

***POVERTY LAW
NEEDS ASSESSMENT AND
GAP/OVERLAP ANALYSIS***

REPORT

NOVEMBER 2005

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Poverty Law Needs Assessment and Gap/Overlap Analysis

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LAW FOUNDATION OF BRITISH COLUMBIA

POVERTY LAW NEEDS ASSESSMENT AND GAP/OVERLAP ANALYSIS

1. EXECUTIVE SUMMARY

As part of the Funding Strategies Review process, and in particular in stage one of that process where community based poverty law advocacy groups are being assessed, the Law Foundation of British Columbia undertook to conduct a poverty law needs assessment and gap/overlap analysis.

The analysis included:

1. Defining 14 regions of the province for analysis,
2. Gathering information from a number of different sources to assess the types of legal problems that people in British Columbia needed assistance with,
3. Gathering information on services available to address those needs, and
4. Key informant interviews and focus groups were used to gather further information about needs and to validate existing information about areas of need for legal services and how these could best be addressed.

The needs assessment concludes that the top five areas of poverty law are:

1. Welfare
2. Housing
3. Debt
4. Workers' Compensation
5. CPP/OAP

The study further concludes that the four neediest regions of the province are:

1. Northwest/Central Coast
2. Mid-Island
3. Fraser Valley
4. Thompson/Nicola

Analysis has been done of each of the 14 regions of the province which includes the following information:

1. Selected communities within the region
2. Population
3. Number of LSS poverty and intake cases (recognizing that these stats are for 2001)
4. Community resources available

Regional information has been reviewed with a regional key informant by way of an interview in each case. There are communities in each region of the province that have no service, and these are identified.

The first result of this study is that there are no perceived overlaps of service anywhere in the province. The need for service is such that there are simply not enough resources to meet the need. In particular, there are far fewer resources available now than in years past. LSS in the past had 45 offices and over 100 staff providing direct poverty law advocacy/representation services; services that no longer exist.

Other key findings were:

- a. Front line advocates are the key people in poverty law service delivery in the province. Poverty law clients need, wherever possible, to speak with someone in person about their problems and how to resolve them. Advocacy services are valuable and continue to be needed.
- b. The most significant gap in the poverty law service delivery continuum is of lawyers doing poverty law work. While there are some lawyers doing poverty law still in the province, they are either providing summary advice (LawLINE) or doing test case work (Community Legal Assistance Society, Public Interest Advocacy Center). There is a significant need for more lawyers to be involved in contested hearings, doing Supreme Court work, including judicial reviews, and overseeing advocates work. A regional or centralized “hub” approach is worth investigating.
- c. Geographic isolation is a significant issue. People living in rural parts of the province simply do not have the same access to justice as those in urban areas.
- d. Lack of access to telephones and the Internet are issues for many poor people, as is literacy.
- e. The most significant geographic gaps in the province (those regions where there is a high need and little or no service) are:
 - 1) the Northwest/Central Coast, where the only established services are time-limited Law Foundation funded projects (in Haida Gwaii, Prince Rupert and Hazelton),
 - 2) the Mid Island, particularly Nanaimo, where there is a Law Foundation funded project, and
 - 3) the Thompson Nicola region where Kamloops, Lillooet and Merrit have Law Foundation funded projects.
 - 4) Other communities that have only time- limited poverty law advocacy projects include: Penticton, Dawson Creek, Quesnel and Smithers.
 - 5) Other regions/ sizeable communities that have no established poverty law advocacy service include: Sunshine Coast, North Okanagan, Chilliwack, Courtenay, and Fort St. John.
- f. In those areas where advocacy projects currently exist, there would be a significant gap if projects were no longer funded.

- g. Family law matters are often intertwined with poverty law cases and, due to changes at LSS, family law is perhaps the most significant unmet legal need in the province at the current time. This area (where the Law Foundation funds three advocacy groups as well as miscellaneous projects) is part of stage two of the Funding Strategies Review process, and will be examined in more detail in the next year. In the meantime, LSS and the government are both reviewing Family Justice Services.

2. BACKGROUND

a. The Law Foundation of British Columbia Funding Strategies Review

In December 2002, the Law Foundation Board decided to undertake a review of its funding practices. The process approved at its November 2003 meeting was developed to examine:

- How well the Foundation's funds are being spent in relation to its statutory mandate,
- Whether funded programs are meeting the law-related needs of the community,
- Whether the grant amounts are appropriate, and
- How delivery of law-related services to people in British Columbia could be improved.
- In short, is the Law Foundation funding the right groups to do the right work with the right amount of money?

The Law Foundation of British Columbia Funding Strategies Review is being undertaken in three stages. Advocacy programs providing services in poverty law were identified for review in stage one (year one) with those providing services in family law and other legal aid (including test case litigation) programs to follow in stage two (year two), and public legal education and other groups in year three. For these purposes, poverty law advocacy service is defined as "direct client assistance including providing legal information, summary advice and full representation for income security and residential tenancy matters. Income security includes issues relating to Employment & Assistance, Employment Insurance, Canada Pension Plan, Old Age Security, Workers' Compensation and Employment. Other matters may include debtor/creditor, wills and estates, torts, income tax and (poverty law-related) criminal matters."

The objective of this poverty law needs assessment and gap/overlap analysis is to assist the Foundation in considering options for allocating its resources as part of stage one of the Funding Strategies Review.

b. The 4-Step Poverty Law Needs Assessment and Gap/Overlap Analysis

In order to meet its stated objective, this poverty law needs assessment and gap/overlap analysis was carried out in four strategic steps.

1) The first key step of this project was to define discrete geographical areas which could be used to assess needs and analyze gaps/overlaps and which made best use of currently available resources.

2) A provincially consistent starting point for assessing the need for poverty law advocacy services was then developed using demographic information available for British Columbia. Information from three different sources (LSS Resource Allocation Review, Employment & Assistance, or welfare, statistics and LSS referral and intake data) was used to produce different ways of identifying disadvantaged communities throughout the province for the purpose of assessing their relative need for poverty law services. The kinds of poverty law issues they might have were also examined using these same LSS statistics along with those obtained by the Lawyer Referral Service (Canadian Bar Association, BC Branch) and LSS LawLINE.

3) Third, information on services available to address these needs were used to begin determining where gaps and overlaps may lie.

4) Finally, consultations took place to gather further information, validate existing information and improve understanding of the priority needs for legal services and how these can be best addressed. Consultation took place by means of two focus groups and interviews with key informants who either had regional knowledge or were in a position to have insight into poverty law services throughout the Province. Key informants are listed in Appendix H and include both provincial and regional informants.

This report describes in detail these four steps along with their outcomes.

3. DEFINING REGIONS

A preliminary review of currently available resources soon made it clear that in order to be most useful, regions would have to be defined for the purposes of the poverty law needs assessment and gap/overlap analysis that were reasonably consistent with these resources. At the same time, the poverty law needs assessment (PLNA) regions would have to co-ordinate with the four regions used by the Law Foundation of British Columbia (North, Vancouver Island, Lower Mainland and Interior) for funding purposes.

The first important resource used in this poverty law needs assessment was the “Intake and Poverty Law Allocation” produced by the Legal Services Society in 1998. It established 17 regions, set out in Column 2 of Appendix A (LSS REGIONS). The communities within each of these 17 regions for the purposes of Resource Allocation are set out in Column 3 of this same Appendix. (Note: not all communities in the region are listed and, in particular, some Aboriginal communities do not appear in the list.)

When considering the second part of this project, the related gap/overlap analysis, it also became apparent that the most up-to-date listing of community-based advocates in British Columbia available was through the PovNet website (<http://www.povnet.org/advocates/bc-map.html>). PovNet has organized this information into 12 regions that can be reasonably co-ordinated with the 17 regions defined by LSS. They are set out in Column 5 of Appendix A (POVNET REGIONS).

The next task in defining PLNA regions was to make sure both the LSS and PovNet regions could be covered by the four regions now used by the Law Foundation. Since they are relatively broad, the LSS and PovNet regions fit well within them, as set out as headings in Appendix A.

Fourteen regions were established for the purposes of conducting this poverty law needs assessment and gap/overlap analysis. They co-ordinate with the LSS regions, PovNet regions and Law Foundation regions and make possible the use of currently available information gathered by each of these organizations. The 14 PLNA regions are set out in Column 1 of Appendix A and list the regional districts included within each region.

4. NEEDS ASSESSMENT

A number of sources of information for assessing need were gathered, including:

- a. LSS Resource Allocation Review
- b. Welfare Statistics
- c. LSS Poverty Law Referrals and Intake Cases
- d. CBABC Lawyer Referral Service Statistics
- e. LSS LawLINE Statistics

Two other reports funded by the Law Foundation were also reviewed.

- a. Social Planning and Research Council (SPARC) BC - “Delivering Poverty Law Services: Lessons from BC and Abroad”
- b. Community Legal Assistance Society (CLAS) - report on poverty law advocacy training needs.

The information from these sources is seen as appropriate because:

- a. it includes information from the last systemic, statistical model developed (the LSS Resource Allocation Review),
- b. it includes the best government source of information about poverty (Welfare Statistics), and
- c. it includes the best information available about demand for services (LSS poverty and intake cases, Lawyer Referral statistics, and LawLINE calls).

a. LSS Resource Allocation Review

The Resource Allocation Review prepared by the Legal Services Society (in co-operation with the Social Planning and Research Council or “SPARC”) was used to begin mapping areas of need.

First called “Review of Intake and Poverty Law Allocation,” the purpose of this review was to determine how the LSS budget should be allocated in relation to the demand for intake and poverty services across the province. Criminal and family teams were to be reviewed under a separate process. LSS had previously assessed potential demand by examining internal information such as legal aid applications and referrals. However, this approach had often been criticised as unreliable due to the variation in forms completion around the province. As a result, it was decided that for this review, a more reliable indicator of potential demand for legal services would be derived from external data that was first, independent of LSS and second, consistently available across the province. This data together with the LSS field office budgets could then be analyzed to determine the relationship between the potential demand for legal services and actual LSS expenditures. SPARC was retained to carry out the statistical analysis according to this formula.

LSS considered a large number of variables relevant to potential demand for intake and poverty services (see Appendix B attached) and out of those, identified the following 14: Violent crimes, new adult criminal cases, new youth criminal cases, *Family Relations Act* and *Family Maintenance Enforcement Act* cases, *Child, Family and Community Services Act* cases, divorce

cases, Small Claims court cases, receiving benefits (proportion of 15 – 64 year olds receiving Employment Insurance and/or Income Assistance), total population, Aboriginal population, male population, 15 – 19 year old population and 15 – 19 year old male population. In the end, three “robust” variables were identified:

- 1) Percentage of Aboriginal population,
- 2) Percentage of violent crime, and
- 3) Proportion of 15-64 year olds receiving benefits.

These variables were ultimately used to determine the percentage of regional budget allocation that should be granted for intake and poverty law services.

The results of the Resource Allocation review, last updated in December, 1998, are summarized in Appendix C. This chart sets out the relative need for poverty and intake services of each of the 17 LSS regions and the % of the LSS budget allocated for these services to which each region is entitled according to the formula used. Transposed for the purposes of the current assessment, each PLNA region is ranked in Column 4 of Appendix D (“RAR RANK”) according to the Resource Allocation formula.

