

Civil Legal Needs Research Report

2nd Edition, March 2009

Written for the Law Foundation of BC
By Carol McEown

The use of all or part of this report by not-for-profit agencies is encouraged, provided appropriate acknowledgment is given.

For more information, please contact:

The Law Foundation of British Columbia

1340 – 605 Robson Street

Vancouver, BC V6B 5J3

Tel: (604) 688-2337

Fax: (604) 688-4586

E-mail: lfbc@tfbc.org

Website: www.lawfoundationbc.org

Contents

Introduction	1
1: Civil legal needs surveys and what they tell us	2
The value of civil legal needs studies.....	2
Common themes in civil legal needs studies.....	3
a. The incidence of civil justice problems across the surveys	4
b. The kinds of problems people experience	4
c. How respondents deal with their problems	8
d. Responses by problem type.....	9
e. How people in various demographic categories are affected.....	12
A summary of what the civil legal needs surveys show us	14
2: The Law Foundation of BC: Poverty law needs assessment and gap/overlap analysis.....	16
Findings of the gap-overlap analysis.....	16
Key conclusions of the gap-overlap analysis	17
3: Current needs mapping research in BC.....	18
Self-help centre mapping (2004).....	18
Civil hub research project needs mapping (2007).....	18
a. Needs analysis.....	19
b. Mapping services	19
c. Findings from the consultation process relating to a civil hub service.....	20
Voices from the field — Needs mapping self-help services in rural and remote communities	21
a. Definitions of rural and remote	21
b. Findings: Legal needs in rural areas	21
c. Priorities for the future and service model ideas	22
d. Recommendations	22
4: How big is the problem? A cursory look at potential demand for legal services based on British Columbia demographics	24
Introduction	24
BC's population.....	24
Current advocacy, advice and representation services	25

Income affects access to publicly funded legal services.....	28
Where people live affects their access and service decisions	29
Education levels and literacy affect people’s ability to benefit from unbundled legal services.....	30

Conclusions.....	31
Results of Law Foundation studies	31
Results of legal needs studies	31
Results of mapping studies completed in BC.....	32
Issues raised by the mapping process in British Columbia.....	34
The potential of mapping.....	35
Work that needs to be done in BC	35
a. Use the studies that have been completed to move forward	35
b. Do not lose sight of the need for representation services	36
c. Review the concept of self-help centres.....	36
d. Who should pay for Legal Aid?	39

Tables and figures

Table 1: Parameters of international legal needs surveys	2
Table 2: Percentage of individuals experiencing one or more legal problem across jurisdictions.....	5
Table 3: Incidence of legal problems reported in Canadian surveys.....	6
Table 4: Incidence of problems reported in the LSS study.....	7
Table 5: Incidence rates for LSS and Justice Canada BC surveys 2008.....	8
Table 6: Response by problem type – Canadian study 2006.....	9
Table 7: Response by problem type – LSS study 2008	10
Table 8: Help needed.....	11
Table 9: <i>Washington State Civil Legal Needs Study</i> comparison	14
Table 10: Projected number of people with civil legal problems	24
Table 11: LSLAP top civil, including family, cases by issue area, 2007/2008.....	25
Table 12: Top civil, including family, problem areas referred by Lawyer Referral in 2007/2008	26
Table 13: LawLINE top civil, including family, law problem types in 2007/2008	27
Table 14: LSS legal representation services 2007/2008.....	27
Table 15: Western Society to Access Justice top civil including family law problem types in 2008	28
Table 17: Active Cases in BC Civil Courts, 2007/2008	37

Introduction

Over the last decade, access to justice issues have been on the research agenda world-wide. Everywhere, organizations and individuals have raised questions about the justice system, the lack of legal aid services, the increasing complexity of law and legal proceedings, and the difficulties faced by people trying to deal with legal matters on their own in this changed environment. Research has been initiated for various reasons: to justify changes to the current system, as an initial step in examining the problem and identifying solutions, and in response to assertions that there was no evidence to support a demand for new services.

In order to make the best use of its funding and plan for the coming years, the Law Foundation needs to have a clear picture of the legal needs of British Columbians. This paper is designed to provide this picture for the Law Foundation by summarizing the key research completed in BC and other jurisdictions, considering what it shows about gaps in BC legal services, and drawing conclusions that suggest next steps.

The materials reviewed include the following:

- *National Civil Legal Needs Studies* completed by Dr. A. Currie of the Department of Justice, Canada
- *Legal Problems Faced in Everyday Lives of British Columbians* completed by Ipsos Reid for the Legal Services Society, December 2008
- *Poverty Law Needs Assessment and Gap Overlap Analysis* completed by Denice Barrie for the Law Foundation
- the mapping projects of Reid and Malcomson relating to court-based self-help centres

Additional information has been gathered from legal needs studies carried out in other jurisdictions to provide a glimpse into what they are discovering, while evaluations of legal service programs in BC and a brief review of some statistics on services currently available provide some insight into current services. A high-level overview of BC's demographics provides the context for potential demand for services.

1: Civil legal needs surveys and what they tell us

The value of civil legal needs studies

Civil legal needs surveys capture information about the legal problems people do not bring to the legal community for assistance, as well as those problems for which they do seek legal help. The approach used in these studies “attempts to view legal problems, along with concepts of justice and access to justice, from the point of view of the people who experience them.”¹ Respondents, randomly selected to match the general population or specific groups within the population, are taken through carefully constructed questionnaires to determine whether they experienced any serious legal problems over a particular period. The second stage of questions captures the steps taken to resolve the problem and the impacts or consequences arising from the problem.

Extensive civil legal needs surveys have been completed in England and Wales, Canada, New South Wales, New Zealand, Scotland and nine American states. They are funded and used by governments, overseers of legal aid services, and advocates seeking more funding for legal aid. The Canadian surveys, coupled with other needs research completed in BC, provide a solid picture of the legal needs of British Columbians. Reviewing these surveys and analyses of surveys carried out in other English-speaking countries provides a context for the Canadian results. Table 1 summarizes the parameters of five key studies around the world.²

Table 1: Parameters of international legal needs surveys

Country/State	England	Canada	Netherlands	New South Wales	Washington State
Date	2006	2006	2003	2003	2003
Population surveyed	Adults in all income levels	Adults in all income levels	Adults in all income levels	Adults with low/moderate incomes	Households with low incomes
Reporting time	3 1/2 years	3 years	5 years	1 year	1 year
Data collection method	In-person	Telephone	Internet survey	Telephone	In-person
Surveys completed	3,087	6,665	3516	2,431	1,333
% of respondents reporting at least one problem	36%	45%	67%	69%	87%

Note: All of the above surveys except the Washington State survey are *random* samples of the general population or specific subsets of the population. Washington State carried out two surveys. One, included in the table above, was a quota sample of 1,333 households in 15 demographic groups determined to be low income and otherwise disadvantaged (the field survey). A second survey, not included above, was by telephone; it was based on a random sample of 810 low- and moderate-income households. It used a shortened form of the field survey and produced a lower response rate of around 75%.

¹ Currie, Ab, *The Legal Problems of Everyday Life*, 2007, p. 37.

² In total, there are three Canadian studies and a recent BC study which will be discussed in the paper.

When comparing the results of legal needs surveys in Canada to those from other jurisdictions, it is important to keep in mind that differences in the methodology, populations surveyed, time period, and focus of the questions produce somewhat different results. Some of these differences are:

- **Methodology:** Phone surveys are used in the national studies in Canada. In England, interviews are conducted in person. The Washington State survey uses both approaches. Internet surveys have been conducted in the Netherlands and recently in British Columbia. Currie reports that in person surveys obtain lower incidence rates than telephone surveys with internet surveys obtaining a higher incidence rate than either in person or phone surveys.³
- **Population surveyed:** The first survey conducted in Canada focused on low- and moderate-income populations; the next two surveyed the general population. The most recent BC study focused on low income populations. Most American studies focus on low-income populations — with some emphasis on specific populations. The English and Welsh studies survey the general population, with one or two parallel studies on specific populations.
- **Time period:** Most of the American studies use a one year time frame, the Canadian studies use a three year time frame, the English studies use a three and a half year time frame and the Dutch study a five year period.
- **The focus of the questions:** The more generally the questions are worded, the larger the number of respondents who say they had a problem of that type.
- **The range of questions:** The New South Wales survey includes a much broader range of questions (victims of crime, crime, and typical legal procedures where there were not problems such as buying a house or making a will or contract). The other surveys look at civil (including family) law problems that respondents identified as serious and difficult for them to resolve. The addition of categories increases the number of responses. The English and Welsh survey has a separate category for neighbours – when this question was included in the 2008 Canadian survey, the incidence rate increased.

The factors set out above, coupled with the fact that countries have different populations with different problem resolution patterns, different laws, and different economic/social safety nets, are bound to produce somewhat different results.

Common themes in civil legal needs studies

Despite some differences, there are several key points that are apparent in the studies. Civil legal needs studies are valuable for many reasons:

- They provide solid evidence of the prevalence of civil justice problems. The surveys are developed and conducted to allow us to make reliable estimates about the population as a whole.
- They tell us what kinds of problems people have.

³ Currie, Ab, *The Incidence of Justiciable Problems in Civil Matters in Canada: Three national surveys in 2004, 2006, 2008*, an unpublished paper.

- They tell us how people resolve their problems, and the impacts or consequences for them if they are not resolved.
- They tell us how different segments of the population respond to their legal issues and how they are treated in their attempts to find solutions to their problems.

This section considers the results of these key issues and considers the Canadian situation with reference to other studies.

a. The incidence⁴ of civil justice problems across the surveys

Recent surveys all find that, as Currie points out, “very large percentages of populations experience serious ‘justiciable’ problems ... that are aspects of their everyday life.”⁵ Currie has presented a number of papers based on Canadian surveys, but the Department of Justice has not yet released this survey data.

Information drawn from the work done in other jurisdictions, however, supports the analysis that Currie has been able to present. (England and Canada have replicated the studies over several years with relatively consistent results. England now carries out an annual survey for planning purposes.)

b. The kinds of problems people experience

As the table on page 5 shows, in all the studies, there are a relatively large number of consumer, debt, employment, housing, and family matters problems — these are to a great extent events most people experience. In contrast, some problems are experienced by much smaller populations in society such as recent immigrants, people receiving income benefits, or the institutionalized; hence, the relatively low incidence of these problems. However, as set out on page 9, people who fit within these populations tend to experience more problems with more severe consequences than the average citizen.

Table 2 captures the incidence of legal problems reported in studies from England, Canada (two studies) New South Wales, Australia, and Washington State.

