Right to Reconsideration and Appeal

The ministry may decide to refuse, reduce, or stop your monthly welfare benefits or a supplement. Or they may decide to refuse the PWD or PPMB designation. You have the right to challenge their decision. A challenge of a ministry decision has two steps:

1. A **reconsideration** is an internal review by ministry staff.
2. An **appeal** is made to the Employment and Assistance Appeal Tribunal.

Reconsideration

As soon as you find out the ministry made a decision you don't agree with:

- Ask the ministry to give you their decision and the reasons for their decision in writing. Also ask for copies of everything they used to make the decision. You have a right to this information.
- Find an advocate (see page 71). An advocate can tell you if your reconsideration might succeed. They can also help you do the Request for Reconsideration paperwork.
- Attach all the information and evidence that support your request to the Request for Reconsideration form. *It's important to give as much information and evidence as you can.*

- The deadline to file a Request for Reconsideration is *20 business days* (weekends and statutory holidays don't count) from the day the ministry gave you their decision. *You must meet this deadline.*
- If you need more time to give the ministry *other* documents and evidence, such as records or letters that support your request, you can ask the ministry for 10 to 20 extra business days to give them more evidence. If you need more time, write that on the Request for Reconsideration form when you give it to the ministry.
- You can also get and fill out the form through your My Self Serve account.

Appeal

When the ministry decides about your Request for Reconsideration, they send you a Reconsideration Decision. They also send you a Notice to Appeal form at the same time.

- If you don't agree with the ministry's Reconsideration Decision, you can usually appeal it to the Employment and Assistance Appeal Tribunal.
- You must file an appeal within *seven business days* (weekends and statutory holidays don't count) of the day you get the Reconsideration Decision.

It's a good idea to get an advocate to help you with appeals to the Employment and Assistance Appeal Tribunal. See page 71 for where to find an advocate.

For more information about appeals, see Employment and Assistance Appeal Tribunal BC at eaat.ca.

FIPA SERVICES

HELP LINES

FIPA helps the public with their questions, problems and concerns regarding access to information and privacy protection by providing information and non-legal advice. Call 604-739-9788 or email us at fipa@fipa.bc.ca

PUBLIC LEGAL EDUCATION

FIPA provides information on Freedom of Information (FOI) and privacy issues by producing publications, educational events, electronic discussion groups, and this website.

LEGAL AND POLICY RESEARCH

FIPA acts as a legal research and policy resource on freedom of information, privacy and other information issues.

LAW REFORM

FIPA is British Columbia's major public watchdog for FOI and privacy issues, and the only advocacy group in Canada devoted solely to these issues.

LEGAL WORK

FIPA engages in a limited amount of legal advocacy, including interventions in key cases that come before B.C.'s Information and Privacy Commissioner.

CONTACT INFORMATION

Tel: 604-739-9788
Email: fipa@fipa.bc.ca
Fax: 604-739-9148
Website: <https://fipa.bc.ca/>

Thanks to our funders, sponsors and donors for making these public services possible.

MAJOR FUNDERS: <http://fipa.bc.ca/funders/>



PIPA Implementation Tool 4: Ten Principles for the Protection of Privacy

Principle 1 - Be accountable

To comply with this principle, an organization should:

- Ensure that it complies with the ten principles for the protection of privacy.
- In complying with the principles, consider 'what a reasonable person would consider appropriate in the circumstances'.
- Be responsible, by contractual or other means, for all personal information under its control, including personal information that is not in its custody. This includes personal information transferred to another organization for processing. (See [Implementation Tool 9: Privacy Protection Schedule Template](#) PDF 167KB).
- Appoint an individual (or individuals) to be responsible for its compliance (See [Implementation Tool 3: 'What is a Privacy Officer?'](#)) and communicate the name or title and contact information to staff and the public.
- Develop and implement policies and practices for the handling of personal information and make this information available to the public on request.
- Develop and implement a complaint process to handle complaints about its personal information practices and make this information available to the public on request.

Principle 2 - Identify the purpose

To comply with this principle, an organization should:

- Identify the purpose(s) for which personal information is needed and how it will be used and disclosed before or at the time personal information is collected.
- Ensure that the collection of personal information is necessary to fulfill the purpose(s) identified.
- Ensure that the purpose(s) is limited to what a reasonable person would consider appropriate in the circumstances.
- Inform the individual from whom the information is collected, either verbally or in writing, before or at the time of collection why the personal information is needed and how it will be used.
- On request by the individual, provide the name or title and contact information of a person within the organization who is able to answer questions about the collection of personal information.
- When using an individual's personal information that has already been collected for a new purpose not previously identified, inform the individual of the new purpose and obtain consent prior to its use.

Principle 3 - Obtain consent

To comply with this principle, an organization should:

- Obtain consent from the individual whose personal information is collected, used or disclosed.
- Obtain the individual's consent before or at the time of collection, as well as when a new use is identified.
- In determining what form of consent to use (e.g., written, verbal, implied, opt-in or opt-out), consider both the sensitivity of the personal information and what a reasonable person would expect and consider appropriate in the circumstances.
- When obtaining express consent, inform the individual of the purposes for the collection, use or disclosure of personal information in a manner that is clear and can be reasonably understood.
- Never obtain consent by deceptive means or by providing false or misleading information about how the personal information will be used or disclosed.
- Never make consent a condition for supplying a product or a service unless the collection, use or

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disclosure of the personal information is necessary to provide the product or service.

- Should an individual wish to withdraw consent, explain the likely consequences of withdrawing consent.
- Never prohibit an individual from withdrawing consent to the collection, use or disclosure of personal information unless it would frustrate the performance of a legal obligation.

Principle 4 - Limit collection

To comply with this principle, an organization should:

- Only collect personal information for purposes that a reasonable person would consider appropriate in the circumstances.
- Limit the amount and type of personal information collected to what is necessary to fulfill the identified purposes.
- Before or at the time of collection, comply with Principles 2 and 3 by informing the individual of the purposes for collection and obtaining consent.
- Collect personal information directly from the individual it is about unless the Act or the individual authorizes the collection of personal information from another source.

Principle 5 - Limit use, disclosure and retention

To comply with this principle, an organization should:

- Use or disclose personal information only for the purpose(s) for which it was collected, unless the individual consents to the new purpose, or the use or disclosure is otherwise authorized by the Act.
- Only use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.
- Keep personal information only as long as necessary to fulfill the purpose(s) for which it was collected.
- Keep personal information that is used to make a decision about an individual for at least one year after using it so the individual has a reasonable opportunity to obtain access to it.
- Destroy, erase or render anonymous personal information as soon as it is no longer serving the purpose for which it was collected and is no longer necessary for a legal or business purpose.

Principle 6 - Be accurate

To comply with this principle, an organization should:

- Minimize the possibility of using incorrect or incomplete information when making a decision that affects an individual or when disclosing an individual's information to another organization by making reasonable efforts to ensure that the personal information it collects is accurate and complete.

Principle 7 - Use appropriate safeguards

To comply with this principle, an organization should:

- Make reasonable security arrangements to protect personal information in its custody or under its control. Such arrangements should include physical measures, technical tools, and organizational controls where appropriate.
- Safeguard personal information from unauthorized access, collection, use, disclosure, copying, modification or disposal by both individuals outside the organization as well as within.
- Protect personal information regardless of the format in which it is held (e.g., paper, electronic, audio, video).

Principle 8 - Be open

To comply with this principle, an organization should:

- Make the following information available to customers, clients and employees on request:
- brochures or other information that explain its personal information policies and practices;
- name or title and contact information of the person who is accountable for its personal information policies and practices;

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- name or title and contact information of the person who can answer questions about its purposes for collecting personal information;
- how an individual can gain access to his or her personal information and the name or title and contact information of the person to whom access requests should be sent; and,
- the process for making a complaint about its personal information practices.

Principle 9 - Give individuals access

To comply with this principle, an organization should:

For Access to Personal Information requests

- Upon request, provide applicants with:
- access to their personal information;
- an explanation of how their personal information is or has been used; and,
- a list of any individuals or organizations to whom their personal information has been disclosed.
- Provide a copy of the information requested or a response that includes reasons for not providing access, subject to the exceptions set out in the Act, within 30 business days unless an extension of time is permitted under the Act.

If all or part of the requested information is refused, provide the applicant with a response that includes:

- reasons and the provision of the Act on which the refusal is based;
- the name or title and contact information of someone who can answer the applicant's questions about the refusal; and,
- information on how to request a review by the Information and Privacy Commissioner.

For Correction of Personal Information requests

- Upon request, correct personal information that the organization verifies is inaccurate or incomplete.
- If a correction is made, send a copy of the corrected personal information to each organization to which the incorrect or incomplete information was disclosed in the past year.
- If no correction is made in response to an individual's request, annotate the personal information in (i.e., make a note) to indicate that a correction was requested but not made.

Principle 10 - Provide recourse

To comply with this principle, an organization should:

- Develop and implement simple and easily accessible complaint handling procedures. (See [Implementation Tool 7: Setting Up a Complaint Handling Process](#)).
- Inform complainants of avenues of recourse. These include the organization's own complaint process and the Information and Privacy Commissioner.
- Investigate all complaints received.
- Take appropriate measures to correct information handling practices and policies.

This page was last updated October 24, 2003.

4. FILE MANAGEMENT

As noted in the Best Practices Document, advocates should have procedures for Opening and closing files and have a well-organized file system.

This section includes several forms that have been developed by other advocacy programs and identified by the Law Foundation as ones that could be utilized by all advocacy programs. **Please Note:** These forms provide guidelines and suggestions but can be modified to suit your program.

The section also includes information about a webinar created by the Law Foundation about file management that we ask all advocates to review, as well as articles that provide suggestions about file management and guidance about the ownership of file contents.

a. Sample File Opening Forms (Law Foundation)

- File Opening Checklist
- Intake Form
- Retainer Letter
- Authorization/Waiver of Confidentiality
- Medical Authorization
- Consent to Disclosure/Law Foundation funded groups

b. Sample Forms for File Not Opened – Declined (Law Foundation)

- Declined for conflict
- Declined for other reason

c. Sample File Closing Form (Law Foundation)

d. Other Sample Forms

- Bring Forward Form
- Telephone Log Sheet
- Action Tasks

e. File Management

- Law Foundation Webinar on File Management
- File management tips
- Ownership of file contents
- What to do with closed files

NAME OF ORGANIZATION
ADDRESS

AUTHORIZATION AND WAIVER OF CONFIDENTIALITY

To: **NAME AND ADDRESS OF ORGANIZATION OR INDIVIDUAL YOU ARE ASKING FOR INFORMATION**

This is to notify you that I, _____
authorize the person(s)/organization listed below to act as my representative.

You are authorized to release any and all information regarding my case,
including that which is considered confidential, as the person listed below may
request.

My authorized representative is: **NAME OF ADVOCATE** _____

Signature: _____

Date: _____

S.I.N.: _____

Birthdate: _____

NAME OF ORGANIZATION
ADDRESS

CONSENT FOR DISCLOSURE OF INFORMATION AND WAIVER OF
CONFIDENTIALITY

I give permission to NAME OF ORGANIZATION for my file to be reviewed by certain of their employees as needed to work on my file.

I give my permission to NAME OF ORGANIZATION to discuss and disclose all relevant information regarding my file with any organization or individual deemed necessary by NAME OF ORGANIZATION to properly work on my file.

I understand that NAME OF ORGANIZATION receives funding from the Law Foundation of British Columbia. In order for the Law Foundation to evaluate the effectiveness of the advocacy programs it funds, Law Foundation staff or their agents may request to review your file. Any review by the Law Foundation would be solely to evaluate the services of NAME OF ORGANIZATION and information would be kept in the strictest confidence. I give my permission to NAME OF ORGANIZATION to allow Law Foundation staff or their agents to review my file.

Name: _____

Signature: _____

Date: _____

File Opening Checklist

- ☐ Intake Form Completed
- ☐ Conflict Check Completed
- ☐ Limitation Dates Checked
- ☐ Retainer Letter Sent
- ☐ Authorizations to Release Information to an Advocate Obtained
- ☐ Consent for Disclosure of Information and Waiver of Confidentiality

Date: _____

NAME OF ORGANIZATION
ADDRESS

INTAKE FORM

Last Name: _____ Middle Name: _____

First Name: _____

Phone-Home: _____ Phone-Work: _____

Phone-Cell: _____

E-mail Address: _____

Birth date: _____ Birthplace: _____

Marital Status: _____ Sex: ____M ____F ____other

Alias or other names you are known by: _____

BC Care Card #: _____

Driver's License #: _____

S.I.N.: _____

Status Card #: _____

If you are of Native Ancestry, please indicate the following:

- ☐ Status
- ☐ Non-Status
- ☐ Métis/Inuit
- ☐ Off Reserve
- ☐ On Reserve

Band Name: _____

Nation/Ancestry: _____

If applicable, name the opposing parties in this matter and their relationship to you:

If applicable, name the opposing lawyer or advocate: _____

Briefly give an overview of your problem:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature: _____

NAME OF ORGANIZATION
ADDRESS

To Dr. **NAME**
ADDRESS

MEDICAL AUTHORIZATION

This document authorizes you to give **NAME OF ADVOCATE** any information and opinions that she/he may require regarding my present or past physical condition and treatment. This may include: your prognosis, as well as access to or copies of x-rays, records, or other documents that you may have regarding my past or present condition or treatment.

You are not to disclose any information concerning myself to any persons other than **NAME OF ADVOCATE**, without written authority from me to do so.

All prior authorizations of disclosure are hereby cancelled. I hereby waive any privilege I have to the information referred to in this document.

Name: _____

Signature: _____

Date: _____

S.I.N.: _____

Birthdate: _____

NAME OF ORGANIZATION
ADDRESS

Date:

CLIENT'S NAME
ADDRESS

PERSONAL AND CONFIDENTIAL

Dear Client:

Re: Description of Legal Matter

You have asked me, as legal advocate for Organization to assist you with and income assistance matter – specifically with issue. This letter gives you the following information about our work on your case:

- the level of assistance our organization can provide
- your rights and responsibilities, and
- other important information.

YOUR LEGAL PROBLEM

You have asked for help with describe why the client has come to you for legal assistance

IMPORTANT TIME LIMITS

You should be aware that the following time limits apply to your case:

- date and what has to be done
-

WHAT WE HAVE AGREED TO DO

We have agreed to do the following things for you:

1. help you to ;
2. provide legal information, general guidance and advice on this matter, in my capacity as a Legal Advocate;
3. attend, as your legal advocate, at XXXXX, on date XXXXXXXX and XXXXXXXXXXXX; and

4. to debrief the hearing with you and inform you of any applicable next steps.

WHAT YOU HAVE AGREED TO DO

You have agreed to do as much as possible to assist us with your own case. This will include:

1. informing us promptly of any change of address or other contact information;
2. informing us promptly of any new facts or changes in circumstances that may affect your case; and
3. giving us copies of all documents in your possession, or that you may be able to obtain, that may be necessary or helpful for your case.

CONFIDENTIALITY

Organization will keep your case confidential unless you authorize us to release information. However, you specifically authorize us to do the following:

1. To disclose to the co-petitioners, if any, all aspects of the case as are necessary in order properly pursue the case.
2. To discuss within our office, or with other appropriate advocacy services, details of all aspects of your case as may be necessary for the proper conduct of your case.
3. If this is a case which raises an issue of concern to low income people throughout the province, to discuss the case with other lawyers, advocates and community groups.
4. We receive funding from the Law Foundation of British Columbia. In order for the Law Foundation to evaluate the effectiveness of the advocacy programs it funds, Law Foundation staff or their agents may request to review your file. This review would be solely to evaluate the services we provide our clients, and information would be kept in the strictest confidence.

FILE

Your file and all its contents belong to **Organization**. Any papers or documents that you give us will be returned to you at the conclusion of the case, if requested. However, the rest of your file belongs to **Organization** and will remain with us.

WITHDRAWAL BY YOU

You are free to end our services for any reason and at any time by writing us a letter to that effect.

ORGANIZATION WITHDRAWAL

We also have the right to terminate our services at any time if we have good reason which includes, but is not limited to, the following:

1. You fail to make full disclosure of all facts and all documents (both for and against you) relating to your problem;
2. You fail to keep us informed of your current contact information;
3. We are of the opinion that your case no longer has a reasonable likelihood of success;
4. You fail to co-operate with us regarding any reasonable request or to accept our advise;
5. You have misrepresented facts or failed to disclose important facts;
6. You ask us to do something unethical or illegal;
7. If there are threats, inappropriate language or behavior directed at advocates, staff, or other agencies including government staff or agencies;

If there is anything in this letter that you do not understand or if you have any questions about the services we will be providing you, please contact us.

Yours truly,

Advocate's Name
Organization
Contact information
Days of work

NAME OF ORGANIZATION
ADDRESS

PERSONAL AND CONFIDENTIAL

Date:

CLIENT ADDRESS:

Dear **CLIENT:**

Re: **DESCRIPTION OF LEGAL MATTER**

As we discussed during our meeting, before we could agree to assist you in this matter, we had to investigate whether working for you on this matter could negatively affect the interests of existing or former clients, or if there might be some other reason that we would be unable to adequately represent your interests.

We have performed a conflict of interest check and found that we have a conflict of interest in this case and, therefore, cannot assist you.

Please be aware that there may be time limits on you making a claim. Since time limitations may be critical in your case, if you want to go ahead with your case, you should immediately contact a lawyer or another agent for assistance regarding this matter.