As with all other ways of predicting need, there are issues connected with using the Resource Allocation Review alone to determine the present need for poverty law services in BC. First, this model was designed for another purpose: identifying the need for *intake*, in addition to poverty law, services throughout the province. Variables relating to criminal and family law built into the formula presumably have more to do with the need for intake services than poverty law. Of concern also is the fact that the statistics on which it is based are not current and some of the laws affecting low-income people, in particular welfare, have changed significantly since the Resource Allocation Review was last updated. Keeping these in mind, however, it can be used to get a first look at where the regions in most need of poverty law services are in the province, and it is the most systemic attempt at determining the need for poverty law legal aid that has been conducted.

b. Welfare Statistics

Information about the concentration of welfare provides a reasonably available and up-to-date alternative for identifying need.

Statistics on the number of people receiving welfare (Employment & Assistance benefits, or designated as Persons With Disabilities (PWD) or Persons With Persistent Multiple Barriers (PPMB) and receiving benefits under the *Employment & Assistance for Persons with Disabilities Act*) were obtained for each of the 14 PLNA regions. Information was also gathered from the federal Department of Indian and Northern Affairs of the number of Aboriginal people receiving benefits on reserve. These numbers were then compared to the total population of each region to define what proportion of that population was in receipt of welfare benefits. The results are summarized in Column 5 of Appendix D (“# & % RECEIVING E & A”). The relative priority of need is set out accordingly in Column 6 of this same Appendix (“E & A RANK”). This analysis provides a second way of looking at where the need for poverty law services in the province is located.

In order to use the results of these two assessments to determine relative need, the two rankings were simply added together and an overall rank, set out in Column 6 of Appendix D, assigned.

Regions were then put into one of three categories depending on their overall score: High needs (red bands), lesser needs (yellow bands) and least needs (blue bands). In most cases, there is some consistency between the results derived from each of these analyses, at least enough to support putting each region into one of these broad categories of need.

c. LSS Poverty Law Referrals and Intake Cases

The total number of poverty law referrals made and intake cases recorded by LSS from Branches, Community Law Offices (CLOs) and Native Community Law Offices (NCLOs) (43 offices in total) in each PLNA region for Fiscal 2000 - 2001 provide yet another way of assessing need (really demand for services...). During this period, a referral would have been made if the person seeking assistance passed a financial eligibility test and had a legal issue that impacted their ability to feed, clothe or house themselves or their family. An intake case would have been recorded for legal assistance not exceeding two hours provided to anyone, regardless of income.

The results of this analysis, summarized in Appendix E, likely under-report the need for poverty law services because only when the person with the problem recognizes they have a legal issue, knows where to go for help and actually proceeds to do so, is their need for legal services recorded as a statistic. In addition, although LSS had at one time assessed potential demand similarly, it was the unreliability of this approach that precipitated the Resource Allocation Review.

These statistics can, however, be used with more reliability to demonstrate regional differences in the need for various types of poverty law services. In addition, those areas of poverty law in which assistance was most often sought can be established on both a regional and provincial basis. The “Top Ten Areas of Poverty Law” based both on LSS poverty referrals and intake cases recorded are set out on Appendix F. Regional needs will be discussed individually in the context of the Gap/Overlap Analysis that follows.

Some of the same issues that arose with the Resource Allocation Review also apply to the information generated by this review of LSS poverty law referrals and intake cases i.e. the statistics are out-of-date (over three years old) and may no longer reflect the reality of demand for poverty law services in British Columbia. They are, nevertheless, the best evidence available for the purposes of this analysis because they capture the types of poverty law issues for which people sought assistance during the last full fiscal year for which LSS collected poverty law statistics in all regions.

d. CBABC Lawyer Referral Service Statistics

Between July, 2002 and June, 2003, the Lawyer Referral Service responded to 54,812 requests for assistance related to 52 areas of law. In 2003/2004, this total was 50,436. Of these 52 areas of law, 14 matched poverty issues about which LSS collected statistics and could therefore be considered “poverty law” (employment; insurance; estates, trusts and wills; collection; real property; WCB; professional malpractice; personal injury and tort; landlord and tenant; administrative; bankruptcy; foreclosure; EI; Aboriginal). Appendix G sets out the number of calls received by the Lawyer Referral Service for these poverty law services for these years and ranks each by intensity of demand for help with each issue. Although callers to the Lawyer Referral Service do not have to be financially eligible for assistance, five out of the ten top

poverty law issues identified by both the CBABC and LSS are the same: Employment & Assistance/administrative; housing; debt and collections; WCB; torts/negligence. The LRS statistics confirm that at least half of the poverty law issues for which low-income people asked for assistance when LSS offices were open continue to be areas of significant need in the Province.

e. LSS LawLINE Statistics

In the first year of offering brief legal services along with information and referral services, the LSS LawLINE handled 13,022 cases:

- Advice/brief legal services:4,747
- Information/referral services:8,275

In the second year, from September 2004 to September 2005, 15,759 cases were handled:

- Advice/brief legal services: 9,008
- Information/referral services: 6,751

When the number of “Advice/brief legal services” is compared to the (similarly defined) intake cases recorded by LSS in 2000/2001 (18,639 total), it would appear that there has been a significant decline in the provision of short service in poverty law matters by LSS.

Issues handled by LawLINE during the past 2 years are listed according to priority on Appendix G. Not surprisingly, they essentially reflect the Top Ten Areas of Poverty Law Based on LSS Intake Cases Recorded (Appendix F).

f. Other Information: The SPARC and CLAS Reports

In 2004, SPARC BC issued a report on “Delivering Poverty Law Services: Lessons from BC and Abroad.” This 94 page report was funded by the Law Foundation and explored, amongst other things, possible service delivery mechanisms that could be examined in designing a poverty law service delivery system in British Columbia in the future. A brief summary of some of the results from that report is attached as Appendix K.

The SPARC report confirms the ranking of the most pressing poverty law issues in British Columbia and also confirms the importance of lawyers being involved in the delivery of poverty law services. Options to increase the involvement of lawyers in delivering poverty law services included:

1. creating paid positions in community organizations, and
2. provide mobile poverty law lawyer services to a variety of communities.

Needless to say, adequate funding for poverty law services was a key recommendation of the report, as was the importance of advocates and lawyers working together to deliver poverty law services.

The Community Legal Assistance Society (CLAS), also in 2004 and funded by the Law Foundation, produced a report on poverty law advocacy training needs.

This report, which included gathering information from 100 community organizations across the province, concluded that there is more pressure on community advocates now to assist people. The report confirmed the main areas of law that people need assistance with as being those identified in this study and the areas of law identified for training, in order, are:

1. Welfare
2. Residential Tenancy
3. Family
4. Disability
5. Human Right/Mental Health

The report, whose focus was on training needs of advocates, concluded that access to training was a significant ongoing need for advocates, and that support from funders and from legal supervisors was important to ensure the best possible service delivery. Training should be not only general, but specific and advanced as well for those advocates who are experienced with more routine matters.

5. GAP/OVERLAP ANALYSIS

Having now defined the need for poverty law services in the province in several different ways, information on provincial and regional services available to address these needs was used to determine where gaps and overlaps may lie.

In order to carry out this analysis, a “template” providing consistent information for each PLNA region was used. In addition to listing communities within the region (using the LSS Resource Allocation Review as a guide), identifying its total population and providing a “snapshot” of its ethnic composition (from the Law Foundation Diversity Profile), this template looked at the level of need according to the needs assessment discussed. The number of poverty law referrals made and intake cases recorded by LSS offices within it while they were operating and “top five” poverty law issues demonstrated by these statistics were also set out.

Community resources (publicly accessible organizations actively providing poverty law services as identified by PovNet, LSS, regional respondents and focus group participants) as well as organizations focussing services on the Aboriginal or multi-cultural communities are listed, although it must be noted that these organizations have not been individually vetted to verify that they do provide poverty law advocacy services. At most, the non-Law Foundation funded groups appear to provide poverty law information and support, usually not on a full time basis. Accordingly, the list of Community Resources is likely significantly overstated.

The availability of four other resources is also listed:

- 1) LSS Legal Information Outreach Worker,
- 2) Native Courtworker,
- 3) *Pro Bono* Law Clinic, and
- 4) Workers’ Advisor.

Finally, information obtained through community consultation, typically from the one key informant for that region, has been added to each region.

PROVINCIAL RESOURCES AVAILALBLE IN ALL REGIONS

- CLAS Mental Health law Program
- Dial-A-Law
- LawLINE
- LawLINK
- Lawyer Referral Service
- PovNet
- Tenants’ Hotline

6. FOCUS GROUPS AND KEY INFORMANT INTERVIEWS

Consultation with individuals and groups interested in legal services provision was a major element of this work. It took place in one of three ways: Two focus groups, interviews with key informants who were in a position to have insight into poverty law services throughout the Province, and interviews with key informants having regional knowledge.

a. Focus Groups

Two focus groups made up of participants with diverse backgrounds met for the purpose of gathering further information, validating existing information, improving the understanding of the priority needs for legal services and how these can be best addressed. A list of those who attended is attached as Appendix I.

All focus group participants were provided with a copy of Appendix D, Comparison of Assessments as a summary of the needs assessment findings. They also received a draft copy of the gap/overlap analysis for review. The meaning of poverty law as defined for the purposes of this consultation (please see page 1) and as it was used by LSS (please see page 4) were then discussed. The purpose of meeting was clarified and participants were informed that their knowledge with respect to poverty law needs identified for the province, resources in the province available to meet those needs and the most effective way to deliver poverty law services in the province was being sought. They were then asked to respond to 10 questions which are set out in Appendix J.

Following is a summary of the key points made by focus group participants:

Needs Assessment

- Participants generally agreed that the top five LSS poverty law referrals and intake cases for the Province in 2000/2001 continued to reasonably reflect the need for poverty law advocacy services in BC
- Poverty law matters are often linked to other issues such as mental health and addictions
- Community advocates are often unable to recognize or define legal issues
- Most self-represented litigants have family law problems
- People with family law problems want representation, not public legal education materials or internet resources, and there is “nowhere to go”
- Demand for poverty law advocacy services is growing
- Changes to welfare and housing legislation have increased the need for advocacy in these areas
- Statistics in part reflect the reputation an organization has for doing a certain kind of work

Gap/Overlap Analysis

- Lack of co-ordination of poverty law services is a key issue in their delivery
- An up-to-date listing of poverty law advocacy services needs to be maintained
- Lawyers are no longer available to represent poverty law clients in court and the behaviour of decision-makers who know they won't be challenged is changing as a result
- Trends in poverty law are not being identified or co-ordinated effectively. More test cases are needed

- Only organizations that are publicly accessible should be listed as community resources. Self-advocates and volunteer advocates should not be on the list
- Many gaps, but no overlaps, were identified

Access to Needed Services

- Increased poverty has decreased access to justice over the past two years. Lack of bus fare and telephones have become significant barriers to pursuing legal entitlements
- BC is so large that it is difficult to deliver services to outlying areas
- People are not aware of the resources that exist to assist them
- Public legal education and self-help materials do not reach everyone who needs them
- Access to justice means access to all levels of the system including judicial reviews and other appeals