⁴ Currie uses the term incidence to refer to the degree to which individuals experience problems and prevalence to refer to the frequency with which problems occur in the population.

⁵ Currie, Ab. *The Legal Problems of Everyday Life* defines a justiciable problem as a problem that raises legal issues, “whether or not it [is] recognized by the respondent as being ‘legal,’ and whether or not any action taken by the respondent to deal with the event involved the uses of any part of the ... justice system.” p. 34.

Table 2: Percentage of individuals experiencing one or more legal problem across jurisdictions⁶

Legal needs comparisons	The incidence of civil legal problems				
	England (2006) %	Canada (2006) %	Canada (2004) %	New South Wales 2003 %	Washington State (2003) %
% reporting at least one problem	36.0	45.0	47.7	69.0	87.0
Type of problems reported					
Consumer	12.0	22.0	19.2	22.0	23.5
Money/debt	5.5	20.4	27.4	12.0	
Employment	5.3	17.8	17.4	12.1	22.0
Accident/injury	3.6	2.9	4.7	19.2	
Housing		1.7	5.4	22.6	35.9
Renting	3.2				
Owning	2.0				
Homelessness	1.1				
Neighbours	8.9				
Family				8.5	23.8
Relationship breakdown	1.6	3.6	5.2		
Other family	1.9	1.4	2.4		
Divorce	2.1				
Domestic violence	0.8				
Wills and power of attorney		5.2	4.0	14.6	9.8
Social assistance benefits	3.0	1.2	3.5	4.6	17.7
Disability benefits		1.0	2.6		
Disability (discrimination)					2.9
Immigration	0.3	0.6	0.8		7.5
Health					16.4
Hospital treatment or release	0.3	1.6	2.2		
Clinical negligence	2.0				
Elder abuse (non-family)					4.6
Threat of legal action		1.2	3.7		
Education					7.5
Gov't services				15.0	
Public/municipal services					22.3
Other (institutions, taxes, migrants, Native American)					8.4

Focusing on the civil legal needs studies completed by the Department of Justice, Canada (2004, 2006, and 2008), up to 54% of respondents reported experiencing one or more legal problems over a three-year time period.

The first Department of Justice survey (2004) was limited to low- to moderate-income Canadians (under \$35,000 for individuals, under \$50,000 for families) who had telephones and spoke

⁶ Tables have been adapted to provide comparisons where possible and are based on a percentage of total respondents to the survey.

English or French. In that survey, **47.7%** of respondents reported one or more law-related or justiciable problems during the three-year reference period.

The 2006 and 2008 surveys were expanded to include all Canadians (who speak English or French and have a phone). The 2006 survey found that **44.6%** of adult Canadians had experienced one or more justiciable problems within the three-year time period. The 2008 study found that **49.6%** of respondents reported one or more justiciable problem using the same problem categories. The incidence increased to **54%** when a new category (neighborhood problems) was included.

Table 3: Incidence of legal problems reported in Canadian surveys⁷

Percent of respondents reporting at least one problem by problem category - Canada			
Problem category	2004 (n = 4501)*	2006 (n = 6665)**	2008 (n = 7002)**
Consumer	19.2% (864)	22.0% (1,469)	27.8% (1,932)
Employment	17.4% (784)	17.8% (1,184)	15.4% (1,075)
Debt	27.4% (1,231)	20.3% (1,356)	19.1% (1,337)
Social assistance	3.5% (158)	1.2% (78)	2.2% (151)
Disability benefits	2.6% (115)	1.0% (66)	1.4% (101)
Housing	5.4% (241)	1.7% (116)	7.7% (539)
Immigration	0.8% (34)	0.6% (40)	1.1% (76)
Discrimination	3.5% (157)	2.0% (130)	2.4% (170)
Police action	3.1% (139)	2.0% (133)	2.2% (155)
Family: relationship breakdown	5.2% (235)	3.6% (239)	4.1% (290)
Other family	2.4% (108)	1.4% (93)	2.7% (190)
Wills and powers of attorney	4.0% (180)	5.2% (348)	6.3% (441)
Personal injury	4.7% (213)	2.9% (192)	5.5% (383)
Hospital treatment or release	2.2% (98)	1.6% (108)	2.9% (201)
Threat of legal action	3.7% (167)	1.2% (82)	2.9% (201)
Neighbourhood problems	Not included	Not included	19.5% (1,367)

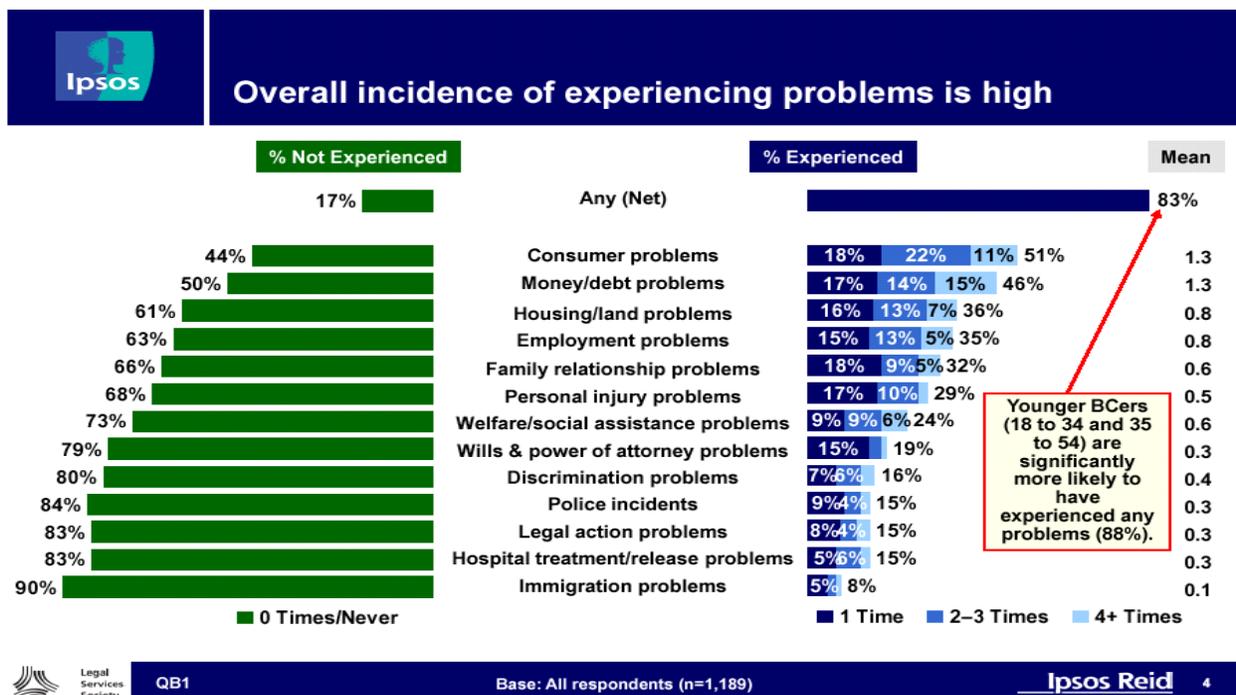
*Low/moderate income population **Total population – The results of the Canadian surveys reflect what other international surveys found, large numbers of people experience problems which are seen to be serious and difficult to resolve.

In the national surveys in Great Britain and Canada, Consumer, Money/Debt, and Employment are consistently the top three problems people experience. As can be seen in the above table, when asked, problems involving neighbours join the top four categories.

⁷ Currie, Ab, *The Incidence of Justiciable Problems in Civil Matters in Canada: Three national surveys in 2004, 2006, 2008*, an unpublished paper.

The Legal Services Society (LSS) contracted with Ipsos Reid to conduct an online opinion poll of the legal problems faced in everyday lives of British Columbia. The company drew the sample from a pool of BC residents who had signed up to participate in online surveys balanced to be representative of the BC population. The data was weighted to reflect the population of BC in terms of age and gender and with incomes of less than \$50,000. 1,189 respondents completed the survey with 83% reporting one or more problems.⁸ The following table sets out the percentage of respondents who experienced one or more problems over a three year period.

Table 4: Incidence of problems reported in the LSS study



The LSS study has higher incidence rates for all problems types when compared to the Canadian study, but the rankings are relatively consistent. Currie also provides a provincial breakdown in his latest paper showing BC with an overall incidence of 63%. Table 5 provides the incidence levels from the two surveys. For comparison purposes, some categories from Currie's report have been added together to match the categories in the LSS study: these are Housing and Neighborhood problems; Family Relationship Breakdown and other family; and Social Assistance and Disability. As mentioned earlier in the report, different methods, different focus and/or different wording produce different incidence levels.

⁸ See http://www.lss.bc.ca/assets/aboutUs/reports/legalAid/IPSOS_Reid_Poll_Dec08.pdf

Table 5: Incidence rates for LSS and Justice Canada BC surveys 2008

Legal Needs Surveys	LSS	IPSOS Reid	Justice Canada
Problem category	Incidence	N = 1189	Incidence N= 939
All Problems	83%	987	63.1% 593
Consumer	51%	606	31.2% 293
Debt	46%	547	21.4% 201
Housing & Neighbors	36%	428	29.0% 274
Employment	35%	416	18.8% 177
All family	32%	380	6.0% 56
Personal injury	29%	345	3.4% 32
Social assistance & disability	24%	285	2.0% 19
Wills and powers of attorney	19%	226	6.7% 63
Discrimination	16%	190	2.6% 24
Police action	15%	178	2.6% 24
Hospital treatment or release	15%	178	2.5% 23
Threat of legal action	15%	178	3.3% 31
Immigration	8%	95	1.6% 15

c. How respondents deal with their problems

In the 2006 study in Canada, respondents who experienced at least one problem responded to their problem as follows:

- 22.4% took no action. Of these:
 - 5.7% (mainly young people and members of visible minorities) felt the problem was not important enough, and
 - 16.7% (mainly immigrants, Aboriginal people, people with less education than high school, and people with incomes of less than \$25,000) experienced an access barrier.
- 44% [mainly middle aged (45–64) and/or middle income (\$45,000–\$64,000)] handled the problem on their own, and are described as “self helpers.”
- 22.1% (self reporting as being disabled, middle aged, middle income) sought assistance from non-legal sources such as unions, government departments, friends, and community organizations.
- 11.7% (being disabled and receiving social assistance were significant predictors) sought legal assistance.