Yours truly,

NAME OF ORGANIZATION
ADDRESS

PERSONAL AND CONFIDENTIAL

Date:

CLIENT ADDRESS:

Dear **CLIENT**:

Re: **DESCRIPTION OF LEGAL MATTER**

After considering the facts and legal issues involved in your case, we regret that we cannot provide further assistance. As we discussed in our meeting of _____:

SET OUT REASONS YOU CANNOT ASSIST THIS PERSON WITH THEIR PROBLEM

- 1.
- 2.
- 3.

This letter is not an opinion about the merits of your case. In saying that we cannot assist you, we are not expressing an opinion about whether you should take further action.

You should be aware that there may be strict time limitations you have to meet in order to protect your rights. If you do not begin your lawsuit by filing an action within the required time, you could lose any right to make a claim. Therefore, if you want to continue with your case, you should immediately contact a lawyer to obtain advice about any deadlines and to obtain legal representation. We cannot be responsible for your meeting any outstanding deadlines or limitation dates.

Yours truly,

Date: _____

NAME OF ORGANIZATION

FILE CLOSING FORM

Client: _____

Primary legal issue:

- ☐ Income Security (includes CPP, WCB, Welfare, Disability, EI)
- ☐ Housing (includes Residential Tenancy)
- ☐ Debt
- ☐ Family
- ☐ Child Protection
- ☐ Other (includes Criminal, Mental Health, Immigration/Refugee, Wills/Estates, Human Rights, Consumer, Employment, etc.)

1. Briefly describe the client's problem: _____

2. What did the client want to have happen? _____

3. What did the client actually get? _____

4. For better or for worse, has the client's problem finished or reached a conclusion? Please explain. _____

Action Tasks

Current Date	Task	Completion Date	Complete
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
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	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant		

Bring Forward Management System

Current Date	Bring Forward Date	Completed
	Details: <div> <input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant </div>	<input type="checkbox"/>
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Dates of Hearings, Court, Tribunals, Etc.

Date	Details	Completed
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Telephone Correspondence Log

Date of Correspondence	Details (Name, Telephone Number, Summary, etc.)
	<input type="checkbox"/> Advocate <input type="checkbox"/> Advocate Assistant
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File Management Tips

1. Colour code files: Use different coloured file folders for each of the areas of law you work in. For example, all welfare files would be pink, all residential tenancy files green, all PWD files red, etc.
2. Create a numbering system: You need to keep track of all the files you have open, and all the files you have ever had open, but which are now closed. You can simply start with “001”, for your first file, and then each subsequently opened file would take the next number. Another method is to have a numbering system within each area of law you work in. For example. All welfare files (which all have the same colour file folder) would begin with “10”. The first family file would be “10-001” and so on.
3. Separate open files from closed files: You need a central file cabinet in which you keep all the files that are currently open and which you are working on. You also need to have a separate file cabinet in which you store all your closed files.
4. Create a central file index: This can be on paper or computer or both. It will have two parts: a list of all your open files, and a list of all your closed files. The list should contain basic information such as client name, address, legal matter, file number, date file opened and date file closed.
5. Same client, new matter, new file: If a client you have an open file for comes to you with another problem – open a new file for the new matter. Even if the two problems are connected, as they often will be, you should have a separate file for each matter you are assisting a client with.

Ownership of File Contents

The Client is entitled to:

1. originals of all documents existing before they retained the advocate (unless belonging to a third party)
2. originals of letters by the advocate to the client
3. originals of letters sent by third parties to the advocate
4. any expert opinions and medical reports
5. copies of letters sent by the client to the advocate
6. copies of letters sent by the advocate to third parties
7. notes of conversations with witnesses (if the hearing has not been held)
8. memorandum of law
9. transcripts of any proceedings held
10. all legal documents prepared in relation to the file

The Advocate is entitled to:

1. notes of conversations (other than with witnesses, if the hearing has not been held)
2. notes on evidence and notes of submissions to courts and tribunals
3. inter-office memos
4. routine forms such as diary, time or BF forms
5. originals of letters sent by the client to the advocate
6. authorizations and instructions given to the advocate by the client

The documents the client is entitled to must be provided to the client upon demand. The advocate is still entitled to keep copies for their file. The documents the advocate is entitled to do not have to be provided to the client.

Law Foundation Webinar on File Management

The link to the webinar created by the Law Foundation on file management is <https://vimeo.com/200855131>

What to do with Closed Files

GENERAL CONSIDERATIONS

Advocates are responsible for maintaining the safety and confidentiality of their client's files and should take all reasonable steps to ensure the privacy and safekeeping of client's information. The duty of confidentiality survives the professional relationship and continues indefinitely after the advocate has ceased to act for the client.

Many of the documents in a file belong to the client and it is the advocate's responsibility to ensure these are returned to the client when the file is closed.

When a file is closed determine a destruction date. While some documents in the file will have been disposed of upon closing the file, the destruction date is the ultimate date upon which the balance of the file will be destroyed.

STORAGE OF CLOSED FILES

Closed files should be stored securely, separately from open files. Unused office space is an option for the storage of closed files. Since client confidentiality is a concern, closed files should be stored in areas where only staff have access.

It is advisable to store files at the office for at least two years after closing, because this is the most likely time when access may be needed.

If, after storing closed files on site for two years, space becomes an issue, then renting secure off-site storage space may be necessary.

HOW LONG TO RETAIN CLOSED FILES

There is no universal agreement on how long to retain files. Each organization should develop their own policy on the retention and destruction of files, in consultation with the supervising lawyer for the advocacy program.

As a general guideline, files should be retained for a period of six years after they are closed. This general guideline is taken from the Law Society of BC document *Closed Files - Retention and Disposition*, which is available on their website. That document provides more specifics on retention of closed files, based on area of law, beginning at page 28.

DESTRUCTION OF CLOSED FILES

When it is time to destroy closed files, confidentiality remains a concern. It is not acceptable to throw files in the trash or into a dumpster.

Burring files may be an option, if there is access to a facility that can ensure the complete destruction of all the file contents.

The main destruction method is paper shredding. An organization may choose to purchase or lease its own paper shredder.

Alternatively, organizations may hire a paper shredding company. Many such companies will travel anywhere in British Columbia to shred and then recycle the material. Companies charge by the weight or the volume of the material to be shredded, with some variation depending on location in the province.

Document shredding is also available from some of the off-site file storage businesses.

A more comprehensive examination of the retention and disposition of closed files can be found in the Law Society of BC document *Closed Files - Retention and Disposition*, June 2013

Available: <http://www.lawsociety.bc.ca/docs/practice/resources/ClosedFiles.pdf>

5. TRAINING FOR ADVOCATES

In order to support the work of the advocates that is funds, and to ensure that they provide consistent, high quality service, the Law Foundation provides a variety of training opportunities for advocates. This section has information about the following training resources.

a. Law Foundation Education and Training (E&T) Fund

- Fund Guidelines

b. Family Law Advocates Training Course

c. Legal Advocacy Training Course

- Overview
- Agenda

d. Provincial Training Conference information

- Agenda for most recent conferences
- Link to materials for past conferences

e. Webinars

- Law Foundation webinars
- BC Courthouse Libraries Webinars

Law Foundation Education and Training (E&T) Fund

Through the Education and Training Fund, the Law Foundation provides ongoing professional development for legal advocates who work at least half time on programs it funds.

Information about what the Fund covers and how to apply for training under the Fund is in the first section under this tab.

Family Law Advocacy Training Course

The Family Law Advocacy Training Course is a 2-week training course that is designed to provide new advocates (without equivalent training and experience) with training in the substantive legal issues related to their work as family law advocates, and the relevant advocacy, file management and professional responsibility skills

Legal Advocacy Training Course

NOTE: we include information about this training for poverty law advocates so you are aware of it – but it is NOT a requirement for your work.

The Legal Advocacy Training Course is a 2-week training course (that runs over two years) that is designed to provide new advocates (without equivalent training and experience) with training in the substantive legal issues related to their work as poverty law advocates, and the relevant advocacy skills. It is a condition of advocacy grants that all advocates working .5 or more should either take the LATC or contact Law Foundation staff about proving an equivalency.

Provincial Training Conference

Each year, the Law Foundation collaborates with Legal Aid BC to provide professional development training for legal advocates in BC. Usually the training is held in-person in Vancouver over three days of legal updates, discussion and skills training. All Law Foundation advocates are funded to attend the training.

Webinars and Videos

Webinars organized by the Law Foundation are available to Law Foundation funded advocates here <https://www.lawfoundationbc.org/grantee-resources/webinar-recordings/>

The 2020 Provincial Training Conference was virtual. Recorded sessions are available here: https://lss.bc.ca/community_workers/training *(Use the filter "Video Series: Provincial Conference 2020")*

Webinars organized by BC Courthouse Libraries are available here: <https://www.courthouselibrary.ca/training-professional-development>



**EDUCATION AND TRAINING FUND
CRITERIA FOR TRAINING LEGAL ADVOCATES**
(updated November 2018)

PURPOSE

Where possible, the Law Foundation of British Columbia will provide financial assistance to legal advocates funded by the Law Foundation for training and support that is related to the work they do.

ELIGIBILITY

Legal advocates funded by the Law Foundation to work at least .5 FTE may apply to the fund for financial support for the costs of:

- training for professional development, or
- counselling to support advocates dealing with trauma related to their work.

Please note that these funds are available only for the Law Foundation funded advocates. (The funds are not available for volunteers, or advocates not funded by the Law Foundation.)

CRITERIA

The Law Foundation will consider the following factors when deciding whether or not to fund a request for the support in the following areas.

Training:

- The relevance of the proposed training to the services provided.
 - Does it fall within the core and secondary courses outlined by the Law Foundation? (see attached list of core and secondary courses)
 - Does it meet an individual's professional development needs?
- The availability of funds.

Counselling:

- Whether the counselling requested is related to the advocate's work
 - Was there a violent incident in the workplace or with clients outside the workplace?
 - Does the advocate need counselling support for other reasons related to their work?
- If the request for counselling is supported by the supervising lawyer or executive director, and the program director for the program.
- The availability of funds.

APPLICATION PROCEDURE

1. Contact the Legal Advocate Training Manager **and** your Program Director with a request to fund training or counselling **before** registering for either.
2. Decisions about applications for non-profit governance training will be made by the Legal Advocate Training Manager and the Program Director responsible for the advocate's program. Law Foundation staff in consultation with the Foundation's Executive Director.

REGISTRATION

1. Contact the Legal Advocate Training Manager **and** your Program Director with a request for training or counselling **before** registering for either.
2. Once your request is approved, register directly with the organization providing training or counselling services.

AMOUNT OF FUNDING

- Advocates attending **training** may claim for course fees, travel expenses, accommodation, and meal allowances if necessary.
- An advocate receiving **counselling** can claim for the cost of counselling services up to a maximum of \$2,500 per year, based on need and the availability of funding.

Receipts for reimbursement should be submitted to the Law Foundation within one month of attending the training or counselling.

EXPENSE CLAIMS

1. Claim payment for training or counselling services first from your organization, and then submit the invoice from your organization (with supporting documentation) to the Law Foundation for reimbursement.
2. Claims should be completed according to the Education and Training Fund Expense Guidelines.

CORE AND SECONDARY COURSES

The Law Foundation has identified “core” courses and “secondary” courses that are relevant to the work of a legal advocate. These courses act as guidelines in the education and training of advocates.

CORE COURSES:

- Administrative Law (for poverty law advocates)
 - Employment and Assistance (welfare)
 - Residential Tenancy
 - Disability Benefits (welfare, CPP)
 - Employment Insurance
 - WCB
- Family Law (for family law advocates)
 - Child and Spousal Support
 - Separation and Divorce
 - Parenting Arrangements
 - Family Court Forms
 - Child Protection
 - Basic Family Property Law Issues
- Other areas of-Law
 - Human Rights
 - Employment
 - Consumer Rights/Debt Issues
- Advocacy Skills
 - Ethics
 - Introduction to Legal Research
 - Interviewing/Case Analysis
 - File Management

- Writing Skills
- Negotiation
- Formal Advocacy Skills (for poverty law advocates)
 - Preparation for a Tribunal
 - Presenting a Case at a Tribunal
- Informal Advocacy Skills
 - Conflict Resolution
 - Communication Skills
 - Mediation
 - Working with Challenging Clients (clients with mental health issues or violent clients)
- Cultural Competancy Training
- Public Legal Education Workshop Facilitation

SECONDARY COURSES:

- First Nations Issues
- Immigration
- Child Protection
- Family Law (more advanced)
- Law Reform/Public Legal Education
- Legal Research (more advanced)
- Time Management
- Stress Management
- Mental Health Law
- Disability Rights Law
- Legislative Updates in all areas
- Advanced Courses in all area

Family Law Advocate Training Course (FLATC)

The Family Law Advocate Training Course (FLATC) is organized by the Law Foundation of B.C. to support its funded advocates. The goal of the training is to support the professional development of family law advocates so they are well-equipped to provide a full range of advocacy services to clients and client groups.

The Family Law Advocate Training Course is the product of much work by many people. Law Foundation staff has been working on training for poverty law advocates since early 2007. It was developed in response to concerns voiced by advocates and groups already involved in training advocates that there was a need for core training on advocacy skills and legal knowledge for poverty law advocates in B.C. While there was an annual Provincial Training Conference for poverty law advocates and some online training through PovNet, there was not any place for them to learn basic advocacy skills or legal information relevant to their work.

When the Law Foundation Board looked to expand its funding to family law advocates, an important element of the plan was to develop appropriate training. Law Foundation staff (Veenu Saini, program director and Lois Shelton, Legal Advocate Training Manager) worked with an Advisory Committee of family law advocates and lawyers, and others working to provide family law services in BE. The Committee considered what skills and knowledge family law advocates need, the scope of service they should provide, and important elements of a training program for family law advocates.

The FLATC is now part of the ongoing education and training support for advocates provided by the Law Foundation, and taking the FLATC or proving an equivalent is required of legal advocates funded by the Law Foundation.

Curriculum

The curriculum of the Family Law Advocate Training Course was developed after reviewing existing research and opinions about what should be included in training for legal advocates, as well as extensive consultation with advocates and the lawyers and legal education groups that work with them around B.C. The areas identified as important elements of the training program include the following:

Practical skills:

- basic advocacy skills
- oral presentations
- writing skills
- interviewing and case analysis
- legal research
- interpreting legislation
- file management
- Financial statements
- Mobility/relocation
- Child protection
- Property law principles and issues
- Mediation / alternative dispute resolution

Substantive knowledge:

- Guardianship and parenting time
- Child and spousal support
- Divorce
- Protection orders and violence issues

The FLATC curriculum is designed to provide adult learners with information that is relevant to the work they do in B.C. as legal advocates. Many sessions include small group work or discussion so that participants may contribute knowledge they already have about topics. All skills training sessions provide time for participants to practice the skills being taught.

The course provides core training on family law issues and related advocacy skills. Other training or professional development can build on the skills and information introduced in this training.