Other Comments

- Links between lawyers and community advocates need to be developed
- *Pro bono* lawyers with poverty law training may be able to assist
- LSS offices used to be the focal point in the community for legal help
- Community advocates should not be advising clients on family law matters
- Community advocates may be the best resource for clients with welfare problems
- Community advocates need additional training and possibly certification
- A network to provide training and support to community advocates would help people with basic poverty law matters
- Concept of a hub supporting existing organizations and expanding on the services they now provide was endorsed by virtually all focus group participants

b. Provincial Key Informants

The key informants selected because of their knowledge about poverty law services throughout the Province responded to essentially the same questionnaire as those who attended the focus groups. Their feedback is summarized as follows:

Needs Assessment

- 5 areas of poverty law in which low-income people needed referrals in 2000/2001 are still fairly accurate now
- there is a high need for referral assistance with employment issues, including wrongful dismissal, in parts of the Province
- some issues (like tax/GST) do not reflect a priority need but appear that way because of interest of office in providing service
- increasing demand for assistance with family law matters. Pre-occupies “every waking moment” of some prisoners and debilitates them
- work of LIOW in Kamloops taken over by family law assistance, no time left for poverty law
- poverty law issues are always “nested” with other issues. Surveys support this but never acknowledged by politicians

Gap/Overlap Analysis

- list of community advocacy organizations is misleading because there are no standards or “quality control”: Some advocates have limited skills and their effectiveness is questionable, others just make referrals
- the existence of community advocacy resources, along with the level of service they provide, changes quickly and has to be checked on a monthly basis. Some provide advocacy as an “add-on” to their main program
- “hit and miss” coverage – some communities (e.g. Kelowna) have no anti-poverty advocacy services available
- matrix of advocacy services with explanation of what they do important so that agencies within communities can make viable referrals
- some advocacy organizations will fail if women’s centre in community closes

Access to Needed Services

- access to poverty law advocacy services should be graduated, or “screened,” much like the BC Health Guide is the beginning place for a health issue, and lets you know when you should contact a nurse for assistance
- community advocates make the best use of limited resources, but many are unsupported or inadequately supported resulting in lots of discouragement and burn-out
- there are training issues related to having advocates provide services. A certification program for advocates may be a good idea
- what really worked is having well-trained and well-supported community advocates supervised by a motivated lawyer who can travel
- lawyers should be a resource for advocates. CLAS and PIAC are good examples
- lawyers should be saved for the greatest changes to make sure vulnerable people don’t get “screwed”
- provincial resources do not meet the needs of the most needy people. They are good resources for advocates in the field but only a small percentage of those who need help are capable of using them effectively. Of them all, Tenants’ Hotline most useful. Human contact is very important
- LawLINE picks up some of the need for summary advice but clients may have to wait for up to two hours to speak to someone
- poverty law resources should be located in community agencies because they have an established network of contacts and connections to assist
- existing provincial resources “replace nothing”

Other Comments

- “You don’t know what you’ve got ‘til it’s gone”

c. Regional Key Informants

Feedback from Regional Key Informants has been summarized under each region.

7. RESULTS

Several themes emerge from the work done on this poverty law needs assessment and gap/overlap analysis.

a) Needs Assessment

What Areas of the Province are Most in Need of Poverty Law Services?

The Needs Assessment, summarized in Appendix D, is based, as stated before on:

- a. Employment Assistance (welfare) statistics, and
- b. the Legal Services Society Resource Allocation Review rankings.

Results of the needs assessment appear to provide a reasonable approximation of the differing levels of need for poverty law services in the Province. Although the statistical viability of the process used can be questioned, needs assessments are by their nature destined to be imperfect. On the other hand, not one of the 18 key informants selected to comment on it have objected to this ranking of regions, confirming to some extent, at least, that it reflects a general perception of where in the province there is the greatest need for poverty law services.

It is to be noted that the ranking of any particular region as Most Needy, Needy or Least Needy, does not mean that resources should automatically be directed to only those areas in the Most Needy category. The population of different regions and the existence or lack of other services will need to be considered before any allocation decisions are made. Geography will also need to be considered. BC not only has a rural/urban split, but also has many unique geographic factors to consider when assessing how accessible services are.

The Most Needy Regions of the Province are therefore:

- Northwest and Central Coast
- Mid Island
- Fraser Valley
- Thompson/Nicola

The Needy Regions of the Province are:

- North Central
- Okanagan/Shuswap
- North Island
- Cariboo
- Lower Mainland

The Least Needy Regions of the Province are:

- South Island
- Sunshine Coast/Howe Sound
- Northeast
- West Kootenay
- East Kootenay

The regions have also been ranked in Appendix E, according to the LSS Poverty Law Statistics from 2001. These rankings largely correspond with the Needs Assessment rankings in Appendix D, noting that:

- a) LSS Poverty Law Statistics do not include any Law Foundation-funded activities
- b) LSS offices were not necessarily distributed evenly throughout the province

In What Areas of Law Do People Need Assistance?

The poverty law issues that resulted in poverty law referrals when LSS offices were open continue to be the areas of most significant need in the Province. These are:

- a) Welfare
- b) Housing
- c) Debt
- d) WCB
- e) CPP/OAP.

These areas of poverty law need were consistently seen as the five most significant areas of poverty law that citizens need help with.

Four other areas of law that also were noted were:

- a) Disability Issues (Ranked as the 4th most significant need by poverty law advocates in the CLAS report. These issues are likely covered by the Welfare and the CPP/OAP headings.)
- b) Health Law/Estates (Ranked 3rd in Law Line statistics)
- c) Income Tax (Ranked 5th in LSS intake statistics. This likely reflects the interest of the office that provided those services in 2000/2001 rather than a priority need. A number of LSS Native community law offices used to assist people to prepare their income tax forms in order to get refunds.)
- d) Human Rights (CLAS Poverty Law Training Report – ranked 5th)

Also mentioned was mental health law, which varies from community to community and is dealt with by the CLAS Mental Health Law Program provincially. Mental health issues, on the other hand, are often connected with other poverty law matters.

Family Law is not included in the list of areas of law, and family law advocacy will be dealt with in stage two of the Funding Strategies Review. It is clear, however, that poverty law issues are often inextricably linked to other legal matters, particularly family law problems. As a result, poverty law advocates often need to be familiar with family law concepts.

The sharp reduction in family law coverage by LSS has resulted in a significant increase in the demand for family law services. In fact, even when there was a tariff for full representation in family law cases, family law issues were none the less first in the LSS intake case statistics in 2001. Currently, family law is the biggest need according to the Law Students' Legal Advice Program, Law Line and Dial-A-Law and in the SPARC and CLAS surveys of poverty law advocates ranked 2nd and 3rd respectively.

Legal aid for family law matters continues to exist in a greatly reduced form and other resources to assist with family law matters continue to be developed (duty counsel in Provincial and now, Supreme Courts, family law advice lawyers in co-operation with Family Justice Centres, for example).

The need for assistance with employment law matters, including wrongful dismissal and EI, appears to have increased throughout the Province since 2000/2001.

Criminal law legal aid has continued but there remains a demand for advice in criminal matters. The Law Students Legal Advice Program in Vancouver continues to provide some representation in summary conviction matters.

b) Gap/Overlap Analysis

Virtually all respondents indicated that, in their view, there were no overlaps of service anywhere in the province. Certainly, when one considers that in 2001, there were approximately 31,000 poverty law cases handled by LSS poverty law lawyers and paralegals who no longer exist, with no significant replacement services since then, other than the LSS LawLINE service and the nine time-limited projects funded by the Law Foundation in 2002, there remain significant gaps in service in most areas of the province. The exact location of the gaps can be ascertained by reviewing and analysing the information in this report that relates to each of the 14 regions.

The most significant geographic gaps in the province (those regions where there is a high need and little or no service) are:

- 1) the Northwest/Central Coast, where the only established services are time-limited Law Foundation funded projects (in Haida Gwaii, Prince Rupert and Hazelton),
- 2) the Mid Island, particularly Nanaimo, where there is a Law Foundation funded project, and
- 3) the Thompson Nicola region where Kamloops, Lillooet and Merrit have Law Foundation funded projects.

Of the 14 regions, only one, the Sunshine Coast, has no Law Foundation funded service, while four, the NorthWest/Central Coast, Mid-Island, Thompson/Nicola, and the NorthEast had projects as opposed to programs. On the surface, it would seem that the Law Foundation's recent advocacy grants have gone some way to alleviate the most pressing needs in some parts of the province.

Other sizeable communities that have no established poverty law advocacy service include Chilliwack, Courtenay, and Fort St. John. Specifically, in reviewing the Law Foundation Diversity Profile and looking at those communities in the province with more than 10,000 people, and excluding those that are suburbs of other centres that have services, the following communities remain without Law Foundation or LSS poverty law services:

1. Chilliwack,
2. Courtenay/Comox,
3. Fort St. John,
4. Salmon Arm,
5. Summerland (Penticton has a project),
6. Parksville (Nanaimo has a project),

7. Quesnel, and
8. Kitimat.

What constitutes a “community resource” was identified as a problem for assessing gaps and overlaps because of inconsistencies in accessibility and diversity of training, expertise and level of service provided, leading to concern that some regions appeared to have more community resources than were actually available. Many of the organizations providing poverty law services are, in fact, run by one or two volunteers.

Contributing to the difficulty in identifying gaps and overlaps was the lack of an up-to-date listing of community resources meeting the definition finally decided upon. Key informants contacted were not always aware of the community resources available in all parts of regions.

The number of community resources providing poverty law advocacy services will decline if more women’s centres close, putting additional pressure on those that remain.

The rural- urban difference is pronounced: people in rural communities have less access to services, due to geography primarily. Services are often not available locally, and travelling long distances is often impossible or impractical.

The lack of access to telephones and/or computers and the internet is a common issue for many poverty law clients throughout the province.

The lack of lawyers to do poverty law, and in particular, to undertake Supreme Court matters or meritorious judicial reviews was noted by many commentators. This gap was also noted in the SPARC report (Appendix K) and by both focus groups (Appendices L and M).

c) Ideas Re: Access to Needed Services

A number of ideas emerged from this study that may be useful to consider in the future:

1. A centrally located “hub” responsible for co-ordinating poverty law advocacy services may address some of the gaps now existing. Under this model, lawyers would be available to represent clients in court, monitor trends in poverty law and bring test cases where appropriate. Existing community advocates would have access to supervision and support while at the same time providing ongoing information about community needs.
2. Alternatively, given the fact that one hub may not be best for rural parts of the province, perhaps several regional hubs (or spokes) would be better (depending, of course, on funding availability).
3. Both advocates and poverty law lawyers are needed to be part of an effective poverty law service. Currently, there is a significant gap between advocates and the few (at CLAS and PIAC) lawyers who do poverty law test cases. There are no lawyers left in the province for poverty law casework or judicial reviews.
4. Use of community advocates was consistently identified as the best way for low-income people to access poverty law advocacy services in the first instance. Not only do they provide information and advocacy services, they also identify issues that may require the

involvement of a lawyer. However, there are training and legal supervision issues related to community advocates and a certification program may be appropriate. Many community advocates are discouraged or “burning-out” as a result of inadequate support.