In the 2006 English survey, a higher proportion of people obtained advice and fewer did nothing at all — 9.8% did nothing, 8% tried and failed to find legal advice, 33.1% handled the problem alone, and 48.9% obtained advice.⁹

One striking report from the Washington State Survey was that “nearly half of all low income people with a legal problem *did not* seek legal assistance because they *did not know* that there were laws to protect them or that relief could be obtained from the justice system.”¹⁰

⁹ LSC, *Civil Justice in England and Wales*, 2007, p. 49.

d. Responses by problem type

People respond to different problems in different ways. Table 6, created from data provided by Currie from the 2006 Canadian study, illustrates this principle. It sets out the response rate as a percentage of the total number of problems reported for each type of problem. For example, 44% of all problems were resolved without assistance, and 58.7% of consumer problems were resolved without assistance; i.e., through self help.

Table 6: Response by problem type – Canadian study 2006

Problem Category	Number of Respondents by Problem Category	Response				
		Did nothing %	Barrier %	Self-help %	Non-legal help %	Legal help %
Problem types (all)		5.7	16.5	44.0	22.1	11.7
Consumer	1,469	6.8	17.8	58.7	11.4	5.3
Employment	1,184	7.4	19.2	30.0	35.8	7.5
Debt	1,356	4.3	12.3	59.4	15.7	8.5
Social assistance	78	4.0	8.2	55.1	24.5	8.2
Disability benefits	66	0.0	16.7	33.3	33.3	16.7
Housing	116	3.6	15.8	33.7	33.6	16.8
Immigration	40	5.7	17.1	34.3	28.5	14.3
Discrimination	130	9.9	39.6	27.3	22.0	0.0
Police action	133	11.7	36.9	21.4	9.7	20.4
Relationship breakdown	239	4.1	9.4	20.1	17.6	48.8
Other family	93	0.0	8.8	20.6	23.5	47.1
Wills and powers of attorney	348	3.3	15.5	24.2	35.7	21.2
Personal injury	192	0.0	13.7	26.7	42.2	15.5
Hospital treatment or release	108	5.8	18.6	48.8	24.5	3.5
Threat of legal action	82	3.9	13.7	37.3	9.8	35.3

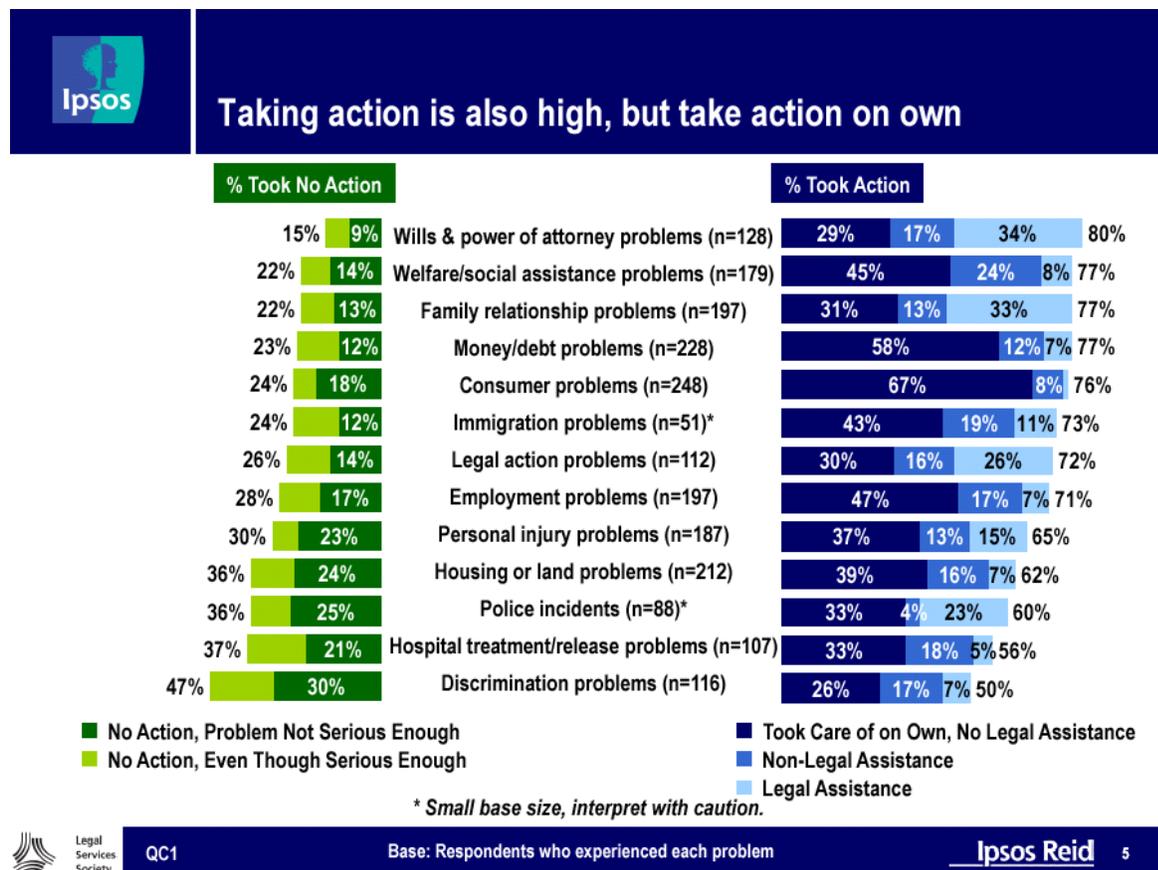
A review of this table shows that the types of legal problems for which most people do not seek legal assistance — consumer debt and employment problems — occur more frequently than other legal problems. People are more likely to handle consumer and debt problems themselves but seek non-legal assistance for employment matters (unions or government agencies). People are most likely to seek legal assistance for family matters or if threatened with legal action.

In the LSS study, the BC data reflects a higher percentage of respondents who choose to do nothing in every problem category; are less likely to experience barriers; and are more likely to resolve problems on their own (except for problems relating to the threat of legal action and hospital treatment). They are also much less likely to use non legal assistance and with the

¹⁰ Task Force on Civil Equal Justice Funding, *The Washington State Civil Legal Needs Study*, September 2003, p.47.

exception of wills and estates somewhat less likely to use legal assistance than the respondents to the national study.

Table 7: Response by problem type – LSS study 2008



In the BC study, younger (18-34) population and males are more likely to rely on the internet and unions when seeking non legal assistance, while males, people aged 35 – 54 and those with higher incomes are more likely to use a lawyer. As would be expected from this survey, internet use was much higher; 40% of those who sought non legal assistance and 21% of those who sought legal assistance used the internet.

In the Canadian study, Currie notes that 43% of respondents in the “self help” column reported that some kind of help would have improved their outcomes. When asked to speculate on the types of assistance they thought would be helpful, they provided the following responses (set out in Table 8). He noted that the first three responses were often mentioned in combination, while the lawyer option was more likely to be mentioned in combination with other forms of assistance.¹¹

¹¹ Currie, Ab, *Justiciable Problems and Access to Justice*, October 2007, p. 9.

Table 8: Help needed

Identified kinds of help	As part of a multiple response %	As a single response %
An advocate or mediator	75.6	7
Legal information	67.7	4
Help with forms, documents	61.5	1.3
A lawyer to use the legal system	47.8	1.5

Unlike the Canadian study, the LSS study found that most BC respondents, with the exception of people with immigration problems who had resolved problems on their own, did not think legal assistance would make a difference to the outcome. For those dealing with immigration matters on their own, 48% thought that legal assistance would produce a better outcome, while 39% thought that it would make no difference. Respondents acting on their own in family matters felt that legal assistance would result in a better outcome in 22% of cases, result in a worse outcome in 30% of cases and make no difference in 48% of cases.

The discussion about where people go for individual help with their problems is subtly different across the studies:

- The English study talks about advisors (identified as local councils, advice agencies, lawyers, trade unions, professional bodies, police, employers, insurance companies, and health and social workers) who are all identified as legitimate service providers.
- The Canadian studies distinguish between legal and non-legal sources of assistance with an occasional concern raised about the appropriateness of using a non-legal source of assistance.
- The Washington study only includes ‘legal help’ in its description of assistance. It then reports that only 10% of respondents attempted to find non-legal help and, in all cases, they were unsuccessful as the agency could not provide a legal service.

Some of the reasons for these differences are likely culture based: the Canadian and English studies reflect a culture that supports a variety of problem resolution strategies with more reliance on social safety nets. The American experience reflects a culture that is highly individual, litigious, and rights-based.

Another important point is that people are more likely to look for lawyers for family law problems over all other civil and administrative problems in all jurisdictions. In England, over 70% of respondents experiencing family law problems had obtained legal assistance; in Canada, 48% of respondents; and in Washington, 30% of respondents had obtained legal assistance. The difference in percentages most likely reflects the level of services available in the different countries. In the BC study, 33% of respondents sought legal assistance for family law problems; this could be attributed to a smaller range of questions presented in the family law area or this sample’s general tendency to resolve problems without help. Most researchers note that people are more likely to seek legal help for problems that have serious long-term consequences.

e. How people in various demographic categories are affected

People in different demographic categories have different experiences; for example, people with higher incomes have more consumer problems, while young people, visible minorities, and Aboriginal people are more likely to have had negative experiences with the police.

The Canadian experience

In Canada, single parents, the unemployed, people whose major source of income is disability pension or social assistance, Aboriginal people, and members of visible minority groups are more likely than the average Canadian to report at least one legal problem.¹² People with very low levels of education and seniors are less likely to report experiencing a legal problem. Young people (ages 18–29), people on social assistance or disability pensions, single parents, members of a visible minority, or the unemployed are more likely to experience multiple problems.¹³

The BC experience

The BC research was limited to households with incomes of less than \$50,000 per year, which would include many constituents of the groups identified in the Canadian study. The research reports that people between the ages of 18-54 are significantly more likely to have experienced problems than the 54 plus generations. Younger (18-34) immigrant males are more likely to experience immigration problems than the rest of the population. Younger immigrants with low household incomes (less than \$20,000) living in the lower mainland are more likely to experience discrimination problems than the rest of the population surveyed and young people with incomes of less than \$20,000 have more debt problems.

The English experience

In the report *Civil Justice in England and Wales* (2006), the researchers report that the socially excluded are more likely than all other respondents in the survey to have at least one problem. Of all respondents, 36% experienced at least one problem, but:

- 41% of people with ill health or a disability,
- 46% of people on benefits,
- 42% of people living in high-density accommodation,
- 61% of lone parents, and
- 48% of victims of crime,

experienced at least one problem.¹⁴

The English study reports that the proportion of those in vulnerable groups increases as the number of problems reported increase. Problems have an additive effect, and the impact can be severe.