LEGAL ADVOCACY TRAINING CURRICULUM Law Foundation of BC Board Room - 1340 - 605 Robson Street, Vancouver BC 604 688 2337					
	DAY 1 2019	DAY 2 2019	DAY 3 2019	DAY 4 2019	DAY 5 2019
8:30 - 10:30	1.1 8:30 - 9:15 Welcome <i>Wayne Robertson QC, Law Foundation of BC</i>	2.1 9:00 - 12:15 Residential Tenancy	3.1 8:30 - 10:30 Interviewing Part 2: Exercise	4.1 9:00 - 12:15 Case Evaluation	5.1 8:30 - 11:45 Case Research and Statutory Interpretation COMPUTER LAB Vancouver Public Library
10:45 - 12:15	1.2 9:15 - 12:15 Overview of the legal system: Administrative law in context. (levels of court, admin law, role of policy/regs etc, natural justice and procedural fairness)	2.2 Residential Tenancy CONTINUED	3.2 10:45 - 12:15 Working with the Law Foundation <i>Law Foundation staff</i>	4.2 Case Evaluation CONTINUED	5.2 Case Research and Statutory Interpretation CONTINUED
LUNCH PROVIDED 12:15 - 1:15					noon - 12:145pm
1:15 - 2:45 1.5 hours	1.3 Welfare overview	2.3 Interviewing Part 1 (2 HOURS) 1:15 - 3:15	3.3 CPP Disability (2 HOURS) 1:15 - 3:15	4.3 Working with Clients with Mental Health Issues	5.3 Written Skills Part I (informative writing letters) (2 HOURS) 12:45 - 2:45 -
3:00 - 4:30 1.5 hours	1.4 Welfare overview CONTINUED	2.4 Resources and Services for Advocates 3:30 - 5:00	3.4 Working with LSS (1 HOUR) 3:30 - 4:30	4.4 Working with Clients with Mental Health Issues CONTINUED	5.4 Professional Responsibility Discussion and Exercises (1 HOUR) 3:00 - 4:00
Evening		5 - 7 pm Law Foundation Reception for students, resource people and Law Foundation staff.			
Assessment			In-class interview	Research exercise to hand in	Week 1 Test - 2 weeks after course

LEGAL ADVOCACY TRAINING CURRICULUM Law Foundation of BC Board Room - 1340 - 605 Robson Street, Vancouver BC 604 688 2337					
	DAY 6 April 23, 2018	DAY 7 April 24, 2018	DAY 8 April 25, 2018	DAY 9 April 26, 2018	DAY 10 April 27, 2018
9:00 - 10:30	6.1 8:30 - 8:45 Welcome and check-in with students.	7.1 Employment (ESB) <i>Natalie Drolet, Executive Director/Staff Lawyer, Migrant Workers Centre</i>	8.1 Debt <i>Alison Ward, Staff Lawyer, Community Advocate Support Line (CASL), Community Legal Assistance Society</i>	9.1 Advocacy Skills for Hearings (8:30 START) CONTINUED	10.1 9:00 - 11:00 Family and Child Protection Law: Important issues and resources <i>Zahra Jmale, Director of Law Reform, West Coast LEAF</i>
10:45 - 12:15	6.2 8:45 - 12:15 PWD benefits <i>Sam Turcott, Program Director, Advocacy Access Program, Disability Alliance BC</i>	7.2 Employment Insurance (EI) <i>Kevin Love, Staff Lawyer, Community Legal Assistance Society</i>	8.2 Debt CONTINUED	9.2 Advocacy Skills for Hearings CONTINUED	10.2 11:15 - 12:15 Getting Results: Follow-up and enforcement <i>Alison Ward, Staff Lawyer, Community Advocate Support Line (CASL), Community Legal Assistance Society</i>
LUNCH					
1:15 - 2:45	6.3 1:15 - 3:15 Working with Clients Dealing with Violence <i>Andrea Vollans, advocate</i>	7.3 Writing Skills Part 2 (persuasive writing / submissions) <i>Danielle Sabelli, Staff Lawyer, Community Legal Assistance Society and Didi Dufresne, advocate, First United Church Society</i>	8.3 Advocacy Skills for Hearings <i>Kendra Milne, social justice lawyer</i>	9.3 Human Rights: grounds and procedures for making complaints <i>Devyn Cousineau, Member, BC Human Rights Tribunal</i>	10.3 1:15 - 3:15 Getting Results: Follow-up and enforcement CONTINUED
3 - 4:30	6.4 3:30 - 4:30 Professional Responsibility Discussion and Exercises (for new registrants) <i>Sarah Khan, Acting ED, Seniors First</i>	7.4 Writing Skills Part 2 CONTINUED	8.4 Advocacy Skills for Hearings CONTINUED	9.4 Human Rights CONTINUED	10.4 3:30- 4pm Sharing Victories
Assessment		Written submission (due May 14)			Week 2 Test - May 14

Legal Advocacy Training Course (LATC)

The Legal Advocacy Training Course was developed by the Law Foundation in consultation with advocates and experts in poverty law. The two-week course provides core advocacy skills and substantive legal information for new or junior advocates in programs funded by the Law Foundation.

As part of its ongoing commitment to maintaining a common standard of core knowledge and skill for its legal advocates, the Board decided in 2013 to include the following condition in all grant letter to programs with a legal advocate.

“It is a condition that any legal advocate funded by the Law Foundation to work .5 FTE or more on a Law Foundation legal advocacy program participate in the Legal Advocacy Training Course organized by the Law Foundation as soon as possible after starting employment unless their work experience and education make them eligible for review by the Foundation’s Credentials Review Committee.”

Organizations hiring new advocates should be in touch with their program director and the Legal Advocate Training Manager to discuss training.

A copy of the curriculum for the two-week training course is included here.

Advocates with over 5 years experience, or with certain types of legal training, may go through a credentials review in which their education, other training and work experience are assessed to determine if they have advocacy skills and legal knowledge equivalent to that taught in the Legal Advocacy Training Course. Law Foundation staff review resumes of new staff to determine if this is appropriate.



AGENDA: Provincial Advocates Conference 2019

Radisson Hotel Vancouver Airport | 8181 Cambie Road, Richmond



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TUESDAY, OCTOBER 8, 2019 – DAY 1

Times	Room	Workshop	Resource persons
8:00 – 8:30 am	<i>Registration</i>		
8:30 – 9:00 am	<i>Opening: welcome and announcements – Josh Paterson – ED, Law Foundation; Mark Benton – CEO, LSS; and Grandma Joy – Star Elder</i>		
9:00 – 10:30 am	Ballroom A, B, C	Systemic poverty and family law update	Alison Ward – CASL lawyer and Danielle Sabelli – staff lawyer, CLAS Carly Teillet – lawyer, BCCLA Raji Mangat – ED, West Coast LEAF
10:30 – 10:45 am	<i>Coffee Break</i>		
10:45 – 12:15 pm	Ballroom A, B	Family case law update	Agnes Huang – lawyer, Agnes Huang Law
	Ballroom C	Changes, tips, and questions: a conversation with the Chair of the Employment and Assistance Appeal Tribunal	Emily Drown – chair, Employment and Assistance Appeal Tribunal
	Bridgeport	Best practices, ethics, and file management – a discussion	Thea McDonagh – senior advocate, TAPS Amber Prince – lawyer, Atira
12:15 – 1:15 pm	<i>Lunch: Learn how MyLawBC's Family Resolution Centre helps couples make parenting plans online with FREE mediators (Ballroom A, B -12:30 – 1:00) Nate Prosser – Project Analyst, LSS</i>		
1:15 – 2:45 pm	Ballroom A, B	Resources for family law advocates	Taruna Agrawal – FASL lawyer, RISE Legal Clinic Vicky Law, Virtual Legal Clinic Patricia Lim – Publications Development Coordinator, LSS
	Ballroom C	Residential tenancy update	Zuzana Modrovic – lawyer, TRAC Amber Prince – lawyer, Atira Danielle Sabelli – lawyer, CLAS
	Bridgeport	LSS Community Dialogue: Let's talk about how legal aid can better help your clients and communities	Kathryn Spracklin – Manager, Strategic Planning & Policy, LSS
	Cambie	Legal issues on reserve	Patricia Barkaskas – academic director, Indigenous Community Legal Clinic Elaine Hunt – advocate, SHED
2:45 – 3:00 pm	<i>Coffee Break</i>		
3:00 – 4:30 pm	Ballroom A, B	Systemic barriers: issues affecting clients leaving relationships with intimate partner violence	Andrea Bryson – case manager and Taruna Agrawal – FASL lawyer, Rise Legal Clinic
	Cambie	Discussions with Residential Tenancy Branch (RTB) compliance staff	Kathy Elder – ED, RTB Scott McGregor – Director Compliance and Enforcement, RTB
	Bridgeport	MCFD policy changes on kinship and customary care arrangements	Caity Goerke – lawyer and Christina Campbell – advocate/social worker, Parent Support Services
	Ballroom C	Canada Pension Plan Disability (CPPD) benefit hands on (INTRO)	Caitlin Wright and Daniel Jackson – advocates, TAPS
5:30 pm	<i>Dinner hosted by LSS and Law Foundation (Cash bar @ 4:30 pm)</i>		



AGENDA: Provincial Advocates Conference 2019

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CONFERENCE SESSION DESCRIPTIONS – TUESDAY, OCTOBER 8, 2019 – DAY 1

Systemic poverty and family law update	Updates on welfare, housing, employment standards, family law, and the final report of the National Inquiry into Murdered and Missing Indigenous Women and Girls
Family case law update	An overview of family case law over the past year that highlights important new developments
Changes, tips and questions: a conversation with the Chair of the Employment and Assistance Appeal Tribunal	Reflections by the new chair of the Tribunal about her experience over the past year, including advice about best practices for presenting to the Tribunal and discussion with advocates
Best practices, ethics and file management — a discussion	An opportunity for new advocates to discuss file management and ethical issues that they might have questions about with experienced advocates
Learn how MyLawBC's Family Resolution Centre helps couples make parenting plans online with FREE mediators	A presentation about MyLawBC's new online negotiation platform for couples making parenting plans with or without the help of a free mediator
Resources for family law advocates	Hints and practical tips for using DivorceMate, the LSS's Family Law in BC website, MyLawBC's Family Resolution Centre, the family law listserv, and other resources
Residential tenancy update	An overview of recent case law and discussion of procedural issues by staff from Tenants Resource and Advisory Centre (TRAC), Community Legal Assistance, and Atira
LSS Community Dialogue: Let's talk about how legal aid can better help your clients and communities	Facilitated small group discussions to get your perspectives on how LSS can ensure it delivers accessible and high quality services to meet client needs
Legal issues on reserve	An overview by advocates and a lawyer working in the area about the legal issues that clients living on reserve might encounter and what resources are available to help them
Systemic barriers: issues affecting clients leaving relationships with intimate partner violence	A review of immigration, tenancy, employment, and other issues that affect clients leaving relationships with intimate partner violence
Discussions with Residential Tenancy Branch (RTB) compliance staff	An overview of when the unit will intervene and the steps in the process of making a complaint from start to finish
MCFD policy changes on kinship and customary care arrangements	An overview of the legislation and policy changes with regards to kinship caregiving
Canada Pension Plan Disability (CPPD) benefit hands on (INTRO)	A session for those new to CPPD that will provide information about eligibility, MQP, applications, and strategies for reconsiderations



AGENDA: Provincial Advocates Conference 2019

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WEDNESDAY, OCTOBER 9, 2019 – DAY 2

Times	Room	Workshop	Resource persons
7:30 – 9:00 am	Ballroom A, B, C	Law Foundation Breakfast Meeting *Law Foundation funded advocates ONLY*	
9:15 – 10:45 am	Ballroom C	Making the best use of services for family law clients	Stephanie Smith-Turpin, Family Justice Centres Katrina Harry – manager, Indigenous Services, Parents Legal Centre, LSS Suzette Narbonne – lawyer, The Society for Children and Youth of BC Adina Popescu, lawyer Family Law Services, LSS Vicky Law – lawyer, Virtual Legal Clinic
	Bridgeport	Statutory Interpretation Exercises	Kendra Milne – senior director of policy, CMHA
	Ballroom A, B	MSDPR update and consultation	Dana Jensen – ED, Strategic Services Cary Chiu – ED, Policy and Legislation Anita LaHue, director, Engagement, Partnerships, and Strategic Initiatives
	Cambie	Helping Clients with Day School Applications	Dr. Robert Russo – Allard School of Law
10:45 – 11:00 am	<i>Coffee Break</i>		
11:00 – 12:30 pm	Bridgeport	Supporting self-represented litigants	Taruna Agrawal – FASL lawyer, RISE Legal Clinic
	Ballroom C	Strategies for supporting clients with mental health issues <i>(Repeated on Oct 10 at 8:30 am)</i>	Kendra Milne – senior director of policy, CMHA Laura Johnston – lawyer, CLAS Brett Haughian – advocate, CLAS
	Ballroom A, B	MSDPR update and consultation	<i>(continued)</i>
	Cambie	Orders of Possession	Emily Rogers – advocate, TAPS Kevin Love – lawyer, CLAS
12:30 – 1:30 pm	<i>Lunch: Sneak peek! New interactive “scripting” videos about First Appearances in family court (Ballroom A, B 12:45 – 1:15)</i>		
1:30 – 3:00 pm	Ballroom A, B	Working with lawyers and judges to best represent family law clients	Judge Kathryn Ferriss
	Ballroom C	Helping Indigenous women register for membership under the Indian Act	Claire Truesdale – JFK Law Corporation
	Bridgeport	Long Term Disability (LTD) benefits	Nyssa Lessingham – former advocate Martin Willemse – lawyer
	Cambie	Enforcing monetary orders	Chris Heslinga – supervising lawyer, LSLAP
3:00 – 3:15 pm	<i>Coffee Break</i>		
3:30 – 5:00 pm	Ballroom A, B	Relocation issues in family law	Agnes Huang – lawyer, Agnes Huang Law
	Bridgeport	ID clinics — how they work and how to set one up	Doug King – ED, TAPS Tracy Wachmann – public interest coordinator, UBC Ryan terAverst, Manager, The Kettle Society
	Ballroom C	Workers’ Rights	Kevin Love – lawyer, CLAS Natalie Drolet – lawyer, MWC
	Cambie	Enforcing monetary orders	<i>(continued)</i>
5:30 pm	<i>Povnet AGM</i>		



AGENDA: Provincial Advocates Conference 2019

Radisson Hotel Vancouver Airport | 8181 Cambie Road, Richmond



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

CONFERENCE SESSION DESCRIPTIONS – WEDNESDAY, OCTOBER 9, 2019 – DAY 2

Law Foundation Breakfast Meeting	Discussions among Law Foundation funded advocates and Law Foundation staff *Law Foundation funded advocates ONLY*
Making the best use of services for family law clients	A panel discussion among providers about the services they provide and how they can best complement one another to support clients
Statutory Interpretation Exercises	A hands-on workshop about applying statutory interpretation principles
MSDPR update and consultation	Staff from MSDPR will provide updates on their work over the past year and be available to discuss issues with advocates. Alison Ward and Tish Lakes will be moderating this session.
Helping Clients with Day School Applications	An opportunity for advocates working with Indigenous clients and former day school students who have federal day school claim applications to learn more about the best approach to filling out application forms, more complex issues to be aware of, and where to go for help if needed
Supporting self-represented litigants	A hands-on session that will give new family law advocates practice filling out forms often needed by their clients
Strategies for supporting clients with mental health issues <i>(This session will be repeated on Oct 10 at 8:30 am)</i>	A conversation among advocates and lawyers experienced in providing services to clients with mental health issues about some common ethical and practical challenges
Orders of Possession	An overview of the process, the role of the bailiff, and strategies for dealing with orders of possession once they have been made
Sneak peek! New interactive “scripting” videos about First Appearances in family court	An opportunity to critique new interactive content, including two short videos, created for the Family Law in BC website, based on Salima Samnani’s method of providing “scripts” for family clients to take into the courtroom
Working with lawyers and judges to best represent family law clients	A unique opportunity to hear from a judge with extensive experience in family law about the how advocates can best support their clients when working with lawyers and appearing in court
Helping Indigenous women register for membership under the Indian Act	An overview of changes to the Indian registration (“Indian status”) provisions of the Indian Act, review of the application process, common challenges in assisting clients with applying for registration, and guidance on when to seek legal advice or access other resources
Long Term Disability (LTD) benefits	Long Term Disability (LTD) benefits can provide an important source of income for people who are eligible under an insurance policy and find themselves unable to work due to disability. However, applications for these benefits can be overwhelming and denials are common. In this session, the presenters will share how legal advocates can provide key information and support to clients with disability insurance cases, including guidance on when seeking legal advice is appropriate
Enforcing monetary orders	An opportunity to do practical, hands-on work on issues such as payment hearings, garnishees, and Small Claims Court
Relocation issues in family law	An overview of the law around relocation and how to best help clients dealing with such issues
ID clinics — how they work and how to set one up	An opportunity to learn from groups that have set up ID clinics, how best to go about it, and some of the challenges in the process
Workers Rights	An update on changes to ESB, EI and temporary foreign workers programs



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THURSDAY, OCTOBER 10, 2019 – DAY 3

Times	Room	Workshop	Resource persons
8:30 – 10:00 am	Bridgeport	An overview of the child protection process	Todd McPherson – Managing Lawyer, Parents' Legal Centre, LSS Katie Diehl, lawyer
	Ballroom C	Strategies for supporting clients with mental health issues (Repeat of Oct 9 session)	Kendra Milne – senior director of policy, CMHA Laura Johnston – lawyer, CLAS Brett Haughian – advocate, CLAS
	Ballroom A, B	Tenancy issues facing women leaving abusive relationships	Amy Fitzgerald – ED, BCTHS Amber Prince – lawyer, Atira Sairoz Sekhon – manager, BC Housing Women's Transition Housing and Supports Program Wendy Harrison – senior policy analyst, RTB
	Cambie	Understanding welfare and assets: options for working with lump sums clients receive, disposal of asset allegations, and understanding beneficial interests	Alison Ward – CASL lawyer, CLAS
10:00 – 10:15 am	<i>Coffee Break</i>		
10:15 – 11:45 am	Ballroom C	Housing rights and “treatment resistance” – the problems with “supportive” and program agreements housing	Danielle Sabelli – lawyer, CLAS Anna Cooper – lawyer, PIVOT
	Ballroom A, B	Interjurisdictional issues in family law	Terri Campbell – advocate, Quesnel Tillicum Society
	Cambie	Working with Legal Aid	Deneen Garrett – provincial supervisor, Legal Aid Applications, LSS
	Bridgeport	Spousal cases in welfare	Daniel Jackson – lawyer, TAPS
11:45 – 12:45 pm	<i>Lunch</i>		
12:45 – 1:45 pm	Ballroom A, B, C	Civil Resolution Tribunal	Shannon Salter – chair, Civil Resolution Tribunal
1:45 – 3:15 pm	Ballroom A, B	Variations in Provincial Court for parenting time orders	Vicky Law – lawyer, Virtual Legal Clinic
	Ballroom C	Recognizing and respecting Indigenous intergenerational trauma	Myrna McCallum – lawyer
	Bridgeport	Consultation by Seniors First BC	Kevin Smith – consultant, Seniors First BC
	Cambie	Debt issues	Alison Ward – CASL lawyer, CLAS
3:15 – 4:00 pm	Ballroom A, B	The Office of the Human Rights Commissioner – remarks by the new Commissioner	Kasari Govender – Human Rights Commissioner



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CONFERENCE SESSION DESCRIPTIONS – THURSDAY, OCTOBER 10, 2019 – DAY 3

An overview of the child protection process	An overview of procedures and best practices in child protection from staff working at the Parents' Legal Centre run by LSS
Strategies for supporting clients with mental health issues (Repeat)	A conversation among advocates and lawyers experienced in providing services to clients with mental health issues about some common ethical and practical challenges
Tenancy issues facing women leaving abusive relationships	A discussion with RTB staff, transition house providers, and advocates about tenancy issues facing women leaving abusive relationships
Understanding welfare and assets: options for working with lump sums clients receive, disposal of asset allegations, and understanding beneficial interests	Issues that affect clients on income assistance such as trusts and beneficial interests
Housing rights and “treatment resistance” – the problems with “supportive” and program agreements housing	A panel on options for, and the challenges of, transitional housing, supported housing, and modular housing
Working with Legal Aid	A discussion with LSS staff about how to help clients apply for legal aid or to make a complaint
Spousal cases in welfare	An opportunity for new advocates to consider how to best present arguments on their client's behalf in these cases
Civil Resolution Tribunal	A discussion with CRT staff
Variations in Provincial Court for parenting time orders	A session that will review the case law on a change in circumstances and show you the steps of applying for a variation — using forms and an affidavit
Recognizing and respecting Indigenous intergenerational trauma	Trauma-informed legal practice and advocacy benefits all: survivors, advocates, adjudicators, front-line workers, offenders and witnesses. To “do no harm” in serving our clients and their communities is the first critical step we must take in engaging with those who carry the wounds of intergenerational trauma, and the second is to recognize and respect the resilience of Indigenous people
Consultation by Seniors First BC	Seniors First BC is conducting a feasibility study into providing help for low income adults outside the lower mainland (including members of First Nations living on reserves) to produce advance planning documents (wills, powers of attorney, and representation agreements)
Debt Issues	A basic overview of selected debt issues including student loans, bankruptcy, and limitation dates
The Office of the Human Rights Commissioner – remarks by the new Commissioner	A unique opportunity to hear briefly from the new Human Rights Commissioner as she enters her new position.