5. Existing provincial resources, such as the telephone services and LawLink, do not meet the needs of the most needy people. They are good resources for advocates in the field but only a small percentage of those who need help are capable of using them effectively. The Tenants’ Hotline (TRAC) was most often referred to as a useful provincial resource, in part because callers are able to speak to another person without a lengthy wait.
6. Human contact was referred to repeatedly as key to effectively accessing poverty law assistance.
7. Poverty law resources should be located within regions and specifically where those who need to access them attend regularly. Co-locating with established community agencies that have networks developed in the region may be the best location for these services. A “travelling lawyer” model may be useful.
8. While pro bono programs are useful, it is important to be realistic about how much knowledge non-specialized lawyers will have and about how much can be expected of lawyers in pro bono clinics.
9. Access to poverty law services should be graduated or “screened” similar to the way health issues are now treated in the Province.
10. Coordination of poverty law service delivery is important.

8. CONCLUSION

It is clear from this study that the need for poverty law services in British Columbia is high. In particular, there is a significant gap in lawyers providing poverty law services. Meanwhile, advocates who remain the important community based front line for the provision of advice and information to those in need, are feeling increasingly stressed as they deal with increased demands for service and unstable funding.

Legal Supervision, training and coordination of services are important principles that should be part of any proposed future poverty law service systems.

A pilot project of a regional or centralized “hub” model combined with a “traveling poverty lawyer” capacity may well be worth investigation.

It will be important for information about community resources to be collected on an ongoing basis and assessed regularly to determine the true capacity of the resource to provide poverty law services.

Family law may well be the single most significant unmet legal need in the province; it will be important for poverty law service providers to be clear on what involvement, if any, they will have in family law matters.

In conclusion, there are significant poverty law needs in the province of British Columbia. These needs are being addressed by a small number of dedicated, competent advocates, who need support.

APPENDIX A

COMPARISON OF REGIONS

1. THE NORTH

POVERTY LAW NEEDS ASSESSMENT REGIONS	LSS REGIONS	COMMUNITIES WITHIN REGION FOR RESOURCE ALLOCATION	FORMER LSS OFFICES WITHIN REGION	POVNET REGIONS
NORTHEAST Includes Regional Districts of Peace River (55), Stikine (57) and Northern Rockies (59)	Northern Circuit	Atlin, Cassiar, Dease Lake, Stewart		
	Peace River	Chetwynd, Dawson Creek, Fort Nelson, Fort St. John, Hudson's Hope	Dawson Creek, Fort St. John (2)	Northeast
NORTHWEST Includes Regional Districts of Skeena-Queen Charlotte (47), Kitimat-Stikine (49) and Central Coast (45)	Northwest	Houston, Kitimat, Masset, Nass Valley, New Hazelton, Prince Rupert, Queen Charlotte City, Smithers, Terrace	Hazelton, Masset, New Aiyansh, Prince Rupert, Skidegate, Smithers, Terrace	Northwest
	Central Coast	Bella Bella, Bella Coola, Quadra Island		
NORTH CENTRAL Includes Regional Districts of Bulkley-Nechako (51) and Fraser-Fort George (53)	North Central	Burns Lake, Fort St. James, Frazer Lake, Granisle, McBride, Mackenzie, Prince George, Tsey Keh Dene, Valemount, Vanderhoof	Burns Lake, Fort St. James, Prince George (2)	North Central
CARIBOO	Cariboo	Alexis Creek, Anahim Lake, Clinton, One Hundred Mile House, Quesnel, Williams Lake	Quesnel, Williams Lake	

2. VANCOUVER ISLAND

POVERTY LAW NEEDS ASSESSMENT REGIONS	LSS REGIONS	COMMUNITIES WITHIN REGION FOR RESOURCE ALLOCATION	FORMER LSS OFFICES WITHIN REGION	POVNET REGIONS
NORTH ISLAND Includes Regional Districts of Comox-Strathcona (25) and Mount Waddington (43)	North Island	Alert Bay, Campbell River, Comox, Courtenay, Gold River, Port Alice, Port Hardy, Port McNeil, Sayward, Tahsis	Campbell River (includes Alert Bay and Port Hardy satellites)	North Island
MID ISLAND Includes Regional Districts of Cowichan Valley (19), Nanaimo (21) and Alberni-Clayoquot (23)	Mid Island	Duncan, Gabriola, Ladysmith, Lake Cowichan, Nanaimo, Parksville, Port Alberni, Qualicum Beach, Tofino, Ucluelet	Duncan, Nanaimo, Port Alberni	Mid Island
SOUTH ISLAND Includes the Capital Region (17)	South Island	Colwood, Esquimalt, Langford, Oak Bay, Gulf Islands, Shawnigan Lake, Sidney, Sooke, Victoria, Western Communities	Victoria	South Island

3. LOWER MAINLAND

POVERTY LAW NEEDS ASSESSMENT REGIONS	LSS REGIONS	COMMUNITIES WITHIN REGION FOR RESOURCE ALLOCATION	FORMER LSS OFFICES WITHIN REGION	POVNET REGIONS
SUNSHINE COAST/HOWE SOUND Includes Regional Districts of Powell River (27), Sunshine Coast (29) and Squamish-Lillooet (31)	Sunshine Coast	Gibsons, Powell River, Sechelt, Texada	Powell River	Sunshine Coast/Howe Sound
	Howe Sound	Pemberton, Squamish, Whistler		
LOWER MAINLAND Includes the Regional District of Greater Vancouver (15)	Greater Vancouver	Bowen Island, Burnaby, Delta, Langley, New Westminister, North Vancouver City, North Vancouver District, Richmond, Surrey, Vancouver, West Vancouver, White Rock	Burnaby, Langley, new Westminister, North Vancouver, Surrey, Vancouver	Lower Mainland
FRASER VALLEY Includes Regional District of Fraser-Fort George (53)	Fraser Valley	Abbotsford, Agassiz, Boston Bar, Chilliwack, Coquitlam, Hope, Maple Ridge, Mission, Pitt Meadows, Port Coquitlam, Port Moody, Ridge Meadows	Abbotsford, Chilliwack, Port Coquitlam, Maple Ridge	Fraser Valley

4. INTERIOR

POVERTY LAW NEEDS ASSESSMENT REGIONS	LSS REGIONS	COMMUNITIES WITHIN REGION FOR RESOURCE ALLOCATION	FORMER LSS OFFICES WITHIN REGION	POVNET REGIONS
THOMPSON/NICOLA (33)	Thompson/Nicola	Ashcroft, Bariere, Chase, Clearwater, Kamloops, Lillooet, Logan Lake, Lytton, Merritt, Wells	Kamloops, Lillooet, Lytton, Merritt	Thompson/Nicola
OKANAGAN/SHUSWAP Includes the Regional Districts of Okanagan-Similkameen (7), Central Okanagan (35), North Okanagan (37) and Columbia-Shuswap (39)	Okanagan/Shuswap	Armstrong, Coldstream, Enderby, Falkland, Kelowna, Keremeos, Lumby, Oliver, Penticton, Princeton, Revelstoke, Salmon Arm, Sicamous, Spallumcheen, Summerland, Vernon	Kelowna, Penticton, Vernon	Okanagan
WEST KOOTENAY Includes Regional Districts of Central Kootenay (3) and Kootenay Boundary (5)	West Kootenay	Castlegar, Fruitvale, Grand Forks, Kaslo, Midway, Nakusp, Nelson, New Denver, Rossland, Salmo, Trail	Nelson	Kootenay
EAST KOOTENAY (1)	East Kootenay	Cranbrook, Creston, Elkford, Fernie, Field, Golden, Invermere, Kimberley, Radium, Sparwood	Cranbrook	

APPENDIX B

Table 1
Variables Relevant to potential demand for
Intake and Poverty services

Dependent Variables	Independent Variables
<p>Internal Data Produced by LSS</p> <ul style="list-style-type: none"> • Branch, CLO, and NCLO budgets for the fiscal years 1991 through 1996 • Area Director annual funding 1996 	<p>External Data Produced by Census, BC Stats, Courts, Police</p> <p>For the years 1991 through 1996</p> <ul style="list-style-type: none"> • Population • Population by Age and Sex • No. of Males age 15 – 29 • Aboriginal population on and off reserve • No. of Income Assistance recipients • No. of Employment Insurance claims • IA/EI dependency ration • No. of single-parent families • No. of Renters • No. spending >30% of income on shelter • % of population below Low Income Cutoffs • No. who do not speak English in the home • No. of Workers' Compensation Appeals • No. of Mental Health Consumers, Review Board Hearings • Criminal case data <ul style="list-style-type: none"> ➢ No. of violent offences reported to police ➢ No. of Adult and Youth cases in provincial court • Family case data (No. of court cases) <ul style="list-style-type: none"> ➢ Family Relations Act ➢ Family Maintenance Enforcement ➢ FCSA/CFCSA ➢ Supreme Court (Divorce Registry)
<p>Additional descriptive information to be considered:</p> <p>Legal aid data 1995/96:</p> <ul style="list-style-type: none"> • Number of Legal Aid applications • Number of Legal Aid referrals (staff and private bar) • Number of circuit court cases <p>Field Office Surveys January 1997</p> <ul style="list-style-type: none"> • Staff FTE Survey • Office Catchment Areas • Outreach Clinics Provided • Office comments regarding services 	

APPENDIX C

RESOURCE ALLOCATION REVIEW

UPDATE OF INTAKE AND POVERTY LAW ALLOCATION

(December, 1998 Version)

RANK BY NEED	LSS REGION	% BUDGET ENTITLEMENT
1	Greater Vancouver	28.79
2	Fraser Valley	10.78
3	Northwest	8.81
4	Mid Island	8.78
5	Okanagan/Shuswap	7.49
6	North Central	7.06
7	South Island	6.82
8	Thompson/Nicola	6.37
9	North Island	2.68
10	Cariboo	3.55
11	Peace River	2.97
12	East Kootenay	1.71
13	West Kootenay	1.08
14	Sunshine Coast	1.00
15	Central Coast	0.98
16	Northern Circuit	0
17	Howe Sound	0
		100%

APPENDIX D

COMPARISON OF ASSESSMENTS

LFBC REGION	PLNA REGION ⁽¹⁾	TOTAL POPULATION ⁽²⁾	RAR RANK ⁽³⁾	# & % RECEIVING E&A ⁽⁴⁾	E&A RANK	OVERALL RANK
NORTH	NORTHEAST	62,116	11	2,428 3.9%	12	12
	NORTHWEST AND CENTRAL COAST	66,350	3	7,272 11%	1	1
	NORTH CENTRAL	136,173	6	7,535 5.5%	6	5
	CARIBOO	65,659	10	3,708 5.6%	5	8
VANCOUVER ISLAND	NORTH ISLAND	109,242	9	6,259 5.7%	4	7
	MID ISLAND	229,359	4	14,328 6.2%	2	2
	SOUTH ISLAND	325,754	7	12,888 4.0%	11	10
LOWER MAINLAND	SUNSHINE COAST/HOWE SOUND	78,375	14	3,962 5.1%	8	11
	LOWER MAINLAND	1,986,965	1	67,894 3.4%	14	8
	FRASER VA.	237,550	2	11,396 4.8%	9	3
INTERIOR	THOMPSON/NICOLA	119,222	8	7,145 6.0%	3	3
	OKANAGAN/SHUSWAP	345,820	5	18,300 5.3%	7	5
	WEST KOOTENAY	88,862	13	4,019 4.5%	10	12
	EAST KOOTENAY	56,291	12	1,976 3.5%	13	14