Problems concerning mental health, personal injury, immigration, homelessness, family, and employment led to adverse consequences in more than 70% of occasions. Respondents were

¹² *National Survey of Civil Justice Problems*, p. 6.

¹³ *National Survey of Civil Justice Problems*, p. 18.

¹⁴ *Civil Justice in England and Wales*, 2006, p. 13.

likely to seek help for these issues. On the other hand, only 24% of respondents reported adverse consequences as a result of their consumer problems and 28% obtained advice.¹⁵ People with lower incomes or identified as members of a vulnerable group were less likely to find services and more likely to experience multiple problems and harsher consequences than people with moderately higher incomes.

In an analysis of the 2004 English and Welsh civil and social justice survey, Sandefur finds that “those of lower socioeconomic status are more likely than those of higher rank to report money and housing problems [to] have had negative consequences, [to] have had multiple negative consequences, and [to] have had adverse economic and health impacts ... [E]ven when different socioeconomic groups try similar response strategies, they end up with different outcomes.”¹⁶

The Washington State study

This study provides detailed information on the incidence of legal problems by demographic cluster group. It reports that women and children have more legal problems than the general population, especially on matters relating to family, disability, education, estates and trusts, housing, and health issues. As well, the institutionalized, the homeless, Latinos, youth without an effective parent advocate, Native Americans, African-Americans, Asian/Pacific Islanders, the disabled, and recent immigrants all experience higher-than-average rates of legal needs.¹⁷

As well, the study reports on the prevalence of problems within the identified populations. Among those who are working or seeking work, employment-related problems affect 40% of households, making this the second-most common legal problem for that population. Among immigrants, immigrant-related legal problems affect 28% of households, making this the third-most prevalent legal problem for that population. Information at this level of detail is not yet available from Canadian studies.

The Washington State study also provides a comparison of legal issues in the field and telephone surveys. According to the field survey, housing, family, employment, and consumer matters account for more than half the legal issues experienced by low-income people. The following chart sets out the legal issues by problem area, shown in order of magnitude as a percentage of all legal issues.¹⁸

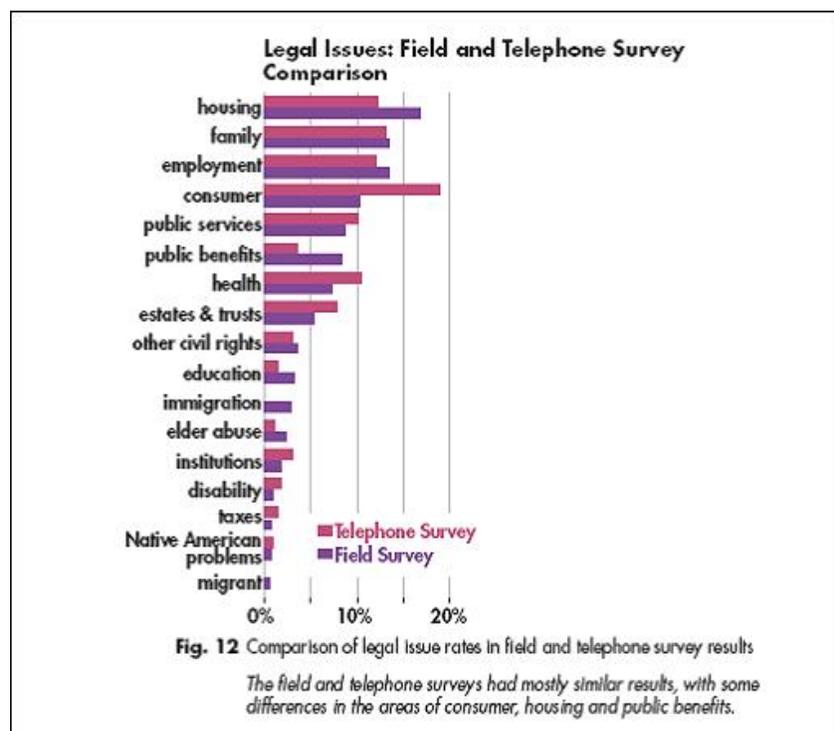
¹⁵ *Civil Justice in England and Wales*, 2006, p. 40-53.

¹⁶ Sandefur, Rebecca L., *Experience with Civil Justice Problems: Strategies and Consequences*. Paper presented to the 7th International LSRC Conference, 2008, p.165

¹⁷ Task Force on Civil Equal Justice Funding, *The Washington State Civil Legal Needs Study*, 2003, p. 31.

¹⁸ *Ibid*, p. 33-34.

Table 9: Washington State Civil Legal Needs Study comparison



The authors note that differences appear to stem from differences in the survey populations; the telephone survey included people with somewhat higher incomes and more respondents were homeowners; hence, the greater number of consumer matters and the lower number of housing matters.

A summary of what the civil legal needs surveys show us

In all the studies reviewed above, there are a significant number of people who experience legal problems that they find difficult to resolve. Many do not obtain appropriate assistance which results in undesirable consequences.

One of the most striking figures in these studies is the number of people who did not deal with their legal problem. In the English studies, about 18% of respondents with a legal problem did nothing. In Canada, that figure was 22%, and in BC it was between 15% and 47% depending on the problem type. Thinking nothing can be done, stress, and not knowing are seen to be key barriers. In the United States, nearly half of the respondents with problems did not know that there was a legal solution to their problems.

Another clear, consistent result of all of the surveys is that middle age, middle class people are better able to resolve their problems, experience less serious consequences, and arguably receive better treatment and services than other segments of society. Education, experience, familiarity with complex systems and a steady income enable people to understand and engage more successfully with legal institutions and to devote the time and attention needed to resolve complex problems.

In the BC study, most respondents felt that their problems were resolved and resolved fairly; like other studies, respondents with discrimination problems were less likely to feel their problems were resolved fairly. Most respondents were relatively satisfied with the outcomes.

In his analysis of legal needs surveys, Currie concludes that “most people appear to deal with their legal problem and get on with life.”¹⁹ Many would like some limited assistance in the process. A smaller proportion is able to find the assistance needed to resolve their problems.

However, for many others, failure to have the first problem resolved triggers other legal, social, and health problems that can bring about social exclusion. Early intervention to resolve these problems would not only benefit the individual, but likely also reduce the social and health costs. Currie’s report recommends developing a continuum of service approach and concludes that “access to justice should fulfill people’s expectation of fair processes and just outcomes.”²⁰

An earlier English study concludes that justiciable problems are a matter of general concern, requiring a coordinated approach to ensure that investment in education and awareness, support services, advice, and ‘problem noticing’ can be targeted to those people most vulnerable to problems and those problems that are most serious.²¹

¹⁹ Currie, Ab, *The Legal Problems of Everyday Life*, p.35.

²⁰ Currie, Ab, *Justiciable Problems and Access to Justice in Canada*, p. 11.

²¹ Pascoe, Pleasence, et al. *Causes of Action: Civil Law And Social Justice*, 2004, p. 117.

2: The Law Foundation of BC: Poverty law needs assessment and gap/overlap analysis

In addition to the civil legal needs surveys summarized above, another important analytical tool that can help assess BC's legal needs is the *Poverty Law Needs Assessment and Gap/Overlap Analysis* completed in 2005. Its purpose was to help the Law Foundation consider options for allocating its resources.²² The analysis included:

- defining 14 regions of the province for analysis, and using the proportion of the population receiving benefits as a determinant of need;
- gathering information from a number of sources to assess the types of legal problems people in BC needed assistance with;
- gathering information on available services; and
- holding key information interviews and focus groups to validate findings and improve understanding about areas of need and how these could best be addressed.

The researcher, Denice Barrie, collected information about existing community services in each of the 14 regional areas, as well as key demographic information, to determine and rank the level of legal needs in each region. The appendix includes detailed findings and analysis for each region, including a comparison of the number of poverty cases handled in 2001 by Legal Services Society (LSS) and the number of poverty law files handled in 2004 by a Law Foundation-funded agency.

Findings of the gap-overlap analysis

Key findings of Barrie's research are:

- The top five areas of poverty law identified were welfare, housing, debt, workers' compensation and CPP/OAP.
- Family law may well be the single most significant unmet legal need in the province, given the reduction in legal aid for this problem.²³
- The four "neediest" regions of the province were identified, as well as specific communities where no advocacy services were currently available.
- Poverty law clients need, wherever possible, to speak with someone in person about their problems and how to resolve them.
- Front line advocates are the key people in poverty law service delivery in the province.
- The most significant gap in the poverty law service delivery continuum was the lack of lawyers doing poverty law work.

²² Barrie, Denice, *Poverty Law Needs Assessment and Gap/Overlap Analysis*, 2005, p. 4.

²³ *Ibid*, p. 25.

- “(T)here are simply not enough resources to meet the need.”²⁴

The findings of this study primarily reflect the experiences of the poverty law community and the client groups that have used their services. Welfare, housing, debt, workers’ compensation, and CPP/OAP are the top five areas of most significant need.²⁵ (Although not covered by this study, more family law services are identified as critical.) These five areas were initially identified using old LSS intake and poverty law case data, then reviewed against current demand using LawLINE and lawyer referral data and current reports on legal needs, and later verified in a consultation process.

Other issues identified during the course of the research include:

- disability issues, although some reviewers believe that these are captured under welfare and CPP/OAP headings;
- health/estates (ranked fifth in 2007/2008 LawLINE statistics);
- tax issues (identified by some Aboriginal service providers);
- mental health;
- human rights; and
- employment issues (identified in an earlier study and raised in the consultation process).

Key conclusions of the gap-overlap analysis

In her conclusion, Barrie notes that the need for poverty law services in British Columbia is high. She recommends a hub model, with lawyers available to:

- represent clients in court,
- monitor trends in poverty law, and
- provide supervision and support to local advocates.

Legal supervision, training, and coordination of services are identified as important principles that should be part of any proposed future poverty law service systems. Barrie also recommends that information about community resources be collected on an ongoing basis and assessed regularly to determine the true capacity of the resources to provide poverty law services.²⁶

It is at least partly in response to this survey that the Law Foundation responded to this work by providing funds for:

- more lay advocacy poverty law services,
- more lawyers to do poverty law work,
- base line advocacy training, and
- several projects to map needs and/or services.

²⁴ Barrie, Denise, *Poverty Law Needs Assessment and Gap/Overlap Analysis*, 2005, p. 2.

²⁵ In the civil legal needs studies discussed in section 1 of this paper, consumer, debt, employment, wills, and family are the top five problem areas.

²⁶ *Ibid*, p. 21.