Provincial Training Conference

☐ Family Law
 ☐ Housing Law
 ☐ Other Legal Issues
 ☐ Plenary Sessions
 ☐ Poverty Law
 ☐ Skills

SEPTEMBER 17 • THURSDAY

PINNED
 9:00am – 11:00am
 P Welcome and Update (9-10 a.m.) & Human Rights Commissioner (10-11 a.m.) Zoom Webinar
Speakers: Joy Dockrey / Gramma Joy, Kasari Govender, Josh Paterson (he, him), Mark Benton

SEPTEMBER 22 • TUESDAY

2:00pm – 4:00pm
 S Legal Aid BC - Update on legal resources and intake Zoom Webinar
Speakers: Silvia, Nate Prosser, Deneen Garrett, Roy Chan, Alex Peel

SEPTEMBER 24 • THURSDAY

PINNED
 2:00pm – 4:00pm
 S Providing trauma-informed advocacy services Zoom Webinar
Speakers: Myrna McCallum

SEPTEMBER 29 • TUESDAY

2:00pm – 3:30pm
 P Update from the Ombudsperson Zoom Webinar
Speakers: Zoë Macmillan (she/her), Rachel Warren, Jay Chalke

OCTOBER 1 • THURSDAY

PINNED
 2:00pm – 3:30pm
 S Providing non-gendered, non-binary advocacy services / Supporting Transgender Clients Zoom Webinar
Speakers: Adrienne Smith

OCTOBER 6 • TUESDAY

PINNED
 2:00pm – 4:00pm
 P Legal Clinic Services and Child and Youth Legal Centre Zoom Webinar
Speakers: Gordon Marshall, Suzette Narbonne, Lobat Sadrehashemi, Robert Patterson, Charlotte Oxford, Kevin Love, Sharon Cahill Kearney, Andrew Robb, Zuzana Modrovic, Odette Dempsey-Caputo

OCTOBER 8 • THURSDAY

2:00pm – 4:00pm
 S Supporting clients with mental health issues Zoom Webinar
Speakers: Kendra Milne, Laura Johnston

OCTOBER 13 • TUESDAY

PINNED
 2:00pm – 4:00pm
 P Advocacy in the time of Covid : Legal Update Zoom Webinar
Speakers: Michelle Beda, Kevin Love, Alison Ward

OCTOBER 15 • THURSDAY

2:00pm – 4:00pm
 O EI and CERB Zoom Webinar
Speakers: Isaac Won, Kevin Love

OCTOBER 20 • TUESDAY

2:00pm – 3:30pm
 H Update on RTA / nonRTA case law Zoom Webinar
Speakers: Robert Patterson, Zuzana Modrovic

12/23/2020

Provincial Training Conference: Print Schedule

2:00pm – 4:00pm	F	Family Law Update <i>Speakers: Agnes Huang</i>	Zoom Webinar
OCTOBER 22 • THURSDAY			
2:00pm – 4:00pm	F	Divorce Act: Upcoming changes <i>Speakers: John-Paul E. Boyd Q.C.</i>	Zoom Webinar
2:00pm – 4:00pm	V	Welfare for Senior Advocates: Discussion of case studies <i>Speakers: Thea McDonagh, Daniel Jackson, Andrew Robb, Alison Ward</i>	Zoom Meeting
2:00pm – 4:00pm	S	Best Practices for New Advocates: Discussions <i>Speakers: Liza McDowell, Amber Prince (she/her)</i>	Zoom Meeting
OCTOBER 27 • TUESDAY			
2:00pm – 4:00pm	F	Family Case Study: Intake and assessment <i>Speakers: Brittany Goud</i>	Zoom Webinar
2:00pm – 4:00pm	H	Foreclosures and how they affect tenants <i>Speakers: Andrew Robb</i>	Zoom Webinar
2:00pm – 4:00pm	H	Housing Case Study: Identifying and researching the issues (for new advocates) <i>Speakers: Robert Patterson, Zuzana Modrovic</i>	Zoom Meeting - Breakout Rooms
OCTOBER 29 • THURSDAY			
2:00pm – 4:00pm	F	Family Case Study: Issue ID and legal research <i>Speakers: Taruna Agrawal</i>	Zoom Meeting - Breakout Rooms
2:00pm – 4:00pm	O	Canada Child Benefit Issues: eligibility, common problems, overpayments, and appeals <i>Speakers: Kim Donaldson (she/her), Amy Taylor, Andrea Bryson, Alison Ward</i>	Zoom Webinar
NOVEMBER 3 • TUESDAY			
2:00pm – 4:00pm	F	Financial Statements in Provincial Court and BCSC <i>Speakers: Rhona Lichtenwald</i>	Zoom Meeting
2:00pm – 4:00pm	H	Manufactured Home Parks <i>Speakers: Paul Lagace</i>	Zoom Webinar
2:00pm – 4:00pm	S	Sworn Documents: when they are useful and how to draft them. <i>Speakers: Odette Dempsey-Caputo</i>	Zoom Webinar
NOVEMBER 4 • WEDNESDAY			
2:00pm – 4:00pm	O	Updates on Indigenous Legal Issues <i>Speakers: Frances Rosner (she/her)</i>	Zoom Webinar
NOVEMBER 5 • THURSDAY			
2:00pm – 4:00pm	F	Family Case Study: Affidavits Tips and Tricks <i>Speakers: Patrick Grayer</i>	Zoom Meeting
2:00pm – 4:00pm	V	Welfare Overpayment Allegations <i>Speakers: Thea McDonagh, Alison Ward, Anita LaHue, Jody Mogenson</i>	Zoom Meeting
NOVEMBER 10 • TUESDAY			
2:00pm – 4:00pm	F	Family Law Developments in Provincial Court & COVID-19 Support Variation <i>Speakers: The Honourable Judge Susan Wishart, Oriole Courcy (she/her), Shannon Knutson, Erin Smith, Sandra Wolfe, Kristine Heaney (she/her)</i>	Zoom Webinar

12/23/2020

Provincial Training Conference: Print Schedule

2:00pm – 4:00pm	H	Co-op Housing: Strategies and Resources <i>Speakers: Jonathan Blair</i>	Zoom Webinar
2:00pm – 4:00pm	V	Procedural Fairness in Administrative Hearings <i>Speakers: Danielle Sabelli</i>	Zoom Webinar
NOVEMBER 12 • THURSDAY			
2:00pm – 4:00pm	O	Helping Clients with a Workplace Sexual Harassment Case <i>Speakers: Juliana Dalley, Jennifer Khor (she/her)</i>	Zoom Meeting
2:00pm – 4:00pm	V	Understanding the Interaction of income security programs <i>Speakers: Alison Ward, Kevin Love</i>	Zoom Webinar
NOVEMBER 17 • TUESDAY			
2:00pm – 4:00pm	F	Family Case Study: Helping self-rep clients prepare for court <i>Speakers: Vicky Law (she/her)</i>	Zoom Meeting - Breakout Rooms
2:00pm – 4:00pm	H	RTB Arbitrations: Best Practices <i>Speakers: Michelle Beda</i>	Zoom Webinar
NOVEMBER 18 • WEDNESDAY			
1:00pm – 2:00pm	O	Prep for conversations on the Indian Day School Applications - Pre-Recorded Webinar (view anytime)	Pre-Recorded Webinar
2:00pm – 4:00pm	O	Conversations about 60s scoop and day school applications <i>Speakers: Gloria Cardinal, Jaeden Bourque, Caity Goerke</i>	Zoom Meeting
NOVEMBER 19 • THURSDAY			
2:00pm – 3:30pm	O	Kinship Care and associated benefits <i>Speakers: Christina Campbell, Caity Goerke</i>	Zoom Meeting
2:00pm – 4:00pm	S	SST Appeals: How to Challenge EI Decisions <i>Speakers: Isaac Won, Kevin Love</i>	Zoom Webinar
NOVEMBER 23 • MONDAY			
2:00pm – 4:00pm	S	Self Care: Understanding the value of boundaries <i>Speakers: Mary Devan</i>	Zoom Webinar
DECEMBER 31 • THURSDAY			
12:00pm – 1:00pm		Please fill out feedback for the event	

Provincial Training Conference for Legal Advocates: Past Conference Materials

https://lss.bc.ca/community_workers/conferenceMaterials

Law Foundation Training Resources

<https://www.lawfoundationbc.org/grantee-resources/webinar-recordings/>

2020 Provincial Training Conference Resources

https://lss.bc.ca/community_workers/training

Please use the following filter: Video Series > Provincial Training Conference 2020

BC Courthouse Libraries Webinars

<https://www.courthouselibrary.ca/training-professional-development>

6. SUPPORT FOR ADVOCATES

In addition to consulting with the supervising lawyer that every legal advocate funded by the Law Foundation must have, there are various resources to support the work of advocates. Some support is available online, but others, such as the CASL lawyer are available by phone. Most advocates find that connecting with the resources described below provides them with useful information as well as the support of others working on similar issues.

a. List of Law Foundation Advocates in BC

b. Advocacy networks

- Family Law listserv
- PovNet listservs

c. Working with a lawyer

- Supervising Lawyers
 - Refer to Best Practices for Advocates
 - Refer to Legal Supervision Requirements
- Family Advocate Support Line (FASL)
- Provincial Legal Clinics
 - List of clinics
 - Scope of work of clinics
- Other Legal Clinics
 - Child and Youth Legal Centre
 - Elder Law Clinic
 - Indigenous Community Legal Clinic
 - Migrant Workers Centre
 - Parents Legal Centres
 - RISE
- Community Legal Assistance Society (CLAS)
 - Community Advocate Support Line (CASL)
 - Staff Lawyers

List of Law Foundation advocates in BC

A list of all advocates funded by the Law Foundation can be found on the Law Foundation website at <https://www.lawfoundationbc.org/public-resources/contact-list/>

Some groups have special areas of expertise. There are also advocates available throughout BC – feel free to call your colleagues.

PovNet and the Clicklaw Help Map also show where Law Foundation funded advocates work and what other services are available in a community.

Advocacy networks

This section includes information about various networks that advocates use to exchange information with others in the fields of poverty and family law advocacy. PovNet listservs cover several issues such as: welfare, housing, mental health, employment, immigration and debt. In 2019, a family law listserv was set up for family law advocates.

Advocates can post questions and ask help from other advocates and resource people who are on the lists. It is also helpful to read posts to learn from the experience of others.

Working with a lawyer

- **Supervising Lawyers**

Advocates funded by the Law Foundation must have a supervising lawyer. Information about the Legal Supervision requirements are included earlier in this binder. It is important to meet regularly with your supervising lawyer and to consult them at other times if you have any legal problems you need support dealing with.

- **Family Advocate Support Line**

The RISE Legal Clinic has a family law specialist working on the Family Advocate Support Line (FASL) to provide legal advice, guidance on best practices, as well as sample documents and precedents to family law advocates. Information about the services provided and how to contact the FASL lawyer are listed in this section.

Advocates can also access lawyers with expertise in poverty law through the Community Legal Assistance Society Community Advocates Support Line (CASL). Information about CASL is included here.

The phone lines are available only to advocates so please do not share the contact information in this binder with clients.

- **Provincial Legal Clinics**

The Provincial government of BC funds several poverty and specialized legal clinics around BC. Each clinic has a staff lawyer with an expertise in poverty law or other, related specialized areas of law. The poverty law clinics usually serve a particular geographical region but the specialized legal clinics provide services provincially.

This binder includes a list of all the Provincial Legal Clinics as well as information on the scope of work of each

- **Other Legal Clinics**

Of particular relevance to family law advocates are the Children and Youth Legal Centre, RISE Legal Clinic and Legal Aid BC Parent Legal Centres. This section includes core information about each.

- **Community Legal Assistance Society**

CLAS has a lawyer who is available on the Community Advocate Support Line (CASL) to help advocates with questions about legal issues or procedures. The phone line is available only to advocates so please do not share the contact information in this binder with clients.

Advocates can also access lawyers with expertise in poverty law through the Community Legal Assistance Society (CLAS) whose staff lawyers have expertise in many areas of poverty law and may be able to help advocates proceed to judicial review or a court challenge on certain issues.

List of Law Foundation Advocates in BC

<https://www.lawfoundationbc.org/public-resources/contact-list/>



www.povnet.org

<http://facebook.com/povnet>

<http://twitter.com/povnet>

#300 - 1140 W. Pender Street

Vancouver, BC V6E 4G1

PHONE (604) 876-8638

FAX (604) 685-7611

EMAIL info@povnet.org

Email lists

PovNet hosts confidential email lists for front line workers, advocates, community and settlement workers.

These lists provide a forum for discussing cases, sharing strategies and identifying and working on systemic issues that arise in the pursuit of access to justice:

Our BC lists:

- Welfare
- Housing
- Mental health
- Workers' rights
- First Nations & Aboriginal
- Debt

Our national lists:

- Canadian Pension
- Employment insurance
- Older adults
- issues

If you are interested in joining any of these lists, contact us at co-ordinator@povnet.org.

PovNetU



<http://povnetu.povnet.org>

PovNetU offers online courses for front line workers.

Current PovNetU courses include:

- Introduction to Advocacy
- Welfare Level 1 and 2
- Residential Tenancy Level 1 and 2
- Employment Insurance Level 1 and 2
- Seniors' Residential Care Advocacy
- Persons with Disabilities Appeals
- Dealing with Debt
- CPP Disability

Contact povnetu@povnet.org for more information and schedules.

PovNet website



The PovNet website provides up-to-date information about welfare, housing and homelessness, unemployment, disability and human right issues.

We host a "Find an Advocate" map to assist people in finding some help wherever they are in BC or across the country. You can also follow up-to-date information on PovNet by linking to our Twitter and Facebook feeds.

PovNet links to resources for immigrants and refugees, seniors, women, youth, workers, people with disabilities, First Nations, Inuit and Aboriginal people. The site offers links to provincial, federal and territorial legislation, information about books, videos and articles about poverty issues.



A network for advocates, community workers and marginalized communities.



PovNet is funded by the Law Foundation of BC. Additional support for PovNetU courses is provided by BC Government and Service Employees' Union, BC Coalition of People with Disabilities, BC Teachers Federation, Community Legal Assistance Society, Community Unemployed Help Centre (Winnipeg), First United Church Mission, Hospital Employees Union, Law Foundation of Ontario, Society of Notaries Public of BC and TRAC Tenants Resource and Advisory Centre.

Family Law LISTSERV

We encourage all family law advocates funded by the Law Foundation to sign up for the family law listserv run through PovNet.

Please contact Nicky Dunlop nicky@povnet.org to sign up for the listserv.

Provincial Legal Clinics & Scopes of Service

<https://www.lawfoundationbc.org/public-resources/contact-list/>

Child and Youth Legal Centre

The Child and Youth Legal Centre is committed to improving the well-being of children and youth in British Columbia through the advancement of their legal rights. The role of the Centre is to advocate on behalf of vulnerable children and youth in BC.