¹Poverty Law Needs Assessment Region
22001 Census

³Rank according to LSS Resource Allocation Review

⁴Employment & Assistance includes people receiving Employment and Assistance benefits or designated as Persons With Disabilities or Persons with Persistent Multiple Barriers and receiving benefits under the *Employment & Assistance for Persons with Disabilities Act* (from BC Stats, March 2004) and Aboriginal people receiving benefits on reserve (estimates from Indian and Northern Affairs data sources, 2001 Census)

APPENDIX E

**ASSESSMENT OF NEED BASED ON
LSS POVERTY LAW REFERRALS
& INTAKE CASES RECORDED**

PLNA REGION⁽¹⁾	TOTAL POPULATION⁽²⁾	TOTAL LSS POVERTY REFERRALS⁽³⁾	TOTAL LSS INTAKE CASES⁽³⁾	REFERRALS & INTAKE CASES AS % OF POPULATION	RANK
NORTHEAST	62,116	205	453	1.1%	4
NORTHWEST AND CENTRAL COAST	66,350	415	2216	4.0%	1
NORTH CENTRAL	136,173	135	980	.8%	8
CARIBOO	65,659	241	880	1.7%	3
NORTH ISLAND	109,242	369	229	.5%	11
MID ISLAND	229,359	742	1449	1.0%	6
SOUTH ISLAND	325,754	429	179	.2%	14
SUNSHINE COAST/HOWE SOUND	78,375	67	397	.6%	10
LOWER MAINLAND	1,986,965	1,666	4098	.3%	13
FRASER VA.	237,550	544	2026	1.1%	4
THOMPSON/NICOLA	119,222	342	1981	2.0%	2
OKANAGAN/SHUSWAP	345,820	454	3025	1.0%	6
WEST KOOTENAY	88,862	76	632	.8%	8
EAST KOOTENAY	56,291	169	94	.5%	11

¹Poverty Law Needs Assessment Region
22001 Census

³Statistics collected by LSS from all offices, regardless of type, for fiscal 2000-2001

APPENDIX F

TOP TEN AREAS OF POVERTY LAW

BASED ON LSS POVERTY REFERRALS⁽¹⁾

1. BC Benefits (now Employment & Assistance)	33.8%
2. Housing	13.1%
3. Debt & Collections	8.2%
4. WCB	4.8%
5. Canada Pension/OAP	4.6%
6. Employment Insurance	4.4%
7. Torts/Negligence	3.9%
8. Mental Health/Guardianship	3.7%
9. Criminal Injury	2.1%
Employment	2.1%

Remaining 16.9% of 5,855 total comprised of 22 other poverty issues referred.

BASED ON LSS INTAKE CASES RECORDED⁽¹⁾

1. Family Non-tariff	23.0%
2. Criminal Non-tariff	14.5%
3. BC Benefits (Now Employment & Assistance)	7.7%
4. Debt & Collections	6.9%
5. Income Tax/GST	6.7%
6. Housing	6.1%
7. Wills/ Estates	3.5%
8. Notarizing	3.2%
9. Contract/Consumer	3.1%
10. Torts/Negligence	2.8%

Remaining 22.4% of 18,639 total comprised of 22 other intake cases recorded.

(1) For all of BC, regardless of office type, fiscal 2000-2001

APPENDIX G

Canadian Bar Association, BC Branch LAWYER REFERRAL SERVICE

REFERRALS BY AREA OF POVERTY LAW

	July 2002 – June 2003	July 2003 – June 2004
1. Employment	3,903	3,572
2. Insurance	3,103	2,907
3. Estates, Trusts & Wills	2,721	2,618
4. Collection	2,425	1,904
5. Real Property	2,156	2,182
6. WCB	1,618	1,488
7. Professional Malpractice	1,303	1,259
8. Personal Injury & Tort	1,188	1,120
9. Landlord & Tenant	1,043	977
10. Administrative (includes Employment & Assistance along with human rights, constitutional rights, tribunals, government pensions, CPP, gambling, government licensing)	1,021	999
11. Bankruptcy	643	551
12. Foreclosure	217	242
13. Employment Insurance	189	133
14. Aboriginal	104	104

Canadian Bar Association, BC Branch DIAL-A-LAW

TOP 10 SCRIPT REQUESTS

	July 2002 – June 2003	July 2003 – June 2004
1. Separation: Spouse and Child Support	1928	2003
2. Separation and Separation Agreements	1914	1287
3. Dividing Up Family Assets	1695	1787
4. Getting Ready to Handle and Estate Probate	1086	1659
5. Requirements of Divorce	1571	1732
6. Power of Attorney/Representation Agreements	1047	1537
7. Custody and Access	1354	1309
8. Your Income and Property Rights	882	1219
9. The Disappointed Beneficiary	969	1234
10. Conditional Sentences: Probation, Discharges and Diversion		946
11. What Happens When You Separate	882	

LSS LawLINE CASE STATS⁽¹⁾
September 15, 2003 – September 14, 2004

Brief Legal Services or Information and Referral Services Provided (13,022 cases total)

1. Family law	40%
2. Criminal law	10%
3. Consumer	8%
4. Debt	8%
5. Health & estates	6%
6. Housing	6%
7. Employment	4%
8. Income security	4%
9. Torts	3%
10. Immigration/refugee	2%
11. Other	8%

(1) From *LSS News*, September 30, 2004

September 15, 2004 – September 2005

Brief Legal Services or Information and Referral Services Provided (15,759 cases total)

1. Family law	38%
2. Criminal law	12%
3. Consumer	7%
4. Debt	8%
5. Health & estates	7%
6. Housing	6%
7. Employment	4%
8. Income security	3%
9. Torts	3%
10. Immigration/refugee	2%
11. Other	10%

APPENDIX H

GAP/OVERLAP ANALYSIS BY REGIONS

The Regions Are:

1. Northeast
2. Northwest/Central Coast
3. North Central
4. Cariboo
5. North Island
6. Mid Island
7. South Island
8. Sunshine Coast/Howe Sound
9. Lower Mainland
10. Fraser Valley
11. Thompson/Nicola
12. Okanagan/Shuswap
13. West Kootenay
14. East Kootenay

The Ranking of the regions by need for poverty law services is as follows:

1. Northwest/Central Coast
2. Mid Island
3. Fraser Valley
4. Thompson/Nicola
5. North Central
6. Okanagan/Shuswap
7. North Island
8. Cariboo
9. Lower Mainland
10. South Island
11. Sunshine Coast/Howe Sound
12. Northeast
13. West Kootenay
14. East Kootenay

a. REGION 1: The Northeast

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Atlin
2. Cassiar
3. Chetwynd
4. Dawson Creek
5. Dease Lake
6. Fort Nelson
7. Fort St. John
8. Hudson's Hope
9. Stewart
10. Tumbler Ridge

TOTAL POPULATION: 62,116

ETHNICITY/RACE:

- First Nations 14.1% (8760; 1786 on reserves)
- Visible Minorities 1.8% (1135)

OVERALL PLNA RANK: 12/14

LEVEL OF NEED: Least Need (blue band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 205

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Housing
3. Mental Health
4. Debt & Collection
5. WCB

LSS INTAKE CASES RECORDED (2000/2001): 453

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. Criminal Non-tariff
3. Professional Licensing
4. Notarizing
5. Debt & Collections

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. Chetwynd Women's Centre, Chetwynd
2. federated anti-poverty groups of BC, Dawson Creek
3. Fort Nelson Women's Resource Centre, Fort Nelson
4. Fort St. John Women's Resources, Fort St. John
5. Northern Health, Fort St. John

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. *Mile Zero Métis Society, Dawson Creek*
2. Northern Rockies Aboriginal Women's Society, Fort Nelson
3. Saulteau First Nations, Moberly Lake

OTHER RESOURCES AVAILABLE:

- 1.LSS Legal Information Outreach Worker: No (closest is Prince George)
- 2.Native Courtworker: Yes (Dawson Creek, Fort Nelson)
- 3.Pro Bono Law Clinic: No (closest is Prince George)
- 4.Workers' Advisers: No (closest is Prince George)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment

- top 5 poverty issues referred correctly identified
- high need for assistance with mental health law issues continues although requests may have declined due to inaccessibility of advocacy services
- intake cases reflect the skills/outlook of the paralegal as opposed to community need
- top 5 intake cases in the Northeast should be (1) Employment & Assistance (2) mental health (3) family non-tariff (4) criminal non-tariff and (5) income tax
- people who need help with poverty law frequently need help with family law problems. Often a change in family dynamics e.g. divorce, domestic violence necessitates applying for welfare.

(b) Gap/Overlap Analysis

- no other anti-poverty advocates in community but constant and vocal demand for advocacy training
- community resources listed continue to exist but some are women's centre-based and may close if they do
- community resources ineffective in meeting the need for poverty law services in region. Most are under-funded, over-used and spread thinly over many areas of law. Poverty law is just one of them.
- provincial resources meeting the need for poverty law services in the region as well as they can. None have a northern/rural perspective and due to high demand, some are at times impossible to reach (e.g. Tenants' Hotline)

(c) Access to Needed Services

- unable to answer

COMMENTS

- geography is a major issue in this very large region
- until the funding of the Mile Zero Métis Society by the Law Foundation in 2005, there was virtually no poverty law service in the region, the other listed resources being small and generally focussed on family law/other issues
- mental health is a major issue in this region, partly due to the influence of the local medical (psychiatric) community
- Fetal Alcohol Syndrome is an issue in Fort Nelson (and elsewhere)
- LSS Poverty Law Cases in 2001: 658
- Poverty Law files in 2004: 0

b. REGION 2: The Northwest/Central Coast

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Houston
2. Kitimat
3. Masset
4. Nass Valley
5. New Hazelton
6. Prince Rupert
7. Queen Charlotte City
8. Smithers
9. Terrace
10. Bella Bella
11. Bella Coola
12. Quadra Island
13. Fort Simpson

TOTAL POPULATION: 66,350

ETHNICITY/RACE:

- First Nations 31.5% (20,905; 10,330 on reserves)
- Visible Minorities 5.3% (3540)

OVERALL PLNA RANK: 1/14

LEVEL OF NEED: Neediest (red band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 415

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Housing
3. Debt & Collection
4. Wills & Estates
5. WCB

LSS INTAKE CASES RECORDED (2000/2001): 2,216

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Criminal Non-tariff
2. Family Non-tariff
3. Income Tax & GST
4. Notarizing
5. Wills & Estates

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Dze L K'ant Friendship Society, Smithers (Advocacy Project)*
2. *2.Prince Rupert Unemployed Centre Society, Prince Rupert (Advocacy Project)*
3. Bread and Roses Women's Centre / Kitimat Anti-Poverty, Kitimat
4. Positive Living North West Society, Smithers
5. Terrace Anti-Poverty Group Society, Terrace

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. *1.Haida Gwaii Community Futures Development Corporation, Masset/Skidegate (Advocacy Project)*
2. *2.Upper Skeena Counselling & Legal Assistance Society, Hazelton (Advocacy Project)*
3. 3.Nuxalk Nation Transition House, Bella Coola (level of advocacy assistance unknown)

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: Yes (Terrace)
2. Native Courtworker: Yes (Prince Rupert, Smithers/Hazelton, Terrace/Kitimat, Bella Bella, Bella Coola)
3. Pro Bono Law Clinic: No (Closest is Prince George)
4. Workers' Advisers: No (closest is Prince George)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment

- an increased number of First Nations people have given up trying to deal with welfare problems and instead of appealing a decision they don't agree with are moving back to reserve and "piling up" with family members. Sometimes told "not to bother" appealing by social worker on reserve
- housing is a big issue both on and off reserve and the source of considerable anger and frustration among First Nations people in the region - issue needs lots of work
- still a big need for help with debt and collection problems, lots of bankruptcies
- assistance available for wills and estates matters
- great need for help with WCB problems but too complex for community advocates
- lots of demand for help with CPP, both pensions and survivor benefits
- top 5 intake cases recorded basically the same for region
- different parts of region do have different needs. Large mental health issues in some parts (e.g. Prince Rupert) concentrations of people with FAE, FAS and other challenges in others. People often faced with multiple problems and absolutely no resources to assist them e.g. Morriston
- many of those who need help with a poverty law matter also need help with a family law problem. Over the past year, at least three people in region dealing with family law issues have committed suicide due to inability to cope without assistance

(b) Gap/Overlap Analysis

- community resources completely unable to meet need for poverty law services in region and as a result, people are giving up

- mental health workers in Prince Rupert assisting as much as possible but have no training
- community advocates hungry for more training
- people do not know about provincial resources available, they need to be promoted on TV and in the newspaper
- LawLINK is a useful resource for advocates but people in region have resistance to using LawLINK and telephones for help
- many people don't have telephones and the few public telephones available are inconvenient (gas station) or lack privacy (entrance to restaurant which is not always open)
- literacy level of many people prevents them from accessing provincial resources

(c) Access to Needed Services

- public legal education most important way for people in region to access needed services
- one lawyer supervising approximately 6 community advocates next most important. "Hub" model incorporating meetings, training sessions, daily communications needed. Community advocates are burning out.
- poverty law resources should be centrally located, possibly in Hazelton. Since it is only open two weeks per month, courthouse is not a good location for LawLINK.
- need a combination of aboriginal and non-aboriginal advocates
- there are 6 bands in the region – need to go out and see them on regular basis (every two months?)

COMMENTS

- Bella Bella and Bella Coola seem to have no established poverty law service. The circuit court does not include poverty law.
- LSS cases in 2001: 2,631
- Poverty Law files in 2004 (via projects): 1,506

c. REGION 3: North Central

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Burns Lake
2. Fort St. James
3. Frazer Lake
4. Granisle
5. McBride
6. Mackenzie
7. Prince George
8. Tsey Keh Dene
9. Valemount
10. Vanderhoof

TOTAL POPULATION: 136,173

ETHNICITY/RACE:

- First Nations 10.9% (14,890; 3,181 on reserves)
- Visible Minorities 4.6% (6,260)

OVERALL PLNA RANK: 5/14

LEVEL OF NEED: Less Needy (yellow band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 136

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. Housing
2. Criminal Injury
3. Torts/Negligence
4. Debt & Collection; CPP/OAP (tie)
5. Wills & Estates

LSS INTAKE CASES RECORDED (2000/2001): 980

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Criminal Non-tariff
2. Housing
3. Family Non-tariff
4. Debt & Collections
5. Notarizing

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Active Support Against Poverty, Prince George (Advocacy Project)*
2. Canadian Mental Health Association, Prince George
3. Legal Services Society, Prince George Regional Centre

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTICULTURAL COMMUNITIES:

1. *Law Courts Education Society (Northern PLEI Program for First Nations Communities) (Continuing Program)*
2. Yekooche First Nation, Fort St. James
3. Immigrant and Multicultural Services Society, Prince George
4. Prince George Native Friendship Centre, Prince George

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: Yes (Prince George)
2. Native Courtworker: Yes (Prince George, Vanderhoof)
3. Pro Bono Law Clinic: Yes (Prince George)
4. Workers' Advisers: Yes (Prince George)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment:

- the needs assessment does not identify First Nations communities in northern BC. The Carrier Sekani has fourteen communities that are not listed
- the Census statistics for First Nations communities may be understated as many people do not respond for a variety of reasons including distrust, confidentiality concerns. The statistics may be understated by 5-15%.
- is concerned that demographic assessment to categorize level of need does not consider actual issues faced by people in communities. For example: a person may not be eligible for WCB or pension, but is on the brink. The categorization raises red flags
- child welfare is a huge problem - the former LSS system may not have reflected the relationship between child apprehension and poverty issues – typically children are apprehended from poor families. More than 50% of individuals with poverty law issues have family law issues as well
- the 4th and 5th issues that ought to be reflected in the needs assessment are Health and Child Apprehension. These should replace Debt & collection and Wills & Estates
- WCB and federal programs are not accessed through LSS

(b) Gap/Overlap Analysis

- There is a gap in First Nations communities in that there is no support or advocates that assist in accessing federal services that are available for First Nations communities – health, child welfare, education, social assistance matters. Typically, federal programs are not accessed by seeking assistance through the LSS system
- There are few programs that provide poverty law advocacy services in the region – most provide referral services. Elizabeth Fry, John Howard, CSFS (has an advocate

for women), Smithers Friendship Centre, LSS office, CSFS provides translators for court, references, and liaison on legal matters. More human, physical, and fiscal resources are needed in the region

- Law Courts Education Society is the key organization for providing legal education in the region. Advocacy services could be delivered through LCES. Hotlines and computer accessed services are rarely used – Aboriginal communities have less access to computers

(c) Access to Needed Services:

- Literacy is a huge issue in the North – there is an assumption that all adults can read – this is not so
- Distance to services is a huge issue – people cannot and should not have to travel long distances to legal services – a travelling advocate with access to lawyer and with links to resources is needed
- More needs to be done to address high rate of child apprehension in the North – when apprehension happens in smaller communities, there is no place to for the community to turn to access appropriate information

COMMENTS

- Most services in this region are centred in Prince George
- Burns Lake has a myriad of social and legal problems
- LSS cases in 2001: 1,136
- Poverty law files in 2004: 220 (Active Support Against Poverty – Summary Service and Full Representation)

d. REGION 4: Cariboo

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Alexis Creek
2. Anahim Lake
3. Clinton
4. One Hundred Mile House
5. Quesnel
6. Williams Lake

TOTAL POPULATION: 65,659

ETHNICITY/RACE:

- First Nations 12% (7,865; 3,058 on reserves)
- Visible Minorities 5% (2950)

OVERALL PLNA RANK: 8/14

LEVEL OF NEED: Less Needy (yellow band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 241

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. WCB
3. CPP/OAP
4. Housing; Wills & Estates (tie)
5. Debt & Collections; Criminal Injury; ICBC (tied)

LSS INTAKE CASES RECORDED (2000/2001): 880

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. BC Benefits
3. Debt & Collections
4. Contract/Consumer
5. Wills & Estates

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Contact Women's Group Society, Williams Lake (Continuing Program)*
2. *Quesnel Tillicum Society*
3. 100 Mile House Women's Centre, 100 Mile House

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. Cariboo Friendship Centre, Williams Lake

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: No (closest is Prince George)
2. Native Courtworker: Yes (Quesnel, Williams Lake)
3. Pro Bono Law Clinic: Yes (Williams Lake)
4. Workers' Advisers: No (closest is Prince George)

FEEDBACK FROM COMMUNITY CONSULTATION:

Quesnel is an area of high need that is not currently being met. The Women's Centre is able to assist some women with some issues but has funding problems and does not serve men.

COMMENTS

- Quesnel now has an advocacy project
- there were two full time poverty lawyers in this region in the past
- LSS cases in 2001: 1,121
- Poverty Law files in 2004: 521 (Contact Women's Services Society)

e. REGION 5: North Island

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Alert Bay
2. Campbell River
3. Comox
4. Courtenay
5. Gold River
6. Port Alice
7. Port Hardy
8. Port McNeil
9. Sayward
10. Tahsis

TOTAL POPULATION: 109,242

ETHNICITY/RACE:

- First Nations 7% (7,695; 3,107 on reserves)
- Visible Minorities 3.6% (3,890)

OVERALL PLNA RANK: 7/14

LEVEL OF NEED: Less Needy (yellow band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 369

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Housing
3. Debt & Collection
4. CPP/OAP
5. Foreclosure

LSS INTAKE CASES RECORDED (2000/2001): 229

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. Criminal Non-tariff
3. BC Benefits
4. CPP/OAP
5. Housing

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *North Island Advocacy Centre, Campbell River*
2. Ann Elmore House, Campbell River
3. Lillihouse, Courtenay
4. North Island Women's Services Society, Courtenay
5. Salvation Army, Campbell River (and possibly, Courtenay)
6. Family Place Partnership Project, Port Hardy

7. North Island AIDS Coalition, Port Hardy (and possibly, Courtenay)

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTICULTURAL COMMUNITIES:

1. Laichwiltach Family Services, Campbell River
2. Multicultural society, Campbell River

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: No (closest is Victoria)
2. Native Courtworker: Yes (Campbell River, Port Hardy)
3. Pro Bono Law Clinic: Yes (Campbell River, Courtenay)
4. Workers' Advisers: Yes (Campbell River)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment

- top 5 poverty law issues referred and intake cases recorded by LSS in 2000/2001 remain the same, although not necessarily in the same order.
- the need for assistance with CPP/OAP issues has skyrocketed because MHR has been pressuring welfare recipients to apply for those benefits.
- LSS statistics depressed by community advocacy group operating next door to LSS office
- area north of Campbell River is extremely isolated, has higher needs and is underserved
- estimated 25% of people with a poverty law matter also need help with a family law problem, but the liability issues are such that community advocates should not be venturing into this area of law

(b) Gap/Overlap Analysis

- womens' centres in the region are now "hanging on by a thread" and the pressure on community advocacy organizations increases as their funding decreases
- community advocacy groups are "desperately understaffed" and advocates are either tired or burnt out
- Provincial resources are generally ineffective in meeting the need for poverty law services in the region because most people who need poverty law assistance are not sophisticated enough to make use of them, particularly when in crisis. Many people in the region do not even have telephones.