3: Current needs mapping research in BC

Needs mapping is another research tool used to assist the justice system and the public to understand the kinds of legal issues, services, gaps, and priority needs of communities. At its most basic level, needs mapping has been described as “a collaborative form of needs assessment that involves community members and also looks at information sources to develop an understanding of community needs.”²⁷ (Barrie’s work could be described as a poverty law mapping project.)

Both in project development and service provision, mapping is seen as a major way to integrate services, support a client-centered approach, and give all service providers and the community a voice at the table. To reach these ends, a commitment to maintaining an ongoing formal collaborative process must be made.

Gayla Reid and John Malcolmsen have conducted three needs mapping studies for organizations involved in court-based self-help services in the area of family and/or civil law. Each is summarized below.

Self-help centre mapping (2004)²⁸

The first study was undertaken for the BC Supreme Court Self-Help Information Centre (BCSCSHIC) committee in 2003 - 2004. The purpose was to provide an access to justice map of the network of services providing assistance to self-representing litigants in the Vancouver area and identify service gaps, challenges, and needs. The information was gathered from committee members as well as in-depth interviews with service providers, policy makers, and self-represented litigants.

Based on the report, a proposed service vision and program design was developed and start-up funds were obtained. Members of the steering committee were engaged in all aspects of developing the model. The project was seen by many as a good model of collaboration that would integrate services, work from a client-focused perspective, and at least give service providers and stakeholders (if not clients) a voice at the table.

Civil hub research project needs mapping (2007)

The success of the BCSCSHIC, and publication of the Civil Justice Working Group report, led LSS to contract with Reid and Malcolmsen to complete a mapping project for four geographic areas: Kelowna, Nanaimo, Vancouver, and Victoria. The purpose of this project was “to obtain information about the nature of civil legal problems, their prevalence and scope, typical paths of entry to service delivery, and the ways in which a possible hub service may be able to address civil needs in a ‘one-stop’ and timely fashion.”²⁹ Family law needs were not part of the study.

²⁷ Reid and Malcolmsen, LSS, *Civil Hub Research Project Needs Mapping*, June 2007, p. 3. *Voices from the Field: Needs Mapping Self Help Services*, February 2008.

²⁸ Reid, Senniwi and Malcolmsen, *Developing Models for Coordinated Services For Self-Representing Litigants*, March 2004.

²⁹ Reid and Malcolmsen, *Civil Hub Research Project Needs Mapping*, June 2007.

The assessment involved a review of current experience and consultation with over 60 key informants in the area of civil law.

Researchers reviewed research reports and evaluations from the justice reform working groups, Family Justice Services, and LSS in BC, as well as various needs studies from other jurisdictions. They collected statistics from a wide range of service deliverers and courts. Key informant interviews were carried out with service providers, justice system stakeholders, and self-represented litigants to map services and discuss potential service models.

This report provides solid evidence of need, coupled with a good overview of existing services. Researchers were able to document the referral networks and other relationships that could bring services together. It contains recommendations about ways to address unmet civil legal needs and provides a broad framework for the discussion of civil hub issues and the development of a service vision and program design.

a. Needs analysis

See pages 19 – 31 of Reid and Malcolmson’s report for an analysis of the dimension of need, problem types, and prevalence. Most of their analysis of needs, although more thorough, is similar to the analysis in this paper. Key conclusions in this area are:

“The literature and available statistics tell us that common problem types include consumer, money/debt, employment, and housing. Problems with wills and probate and personal injury also figure prominently within the wide range of civil legal needs.

The civil problems of low-income people include problems with welfare, housing, disability benefits, and pension incomes. Aboriginal people, single parents, visible minorities, people with disabilities, and the unemployed are more likely than others in the population to be dealing with multiple problems. These problems, particularly if unresolved, can become worse.

Civil legal problems, when combined with life events such as family breakup and the onset of physical or mental illness, can result in a “downward spiral” of financial and other legal and life problems.

The literature also suggests that addressing these complex problems will demand a coordinated response from a range of service providers, especially as the resolution to many civil problems lies outside the arena of litigation.”³⁰

The researchers comment about the scope of unmet need in current poverty law services, repeating Barrie’s recommendations for more poverty law lawyers, advocates, and training.

Reid and Malcolmson note the importance of in-person help for people who are dealing with legal problems. “In person help is even more important for people who speak languages other than English or who are Aboriginal, or who for any reason face barriers to access.”³¹

b. Mapping services

Reid and Malcolmson collected statistics from major legal service providers that “provide a sense of the range and frequency of civil non family law problems people bring to legal services

³⁰ Reid and Malcolmson, *Civil Hub Research Project Needs Mapping*, p. 54.

³¹ *Ibid*, p. 55.

providers.” As noted in their report, each service provider uses its own sets of categories, reflecting its mandates and organization’s purpose. Data was collected for advice and limited representation services for the Law Students Legal Advice Program, Lawyer Referral, LawLINE, the Community Advocate Support line, and Western Canada Society to Access Justice. As well available statistics were collected for matters being brought to the courts and to the Supreme Court Self Help Information Centre. For the purpose of this report, statistics for family and civil law advice, advocacy and representation services are provided in section 4. Summaries of the court information is provided in the next paragraph.

- To give a sense of the size of the tip of the iceberg, the researchers provided court case counts for civil matters.
 - There were 38,149 files in Supreme Court — of these, over 8,000 were adoption and family law proceedings.
- The BC Supreme Court Self Help Information Centre recorded 766 visits by 604 full-service users, along with 3,470 brief service visits over the period from the April 2005 opening to March 2006. While more than three-quarters of SHIC services provided fell into the family area, the researchers noted that just over 40% of brief services related to civil matters.
- In BC, the numbers of civil law problems dealt with by tribunals are comparable to the volume of those handled by the courts.³²

The limited demographic data presented in this section shows that clients using limited assistance or self-help services tend to have low or moderately low incomes but are relatively well educated.³³

Education levels are somewhat lower for clients using Provincial Court family duty counsel and LawLINK services, which raises concerns about these clients’ abilities to carry on without further representation.

c. Findings from the consultation process relating to a civil hub service

Reid and Malcolmson’s report provides detailed information about the civil hub issues, service vision, and program design. The researchers capture the perspectives of a wide range of stakeholders on approaches to a hub service. Major themes include ‘building on what we’ve got,’ providing a ‘real’ service and not just another referral, and the need for advice and representation services as well as public legal education (PLE) self-help and procedural assistance. Several concerns or questions are raised relating to the scope of the hub and the gaps in resources to meet needs. While supporting better coordination of services and more representation services, some respondents feel that current points of entry are basically sound.

A number of issues are raised about design, participation, and governance that would need to be addressed before a hub could become an effective part of the service continuum. The report states “ultimate accountability for design, implementation and operations rests jointly with MAG

³² *Administrative Agencies in British Columbia*, 2002. Online at www.gov.bc.ca/ajo/download/administrative_agencie_in_british_columbia.pdf.

³³ SHIC evaluation. This raises questions about what is happening to the 38% of the population with high school education or less.

and LSS operating in a collaborative partnership. MAG and LSS will create a Steering Committee, which will “translate” the vision into plans for operational hubs at pilot locations.”³⁴ Several suggestions are made with respect to involving stakeholders and service providers in the planning process and ongoing operations.

Voices from the field — Needs mapping self-help services in rural and remote communities

The third research project conducted by Reid and Malcolmson examines civil and family justice needs in rural and remote areas of BC and explores possible options for providing access to self-help services that will help users resolve their civil and family justice issues. In their overview of current research conducted in BC and other jurisdictions, the authors focus on three areas: the impact of distance, the unique challenges faced by Aboriginal peoples, and the issue of technology in rural and remote areas. Part two of the research focuses on developing an “access to justice” map describing areas of significant need for rural and remote BC, Aboriginal peoples’ unique needs and challenges, the current service environment, priority responses and approaches, and suggestions for future service approaches and models.

a. Definitions of rural and remote

After reviewing the definitions used by BC Stats and Statistics Canada for rural and remote, the researchers developed the following description.³⁵

Rural: Areas where people do not regularly commute to an urban centre that has regional legal aid offices and regional court services.

Remote: No legal services such as lawyers, advocates, or court registries accessible by local transportation, or within a driving distance of 30 to 45 minutes.

Researchers talked with stakeholders from the North, Thompson-Cariboo-Shuswap, the Kootenays, Okanagan, and Northern Vancouver Island.

b. Findings: Legal needs in rural areas

Reid and Malcolmson’s report carefully documents the realities of those living in rural and remote areas; the total lack of legal services in many of their communities, problems compounded by delays and frustrations and barriers to using the telephone or Internet to access help. The changing economic bases in rural communities and lack of affordable housing are seen as big issues affecting the communities’ and peoples’ ability to manage their lives.

Because there are proportionately more Aboriginal people, and more people with lower levels of education and lower income levels living in rural and remote areas than in urban centres, there is an increased need for hands-on help. There are almost no lawyers willing to do legal aid in many parts of the north. For many citizens with low or moderately low incomes, their link to justice services is a community advocate or other service provider in their community.

Family law is the leading issue in all regions, but lack of service in all areas of civil law was also identified. It is noted that family law problems are often intertwined with poverty law issues.

³⁴ Reid and Malcolmson, *Civil Hub Research Project Needs Mapping*, p. 102.

³⁵ Reid and Malcolmson, *Voices from the Field*, p. 20.

Specific poverty needs not being met are support for CPP and WCB issues, housing, employment and most Aboriginal issues.

The following two sections of this report capture the essence of the consultation and are taken directly from the Reid and Malcomson report.³⁶

c. Priorities for the future and service model ideas

Research participants identified the following as priorities:

Type of service

- Pay attention to the personal aspect of providing services. This approach also applies to distance services, where it is important to be able to interact with a “live person.”
- Focus on providing legal advice to litigants prior to their dealing with the legal matter at court or tribunal.
- Support outreach into smaller communities — for both regionally-based providers and advocates located in their communities.
- Conceptualize service delivery imaginatively. For some, this revolved around variations of a distance service model that focused on intermediaries as much as on clients, or on providing a “satellite” service.
- Provide support for local service providers, especially through a telephone line where they can obtain some help in assisting with a legal matter.
- Explore the potentials of technology for enhancing service delivery capabilities, and use the approach of “technology with a helper,” that is, linking an intermediary to the technology.

Issues needing service

- Place emphasis on extending family law services: this can range from greater access to duty counsel/family justice counsellors to starting a community-based family law clinic or extending support in family law matters to community advocates and relevant non-legal service providers.
- Provide procedural advice and assistance with forms completion. This applies both to litigants and to applicants for benefits and service. A distance service may be suited to this need.
- Focus on building poverty law lawyer expertise in regional locations.

d. Recommendations

The recommendations of the Reid and Malcomson study of rural needs are divided into three sections and categorized as follows:

Aboriginal services

- Enhance the capacity of Aboriginal services to provide legal help with family and civil matters within their own communities.
- Develop and implement culturally appropriate resources.