Visit Us:

303-1720 Grant Street, Vancouver, BC

Contact Us:

Phone: 778-657-5544 or toll free at 1-877-462-0037

Email: cylc@scyofbc.org

Website: <https://www.scyofbc.org/child-youth-legal-centre/>

<http://seniorsfirstbc.ca/programs/legal-programs/>

Seniors First BC Legal Services Elder Law Clinic

Elder Law Clinic



- Seven monthly legal consultation clinics in Vancouver, Burnaby, Surrey, New Westminster, North Vancouver and Richmond. To book, call 604-336-5653



- Legal consultations over the phone
- To speak to our lawyers, contact the Seniors Abuse and Information Line at 604-437-1940 or toll-free 1-866-437-1940 and one of our lawyers may be able to assist.
- For older adults 55+ and people who care about them
- Targeted at older adults who cannot afford to hire a lawyer

Common issues that ELC lawyers can assist with:

- Advance planning instruments:
 - Simple wills, powers of attorney, representation agreements
- BC Supreme Court and Small Claims Court cases that don't involve family or criminal law (so long as we have time and expertise)
 - For example – debt collection, declaration of interest in property
- Elder abuse, including physical, emotional and financial abuse
- Patients Property Act committees
- Adult Guardianship Act issues
- Human rights complaints
- Advocating for better care in residential care facilities

If in doubt, refer to SAIL for intake and SAIL staff will refer legal calls to Seniors First BC lawyers or legal advocate

Our legal services include:

- meeting with one of our lawyers,
- receiving summary advice in person or over the phone,
- receiving unbundled services such as drafting of documents,
- receiving full legal representation, and/or
- getting connected to other useful community resources

Our legal services do not include

- Our lawyers do not give advice about criminal law or family law matters.

The Indigenous Community Legal Clinic is located in the Downtown Eastside of Vancouver.

Website: <https://allard.ubc.ca/community-clinics/indigenous-community-legal-clinic>

148 Alexander Street Vancouver, BC Canada V6A

CLINIC SERVICES

The Indigenous Community Legal Clinic (ICLC) is an educational legal clinic of the Peter A. Allard School of Law at the University of British Columbia that provides legal services to the Indigenous community in the Downtown Eastside of Vancouver, and throughout the Lower Mainland.

The ICLC may be able to provide advice, assistance and representation to eligible clients who cannot afford a lawyer and who self-identify as Indigenous persons.

As an educational legal clinic, the ICLC provides Allard School of Law students, who are temporary articulated students under the Law Society of British Columbia, with experience-based clinical legal education in community lawyering. Students are trained and supervised in the conduct of legal matters by the Legal Services Director, Mark Gervin, and also complete an academic course in tandem with their clinical experience, which is taught by the Academic Director, Patricia Barkaskas. Students have the opportunity to meet with and learn from other members of the legal profession and community, including judges, lawyers, and community advocates and service providers.

WHAT WE DO

The Indigenous Community Legal Clinic provides free legal representation for those persons who qualify for legal assistance and have a legal issue that falls under the jurisdiction of the British Columbia provincial courts. Examples of cases dealt with at the ICLC include, but are not limited to:

- criminal matters
- family law matters
- human rights complaints
- civil disputes in small claims court

- wills and estates
- hearings before administrative tribunals dealing with matters such as: employment insurance; welfare; landlord and tenant dispute; and Canada Pension Plan
- Indian Status applications
- Aboriginal legal issues
- limited assistance with some divorce cases

LIMITED DIVORCE ASSISTANCE

In some cases the ICLC may be able to assist with divorce proceedings in limited and specific circumstances. The ICLC may be able to assist with divorce proceedings if a person is financially eligible and has either successfully applied for an exemption through the Supreme Court from paying the necessary disbursements (that is, fees payable to the Court Registry) or who is able to pay their own disbursements. The ICLC may be able to offer limited services for those seeking a divorce who have "simple, uncontested" divorces based on grounds of separation or adultery to obtain a divorce. The ICLC may only assist in cases where all matters relating to custody, access, maintenance and division of property are settled. The ICLC may also be able to assist with some legal research for those who have Divorce proceedings that deal with matrimonial property on reserve.

IN ORDER TO QUALIFY FOR LEGAL ASSISTANCE

Legal services provided by the ICLC are provided to those persons who qualify financially for legal assistance, if at the time of application the ICLC has the resources needed to assist the client.

Clients may be asked in confidence to provide the ICLC with information about their income and assets to determine whether the client is eligible.

OFFICE HOURS

The Indigenous Community Legal Clinic is open from 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 4:30 p.m. daily. Student clinicians are available to assist clients Monday-Wednesday each week.

Please note that at the beginning of each semester, for approximately the first three weeks of each semester, the ICLC will only be able to provide limited services on client matters through this period, which is the new student clinicians' Orientation.

Welcome to Migrant Workers Centre (MWC)

Migrant Workers Centre is a non-profit organization dedicated to legal advocacy for migrant workers in BC. Established in 1986, Migrant Workers Centre facilitates access to justice for migrant workers through the provision of legal information, advice and full representation.

The organization also works to advance the labour and human rights of migrant workers through public legal education, and law and policy reform.

Our services are available by appointment Tuesday to Friday. Please call our office during our intake hours – Tuesday to Friday from 9:30am to 3:30pm – to book an appointment.

Drop-in legal assistance without an appointment is available on Saturdays from 9:00am to 5:00pm.

Phone: 604-669-4482 or Toll Free: 1-888-669-4882

Website: <https://mwcbc.ca/>

Parents Legal Centre

The Parents Legal Centre (PLC) focuses on helping parents resolve their child protection matters early and collaboratively. It offers services at any stage of the child protection matter, from the first contact with the Ministry of Children and Family Development (MCF) or a delegated Aboriginal agency until it's apparent the matter can't be resolved through collaborative processes.

The first PLC opened in 2015 in Vancouver. There are now eight locations to serve communities across BC. To find a centre near you, see [legal aid locations](#).

PLC provides:

- information and advice on options for resolving child protection issues out of court,
- legal advice and representation, where appropriate, through collaborative processes such as mediation and family case planning conferences,
- legal advice and representation at uncontested hearings,
- an advocate who will support you and go with you to meetings and appointments, and
- referrals to other services, including online resources and other public agencies.

You may be eligible for these services if:

- your income and assets fall within a qualifying range,
- you are a parent, guardian, or a person standing in the place of a parent, and
- the case can be resolved consensually.

If you already have a lawyer working with you on your child protection issue, a Parents Legal Centre cannot help you.

To find out if you're **eligible** for this service, visit your local [office](#) or call the [Legal Aid Call Centre](#).



FAST FACTS

Rise Women's Legal Centre is a community legal clinic and teaching facility based in Vancouver, BC, which has been providing free and low-cost legal services to women in BC since mid-2016. Legal services at Rise are provided primarily by upper-year law students from the University of British Columbia who are trained and supervised by staff lawyers and are supplemented by volunteer lawyers.

This fact sheet is meant to provide quick answers to commonly asked questions from support workers, court personnel, and other professionals wishing to refer women to Rise.

Who does Rise help?

- All individuals who self-identify as women.
- Women with legal matters that fall within the jurisdiction of BC courts and who reside in BC.
- Women who would not otherwise have access to legal services. (Please note: Rise does not provide services to anyone who currently has a lawyer. However, if women on legal aid require assistance with a change of counsel or advocacy to maintain their coverage, they may contact our Case Manager.)

What does Rise do?

- Our Case Manager is an experienced legal advocate and can provide information and referrals. Our Case Manager can also assist clients with legal aid applications and appeals and resolve matters not requiring a lawyer.
- Our student clinicians practise almost exclusively family law, including desk order divorces, protection orders, child & spousal support, etc. Files involving ongoing litigation or high value property will likely be considered too complex for our student clinicians.
- We can also help with some humanitarian and compassionate grounds ("H&C") applications.
- We draft a small number of wills each year (drafting only, not estate litigation).
- Rise offers summary advice and unbundled services only: unbundled services may include discrete tasks such as writing letters, drafting pleadings, attending mediations or FCCs or JCCs, and in a small number of cases, representation at select court appearances in Provincial Court only.
- Student clinicians, in consultation with the staff lawyers, will determine at the client's first meeting what services, if any, Rise will be able to provide. Please note that this decision is made on a case by case basis according to Rise's capacity, the complexity of the case, and the timeframe in which the individual requires the work to be done; as a result, not all women referred to Rise will receive the same amount of service. It is also possible that all Rise can offer is summary advice.
- Women outside of greater Vancouver and women who cannot access our office due to mobility issues or other barriers are welcome to contact Rise for assistance. We will accommodate them to the greatest extent possible through the use of telephone and videoconference.
- Virtual Legal Clinic (VLC) Lawyer provides summary legal advice to women in remote communities in the areas of family, criminal, and immigration and refugee law. In order for women to access this program, both the woman and her court case must be outside the area between Whistler and Chilliwack (inclusive).
- Family Advocate Support Line (FASL) Lawyer provides support and training to family law advocates, transition house workers and other front-line workers. This includes helping workers identify legal issues, prioritize clients' legal needs, choose solutions through legal information, advocacy and referrals.

Rise is unable to help with:

- Any areas of law other than family law, H&C applications, and occasional wills-drafting.
- Walk-in appointments or advice.
- Emergency service beyond information and referrals.
- We cannot offer assistance to women on any matter where they currently have a lawyer, whether through legal aid or privately retained, including offering second opinions.
- At this time, we are unable to assist with appeals, or matters where the opposing party is the Ministry of Child and Family Development (MCFD).
- We are unable to assist with complex or high-value property division, and typically, we will not do more than provide an opinion on property division matters.
- Student clinicians are unable to attend court appearances, FCCs, or JCCs at any courthouses other than Robson Square, Richmond, and New Westminster Provincial Court. Additionally, student clinicians will not represent clients in court hearings or trials scheduled for longer than one day.

How to request assistance:

- Complete an 'appointment request' form, which is available in webform and pdf at www.womenslegalcentre.ca. Please note that the client can review our website in a different language by selecting "Select Language" in the top right-hand corner of our home page. Completing this form will take 5-10 minutes.
- Women who cannot access the internet or who need assistance can call the Case Manager to complete the request form. Rise can arrange over-the-phone interpretation if the client requires it.
- Within two business days the Case Manager will call the client and screen for the best possible resource(s) for the client.

Wait List and Service Delivery

- Rise almost always has a wait list, although with the recent addition of new staff, the wait time is dropping. We are committed to serving individuals in the order that they contacted us, except in very serious emergencies such as family violence, immediate risks of abduction, or dissipation of assets; all others are served in the order we receive their appointment requests.
- As a teaching clinic, Rise operates on the semester system; therefore, most client services are suspended in between semesters ("transition periods"), when there are no student clinicians present to assist clients or work on files; transition periods run for 6-8 weeks, three times a year from end of April through May, end of August through September, and end of December through January.

For more information...

For more detailed answers, or for further FAQs, please:

- Visit our site at www.womenslegalcentre.ca, especially the FAQs page.
- Email us at info@womenslegalcentre.ca for assistance with client intake or info@womenslegalcentre.ca for other inquiries.
- Call 236-317-9000 for client intake or 604-451-7447 for other inquiries.

Please feel free to share this sheet with others who may be interested.

Thank you!

Community Advocate Support Line at CLAS

The Community Advocate Support Line (CASL) is a dedicated support service for BC advocates and community workers. CASL is staffed by lawyer Alison Ward, who can give advocates legal information and advice about specific client files they are working on in family and poverty law. CASL is funded by the Law Foundation of B.C.

Advocates and community workers in BC can reach CASL by phone at:

From the Lower Mainland:	(604) 681 CASL (2275)
Toll Free within BC:	1 888 781 CASL (2275)

These numbers are for the use of advocates and community workers only. **Please do not release them** to your clients or to the general public.

Community Advocate Support Line case priorities

CASL provides advice and assistance in relation to the following areas of law:

- income assistance;
- debt collection and bankruptcy;
- family law;
- residential tenancy and other housing issues
- judicial review
- consumer contracts;
- employment insurance;
- Canada Pension Plan benefits;
- foreclosures;

If you have a legal question about a client whose problem falls outside our case priorities, please contact CASL and we will review the situation with you.

Information you must give to the Community Advocate Support Line

To access legal advice through CASL, you must provide Alison with the full legal name, address and phone number (if any) of your client. You will also need to provide Alison with the full legal names of any opposing parties involved in your client's legal issue. Our professional responsibilities as lawyers require us to review and record this information; it will of course be kept confidential. This means that you should generally obtain your client's consent to release this information to CASL before calling.

We look forward to working with you through CASL, and to hearing your feedback about this service.

Community & Disability Law Services

Community Legal Assistance Society

Providing specialized legal assistance to promote social justice since 1971

WHO ARE WE?

The purpose of the Community Legal Assistance Society (CLAS) is to provide legal advice and assistance, and to use and develop the law for the benefit of people who are physically, mentally, socially, economically or otherwise disadvantaged, or whose human rights need protection.

HOW CAN WE HELP?

Housing

We can help you if:

- You lost your Residential Tenancy hearing and you want to ask a judge to review the decision (we have a self-help clinic with lawyers who can advise you);
- There is an Order of Possession requiring you to leave your home, and you need advice on what to do; or
- You have been evicted from your co-op and you need advice on what to do.

Income security

We can help you if:

- You lost your appeal to the Employment and Assistance Appeal Tribunal and you want to ask a judge to review the decision (we have a self-help clinic with lawyers who can advise you); or
- You want to appeal a decision about your government pension benefits, including CPP, CPP disability or Old Age Security.

Debt Issues

We can help you if:

- The government or another creditor is trying to collect a debt from you that you don't think you owe;
- A debt collector is harassing you; or
- A creditor has garnished your welfare or disability benefits.

Access to Education

We may be able to help if your child has a disability or learning difference and is being refused an educational service that affects his or her education, health or safety, and you have lost your appeal to the school board under Section 11 of the School Act.

Community Living Supports

We may be able to help if you have been denied services from Community Living British Columbia or another similar home care or continuing care service, and you have exhausted the available internal appeal or complaint processes.

Access to Public Services

We may be able to help if you have been unable to access a public service because of your disability, and you want to know if something can be done to accommodate your disability and help you access the service.

Employment Insurance

We can help if:

- You were found eligible for Employment Insurance, but your employer has appealed that decision;
- You won your appeal to the Board of Referees, but the government (the Canadian Employment Insurance Commission) has appealed that decision;
- You lost your appeal to the Board of Referees, but 1 of the 3 Referees agreed with you; or
- You showed up for your appeal, and the Referees or the Umpire told you to go get help.

Workers' Compensation

We may be able to help you if:

- You lost your appeal to the Workers' Compensation Appeal Tribunal (WCAT) and want WCAT to reconsider their decision, or a court to overturn it; and
- The advocate who helped you at WCAT cannot assist you.

Information and Privacy for People with Disabilities

We may be able to help if the BC Information and Privacy Commissioner has made an Order against you regarding your disability-related information, and you want to ask a judge to review the Order

HOW DO I GET HELP?

You should call our office at 604-685-3425 or Toll Free at 1-888-685-6222.

Here are some important things to remember before you call:

- **CALL RIGHT AWAY!** This is very important because there are timelines for appealing and reviewing most decisions, and sometimes the timelines can be very short. We will not be able to help you unless we have time to make an appointment, review your file and prepare your case.
- **Have your papers ready.** Gather all of the documents concerning your problem, including any decisions that have been made so far.

- Our services are intended for economically disadvantaged clients so we may need to ask you about your household income.
- We cannot represent every client who contacts us but we will do our best to give you advice and point you in the right direction.

The legal services that we provide are free of charge and are made possible by generous funding from The Law Foundation of BC.



OTHER PROGRAMS AT CLAS

CLAS' **BC Human Rights Clinic** represents complainants whose cases have been accepted by the BC Human Rights Tribunal for hearing.

CLAS' **Mental Health Law Program** represents individuals who have been involuntarily detained under the *BC Mental Health Act* and people who have been found not criminally responsible under the mental disorder provisions of the *Criminal Code*.

CLAS also supervises the **Law Students' Legal Advice Program**, which provides legal assistance to low income individuals on a variety of legal matters. The LSLAP office can be reached at **604-822-5791**.

FOR MORE INFORMATION ABOUT CLAS

For a printable version of this brochure or more information about the services that we provide, please visit our website at www.clasbc.net or contact our office at:

**300 - 1140 West Pender Street
Vancouver, BC V6E 4G1**

**Phone: 604-685-3425
Toll free: 1-888-685-6222
Fax: 604-685-7611**





Family Advocate Support Line

The Family Advocate Support Line (FASL) is a dedicated telephone support line designed to help family advocates, front-line workers, and support workers (collectively, "Support Workers") in BC. Our lawyer gives legal information and legal advice about family law and, at times, other areas of law that may intersect your family file. Help is offered primarily for matters involving divorce, separation (including separation agreements), child support, extraordinary expenses, spousal support, relocation, among other family law matters. We are able to help with family law matters at Provincial and Supreme Courts within BC.

Our lawyer also provides ongoing training on matters of family law and is happy to tailor presentation(s) to your unique needs. Please get in touch with her at the email address below for your and your organization's training needs.

Support Workers who need more information from FASL, please contact the FASL Lawyer at 778-558-9929.

Please note:

This program **only** provides assistance to Support Workers. If you have a legal issue you need assistance with, and you are not an advocate or community worker, please visit womenslegalcentre.ca to get the information that you need.

7. Legal Resources and Updates for Advocates

As mentioned earlier, an important element of working effectively as an advocate is to be current in the areas of law in which you work. One way to do this is to take regular training, but there are also several resources that are available throughout the year to provide up-to-date information about the law as well as resources and services that could be helpful to your clients.

- a. Legal information resources (online and print)**
 - General
 - Legal Research
 - Specific Topics
- b. Referral Resources: Legal advice, information and representation services**
 - Help from a Lawyer (pro bono clinics, LABC, specialized groups)
 - Student Legal Clinics
 - Legal Advocacy Resources & Services (specialized groups, helplines)
 - Advocates funded by the Law Foundation of BC
- c. Useful Online Resources**
 - Legal Aid BC Family Law Website
 - Provincial Court
 - BC Supreme Court
- d. Legal Aid BC Publications**

Law Foundation List of Legal Resources and Referral Resources

The documents in this section provides a fairly comprehensive list of key information and referral resources on poverty and family law issues in BC.