(c) Access to Needed Services

- community advocate best way for people in region to access poverty law services
- advocacy services should be located centrally, in Campbell River, with travelling advocates providing outreach to remote parts of the region

COMMENTS

- large, emerging problem with child apprehensions in this region
- the North end of Vancouver Island is particularly remote
- other community resources are mainly family law-oriented
- LSS cases in 2001: 598
- Poverty Law files in 2004: 363 (North Island Advocacy)

f. REGION 6: Mid Island

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Duncan
2. Gabriola
3. Ladysmith
4. Nanaimo
5. Parksville
6. Port Alberni
7. Qualicum Beach
8. Tofino
9. Ucluelet

TOTAL POPULATION: 229,359

ETHNICITY/RACE:

- First Nations 7.2% (16,535; 5,117 on reserves)
- Visible Minorities 4.2% (9,745)

OVERALL PLNA RANK: 2/14

LEVEL OF NEED: Neediest (red band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 836

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Housing
3. Debt & Collection
4. CPP/OAP
5. EI

LSS INTAKE CASES RECORDED (2000/2001): 1,229

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. BC Benefits
2. Family Non-tariff
3. Debt & Collections
4. Housing
5. Criminal Non-tariff

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Nanaimo Citizens' Advocacy Association, Nanaimo (Advocacy Project)*
2. *Canadian Mental Health Association, Mid-Island, Nanaimo ("indirect advocacy")*
3. Samaritan House and Emergency Shelter, Nanaimo
4. Canadian Mental Health Association, Port Alberni
5. Port Alberni Women's Resources Society (level of advocacy unknown)
6. West Coast Women's Centre, Ucluelet (level of advocacy unknown)
7. Disability Resource Centre, Duncan

8. Nanaimo Society for Independent Living, Nanaimo
9. Nanaimo Women's Centre, Nanaimo
10. Nanaimo Youth Services Association, Nanaimo

ORGANIZATIONS FOCUSSED ON SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. *Port Alberni Friendship Centre, Port Alberni (Continuing Program)*
2. Tillicum Haus Native Friendship Centre – Career and Training Coordinator, Nanaimo (level of advocacy unknown)

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: No (closest is Victoria)
2. Native Courtworker: Yes (Duncan, Nanaimo, Port Alberni)
3. Pro Bono Law Clinic: Yes (Duncan, Nanaimo, Parksville and Qualicum Beach)
4. Workers' Advisers: Yes (Nanaimo)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment

- welfare, housing, debt & collection still included in top 5 poverty issues referred, and reflect the “secondary effect of poverty”
- no support for mental health problems
- according to 2000/2001 census, median income in region is \$28,000.28 compared to \$57,976.00 in Vancouver region, which explains different priorities for need in Mid-Island
- there are differences in the need for poverty law assistance in rural and urban areas of the region
- 75 – 80% of people who need help with a poverty law matter also need help with a family law problem. Poverty law matters compound family law problems e.g. inadequate housing may become a CFCSA matter

(b) Gap/Overlap Analysis

- if women's centres in the region close, women and children will “shoulder the burden of poverty”
- provincial resources are OK for simple issues, but not effective when they become complex
- telephone assistance is in some cases not possible
- poverty law problems reach a level where people cannot figure them out themselves and need people in order to do so
- regarding the effectiveness of internet resources: “Give me a break!”

(c) Access to Needed Services

- because community advocates are perceived as less threatening, they are the best way in which low-income people in the region can access poverty law services
- lawyers are the next most useful; written and internet resources “don't cut it”
- “Gotta be people!”
- poverty law resources should be located centrally in the region, probably Nanaimo

- recommends satellites on reserves as many First Nations people are highly uncomfortable about their legal issues and need a welcoming environment

COMMENTS

- high level of poverty in this region
- previous LSS office in Nanaimo had 4 poverty law staff
- LSS cases in 2001: 2,065
- Poverty Law files in 2004: 384

g. REGION 7: South Island

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Colwood
2. Esquimalt
3. Gulf Island
4. Langford
5. Oak Bay
6. Shawnigan Lake
7. Sidney
8. Sooke
9. Victoria
10. Western Communities

TOTAL POPULATION: 325,754

ETHNICITY/RACE:

- First Nations 2.8% (9,100; 4,667 on reserves)
- Visible Minorities 8.5% (27,590)

OVERALL RANK: 10/14

LEVEL OF NEED: Least Need (blue band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 335

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. Mental Health
2. BC Benefits (E & A)
3. Housing
4. WCB
5. EI

LSS INTAKE CASES RECORDED (2000/2001): 179 (530 – revised)

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Mental Health & Adult Guardianship
2. Family Non-tariff
3. Criminal Non-tariff
4. Housing
5. Notarizing

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Together Against Poverty Society, Victoria (Advocacy Project)*
2. *University of Victoria, The Law Centre (Continuing Program)*
3. Action Committee of People with Disabilities, Victoria
4. Burnside Gorge Community Association, Victoria
5. Legal Services Society, Victoria
6. Victoria Status of Women Action Group, Victoria

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. Aboriginal Housing Transition Project, Victoria Friendship Centre, Victoria
2. BC Aboriginal Network on Disability Society, Victoria
3. Victoria Immigrant and Refugee Centre Society, Victoria

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: Yes (Victoria)
2. Native Courtworker: Yes (Victoria)
3. Pro Bono Law Clinic: Yes (Victoria)
4. Workers' Advisers: Yes (Victoria)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment:

- current needs in the region are probably as follows: BC Benefits, Housing, Debt, CPP, and WC.
- about 20% of the people who come in with family law matters also have poverty law issues
- employment issues show up in Human Rights cases. Need for assistance in employment issues is high and should be included
- different regions on the Island have different needs: there are more social and welfare issues in Esquimalt; Oak Bay is wealthier; Sooke has more transportation issues

(b) Gap/Overlap Analysis

- the landscape of advocates has changed – there are not many around
- there is strong support in the community for women's centres – none have closed and one has recently opened
- the need for services is high and cannot be met with current resources Need additional resources (physical and human) in order to expand services
- would be useful to consider combining the services of the law centre with services provided through an advocacy program. Would build capacity in the community
- sense that there is a long wait time for the LawLINE – over two hours, although LawLINE says 80% of the calls are dealt with in two hours
- there is a question whether or not Dial-A-Law will continue – it may no longer be a priority for the CBA

(c) Access to Needed Services:

- identification of issues is key in accessing services – problem identification is not straightforward
- community advocates can provide PLE and self-help materials, but need lawyers to do Supreme Court matters and complex issues
- a sense that there are many unmet needs of the silent majority of the people that are not identified and that remain unmet
- judges need to understand context of poverty law
- lawyers/judges/mediators need to be trained about poverty and about administrative law

- a civil tariff is a good idea
- poverty often leads to a “cascading collapse” of people’s situations which can result in a myriad of legal problems (e.g. no money, housing lost, child removed, family law custody battle)

COMMENTS

- LSS cases in 2001: 865
- Poverty Law files in 2004: 1,953 (Together Against Poverty Society/UVic Law Centre which have been in existence for some years)
- Victoria seems well served; query whether other parts of the region have access

h. REGION 8: Sunshine Coast/Howe Sound

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Gibsons
2. Pemberton
3. Powell River
4. Sechelt
5. Squamish
6. Texada
7. Whistler

TOTAL POPULATION: 78,375

ETHNICITY/RACE:

- First Nations 7.8% (6,075; 3,286 on reserves)
- Visible Minorities 5.4% (4,265)

OVERALL RANK: 11/14

LEVEL OF NEED: Least Need (blue band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 67

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Debt & Collection
3. CPP/OAP
4. Debt & Collection; CPP/OAP (tie)
5. Consumer

LSS INTAKE CASES RECORDED (2000/2001): 397

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. Criminal Non-tariff
3. Debt & Collections
4. Mental Health/Adult Guardianship
5. Housing

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. Sunshine Coast Unemployed Action Centre, Sechelt
2. Howe Sound Women's Centre, Squamish

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. None

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: No (closest is Vancouver)
2. Native Courtworker: No (closest is Vancouver)
3. Pro Bono Law Clinic: Yes (Gibsons)
4. Workers' Advisers: No (closest is Vancouver)

FEEDBACK FROM COMMUNITY CONSULTATION:

The Sunshine Coast is stated to have a higher than average number of people on income assistance. Any poverty law services in the community are run by volunteers, including three lay advocates and the Unemployed Action Centre.

COMMENTS

- LSS cases in 2001: 464
- Poverty Law files in 2004: 0
- this region has no services

i. REGION 9: Lower Mainland

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Bowen island
2. Burnaby
3. Delta
4. Langley
5. New Westminster
6. North Vancouver City
7. North Vancouver District
8. Richmond
9. Surrey
10. Vancouver
11. West Vancouver
12. White Rock

TOTAL POPULATION: 1,986,965

ETHNICITY/RACE:

- First Nations 2% (36,855; 6,543 on reserves)
- Visible Minorities 37% (725,660)

OVERALL RANK: 8/14

LEVEL OF NEED: Least Need (blue band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 1666

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Housing
3. EI
4. WCB
5. Debt & Collection

LSS INTAKE CASES RECORDED (2000/2001): 3,733

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. Criminal Non-tariff
3. BC Benefits
4. Housing
5. Immigration Non-tariff

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *BC Coalition to Eliminate Abuse of Seniors, Legal Advocacy Project, Burnaby (Continuing Program)*
2. *North Shore Disability Resource Centre, Information and Advocacy, North Vancouver (Advocacy Project)*
3. *Atira Women's Resources Society, Vancouver (Continuing Program)*
4. *BC Coalition of People With Disabilities - Advocacy Access, Vancouver (Continuing Program)*
5. *Battered Women's Support Services, Vancouver (Continuing Program)*
6. *CHIMO Crisis Services Society, Richmond (Advocacy project)*
7. *Downtown Eastside Residents Association, Vancouver (Continuing Program)*
8. *Kettle Advocacy Services, Vancouver (Continuing Program)*
9. *La Boussole, Vancouver (Advocacy Project)*
10. *Tenants' Rights Action Coalition, Vancouver (Continuing Program)*
11. *St. Paul's Anglican Church (Advocacy project)*
12. *UBC Law Students Legal Advice Program, Vancouver (Continuing Program)*
13. *West Coast Domestic Workers' Association, Vancouver (Advocacy Project)*
14. *Westcoast LEAF, Vancouver (Continuing Program)*
15. Langley Advancing Against Poverty, Langley
16. Purpose, New Westminster
17. Richmond Women's Resource Centre, Richmond
18. Salvation Army Resource Centre, Richmond
19. Consumer Advisory Network and Development Organization, Surrey
20. South Fraser Women's Services, Surrey
21. Surrey Urban Mission, Surrey
22. Newton Advocacy Group Society, Surrey/Newton
23. AIDS Vancouver, Vancouver
24. BC Association of Community Living, Vancouver
25. BC Human Rights Coalition, Vancouver
26. BC Institute Against Family Violence, Vancouver
27. BC Persons with AIDS Society, Vancouver
28. BC Public Interest Advocacy Centre, Vancouver
29. Community Legal Assistance Society, Vancouver
30. Downtown Eastside Women's Centre, Vancouver
31. End Legislated Poverty, Vancouver
32. First United Church, Vancouver
33. John Howard Society of Lower Mainland of BC, Vancouver
34. Justice for Girls, Vancouver
35. Mental Health Action Research and Advocacy (ARA), Vancouver
36. Mental Health Empower. & Advocacy Program, Vancouver
37. Multifaith Social Justice Coalition, Vancouver
38. Pender Community Health Centre, Vancouver
39. Portland Hotel Society, Vancouver
40. SCION Project (MOSAIC & Sisters of the Good Shepherd), Vancouver
41. Union Gospel Mission, Vancouver
42. Voice of the Cerebral Palsied, Vancouver
43. Wilson Heights First United Church, Vancouver

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTICULTURAL COMMUNITIES:

1. *MOSAIC (Continuing Program)*
2. *Progressive Intercultural Community Services Society, Surrey (Continuing Program)*
3. *University of British Columbia (First Nations Clinical Program) (Continuing Program)*
4. Burnaby Multicultural Society, Burnaby
5. Vancouver & Lower Mainland Multicultural Family Support Services Society, Burnaby
6. Langley Family Services, Immigrant & Multicultural Services Program, Langley
7. Surrey/Delta Immigrant Services Society, Surrey
8. Inland Refugee Society of BC, Vancouver
9. Mennonite Central Committee, Refugee and Newcomers Office, Vancouver
10. Multilingual Legal Web Project, Vancouver

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: Yes (Vancouver, Surrey)
2. Native Courtworker: Yes (Vancouver, Surrey Courthouse)
3. Pro Bono Law Clinic: Yes (Burnaby, Richmond, 8 in Surrey, 3 in North Vancouver, 21 in Vancouver, Langley, New Westminster)
4. Workers' Advisers: Yes (Richmond)

FEEDBACK FROM COMMUNITY CONSULTATION:

Please see summary of Lower Mainland focus groups (appendices K and L).