³⁶ Reid and Malcomson, *Voices from the Field*, p. 11-12.

- Enhance the capacity of mainstream legal service providers to meet Aboriginal people's family/civil legal needs.

Access to in-person assistance

- Enhance services to people using the courts.
- Enhance the capacity of communities to provide access to legal help.

Access to distance assistance

- Explore the possibilities of a remote legal self-help service.
- Enhance telephone services.

4: How big is the problem? A cursory look at potential demand for legal services based on British Columbia demographics

Introduction

The studies discussed in this report provide information about the prevalence of legal problems within the populations as a whole and within subsets of the population. Most of the discussion in this paper has centred on the needs of people with low income and/or who experience other disadvantages in their lives and in access to justice. But there is a general sense that the legal system is too costly and cumbersome for most individuals with many either attempting to resolve their legal problems themselves or to do nothing. The next section captures the scope of the problem in terms of how many people in British Columbia could be expected to experience one or more legal problems in the next three years. It provides brief data on the current level of services. In addition, because most publicly funded services are income tested, information is also provided on the number of people who meet different criteria used to determine eligibility for services. Finally, there are some comments about populations living in rural and remote communities and how literacy levels create additional demands for services.³⁷

BC's population

There are 3.4 million adults in BC — according to the Canadian legal needs survey of 2006, around 45% or 1.5 million will experience a legal problem of some kind over a three-year period. If we apply the percentages listed earlier in this report (at table 3) we can get a sense of the size of the potential demand for services.³⁸

Table 10: Projected number of people with civil legal problems

Type of response people had to the legal problem they were experiencing	Percentage	Potential number of people in BC using this response
Obtained legal help	11.7%	175,500
Obtained non-legal help	22.1%	331,500
Managed on my own (self-help)	44%	660,000
Experienced a barrier (did nothing)	16.5%	247,500
Not worth it (did nothing)	5.7%	85,500
Total number of respondents	100%	1,500,000

³⁷ The Law Foundation of BC has extensive information about diversity and how it impacts peoples need for service which has not been replicated here.

³⁸ Currie, Ab, *Legal Problems of Everyday Life*, 2007.

As noted in the Canadian civil legal needs research,

- almost half of the self helpers felt that they would have had better outcomes if they had obtained some assistance — although most did not want full legal representation; and
- many of the 247,500 people who experienced barriers were also least likely to be able to manage on their own and were more likely to experience additional problems.

While we want people to be able to be problem solvers, it is clear that there is a potential demand for a wide range of services including information, procedural assistance, limited advice, and full representation. The experience of the respondents indicates that many are not finding the services they require.

Current advocacy, advice and representation services

Note: Public legal information programs such as Dial-a-Law (Canadian Bar Association, BC Branch) and web statistics are not included.

Law Foundation Poverty Law Advocates

The Law Foundation currently funds 81 poverty law advocates in 34 locations around the province. Every community of greater than 10,000 should now have some access to in-person services. 30,816 clients were served by the advocates in 2007.

Law Students Legal Advice Program

In 2006, the Law Foundation of BC funded 39 full-time equivalent law student positions at the Law Students Legal Advice Program at the University of British Columbia and at the University of Victoria. The Law Students Legal Advice Program served over 4,000 clients in 2007/2008. The University of Victoria Law Centre Clinical Program served over 1,445 clients in 2007/2008.

Table 11: LSLAP top civil, including family, cases by issue area, 2007/2008³⁹

Problem type	Number of problems
Family	795
Contract/Dispute	450
Other	431
Landlord/Tenant	266
Employer/employee	220
Debt	190
Tort (Negligence, etc.)	180
Wills & Estates	157

³⁹ LSLAP report to the Law Foundation of BC, 2007-2008, p. 11.

Canadian Bar Association, BC Branch – Lawyer Referral Service

The Lawyer Referral Service received over 65,000 calls in 2007/2008, resulting in about 35,000 referrals to private lawyers and 14,000 referrals to other legal services.

Table 12: Top civil, including family, problem areas referred by Lawyer Referral in 2007/2008 ⁴⁰

Problem type	Number of problems
Family	8,985
Employment (non-union)	2,601
Wills, estates and trusts	2,391
Torts	2,384
Insurance	1,646
Real property	1,605
Immigration	1,055
Motor vehicle accidents	845
Collection	840
Business	387
Commercial disputes	259

Details of the top five network referrals made by Lawyer Referral were:

- 3,966 to other services
- 3,852 to pro bono services (Salvation Army, Law Students, Access Justice, Pro Bono Law of BC)
- 1,431 to Legal Aid
- 1,364 to LawLINE
- 569 to Dial-A-Law

Legal Services Society

LSS provides the following legal services.

LawLINE provides legal information or advice over the telephone. In 2007/2008, legal advice was provided in 51% of calls and legal information or referral was provided in 49% of the calls. LawLINE answered over 15,000 calls in 2007/2008.

⁴⁰Canadian Bar Association, BC Branch, Dial-A-Law/Lawyer Referral Service and Law Week Year End Report to the Law Foundation of BC, Appendix B, 2007-2008.

Table 13: LawLINE top civil, including family, law problem types in 2007/2008⁴¹

Problem type	Number
Family Law	5,488
Consumer Rights	1,566
Administrative	1,329
Housing	1,258
Health and Estates	1,108
Debt	1,067
Employment	765
Torts	660
Income Security	640
Immigration and Refugee	366

Legal representation services are provided by lawyers through duty counsel, limited advice and legal aid referrals.

In the 2007/2008 year, LSS made 7,355 family law referrals and 22,371 family duty counsel and advice services.

Table 14: LSS legal representation services 2007/2008⁴²

Type of Service	Number
Family Duty Counsel and Advice Services	22,371
Family Law Referral	5,081
CFCSA Referral	2,274
Immigration	1,192

Pro Bono Services

Western Canada Society to Access Justice

The Western Canada Society to Access Justice maintains data based on the number of sessions that their pro bono lawyers have with over 5,000 clients annually. In the civil including family law area, the breakdown for 2008 is as follows:

⁴¹ Legal Services Society, Service Summary Report (L004), 2007-2008.

⁴² Legal Services Society Annual Services Plan Report.

Table 15: Western Society to Access Justice top civil including family law problem types in 2008⁴³

Problem type	Number	Problem type	Number
Family	1,054	Wills and estates	90
Employment	170	Contract	68
Administrative law	124	Insurance	63
Torts – Personal injury & negligence	121	Bankruptcy	30

Salvation Army

Salvation Army coordinates pro bono clinics in thirty communities. In the 2007 report to the Law Foundation, pro bono lawyers provided assistance to 3,879 clients.

Table 16: Salvation Army distribution of civil law services in 2007⁴⁴

Type of Service	Number
Civil non-family	57%
Family	30%
Immigration	6%

Income affects access to publicly funded legal services

Most public services are based on income guidelines. These vary depending on the service provider. Some examples of different guidelines follow.

Low and moderate income: Census data shows that 700,000 households in BC have incomes that meet the criteria used in the study of legal needs of low and moderate income Canadians (less than \$35,000 for one person and \$50,000 for families).

These families are more likely to experience legal problems than families with higher incomes.⁴⁵ In total, 61% of one-person households, 54% of two person non family households⁴⁶, and 34% of family households meet the criteria set out above.

Below low income: Census data on low incomes shows that there are 521,425 persons living in private households whose after-tax income falls below the low-income guideline used by Census Canada, or 13.1% of BC's population. This is made up of:

- 140,800 couples (with or without children), or 8.2% of all couples
- 4,110 male lone parents with children, or 13.9% of all male lone parents
- 31,740 female lone parents with children, or 26.6% of female lone parents

⁴³ Western Society to Access Justice, Client/Session Reports to the Law Foundation of BC, 2008.

⁴⁴ Salvation Army, Report to the Law Foundation, 2007.

⁴⁵ In the 2004 study of low- to moderate-income Canadians, 47.7% of respondents experienced one or more serious legal problems.

⁴⁶ Statistics Canada includes this category to capture people who are not related to each other (or living common law) who share physical accommodation, eg. young people either at school or just starting out, widows or friends.

- 4,510 other economic units, or 15% of all other economic units
- 175,280 single people, or 29% of all single people

Using legal aid criteria: Using the legal aid income criteria, 525,000 households would be eligible for advice services — of which 300,000 households would be eligible for legal representation services.

A note on welfare statistics: The gap/overlap study completed by Barrie recommends using welfare rates as an indicator of need for services in a region. While it was a key indicator in 2001 and in the LSS resource analysis, other income data is likely more applicable today. In June 2008, there were 145,336 clients receiving income assistance — in June 2001, there were 252,162. Some of the reduction is due to better economic times, as almost all of the reduction comes out of the temporary assistance — expected to work category, and BC’s unemployment rate has dropped from 8.5 to 4%. Other research has demonstrated that the restructuring of the Ministry of Housing and Social Development (formerly the Ministry of Employment and Income Assistance) has made it so difficult for people to apply and to qualify that they have stopped trying to obtain benefits.

As Ab Currie noted in *Civil Justice Problems of Low and Moderate Income Canadians*, “a growing segment of the labour force is in unstable forms of non-standard employment, such as part-time work and marginal self-employment.”⁴⁷ Just over one quarter (25.6%) of respondents were on welfare at the time some problems occurred. Reid and Malcomson note the changing economic base in many parts of BC, resulting in a significant proportion of the working population losing union jobs in the forest and fishing industries and having to settle for part-time retail positions (or leave the community). These patterns suggest a higher level of vulnerability than that captured through welfare statistics.

Where people live affects their access and service decisions

Peoples’ access to legal services is affected by where they live. *Voices from the Field*, summarized at page 21 in this document, demonstrates that the centralization of courts to urban centres and the scarcity of lawyers willing to do legal aid create serious access barriers for BC’s rural population. Rural and remote communities have populations with higher levels of unemployment and lower levels of education, and who strongly desire face-to-face assistance from someone who understands their environment.

A report from BC Stats, *Business Indicators*, April 2006,⁴⁸ provides an overview of Citizens First 4,⁴⁹ and contains the following description of where people live:

- Rural BC is home to 18% of the province’s people (living in 94 rural incorporated municipalities under 10,000 people, or in unincorporated areas)
- 17% of the population live in small urban communities of 10,000–100,000 persons (in 27 municipalities) with the rest of the population living in Greater Vancouver Regional District, Capital Region, Abbotsford, and Kelowna.