The list of online & print legal information resources includes a list of general resources as well as sources that specialize in providing information about certain areas of law.

The list of referral resources includes different levels of assistance, from help from a lawyer to legal advocates).

Useful Online Resources

There are several resources that are useful for family law clients, and which family law advocates should be familiar with as resources for their work. The Legal Aid BC Family Law Website has several resources for clients dealing with family law issues, and MyLawBC has guided pathways to proceed in certain legal issues.

The Provincial and Supreme Courts both have websites with information about their procedures and forms that will be useful for both advocates and their clients.

Clicklaw is a portal to many PLEI materials in family law and other legal issues.

Legal Aid BC Publications

There are many free publications that will be useful to both you and your clients. This section explains how to order publications from Legal Aid BC and Crown.

1. Legal Information Resources (online and print)

A. General

- **BC LawMatters**

A project of Courthouse Libraries BC that is funded by the Law Foundation to support legal research collections and services in BC public libraries, has a blog that is a very good source of information about new public legal education and information (PLEI) materials.

You can see updates from BC LawMatters at <https://www.courthouselibrary.ca/how-we-can-help/our-library-services/lawmatters-public-libraries>. You can also subscribe to the blog by email or through an RSS feed to get regular updates about PLEI materials and new legal information services.

- **Clicklaw**

A very useful resource for finding legal information at www.clicklaw.bc.ca. It provides links to legal information, education and self-help resources. It also has a HelpMap that lists resources in each community that people can use for help with legal issues.

- **Dial-A-Law**

A library of tapes that provide information about the law in BC. Some of these tapes are available in Chinese and Punjabi as well as English.

- Lower Mainland: 604-687-4680
- Elsewhere in BC: 1-800-565-5297 (call no charge)
- You can also read or listen to transcripts of the Dial-A-Law tapes on the Internet at www.dialalaw.org.

- **Legal Guide for British Columbians**

A new publication provides information about many different legal problems and resources in rural BC to help people dealing with these problems. The publication is currently available online at the link:

http://wiki.clicklaw.bc.ca/index.php?title=Legal_Help_for_British_Columbians

- **Legal Aid BC (LABC) - formerly known as Legal Services Society (LSS)**

LABC has numerous publications that are free. Publications are available on their website at <https://lss.bc.ca/publications>

They can be ordered through the Queens Printer. Instructions for how to do this are on the same page under "I want to get a publication"

- **People's Law School**

People's Law School has a variety of publications about legal issues as well as online resources. Information about their publications and how to order them is at

<https://www.peopleslawschool.ca/publications>

B. Legal Research

- **BCLaws**

Up-to-date versions of BC laws and regulations are now available for FREE on the internet at <http://www.bclaws.ca/>. The Law Foundation funded the Law Society of BC to work with the Queen's Printer of BC to make this resource available.

- **CanLII**

Up-to-date versions of all provincial and federal legislation and regulations from across Canada are available on the CanLII website at <http://www.canlii.org/en/index.php>. CanLII also has case law and provides note ups of cases that have considered particular sections of legislation.

- **Courthouse Libraries BC**

Courthouse libraries throughout BC provide support on legal research questions. Librarians are can also be contacted by phone or online for help with legal research. The link to the research help page is <http://www.courthouselibrary.ca/training.aspx>

C. Specific Topics

Civil law and the court system

- **BC Supreme Court Self-Help Information Centre**

The BC Supreme Court Self-Help Information Centre is a drop-in service for anyone who has to go to Supreme Court but cannot afford a lawyer. This service is available only at the office: there is no phone consultation service. Several self-help resources for people going to Supreme Court on civil matters are available on the Centre's website.

274 – 800 Hornby Street

Vancouver, BC V6Z 2C5

Website: www.supremecourtsselfhelp.bc.ca

- **Justice Education Society**

The Justice Education Society has many publications and websites designed to help the public understand and solve problems in the legal system. The link to the Society's website is <https://www.justiceeducation.ca/> Examples of websites produced by the Society that deal with specific areas of law are:

- **Administrative Law Website** www.adminlawbc.ca
- **Courts of BC Website** provides an overview of three levels of court in BC www.courtsofbc.ca
- **Small Claims Website** www.smallclaimsbcc.ca

Family law

- **Legal Aid BC Family Law Website**

The LABC Family Law Website provide information about family law and many online self-help forms for various family law issues.

<https://family.legalaid.bc.ca/>

Housing

- **TRAC Tenants Resource & Advisory Centre** has a telephone helpline for tenants who need information about housing issues. (604.255.0546 in Vancouver area. 1.800.665.1185 outside the Lower Mainland – free). They also have several publications on housing issues at www.tenants.bc.ca

Human Rights

Community Legal Assistance Society has lawyers who provide help with human rights issues.

<http://www.bchrc.net/>

Income assistance (welfare)

- **Legal Aid BC**

LABC has resources on income assistance on its publications page at

<http://www.lss.bc.ca/publications/>

- **Ministry of Social Development and Poverty Reduction**

The government sites has links to legislation, regulation, policy and government online tools that are useful for advocates and clients at

<https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual>

Representation agreements

- **Nidus Personal Planning Resource Centre**

The Centre provides information about these issues at <http://www.nidus.ca/>.

Referral Resources: Legal advice and information services

A. Help from a lawyer

Legal representation

- **Access Pro Bono Society**

Website: <http://www.accessprobono.ca/>

Volunteer lawyers provide pro bono legal advice for 30 minutes at legal clinics throughout BC. There are also roster programs that provide legal representation in specific areas of law or in particular courts.

- **Child and Youth Legal Centre**

Website: <https://www.scyofbc.org/>

The Child and Youth legal Centre provides legal help for young people who are experiencing problems relating to family law, child protection, a breach of your human rights and many other legal issues.

- **Community Legal Assistance Society (CLAS)**

Website: <http://www.clasbc.net/>

CLAS provides legal assistance to disadvantaged people throughout British Columbia and currently specializes in the areas of poverty, disability, workers' compensation, employment insurance, mental health, human rights and equality law. The work of CLAS includes: test case and Charter litigation; service case work and law reform; liaison and consultation with community groups; legal supervision of advocacy groups and law students; publication of legal materials designed to assist self-represented litigants; and legal training and support to lay advocates, community groups, law students, and lawyers doing pro-bono work.

- **Legal Aid BC ("LABC")**

Website: <http://www.lss.bc.ca>

Recorded messages are in Cantonese, English, French, Mandarin, Punjabi, and Spanish. LSS provides legal representation on legal aid tariff matters. Duty counsel provide legal advice and assist with court appearances without charge regarding certain matters in family and criminal law cases at various courthouses throughout BC. LSS also produces publications and websites with legal information.

- **West Coast Environmental Law**

Website: <http://www.wcel.org/>

West Coast Environmental Law seeks to provide legal solutions to environmental problems by reforming the law and by empowering citizens through legal information to participate in decisions about the environment. Its staff lawyers provide free information and advice to help citizens confronting environmental legal barriers and disputes. It also administers an environmental legal aid programme to assist citizens and groups with the legal costs associated with dispute resolution.

Legal advice and information

- **Lawyer Referral**

Website: <https://www.accessprobono.ca/our-programs/lawyer-referral-service>

The Lawyer Referral Service can provide the name of a family law or immigration lawyer who can meet with clients for a half-hour appointment. The cost is \$25 plus taxes for the half hour.

B. Legal advocacy resources and services

Provincial service in a specialized area of law or to a specific clientele

- **BC Civil Liberties Association (“BCCLA”)**

Website: <http://www.bccla.org>

BC Civil Liberties Association provides pro bono legal advice and representation in specific cases concerning civil liberties and human rights.

- **Disability Alliance BC (“DABC”)**

Website: <http://www.disabilityalliancebc.org/>

DABC provides advocacy services for people with disabilities and produces legal information materials on disability issues.

- **Family Justice Counsellors**

Family justice counsellors can provide information about the law and the court process and help people work on agreements. They work at Family Justice Centres across the province. Call Service BC and ask the operator to transfer to the nearest centre.

Victoria: 250-387-6121

Lower Mainland: 604-660-2421

Elsewhere in BC : 1-800-663-7867 (call no charge)

- **MOSAIC Legal Advocacy Project**

Website: <http://www.mosaicbc.com>

MOSAIC provides free information, summary advice, referrals, and legal representation in welfare, tenancy, and employment matters. The organization is known for expertise in immigration law.

- **Pivot Legal Society**

Website: <http://www.pivotlegal.org/>

Pivot provides pro bono legal information, advice, and representation in criminal, housing, immigration, mental health, and child protection law.

- **Seniors First BC**

Website: <http://seniorsfirstbc.ca/>

Seniors First BC provides public legal education and advocacy assistance to seniors and their intermediaries, through its legal advocacy program and provides legal representation through the Elder Law Clinic.

Seniors First BC also runs the Seniors Abuse and Information Line (SAIL) -- a toll-free telephone line which is staffed 7 days a week (excluding holidays), 8am to 8pm. Call: 604-437-1940 or Toll Free: 1-866-437-1940

- **TRAC Tenant Resource & Advisory Centre**

Website: <http://tenants.bc.ca/>

TRAC is a Vancouver-based non-profit organization that offers legal information services via a province wide information hotline for tenants, publications on tenants' rights, organizes tenants and provides workshops to advocates and the public.

- **VictimLINK**

Website: <http://www.victiminfo.ca/>

VictimLINK is a phone service that provides information and referral services to victims of crime, and immediate crisis support to victims of family and sexual violence. VictimLINK provides service in 130 languages, including 17 North American Aboriginal languages. VictimLINK is TTY accessible and provides interpretation services for all major languages. Call TTY at 604-875-0885. To call collect, call the TELUS Relay Service at 711.

- **Workers' Advisers Office ("WAO")**

Website: <http://www.labour.gov.bc.ca/wab>

Free legal advice and representation in WCB matters, including appeals, throughout BC. WAO is a proactive, innovative and progressive organization demonstrating excellence in advice, education and representation to workers, their dependents and other stakeholders while fostering safe and healthy workplaces.

Information about legal advocacy services in BC

The following websites provide information about legal advocacy services in various parts of the province.

- **Law Foundation of BC**

Website: www.lawfoundationbc.org

The Law Foundation website lists all the projects funded by the Foundation to do legal advocacy and representation, legal education, legal research, law reform, or provide legal library services.

- **PovNet**

Website: <http://www.povnet.org>

PovNet is an online information service about poverty issues. The website has information about and links to groups that work on poverty issues. It has a helpful link for finding an advocate in various BC communities. Online discussion groups provide an opportunity for advocates to discuss issues with others working on similar topics.

C. Law Student Legal Clinics

- **Greater Vancouver Law Students' Legal Advice Program ("LSLAP")**

Website: <http://lslap.bc.ca>

LSLAP offers free legal advice and representation to persons who cannot afford it throughout the Greater Vancouver Regional District. Their clinicians are law students at the Peter A. Allard School of Law, University of British Columbia at all levels of study, and are assisted by accredited members of the bar who provide students with legal advice and guidance for each client.

- **The Law Centre**

Website: <http://www.thelawcentre.ca>

See their website for information about the free legal clinics and legal representation by University of Victoria law students in Greater Victoria.

- **Peter A. Allard School of Law Indigenous Community Legal Clinic**

Website: <https://allard.ubc.ca/community-clinics/indigenous-community-legal-clinic>

Law Students from UBC provide legal services to the Aboriginal community on issues such as Aboriginal rights, civil, criminal and family law, wills and estates, debt, human rights, residential schools, child protection, residential tenancy and status

2/16/2021

https://www.bccourts.ca/supreme_court/index.aspx#

Supreme Court



HOME COURT OF APPEAL SUPREME COURT PROVINCIAL COURT SEARCH JUDGMENTS

SITE SEARCH FAQ



home > supreme court

Print page

Email page

Supreme Court

RSS

The Supreme Court of British Columbia is the province's superior trial court. The Supreme Court is a court of general and inherent jurisdiction which means that it can hear any type of case, civil or criminal. It hears most appeals from the Provincial Court in civil and criminal cases and appeals from arbitrations. A party may appeal a decision of the Supreme Court to the Court of Appeal.

The [Supreme Court Act](#), R.S.B.C. 1996, c. 443, provides for a [Chief Justice](#) of the Supreme Court, an [Associate Chief Justice](#), and 90 [other justices](#). The legislation also provides for supernumerary judges who sit hearing cases part-time. There are also 15 [Supreme Court masters](#) who hear and dispose of a wide variety of applications in chambers. The Supreme Court also has a [Registrar](#) who hears assessments relating to bills of costs, reviews lawyers' accounts, settles orders, references of various types and deals with bankruptcy discharge applications.

About the Supreme Court

Judgments

Hearing Lists

Scheduling

Court Locations & Contacts

Rules, Procedure & Forms

Self-Represented Litigants

Media, Publication Bans & Policies

Link to Court Services Online

Quick Links

COVID-19 NOTICES AND ANNOUNCEMENTS

NOTE: All notices are subject to change. Please refer to the [Index](#) for a list of the current notices as well as those that have been rescinded and replaced.

- [Announcements](#)
- [Index of COVID-19 Notices](#)
- [Current COVID-19 Notices](#)
- [COVID-19 Orders](#)
- [COVID-19 Announcements](#)

ANNOUNCEMENTS

February 3, 2021

ABBOTSFORD LAW COURTS VIRTUAL OPENING

Please be advised that a virtual opening ceremony for the new Abbotsford Law Courts will be held on Thursday, February 4, 2021. The event will be streamed live [here](#) beginning at 12:30 p.m.

February 3, 2021

NOTICE TO THE PROFESSION RE GRACE PERIOD FOR ACCEPTANCE OF FORMER SUPREME COURT FAMILY FORMS

Chief Justice Hinkson has issued a [Notice to the Profession, the Public and the Media](#) which implements a grace period during which the Registry will accept former Supreme Court Family Forms or new Supreme Court Family Forms that were amended by Order in Council 26/2021 up to and including February 26, 2021. Effective March 1, 2021, Registry staff will no longer accept the former Forms and will only accept Supreme Court Family Forms as amended by Order in Council 467/2020 and Order in Council 26/2021.

January 29, 2021

OFFICE OF THE PROVINCIAL HEALTH OFFICER STATEMENT RELATED TO COVID-19 OUTBREAK AT THREE CORRECTIONAL CENTRES

The Office of the Provincial Health Officer has released a notice regarding the COVID-19 outbreaks at Surrey Pretrial Services Centre, North Fraser Pretrial Centre, and Fraser Regional Correctional Centre. For more information, please refer to the [notice](#) issued January 29, 2021.

January 21, 2021

PROTOCOL FOR COMMUNICATION AND TESTING RELATED TO COVID-19 IN COURTHOUSES

In light of concerns raised by the BC Courts, counsel and other courthouse users about the need for timely and coordinated communication about COVID-19 testing and exposures in courthouses, the three levels of Court and Court Services Branch met with senior health officials and have created a protocol that is now in effect with these main components:

1. A Public Health Guidance document for courthouses that is publicly posted on the BC Centre for Disease Control website:
http://www.bccdc.ca/Health-Info-Site/Documents/COVID_public_guidance/Guidance_Court_Settings.pdf
2. The BC Centre for Disease Control has created a [webpage](#) where the following type of information will be posted about COVID-19 and courthouses: COVID-19 exposures at courthouses where a medical health officer of public health specialist has determined there is a risk of infection to others; incident investigations, notices and summaries related to potential COVID-19 clusters, outbreaks or group testing; and courthouse site inspections.
3. Each Regional Health Authority will be responsible for courthouse COVID-19 incident investigations, response and timely communication with the courts, Court Services Branch and where appropriate the public, recognizing that the Health Authorities alone have the information about COVID-19 incidents, cases, exposures, clusters and outbreaks.

family.legalaid.bc.ca



Legal Aid BC
FamilyLaw.
Legal help for people in BC



Get more help:
 CALL
 VISIT

Separation & Divorce | Children | Finances & Support | Abuse & Family Violence | BC Legal System


Welcome to Family Law in BC

Find the answers to your family law issue



Separation & Divorce

If you're ending a marriage or common-law relationship, we can help you figure out what to do. You don't always have to go to court. Our step-by-step guides can help.




Children

Your child's wellbeing is what matters most. We can help you figure out parenting time and guardianship after separation or divorce. Has a social worker contacted you about your children? Learn your rights.




Finances & Support

It's important that your family stays financially secure after you've separated. Find out more about spousal or child support, and dividing property and debt.



Abuse & Family Violence

Abuse is never okay. If your partner's actions make you feel unsafe or controlled, you can get help.



BC Legal System

Confused by the BC legal system? We can help you understand the different courts, how to apply for or respond to a court order, and what forms you'll need.

<http://www.provincialcourt.bc.ca/types-of-cases/family-matters/links#CF>

The Provincial Court website has various resources for family law clients.

Legal Aid BC legal information publications

All Legal Aid BC publications are available online through the Legal Aid BC website. Many are available for free in print. Several publications are produced in a variety of languages.

You can get to the publications page by visiting: <https://lss.bc.ca/publications>

Looking at publications listed under a particular topic can help you check to make sure that you thought of all the publications that might be helpful. If you are not familiar with a legal topic, looking under these headings can give you a starting point. Searching publications by language will give you a list of all the resources that are available in a specific language that you choose.