⁴⁷ Currie, Ab, *Civil Justice Problems of Law and Moderate Income Canadians*, p. 239.

⁴⁸ *What British Columbians and Other Canadians Say About Government Services*.

⁴⁹ Citizens First 4 is a biennial study reviewing the public’s perception of government services. See www.iccs-isac.org.

Where rural British Columbians differ from their urban counterparts is in their confidence in the public service. Specifically, they are less likely to agree with statements that the public service is responsive and in touch with their needs, or that the public service has effective management and leadership.⁵⁰

Education levels and literacy affect people’s ability to benefit from unbundled legal services

Unbundled legal services are discreet services provided, usually in a single period of time, and where if provided by a lawyer, no ongoing solicitor/client relationship is created. Examples include self help materials or centres and advice or limited representation services from LawLINE staff, pro bono Lawyer Referral or Duty Counsel. It requires a fairly sophisticated set of skills to be able to take advantage of the different services and piece together enough advice, assistance and, where possible, representation to resolve a complex legal problem. Demographic information from a LSS client satisfaction survey show that 79% of represented clients have a high school education or less⁵¹, where as 60% of Family Law Duty Counsel Clients and LawLINE callers have more than high school education. While criminal law clients (who make up the bulk of clients receiving representation services) tend to have somewhat lower levels of education than people with family or civil law matters, the difference raises some questions about access.

According to the latest census, 12% of British Columbians aged 25–54 have not completed high school; 26% have a high school certificate or equivalent, and 12 % have an apprenticeship or trades certificate or diploma. It is generally assumed that people who complete high school will have sufficient skills to cope in today’s world.

The Canadian Council of Learning argues that almost half of Canadian adults have low literacy skills. “Literacy today means much more than the ability to read and write. To succeed economically and socially, adults need the ability to analyze information, understand abstract ideas and acquire many other complex life skills.”⁵² Using the data provided in the literacy reports in the *Vancouver Sun*, 35% of working adults and 42% of all adults in BC are unable to manage complex tasks required to successfully engage in our complex world. Many in this group:

- have not completed high school — although some have pursued post-secondary education,
- are employed and believe that their skills are “adequate” for the work they do now, and
- have negative attitudes toward computers.⁵³

Many in this group have developed excellent coping skills and may be able to talk their way out of a legal problem. But they will not have the skills to navigate through the documentary process required for most legal matters.

⁵⁰ *BC Stats Business Indicators*, April 26, 2006.

⁵¹ 72% of those represented are people with criminal law issues – who are generally younger with lower educational levels than other clients.

⁵² *Literacy*, Vancouver Sun, September 18, 2008, Section B, p. 3.

⁵³ *Reading the Future: Planning to Meet Canada’s Future Literacy Needs*. Online at www.ccl-cca.ca.

Conclusions

Results of Law Foundation studies

Barrie's gap/overlap study, which incorporated earlier studies completed by the Law Foundation, identified the need for poverty law services provided by community based advocates who have adequate training and supervision and are supported by poverty law lawyers. The Law Foundation has responded to these reports by:

- providing funding for 23 new advocacy programs since 2003 (there are now 47 Law Foundation funded advocacy programs in 34 communities in BC, doubling the number of community advocacy programs in the province);
- providing funding for more lawyers in public interest offices;
- accepting responsibility for a core training program for advocates, and
- supporting a number of other initiatives to improve poverty law services such as the Community Advocacy Support Line (CASL). (See annual reports for other initiatives.)

CASL has a full-time lawyer attached to the LSS LawLINE dedicated to providing advice and support to community advocates. A recent evaluation found that 306 advocates from 198 organizations in 68 communities have used CASL.⁵⁴ The evaluation concludes that “advocates are very positive about all aspects of service they received from CASL. The most common complaint is that they would like more service — longer hours, more workshops, and more help with a wide range of legal issue areas. In order to provide this and to provide greater service to Aboriginal people and less experienced, non-traditional legal advocates, CASL would need to be expanded. As is, CASL is an excellent service for its core target population of poverty law-oriented legal advocates.”

Results of legal needs studies

Citizens experience legal problems in the course of their daily lives. Many of these problems are seen to be difficult to resolve and have serious consequences. Canadian civil legal needs studies suggest that over 1,500,000 adults in BC will experience one or more serious legal problems in a three-year period. The BC study suggests that a larger proportion of the population experience problems which could be better resolved with some form of legal assistance.

- Consumer, debt, and employment problems occur more frequently than other problems and people will most likely try to resolve these problems themselves or, in the case of employment problems, look to their union or a government agency to help. Many of these people would like some level of legal assistance.
- Housing issues and neighbour problems rank third in the BC survey and second in the 2008 Canadian Study.
- Family, wills, and personal injury cases also occur frequently. People most often seek legal assistance for family law problems, wills and threat of legal action.

⁵⁴ *LSS Community Advocate Support Line Evaluation*, June 2008.

- People with low incomes and/or who are otherwise disadvantaged tend to experience more problems than average, especially in the areas of debt, family law, housing, income assistance, and mental health. If they are unable to find help, they tend to experience more serious consequences and have further problems that can result in a downward spiral.
- Different groups of people not only experience different categories of problems, they frequently use different strategies or approaches in dealing with the problems.
- Researchers call for a range of services tailored to meet peoples' needs. For BC, these can be described as:
 - broad-based services to help the general public understand and use the law, e.g., PLEI Portal, court-based self-help centres, and lawyer referral;
 - outreach to intermediaries who provide assistance to vulnerable populations, e.g., Povnet and CASL;
 - increased access to legal advice and representation services for people with low incomes — integrated, if possible, with other services;
 - more services targeted to the needs of specific communities, e.g., community advocates and Native courtworkers; and
 - holistic services for vulnerable clients, e.g., Community courts — a case management approach to include social services, health, and advocacy workers in developing sentencing plans for repeat offenders in the Downtown Eastside.

The Law Foundation has made major contributions to improving legal services in the civil law area through its leadership and funding initiatives in the above areas.

Results of mapping studies completed in BC

Mapping exercises completed in BC — including the gap/overlap analysis — demonstrate that there is still not a sufficient level of service to meet current needs, while recognizing the increase in services over the last three years. Stakeholders, service providers, and clients identify the need for a range of services.

- There are not enough services available either on the ground or at the provincial level.
- Access issues are acute and widespread in rural and remote communities.
- Regionalization and cuts to legal aid and court services have created a crisis situation. While new services are being introduced through unbundling legal services and some government and Law Foundation-funded initiatives, there are still gaps in the access to justice map.
- Family law services are identified as a priority by most stakeholders.
- Many people cannot take advantage of the services that are available because:
 - most services are at capacity;
 - distance, culture, language, and experience make it impossible for some people to access regional services, Web-based information, or 1-800 lines;
 - people give up if they are misdirected; and

- piecing together information, self-help and limited advice services requires a degree of stubbornness and a sense of entitlement as well as solid reading, writing, and problem-solving skills (level 4 and 5 literacy skills).
- Additional efforts need to be made to accommodate the needs of rural and remote populations in accessing services. Recommendations include:
 - more duty counsel or advice lawyer services;
 - better partnerships with key community service providers to link people in need with more distant services;
 - more creative ways to connect in-person and Web-based services;
 - more lawyers, especially Aboriginal lawyers, located in these communities, or at least providing services to them; and
 - more Aboriginal services for Aboriginal people.
- Internet issues: People experiencing legal problems want in-person services — especially when dealing with complex issues or procedures. Internet use is growing, especially for routine government services. Citizens First 5, released in September 2008, notes that the Internet has “come of age” and “today, Internet use is practically on par with visits to government offices and telephone use.” But “...Citizens use the Internet as a complement to, rather than as a replacement for, other channels.”⁵⁵
- Work needs to be done to improve referral networks in urban and rural communities; service providers need:
 - better information about the mandates and services of each provider;
 - more understanding and acceptance of the different roles and value of service provided; and
 - an access to justice — client focus.

There has been some progress:

- The Law Foundation’s development of funding models for Aboriginal child welfare services has the potential to help Aboriginal communities build the capacity to keep their children safe. This meets the need identified in the current research for Aboriginal engagement and control of programs affecting their communities.
- The development of the BC Supreme Court Self Help Information Centre provides a place where litigants can get direct assistance and appropriate and linked referrals.
- There has been an expansion in the role of pro bono services. While always acknowledging the need for an appropriately funded legal aid program to provide broader representation services, pro bono service providers have been working together to coordinate their services, extend their reach into communities, and expand their depth of service. Effective partnerships with ‘the right’ community agencies appear to facilitate better use of the lawyer’s time and a steady stream of clients.

⁵⁵ www.iccs-isac.org/en/cf/insightsbulletin.htm.

Issues raised by the mapping process in British Columbia

Mapping exercises have gone some way to support building partnerships among the variety of organizations and agencies delivering legal services. Support from the Law Foundation has been critical in moving these initiatives forward.

Mapping was used as an effective tool to establish the BC Supreme Court Self-Help Information Centre (BCSCSHIC). The Law Foundation provided the research funds and start-up grant for BCSCSHIC.

The mapping approach was used to look at the development of court-based self-help centres now called Justice Access Centres. Government, the judiciary, and other service providers support a hub concept for the delivery of family and/or civil law services to include:

- a resource centre with appropriate self help materials, computers, etc.;
- triage services — well-trained intake staff to help individuals understand the nature of their problems and direct them to appropriate resources or assistance;
- procedural assistance;
- legal advice; and
- an excellent referral system

More recently, mapping was used to develop a framework that facilitates a closer alignment of the three main pro bono services with a view to solidifying a continuum of timely services to British Columbians.⁵⁶

A number of provinces are currently engaged in provincial needs assessments or mapping projects. For example, Alberta recently completed mapping projects in three communities, modeled on the BCSHIC process, and is now mapping all legal services available across Alberta.⁵⁷ The project aims to create a detailed province-wide “map” of legal services (maintained as a searchable database), facilitate the development and maintenance of information networks among service providers (at the provincial and regional level), and identify both current service strengths and gaps in legal service delivery and resources. The author states that “it is expected that the comprehensive map resulting for the ALSM will provide information that is much needed by policy makers, program designers, service providers and users. Findings will assist in enhancing existing programs and services that work well; shifting resources if duplication is identified; creating new programs and services where gaps exist, and identifying needed changes to current law, rules and practice.”⁵⁸ The project is expected to take four years, at a cost of 1.3 million dollars.