Ordering Legal Aid BC resources

Almost all Legal Aid BC resources are now distributed through Crown Publications. Legal Aid BC has instructions about how to set up an account and order publications <https://lss.bc.ca/publications/ordering.php> .

Advocates can get a customer number. Usually, your office can order up to 50 copies of a publication at a time.

Once you have a customer number assigned, logon to the Crown Publications website <https://www.crownpub.bc.ca/> by entering your customer number and postal code and clicking the “Logon” button.

This act of logging on is what allows you to order up to 50 copies of each publication. Next, click on the Legal Aid BC image at the **bottom** right hand corner of the home page to get to a list of all the Legal Aid BC publications that you can order there.

When you check out using your customer account your address will automatically be filled in. You can always change this address to have publications sent directly to a person you are helping, or to a location that you are doing a presentation.

8. ADVOCACY TOOLS

Every advocate will develop their own materials, but it is also helpful to know what advocacy tools already exist and take advantage of them. This section directs advocates to websites that have annotated forms or booklets that provide guidance about filling in the forms that advocates often help clients complete.

There is also information relevant to advocates working with particular groups. The regular consultation with MSD about welfare issues, as well as the resources for advocates helping clients dealing with violence or mental health issues are helpful in each of their areas.

a. List of important self help resources

- Disability Alliance Help Sheets
- TRAC Help Sheets – Housing
- Residential Tenancy Branch (RTB) - Resources
- Legal Aid BC Family Law website self-help forms
- Clicklaw JP Boyd Wikibook on Family Law
https://wiki.clicklaw.bc.ca/index.php?title=JP_Boyd_on_Family_Law

b. Clients dealing with violence

- Legal Aid BC “Is Your Client Safe” Fact Sheet
<https://lss.bc.ca/publications/pub/your-client-safe>

c. Supporting clients with mental health issues

- List of resources
- HealthJustice

d. Law Foundation Practice Tools

- Divorce Mate
- Annotated Family Practice

List of Important Self Help Resources

The LABC Family Law website has self-help guides that help clients fill out forms, explaining what is required, but also completing a form that can be filed.

We have also included information about other sites that provide support for clients dealing with welfare, disability, or residential tenancy issues.

Clients dealing with violence

Legal Aid BC has several publications to support clients dealing with violence. The publication listed above helps lawyers and legal advocates consider if their client is safe.

Supporting clients with mental health issues

The resource sheet included here lists resources that might be helpful to clients.

Health Justice uses research, education and advocacy to improve the laws and policies that govern coercive health care in BC. The group's priority is to support human rights in involuntary mental health and substance use care.

Practice Tools

At the start of each family law advocacy program, the Law Foundation will provide

your program with two key resources for family law advocates.

- DivorceMate is an online tool that helps produce relevant documents and do calculations.
- The Annotated Family Practice Manual provides an overview of key areas of family law, with notations about case law and practice.

ClickLaw Wiki Book

ClickLaw has worked with a variety of legal resource people to develop a wiki book on family law. The online version will be updated as needed.

https://wiki.clicklaw.bc.ca/index.php?title=JP_Boyd_on_Family_Law



The screenshot shows the Clicklaw Wikibooks website. The header features the 'Clicklaw Wikibooks' logo. A sidebar on the left contains navigation links under 'Site' (Main Page, Contents, About), 'Featured Wikibooks' (Dial-A-Law, JP Boyd on Family Law, Legal Help Guide, Consumer Law, Tenant Survival Guide, Finding Legal Information, More Wikibooks...), 'Tools', and 'What links here'. The main content area is titled 'JP Boyd on Family Law' and includes a description of the resource, a 'Contents' section, and a 'Getting Started' section with links to various topics. A search bar is located in the top right corner.

Clicklaw Wikibooks

Site: Main Page, Contents, About

Featured Wikibooks: Dial-A-Law, JP Boyd on Family Law, Legal Help Guide, Consumer Law, Tenant Survival Guide, Finding Legal Information, More Wikibooks...

Tools: What links here

JP Boyd on Family Law

Written in plain language, with rollover definitions for legal words and phrases, *JP Boyd on Family Law* provides practical, in-depth coverage of family law and divorce law in British Columbia. This trusted source for family law information is based on [John-Paul Boyd's](#) popular website, BC Family Law Resource, and is completely updated for the *Family Law Act*. To get started, read [Family Law in British Columbia](#) for a quick introduction. Then dive into the main chapters of the wikibook, or see the [How Do I?](#) section for answers to common procedural questions. Read about the [transition of this resource to a wiki format](#). View the many [lawyers and judges](#) who keep this resource updated.

Contents

Getting Started

- [Introduction](#) • [Family Law in British Columbia](#) • [Definitions](#) • [Family Law Legislation](#) • [Divorce Act Basics](#) • [Family Law Act Basics](#)

Search Clicklaw Wikibooks: [Go] [Search]

Legal Aid BC Family Law Website

The LABC Family Law Website is a very good resource on family law issues. It includes:

- publications
- self-help kits
- factsheets
- videos
- links to resources such as court forms and
- legislation that could help a person work through a family law problem.

You can get to the Family Law Website at <https://family.legalaid.bc.ca/>

A very useful part of all LABC websites is the SEARCH box. Whenever you have problems finding information or cannot remember enough detail to go directly to the information, use the SEARCH box.

Disability Alliance BC Disability Help Sheets

<http://disabilityalliancebc.org/category/publications/help-sheets/>

17 ITEMS FOUND FOR BC DISABILITY BENEFITS HELP SHEETS

BC Disability Benefits Help Sheets

Our BC Disability Benefits Help Sheets are our most popular downloads. These self-help guides will explain various benefits and programs, and how to apply for them. Please note: We have updated and uploaded all of our Help Sheets as of March 2018. If you have viewed our Help Sheets, we would very much appreciate it if you could fill out our short survey. This helps us provide the best service we can and shows our funders how we serve the community. Survey link: <https://www.surveymonkey.com/r/PNWGCXB>.



Publications

Please see our main topics below.

BC DISABILITY BENEFITS HELP SHEETS

BROCHURES

CPP DISABILITY

EMERGENCY PREPAREDNESS

OTHER

RDSP/DTC

4 ITEMS FOUND FOR CPP DISABILITY

CPP Disability

Please note: We have updated our Social Security Tribunal Guide and Application Guide as of December 2018. Our CPP-D Benefits Checklist and Appeal Guide (The Reconsideration Request) were updated in March 2018. If you have viewed our CPP-D Guides, we would very much appreciate it if you could complete a short survey. This helps us provide the best service we can and shows our funders how we serve the community. Survey link: <https://www.surveymonkey.com/r/WBTCH3X>



Publications

Please see our main topics below.

BC DISABILITY BENEFITS HELP SHEETS

BROCHURES

CPP DISABILITY

EMERGENCY PREPAREDNESS

OTHER

RDSP/DTC

Residential Tenancy Branch (RTB) Resources

The RTB has forms on its website

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/forms>

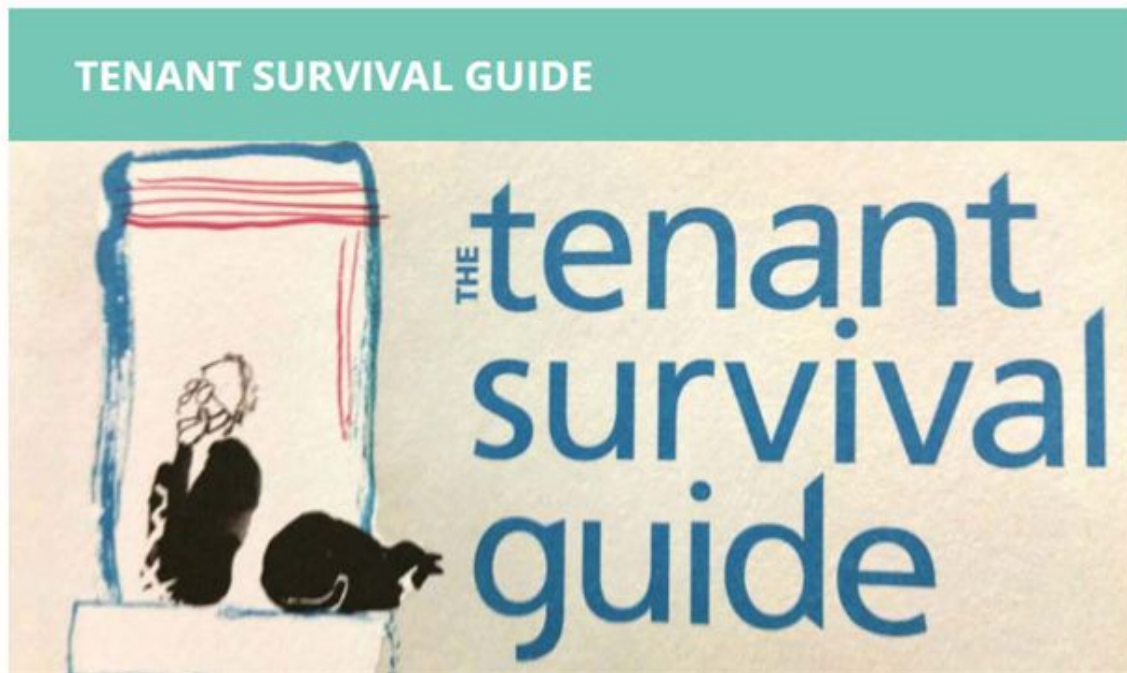
The RTB has online resources for resolving tenancy disputes

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution>

TRAC Help Sheets – Housing

TRAC has print and online resources for tenants, as well as sample precedents for common issues arising in tenancy disputes.

<https://tenants.bc.ca/resources/tenant-survival-guide/>



<http://tenants.bc.ca/renting-it-right/>



Print Open All Close All

WHAT IS RENTING IT RIGHT?

Renting It Right is a FREE video-based and self-paced online course that gives tenants practical and legal information on how to find rental housing and maintain a stable tenancy. Students who register and pass a final exam are provided with a certificate of completion. LandlordBC, the province's leading landlord organization, endorses *Renting It Right* and encourages landlords to view the course certificate positively. Consider including your *Renting It Right* certificate as part of your rental applications in order to increase your chances of securing housing and developing a positive relationship with your landlord.

The course has two parts, each with its own certificate:

***Renting It Right* Part 1: Finding a Home**

1. Needs & Preferences
2. Finding a Place
3. Rental Applications
4. Tenancy Agreements
5. Moving In

***Renting It Right* Part 2: Rights and Responsibilities**

1. Living in Peace
2. Paying Rent
3. Repairs and Services
4. Ending a Tenancy
5. Problem Solving

<http://tenants.bc.ca/template-letters/>

TEMPLATE LETTERS

TRAC strongly encourages tenants to put all communication regarding their tenancy in writing. Even if you currently have a good relationship with your landlord and resolve issues informally, you may one day need evidence of your requests, or other communication. If you speak to your landlord about an issue regarding your tenancy, it is always a good idea to follow up in writing. TRAC has developed template letters on various topics to help you do this. The letters may be edited to include your information and the details relevant to your situation.

IMPORTANT: Because these letters can be changed and manipulated, TRAC does not assume any responsibility for consequences that arise from their use. Please see TRAC's Disclaimer at the bottom of our website.

10 DAY NOTICE TO MOVE OUT EARLY

BEDBUGS, RODENTS OR PESTS

CHANGE TO A TENANCY AGREEMENT

DEMAND FOR PAYMENT OF A MONETARY ORDER

LANDLORD'S RIGHT TO ENTER A RENTAL UNIT RESTRICTED

LOSS OF QUIET ENJOYMENT

NOTICE TO DEDUCT OVERPAYMENT OF DEPOSIT FROM RENT

NOTICE TO END MONTH TO MONTH TENANCY AGREEMENT

February 2012

IS YOUR CLIENT SAFE?

A Lawyer's Guide to Relationship Violence

If your client has suffered relationship violence, you can play a critical role in preventing more violence or even death.



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

ENDING VIOLENCE
Association of BC



In 2009, 49 women in Canada were killed by a current or former spouse.

What is relationship violence?

Relationship violence refers to any abusive, coercive, forceful, or threatening actions or words used by one person to control the behaviour of their intimate partner. Statistics show that women are far more likely than men to suffer the most severe forms of abuse, such as sexual assault, severe violence, and stalking. Women experience a much greater risk of serious injury or death in violent relationships. For these reasons, this brochure focuses on women in abusive relationships with men, and the victim is referred to as “she.”

Relationship violence may include physical, emotional, psychological, sexual, and/or financial abuse. In extreme cases, it may result in serious injury or death. Relationship violence does not include situations where one partner uses reasonable force to protect themselves or others from harm.

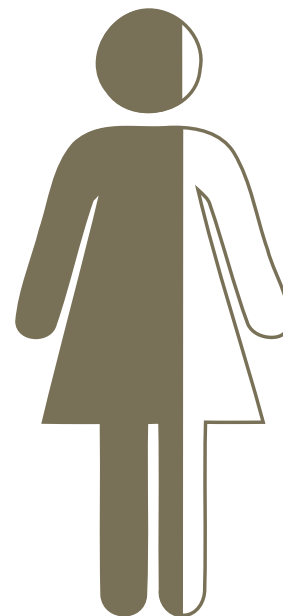
Although much relationship violence is a gendered crime, abuse can happen to anyone, regardless of age, gender, sexual orientation, race, culture, religion, education, employment, or socio-economic or marital status. Relationship violence may occur at *any time* during a short- or long-term relationship. It can happen when people are dating, while a relationship is breaking down, or after the relationship has ended.

Is your client safe?

During an interview, your client may report or disclose, in words or through behaviour or appearance, some or all of the following signs of relationship violence:

- physical injuries, either visible or suspected, such as bruises, cuts, burns, and/or fractures;
- stress-related illnesses, such as headaches, sleeping and eating disorders, difficulty concentrating, memory problems, and/or anxiety;
- depression; low self-esteem; distrust; fear; and/or withdrawal from friends, family, and community;
- employment changes, such as absenteeism, decreased work performance, and recent firing or departure from her job;
- social isolation, such as lack of support; lack of access to transportation; restricted access to money, family, or friends, or to activities such as a job or school; and
- relationship problems, including complaints about her partner’s anger or temper, substance abuse, controlling and/or humiliating behaviour, accusations of infidelity, stalking, and/or frequent electronic communication known as “cyber-stalking.”

Research suggests nearly 64% of women who have suffered relationship violence do not report it.



Is your client at risk of further harm?

Domestic homicide, the most extreme form of relationship violence, is associated with the presence of certain risk factors. With appropriate safety planning and service provider intervention, domestic homicide is potentially preventable. To help save a life, be alert to the risk factors. Understand critical times when your client may face an increased risk of further violence as well as more severe violence, which could result in serious bodily harm or death. Critical times include separation, the start of litigation, or court attendances and any settlement meetings. Various risk factors include but are not limited to:

Relationship history

- current relationship status, particularly actual or pending separation or relationship breakdown
- obsessive, jealous, and/or controlling behaviours by your client's partner, including threats and stalking
- strangling, choking, biting, or forced sex by her partner
- having children who are or may be the subject of legal proceedings
- client is marginalized and faces discrimination based on race, immigration status, age, income, ability; lives with addiction or mental health issues; is pregnant; between age 15 to 25; socially isolated; or has language or literacy issues

History of your client's partner

- history of violent activity by your client's partner against her or a previous or new intimate partner, children, other family members, or anyone else

- escalation in frequency or severity of his violence
- prior criminal history
- exposure to violence as a child
- mental health issues, particularly depression and suicidal ideation
- alcohol or drug abuse
- unemployment or financial difficulty

Access to weapons

- client's partner has access to weapons, or has previously used or threatened to use a weapon

Your client's perceptions of risk

- client's perception that her personal safety is at risk, even with a protection order
- fear of future violence by her partner

With thanks to Jocelyn Coupal for the use of content adapted with permission from her Spot the Signs brochure and website.



Your client is more likely to safely leave an abusive relationship if she has support from her community.

Why do you need to know?

Learning whether your client has suffered relationship violence will help inform the legal advice and information you provide. For example, does your client need a protection order or immediate police protection? safe housing? a safety plan?

Statistics show there is a significant increase in the likelihood of violence, including death, when a woman leaves her abusive partner. *Sometimes the violence will be directed at the people involved in assisting her.*

Encourage disclosure

While some clients openly disclose that they have suffered abuse and violence, others might not show or report any obvious signs. You may, however, still suspect that your client has been victimized.

For a list of the steps you can take to encourage disclosure, see the Legal Services Society fact sheet *Is Your Client Safe? — Encouraging Disclosure* at www.legalaid.bc.ca/publications (click Abuse & family violence).

If your client has suffered relationship violence

During your initial interview, alert your client to the possible increase in violence and to the idea of making a safety plan when she considers leaving a violent relationship (see Safety planning for your client). If your client discloses that she has been victimized, you can:

- reassure her that this information is confidential, unless there is immediate danger of someone being killed or a child being abused;
- tell her that the abuse is not her fault;
- empathize, encourage, and be supportive;
- provide referrals to victim services, other community services and resources (such as transition houses), and for safety planning;
- develop a safety plan for your workplace, along with your staff; and
- present her with the range of legal options available to her, including any potential risks to her and her children that may be associated with each option.



Separation is the most common risk factor associated with domestic homicide and is present in approximately 4 out of 5 cases.

Safety planning for your client

If your client has safety concerns because of abuse and threats of harm by her partner, she needs to prepare a safety plan. Safety planning involves steps she can take to stay safe and to plan for and get help in an emergency, whether or not she stays in the abusive relationship.

Before leaving an abusive partner, she can get safety planning help from an advocate or victim service worker. Contact VictimLink BC (see Resources for your client).

To start a safety plan, see the Legal Services Society fact sheet *Is Your Client Safe? — Safety Planning for Your Client* at www.legalaid.bc.ca/publications (click Abuse & family violence).

For more information, refer your client to:

- Domestic Violence website at www.domesticviolencebc.ca (click Staying Safe)
- Ending Violence Association of BC at www.endingviolence.org (under If You Need Help)
- Legal Services Society fact sheet *Live Safe — End Abuse: Safety Planning* at www.legalaid.bc.ca/publications (click Abuse & family violence)
- *Safety Planning for Women Who Are Abused* at www.spotthesigns.ca (click Spot the Signs)

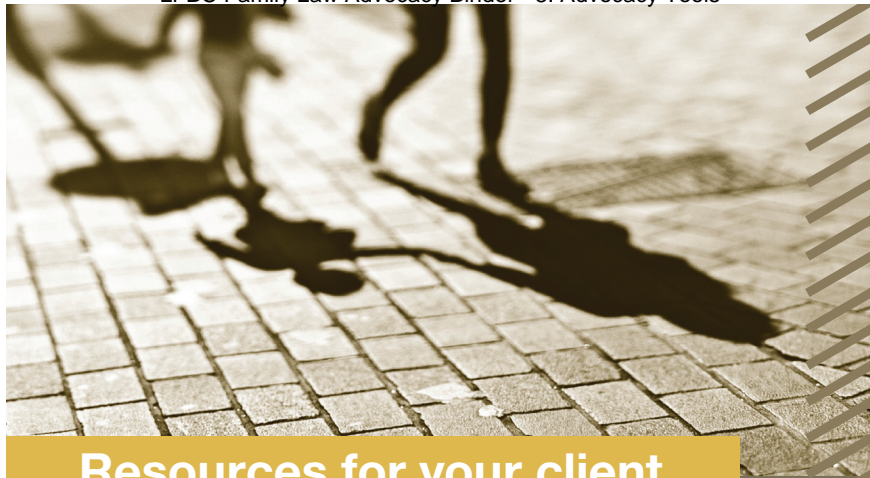
The new Family Law Act (FLA) defines family violence and creates a new type of protection order that may restrict contact and communication between family members where there is a safety risk. Breaches will be enforceable by police and dealt with as criminal offences. The FLA was passed on November 24, 2011 and most of its provisions will come into force by order-in-council.



We thank everyone who contributed to this brochure, including focus group and field test participants, and legal reviewers.

Funded by





Resources for your client

Police

Your client can contact the police for help if she has safety concerns.

You can call 911 if your client wants you to or if you believe she is in imminent danger.

Domestic Violence Helpline / VictimLink BC

Phone: 1-800-563-0808

Free, confidential, multilingual telephone service
24 hours a day, seven days a week

Websites: www.domesticviolencebc.ca
www.victimlinkbc.ca

Other resources

To find community resources, publications, and Aboriginal services and resources, see the Legal Services Society fact sheet *Is Your Client Safe? — Relationship Violence Client Resources* at www.legalaid.bc.ca/publications (click Abuse & family violence)

Resources for your office

For workplace safety planning information and legal resources, see the Legal Services Society *Is Your Client Safe?* fact sheets: *Safety Planning for You and Your Staff* and *Relationship Violence Legal Resources* at www.legalaid.bc.ca/publications (click Abuse & family violence)

Resources for Advocates and Clients dealing with Violence



Is Your Client Safe?

A Lawyer's Guide to Relationship Violence

This resource for family law lawyers and advocates describes relationship violence, the signs of abuse, and the risk factors. It explains what to do if your client has been victimized, and includes safety planning information, where your client can get help, and where to find further information.

See also the related fact sheet series *Is Your Client Safe?*, which provides more detailed information and resources. See [Abuse & family violence](#) for a complete list of all the fact sheets.

■ ■ ■ Is Your Client Safe? Fact Sheets

- Encouraging Disclosure
- Relationship Violence Client Resources
- Relationship Violence Legal Resources
- Safety Planning for You and Your Staff
- Safety Planning for Your Client

Links to the above list of resources: <https://legalaids.bc.ca/publications/available?sub=281>

IS YOUR CLIENT SAFE?

fact sheet series



February 2012

Relationship Violence Client Resources

Community resources

Advocates

Advocates provide free legal information and emotional support. Contact PovNet to find one.

Website: www.povnet.org

(click Find an Advocate)

Community agencies

Community agencies provide support, counselling, settlement services, and general information. To find one near you, contact BC211.

Phone: 211

Website: www.bc211.ca

Ending Violence Association of BC (EVA)

EVA provides services to community-based victim assistance, Stopping the Violence Counselling, and Stopping the Violence Outreach programs

Website: www.endingviolence.org

Medical clinics and hospitals

Urgent and longer-term services are available to assist people who are recovering from relationship violence.

HealthLinkBC

Health information and advice are available 24 hours a day, seven days a week. Translation services are available in over 130 languages.

Phone: 811

Website: www.healthlinkbc.ca

BC Women's Hospital Woman Abuse Response Program

This program supports community health services for women affected by relationship abuse.

Phone: 604-875-3717

Website: www.bcwomens.ca

(click Services — Health Services — A Woman Abuse Response Team)

Vancouver General Hospital

The Adult Protection Domestic Violence Social Worker offers assistance to victims of abuse. Services are free under the Medical Services Plan.

Phone: 604-875-5458

Safe housing

Safe houses are emergency accommodations that provide immediate safety for your client. Transition houses are temporary housing for your client when she leaves a relationship. Second stage housing provides longer-term support after she leaves a transition house. For a referral to the nearest safe house or transition house, call **VictimLink BC** at **1-800-563-0808**.

BC Housing

Phone: 1-800-563-0808

Website: www.bchousing.org

(click Housing Options — Emergency housing — Women's Transition Housing & Supports)

BC Society of Transition Houses

Phone: 1-800-661-1040

Website: www.bcsth.ca

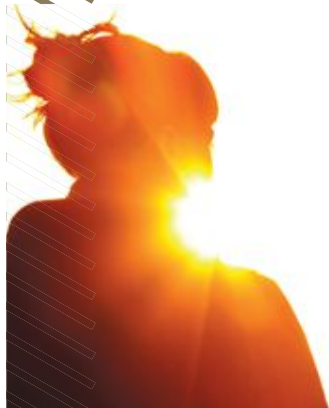
Domestic Violence BC

Website: www.domesticviolence.bc.ca

(click Staying Safe)

Income Assistance

The BC government provides income assistance (welfare) in the form of money and other benefits if a person is in need. Your client should advise them if she is leaving an abusive relationship. She can apply for hardship assistance if she needs money for food, housing, or medical needs. Contact the **Ministry of Social Development** office at **1-866-866-0800** *(call no charge, 24 hours a day, seven days a week)*



IS YOUR CLIENT SAFE?

fact sheet series



February 2012

Resources to help your client with non-legal issues

2

Victim Services

Victim service workers provide services such as safety planning; emotional support; justice system information; support for going to criminal court, to the police, or to other related appointments; and referrals to counselling and other services.

Community-Based Victim Assistance Programs

These programs provide information, advocacy, and support specifically for women survivors of violence in relationships, childhood abuse, or sexual assault.

Crime Victim Assistance Program

Financial benefits are provided to assist victims, immediate family members, and certain witnesses in dealing with the effects of violent crime.

Stopping the Violence Counselling Programs

Counselling services for women survivors/victims of relationship violence, childhood abuse, or sexual assault.

Outreach and Multicultural Outreach Services Programs

Services offered include counselling for women, referrals to community services, local transportation, court accompaniment, and advocacy. Programs are provided in over 20 languages.

Victim Safety Unit

Provides notification to victims about the status of an accused person or offender, as well as support for victims going to court.

For specific services and programs in your community, contact **VictimLink BC** (see above, under Safe housing).

Publications and online resources

Print and online information about relationship violence and abuse is available from the following organizations.

Battered Women's Support Services

- *Toolkit for Immigrant Women Working with a Lawyer*
- *Violence Against Women and the Law*

Website: www.bwss.org

(under Resources, click Publications)

Ending Violence Association of BC

Assisting with Developing Safety Plans — Using Checklists

Website: www.endingviolence.org

(click publications)

Government of Canada

Family Violence publications

Website: www.phac-aspc.gc.ca

(click Reports & Publications — Family Violence)

Legal Services Society

Abuse & family violence publications at **www.legalaid.bc.ca/publications** including:

- *Live Safe — End Abuse Fact Sheets*
- *Surviving Relationship Violence and Abuse* (booklet)

Family Law in BC website

Website: www.familylaw.lss.bc.ca

(click Fact sheets — Abuse & family violence)

Ministry of Justice

Victim Services publications and information sheets.

Website: www.gov.bc.ca/justice

(click Victim Services — Publications and Information Sheets)

Spot the Signs

Safety Planning for Women Who Are Abused

Website: www.spotthesigns.ca

(click Spot the Signs)

Vancouver Coastal Health Domestic Violence Service

- *Domestic Violence Resource Card*
- *Help for Victims of Domestic Violence*
- *Leaving Domestic Violence — Safety Planning Checklist*

Website: www.vch.ca

(Under Locations & Services, click Find Services; then search by "Domestic Violence Service" in Vancouver, click Links, for related information)

Victim Services in BC

2011 Directory

Website: www.gov.bc.ca/justice

(click Victim Services — Directory of Victim Service and Violence Against Women Programs)

IS YOUR CLIENT SAFE?

fact sheet series



February 2012

Resources to help your client with non-legal issues

3

YWCA Metro Vancouver

Website: www.ywcavan.org

/legaleducator

(click Legal Publications and Projects)

Resources for Aboriginal clients

BC Association of Aboriginal Friendship Centres

Phone: 250-388-5522 or

1-800-990-2432 (call no charge)

Website: www.bcaafc.com

Native Courtworker and Counselling Association of BC

Phone: 604-985-5355 or 1-877-811-1190

(call no charge)

Website: www.nccabc.ca

Other community resources

If your client is Aboriginal, community services available to her will vary depending on where she lives.

Services may include:

- addictions counsellors and programs
- band social workers and social development offices
- child care programs
- community health nurses
- elders groups and councils
- First Nations child and family services agencies

- health centre staff
- home care nurses and workers
- infant development programs
- literacy programs
- mental health counsellors
- residential school healing programs
- safe homes
- youth centres

For more information, see the Community Coordination for Women's Safety publication *Increasing Safety for Aboriginal Women: Key Themes and Resources* at www.endingviolence.org
(click CCWS — Publications)

Aboriginal print and online publications

- *Guide to Aboriginal Organizations and Services in British Columbia 2011/2012* at www.gov.bc.ca/arr
(under Related Links, click Guide to Aboriginal Organizations)
- Legal Services Society fact sheet *Live Safe — End Abuse: Staying in the Family Home on Reserve* at www.legalaid.bc.ca/publications
(click Abuse & family violence)

This fact sheet is a companion piece to the brochure *Is Your Client Safe? A Lawyer's Guide to Relationship Violence*.

Other fact sheets in the series:

[Encouraging Disclosure](#)
[Relationship Violence Legal Resources](#)
[Safety Planning for You and Your Staff](#)
[Safety Planning for Your Client](#)



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

ENDING VIOLENCE
Association of BC

Health Justice Website

<https://www.healthjustice.ca/>

Helpful Websites and Provincial Resources

- ♦ Canadian Collaborative Mental Health Initiative: Pathways to Healing: A Mental Health Toolkit for First Nations People
http://www.shared-care.ca/files/EN_PathwaystoHealing.pdf
- ♦ Canadian Mental Health Association, BC Division: Concurrent Disorders: Mental Disorders and Substance Abuse Problems
<http://www.heretohelp.bc.ca/publications/factsheets/concurrent>
- ♦ Cross Cultural Mental Health: Visions: BC's Mental Health Journal:
<https://cmha.bc.ca/documents/visions/>
- ♦ Canadian Mental Health Association: Suicidal Behaviour: How to Respond
<https://cmha.ca/mental-health/understanding-mental-illness/preventing-suicide>
- ♦ Mental Health Organizations & Websites in Canada:
<https://www.mentalhealthcommission.ca/English>
- ♦ Anxiety B.C.
<https://www.anxietycanada.com/>
- ♦ B.C. Schizophrenia Association
<https://www.bcscs.org/>
- ♦ Mood Disorders Association of BC <https://mdabc.net/>
- ♦ National Network for Mental Health:
<http://nnmh.ca/>

Annotated Family Practice 2020-2021



Product Type: Publications - Print

ISBN: ISSN 1495-9119

Pages: 1492

Price: \$181.00

All the family law legislation you need in one place

This publication is essential for: all family law lawyers who need quick access to family law legislation in the office or on the go

Current to: March 15, 2020

In the fast pace of family law, you need quick access to case law and legislation frequently. *Annotated Family Practice* is your invaluable and portable compilation of all core BC family law statutes, rules, regulations, guidelines, and practice directions. Leading family law lawyers have selected and prepared succinct summaries of significant cases you need to know about under key legislation, such as the Child Support Guidelines, the *Family Law Act*, and the *Child, Family and Community Service Act*.

With this resource, you will be able to:

- access the language of the key Acts, Rules, and Regulations that govern a family law matter
- quickly identify leading cases under specific sections of legislation
- find the Child Support Guidelines table amount of support easily
- easily refer to key sections of the Spousal Support Advisory Guidelines

Buy this portable family law library today!

Highlights of the 2020 Update include:

- consolidation of the *Divorce Act* with the amendments coming into force on July 1, 2020
- new case summaries under the Child Support Guidelines, the *Family Law Act*, and the *Child, Family and Community Service Act*
- amendments to the *Family Law Act* (not yet in force) related to arbitration
- inclusion of *An Act respecting First Nations, Inuit and Métis children, youth and families*, C. 2019, c. 24
- removal of excerpts of the Spousal Support Guidelines with a recommendation to refer to the online user guide
- inclusion of the Early Resolution and Case Management Model under the Provincial Court (Family) Rules
- amendments to Acts, Rules, Regulations, and Practice Directives throughout

Annotated Family Practice 2020-2021 - Chapters

Part 1—Child Support Guidelines

1. Annotated Federal Child Support Guidelines

Part 2—Divorce Act and Family Law Act

2. Divorce Act (Canada)
3. Annotated Family Law Act

Part 3—Court Rules

4. Supreme Court Family Rules
5. Court of Appeal Rules
6. Provincial Court (Family) Rules
7. Annotated Provincial Court (Child, Family and Community Service Act) Rules

Part 4—Practice Directions

8. Family Law Practice Directions
9. Select Civil Practice Directions That Apply to Family Law Cases

Part 5—Statutes

10. Adoption Act
11. Annotated Child, Family and Community Service Act
12. Court of Appeal Act [excerpts]
13. Evidence Act [excerpts]
14. Family Maintenance Enforcement Act
15. Income Tax Act (Canada) [excerpts]
16. Infants Act
17. Interjurisdictional Support Orders Act
18. Land (Spouse Protection) Act
19. Marriage Act
20. Name Act
21. Partition of Property Act
22. An Act respecting First Nations, Inuit and Metis children, youth and families

Part 6 — Regulations

23. Adoption Regulation
24. Annotated Child, Family and Community Service Regulation
25. Division of Pensions Regulation
26. Family Law Act Regulation
27. Family Maintenance Enforcement Act Regulation
28. Interjurisdictional Support Orders Regulation
29. Notice to Mediate (Family) Regulation



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FEATURES

INCLUDED FORMS

- **Word-Processor Based Forms:** Use your existing MS Word 97 or later.
- **Repetitive Information Merged:** Fill out the simple, straight-forward “merge screen” and the software will automatically merge repetitive lawyer, client, children, address and date information into any court form you create for that client.
- **One-touch Mathematical Totalling:** All mathematical calculations total automatically with the click of a toolbar button.
- **Unlimited Expansion:** Most input fields are expandable as required. Rows can be added and deleted to financial forms as needed.
- **Timely Updates:** Forms are regularly updated to reflect any legislative or Rule changes.
- **Law Firm Database:** All information for lawyers, including law firm, address and contact information is stored for immediate and/or future use by any networked user.
- **Custom Forms:** A new or existing form may be created/customized and saved for use in any other client file by any networked user.
- **E-mail Ready:** Any form may be e-mailed as a word-processing document or Acrobat .PDF file.
- **Professional-looking Forms:** Better designed forms than those available under the Rules, with more space and bigger fonts.

9. LAW FOUNDATION OVERVIEW AND CONTACT INFORMATION

- a. Annual Report**
- b. Contact Information for Law Foundation Program Directors and Legal Advocate Training Manager**

Annual Report

We include a link to the Law Foundation's Annual Report to provide an overview of the work the Law Foundation does.

<https://www.lawfoundationbc.org/our-work/annual-report/>

Contact Information

If you want more information, or have questions about the contents of this binder, contact your Program Director or the Legal Advocacy Training Manager at the numbers or emails listed on the Law Foundation website.

<https://www.lawfoundationbc.org/about-us/staff/> .