Ontario is to complete a comprehensive study of unmet legal needs by 2010. The project is the result of a partnership between the Law Society of Upper Canada, Legal Aid Ontario, and Pro Bono Law Ontario. Additional support for the initiative is provided by the Law Foundation of Ontario. A press release from the Law Society of Upper Canada described the three main components of the project as:

⁵⁶ Reid, Gayla. *Pro Bono Coordination & Cross-Referral Project: Strategies for a More Seamless Service*, 2008.

⁵⁷ Stratton, Mary. *Reaching Out with Research: Creating Community and Legal Services Maps*. Paper delivered at the 7th International LSRC Conference.

⁵⁸ Stratton, Mary, p. 310.

1. An extensive telephone survey of the public;
2. A series of comprehensive focus groups with front-line legal and social service providers;
and
3. An environmental scan of existing services that promote access to justice.

The final report and recommendations will analyze the findings and establish a roadmap to help stakeholders in the legal services delivery system establish priorities, allot existing resources effectively and identify opportunities for enhanced collaboration and improvement.⁵⁹

The potential of mapping

Mapping processes can be used as a tool to bring together stakeholders at regional levels to determine needs, identify current services and gaps, and improve referral patterns. But it is the ongoing work of the committee that provides the value. Even at the simplest level, the “map” needs to be kept current, and stakeholders need to be kept aware of changes in mandates, procedures, etc. If stakeholders are given the authority, they can identify and set priorities for new services, make pitches for new money, and reallocate resources within their mandated services. To be successful:

- There needs to be buy-in and commitment of all partners with a clear understanding of the time and resources that will be required.
- There needs to be a common vision and one that is client-focused, with clear purpose and protocols established.
- There needs to be trust and respect among the partners to foster honest open discussions and build support for a coordinated approach:
 - the people with power have to give up some of it to keep the other partners at the table;
and
 - the people with less power need to be realistic about how much authority will be shared.
- Resources need to be dedicated to support the life and work of the committee.
- Partners have to see progress.

Work that needs to be done in BC

a. Use the studies that have been completed to move forward

BC can move forward without completing further provincial needs assessment or mapping project; both require significant resources and time to complete. The studies described in this paper document the level of need, how problems are experienced by constituent groups, current resources, and gaps, as well as some opportunities to work with communities requiring the services.

- All studies identify family law as a priority. In the civil legal needs studies, although not the most prevalent problem, people most frequently sought legal help for family problems. In the mapping exercises, service providers and stakeholders all spoke of the need for more family services which are client centred and based, as much as possible, in their community.

⁵⁹ See http://www.lsuc.on.ca/media/jan1308_civil_legal_needs_en.pdf

- Poverty law programs need to be able to respond to the multiple problems people experience. For example, clients with family law problems often have other problems, housing, debt, social assistance follow. Currie reports that the highest proportions of unresolved problems becoming worse are in social assistance, disability pensions and housing categories.⁶⁰

Coordination and collaboration have been used with considerable success in BC to improve service delivery.

- Several community service networks already in place, including the PLEI Network, the BCSCSHIC, the Legal Advocacy Training Network, and the pro bono project, are engaged in moving work forward in a collaborative and more integrated way. Keeping networks productive requires commitment and purpose.
- A more modest version of a legal help map (than that envisioned by Alberta) will be built and maintained by the PLEI Network as part of their portal project, with funding from the Law Foundation.
- A mapping process was used by LSS to identify the needs, current services, gaps, and issues surrounding implementation of hubs (now called Justice Access Centres) in four communities.
- A mapping process was used by the BCSCSHIC advisory committee to identify the needs, current services, gaps, and issues surrounding the development of self-help services for rural and remote communities.

b. Do not lose sight of the need for representation services

There is a concern that Justice Access Centres are seen as the solution for the loss of representation services, shifting the focus and energy away from advocacy for representation services and other access to justice reforms. There is a move in other jurisdictions to build a ‘principled case’ for legal aid based on specific areas and circumstances in which full access to professional legal advice and representation is essential to fundamental access to justice.⁶¹ LSS developed such a framework for its earlier legislation.

c. Review the concept of self-help centres

Justice Access Centres can help many people who end up in court. However, there is a move to make them the one-stop place for all civil law problems. The mapping processes related to Justice Access Centres and self-help services have identified a number of issues that need to be addressed.

Currie reports that only 11.7% of all problems in the 2006 survey were resolved in the courts or through a tribunal process.⁶² This is still a significant number and should be viewed as a

⁶⁰ Currie, Ab, *A National Survey of the Civil Justice Problems of Low and Moderated Income Canadians*, 2005, p. 14.

⁶¹ For example, Community Legal Education Ontario has recently hosted a ‘Think Tank’ to look at Family Law Self-Help through an access to justice lens. The report proposes that “opportunities for improving full access to professional legal and representation need to be explored and should go hand-in-hand with the exploration of self-help and other limited assistance programs.” In the USA see, Gideon’s New Trumpet: Expanding the Civil Right To Counsel in Massachusetts, September 2008 at www.bostonbar.org/prs/nr/GideonsNewTrumpet.pdf

⁶² Currie, Ab, *The Legal Problems of Everyday Life*, 2007, p. 11.

conservative figure given the percentage of people who took no action. As well, we know that some people are appearing without legal representation. Statistics Canada, Canadian Centre for Justice Statistics carries out a Civil Court Survey on an annual basis. In 2007/2008, there were 171,472 active cases in BC. Table 17 sets out the number of Civil court cases by level of court and type of action.⁶³

Table 17: Active Cases in BC Civil Courts, 2007/2008

Court	Family	Civil	Total
Supreme	28,875	82,224	111,099
Provincial	33,042	27,331	60,373
Total	61,917	109,555	171,472

Buy-in

Service providers already have full plates responding to their current client needs. They will need to be shown that their clients will benefit from any realignment of services.

- Users of the BC Supreme Court Self-Help Information Centre are better educated and better able to engage the justice system than many of the clients seen by community advocates.
- Concern has been raised that resources and attention have shifted away from more disadvantaged clients who need more help. Note that the language is “client,” not “user” — these are people who are not likely to leave their neighbourhoods when looking for help.
- Many service providers commented on the lack of collaboration in the planning and implementation process

Scope

Do most administrative law matters belong in a court-based service centre?

Early problem resolution has been identified as a key element, but clients with administrative law problems rarely make it to judicial review. The majority of clients with these problems need help early on and are not likely to see the courthouse as an entry point for service — they are more likely to approach the relevant ministry or tribunal, a friend, or a community group.

How would one make the necessary expertise available to effectively respond to the array of issues encompassed in administrative, civil, and family law? Responses to this question appear to be reactive and individual rather than coordinated or well thought-out:

- Law Courts Education has obtained funding to provide self-help information about administrative procedures on yet another website. Meanwhile, the provincial government’s Administrative Justice Office (AJO) has added self-help material about tribunals to its website. See www.gov.bc.ca/ajo/popt/self_help/self_help_steps_in_resolving.htm.⁶⁴

⁶³ CCJS Civil Court Survey, 2007/2008, Table 1.

⁶⁴ Law Courts Education Society reports that it is working closely with the AJO.

- LSS is creating some material for lawyers who may be providing advice in areas outside their expertise.
- Procedural assistance and advice services could be provided by phone for an array of issues that arise (subject to available resources) — but immediate access to the LawLINE or a similar service requires agreement to be built into procedural changes made by the provider.
- There are questions about the level or training required to support the triage function.
- What level of training would be required to provide an appropriate level of service? The BCSCSHIC works because several services are provided in a timely and coordinated manner. Staff have the expertise to help users find the right documents, fill out the forms, and get to duty counsel or to appointments made with family justice workers or pro bono lawyers. A theme from the interviews was that paralegal or community advocate participation would be necessary to avoid what one informant called circular referral.

What PLEI resources are required? Which are being used?

Respondents have suggested that it would be necessary to have detailed self-help guides equivalent to those found on the Family Law in BC website. There is a sense that PLEI materials do not reflect problems more frequently experienced by people in the middle income level. As noted in the earlier discussion of the Canadian legal needs survey, over 40% of ‘self-helpers’ wanted some form of assistance as well as information to deal with their legal problems. Decisions need to be made about how much information is useful. Work being done for the PLEI working group and its portal sub committee will assist in identifying areas of law where materials are lacking.

One piece of research that has not been done is an evaluation of the self-help materials developed for the BCSCSHIC or the family law website. An evaluation of self-help materials in Australia suggests that they are not used for family matters. However, it appears that potential users were able to obtain representation for the particular issue which would be a more appropriate service given the issue dealt with restraining orders. While Google analytics can help identify what pages people are accessing, more work needs to be done to determine how people are using the materials and how useful they find them.

Governance

For a hub model to function properly, collaborative relationships must be developed in ways that go beyond the level of informal service links and referrals to looking at new ways of actively coordinating service delivery. Collaboration, in the minds of many potential partners, includes the broad area of governance, ensuring that decisions about priorities and the way work is done is based on the collective wisdom of the players.

The civil hub vision and goals are ambitious and broad. While British Columbians may share the need for integrated delivery of civil justice services, the capacity to meet those needs varies widely throughout the province. Success in improving access for people living in rural and remote communities is dependent on developing new ways of thinking about service delivery and partnerships.

d. Who should pay for Legal Aid?

The Law Foundation of BC has helped replace some of the poverty law services lost in 2002 and following the realignment of services by government and service providers. There are 81 community advocates in 34 communities. These services are very important but they can not replace all of the work done by the 85 lawyers and 61.6 FTE paralegals/legal information counsellors working in 45 offices throughout the province.⁶⁵ The increase in advice services through pro bono and LawLINE are important, but do not provide the needed specialized representation services.

The Law Foundation of BC stepped forward at a time a new government was reducing services across many sections. Is it reasonable to expect the Law Foundation to continue funding core services even at this level? Economic cycles affect the Foundation's revenues as it does the government's revenues. The government needs to be convinced of the importance of access to justice before there will be necessary reallocation of its resources.

There has been a wealth of studies documenting the lack of legal services for people with low or moderate incomes. Studies completed by the BC Justice Review Task Force and the Canadian Forum on Civil Justice suggest that few people can afford the time or the cost of litigation, especially in superior courts, and reveal a growing sense of public frustration. While there have been some initiatives developed and some announced, there has been considerable resistance to change – from government and from legal institutions. Strong leadership is essential to move the access to justice agenda from rhetoric and research to action. The Law Foundation of BC could play a critical role in pulling together new voices to garner support for this endeavour.

⁶⁵ *LSS Annual Report, 2001-2002*, p.50.