COMMENTS

- there are a number of organizations in the Lower Mainland providing poverty law advocacy services, many centred in the Downtown East Side

j. REGION 10: Fraser Valley

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Abbotsford
2. Agassiz
3. Boston Bar
4. Chilliwack
5. Coquitlam
6. Hope
7. Maple Ridge
8. Mission
9. Pitt Meadows
10. Port Coquitlam
11. Port Moody
12. Ridge Meadows

TOTAL POPULATION: 237,550

ETHNICITY/RACE:

- First Nations 5% (11,525; 5,495 on reserves)
- Visible Minorities 12% (29,305)

OVERALL PLNA RANK: 3/14

LEVEL OF NEED: Highest Need (red band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 544

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Housing
3. Debt & Collection
4. CPP/OAP
5. WCB

LSS INTAKE CASES RECORDED (2000/2001): 2,026

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. Criminal Non-tariff
3. BC Benefits
4. Housing
5. Debt & Collections

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Abbotsford Community Services Society, Abbotsford (Continuing Program)*
2. Chilliwack Senior Peer Counsellors, Chilliwack
3. Helping Hands Against Poverty, Chilliwack
4. Phoenix Advocacy and Counselling Services, Chilliwack
5. Cythera Transition House Society, Maple Ridge
6. Mental Health Law Program, Port Coquitlam

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. *Abbotsford Community Services Society (Continuing Program)*
2. South Fraser Women's Services Society
3. Mission Indian Friendship Centre – Program Director, Mission

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: No (closest is Surrey)
2. Native Courtworker: Yes (Chilliwack/Hope)
3. Pro Bono Law Clinic: Yes (Port Coquitlam, 3 in Coquitlam, 2 in Abbotsford, Chilliwack, Maple Ridge, Agassiz)
4. Workers' Advisers: Yes (Abbotsford)

FEEDBACK FROM COMMUNITY CONSULTATION:

Please see summary of Lower Mainland focus groups (appendices K and L).

COMMENTS

- Chilliwack has no services
- the high ranking of this region may be in part due to its high immigrant population
- LSS cases in 2001: 2,570
- Poverty Law files in 2004: 424 (Abbotsford Community Services)

k. REGION 11: Thompson/Nicola

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Ashcroft
2. Bariere
3. Chase
4. Clearwater
5. Kamloops
6. Lillooet
7. Logan Lake
8. Lytton
9. Merritt
10. Wells

TOTAL POPULATION: 119,222

ETHNICITY/RACE:

- First Nations 4% (11,950; 5,176 on reserves)
- Visible Minorities 5% (5,855)

OVERALL RANK: 3/14

LEVEL OF NEED: Neediest (red band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 342

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Housing
3. Torts/Negligence
4. Wills & Estates
5. CPP/OAP

LSS INTAKE CASES RECORDED (2000/2001): 1,981

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Income Tax & GST
2. BC Benefits
3. CPP/OAP
4. Wills & Estates
5. Family Non-tariff

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Elizabeth Fry Society, Kamloops and District (Advocacy Project)*
2. Kamloops Women's Resource Centre, Kamloops
3. St. Vincent de Paul, Kamloops
4. Kamloops Immigration Services (deal with some immigration issues)

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. *Lillooet Friendship Centre, Lillooet (Advocacy Project)*
2. *Nicola Valley Family Justice Services Society, Merritt (Advocacy Project)*
3. Han Knakst Tsitxw Society Helping Hands Transition House, Lytton
4. Syemyim Transition House, Merritt

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: Yes (Kamloops)
2. Native Courtworker: Yes (Kamloops/Chase/Merritt)
3. Pro Bono Law Clinic: Yes (Kamloops)
4. Workers' Advisers: Yes (Kamloops)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment:

- welfare law remains the top poverty law issue
- mental health overlays most legal issues. More and more people are “giving up”
- employment issues and EI have increased dramatically; Debt & Collection would rank 4th followed by CPP/OAP
- used to help Elders with income tax and GST returns as outreach strategy but no time anymore
- different needs on and off reserve, urban and rural areas, some are very remote
- Kamloops Regional Centre is resourced but underfunded so no outreach
- community advocacy organizations “stretched to the max” – “not sustainable” in the long run

(b) Gap/Overlap Analysis

- Nicola Valley Family Justice Services Society works to be as efficient as possible (trained other agencies in community about making appropriate referrals etc.) but still not coming close to meeting need for poverty law services in region
- CLAS Mental Health Law Program rarely accessed and Lawyer Referral Service not effective
- makes referrals to LawLINE but has heard complaints about lengthy wait times
- LawLINK and PovNet are good resources for advocates, but not clients – “people with the deepest needs have fallen off the table”
- TRAC is useful

(c) Access to Needed Services

- community advocate supported with lawyer most effective way for people in region to access poverty law services
- effectiveness of written or internet resources depends on the nature of the client – although more and more are being forced to use them, many clients do not have the skills needed to make use of these resources
- developing networks is an important way to ease access to needed services, especially in small communities. Doctors, mental health professionals, MHR and Ministry of Children and Families are ALL dealing with various aspects of poverty

- informed mediation should be developed as an alternative way to resolve disputes in poverty law matters
- poverty law services should be located where people go regularly e.g. where they shop for groceries or go to the doctor
- although Kamloops is geographically central in the region, it is not the “natural” regional centre
- poverty law coverage is uneven throughout the province

COMMENTS

- the need for help with family law matters is constant and endless
- there is now a huge “underground” of people who “never get near” needed services
- “we don’t even know how bad it is”
- common legal supervision would be useful and would assist with consistent File Management
- Merritt, Kamloops and Lillooet have poverty law projects
- LSS cases in 2001: 2,323
- Poverty Law files in 2004: 1,070 (via projects)

I. REGION 12: Okanagan/Shuswap

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Armstrong
2. Coldstream
3. Enderby
4. Falkland
5. Kelowna
6. Keremos
7. Lumby
8. Oliver
9. Penticton
10. Princeton
11. Revelstoke
12. Salmon Arm
13. Sicamous
14. Spallumcheen
15. Summerland
16. Vernon

TOTAL POPULATION: 345,820

ETHNICITY/RACE:

- First Nations 3.6% (12,485; 12,786 on reserves: Includes aboriginals and non-aboriginals living on reserves)
- Visible Minorities 3.8% (13,195)

OVERALL PLNA RANK: 5/14

LEVEL OF NEED: Less Needy (yellow band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 454

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

6. BC Benefits (E & A)
7. Housing
8. Mental Health
9. WCB
10. Debt & Collection

LSS INTAKE CASES RECORDED (2000/2001): 3,025

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. Criminal Non-tariff
3. Debt & Collections
4. Housing
5. BC Benefits

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Penticton and Area Women's Centre, Penticton (Advocacy Project)*
2. *Vernon Women's Centre, Vernon (Advocacy Project - 2004)*
3. Elizabeth Fry Society, Kelowna
4. Kelowna Drop In and Information Centre, Kelowna
5. Kelowna Women's Centre, Kelowna
6. Okanagan Advocacy and Resource Society, Kelowna
7. Consumer Development Project, Kelowna
8. Shilgne Society in Support of People in Community, Penticton
9. Community Connections, Revelstoke
10. Revelstoke Community Connections Society – Outreach Services, Revelstoke
11. Advocacy Outreach Society, Salmon Arm
12. BC Rural Women's Network, Vernon
13. Social Planning Council for North Okanagan, Vernon

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. *Ki-low-Na Friendship Society, Kelowna (Continuing Program)*

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: Yes (Kelowna)
2. Native Courtworker: Yes (Vernon, Penticton)
3. Pro Bono Law Clinic: Yes (Vernon, 3 in Kelowna)
4. Workers' Advisers: Yes (Kelowna)

FEEDBACK FROM COMMUNITY CONSULTATION:

COMMENTS

- the North Okanagan and Salmon Arm/Revelstoke areas lack service
- LSS cases in 2001: 3,479
- Poverty Law files in 2004: 113

Family law is stated to be the most significant need in the region.

m. REGION 13: West Kootenay

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Castlegar
2. Fruitvale
3. Grand Forks
4. Kaslo
5. Midway
6. Nakusp
7. Nelson
8. New Denver
9. Rossland
10. Salmo
11. Trail

TOTAL POPULATION: 88,862

ETHNICITY/RACE:

- First Nations 3.2% (2,845; 122 on reserves)
- Visible Minorities 2% (1,815)

OVERALL RANK: 12/14

LEVEL OF NEED: Least Need (blue band)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 76

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

1. BC Benefits (E & A)
2. Criminal Injury
3. ICBC
4. Housing
5. Debt & Collection

LSS INTAKE CASES RECORDED (2000/2001): 632

TOP 5 INTAKE CASES RECORDED (2000/2001):

3. Family Non-tariff
4. Criminal Non-tariff
5. BC Benefits
6. Housing
7. Debt & Collections

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Nelson District Community Resources Society, Nelson*
2. Career Development Services, Trail
3. ANKORS, Nelson
4. Mental Health Advocacy, Nelson
5. Career Development Services, Trail (some welfare advocacy)

6. Boundary Women's Coalition (very limited number of hours)

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. Kootenay Region Métis Association
2. Lower Columbia River All First Nations Council, Castlegar (primary function is employment training and preparation)

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: No (closest is Kelowna)
2. Native Courtworker: No (closest is Cranbrook)
3. Pro Bono Law Clinic: No
4. Workers' Advisers: Yes (Nelson)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment

- Russian Duhkhaborers in region who have suffered historic abuse constitute very large "invisible minority"
- top four poverty law issues referred would now be welfare, housing, debt & collection, CPP
- high unemployment, but invisible, underground economy
- different parts of region have "absolutely very different" needs for poverty law services
- poverty law has always been intermingled with family law, violence issues and child protection matters

(b) Gap/Overlap Analysis

- effectiveness of community resources depends on proximity to Nelson: the farther away someone in need lives, "the worse it gets"
- CLAS Mental Health Law Program is not used much in region, rural people seem to like Dial-A-Law but LawLINE and LawLINK are not useful for people without phones or the ability to sit and wait for long periods of time to get through and speak to someone – consistent feedback is that they are irritating
- PovNet is an excellent resource for community advocates but not clients
- Tenants' Hotline is popular because it is "more user friendly" and you actually get to talk to a live person!

(c) Access to Needed Services

- community advocate – "live body" is the best way for low-income people in the region to access poverty law services
- written self-help materials are second most effective (e.g. brochures and pamphlets) but NOT internet resources
- Public Legal Education workshops and groups also work, lawyers are least effective
- region is huge and sparsely populated so toll-free line or travelling advocate centred in Nelson would be best location for poverty law resources

COMMENTS

- Nelson is the only community with service
- distances and terrain are challenging
- LSS cases in 2001: 708
- Poverty Law files in 2004: 361 (Nelson Advocacy Centre)

n. REGION 14: East Kootenay

SELECTED COMMUNITIES WITHIN THIS REGION:

1. Cranbrook
2. Creston
3. Elkford
4. Fernie
5. Field
6. Golden
7. Invermere
8. Kimberley
9. Radium
10. Sparwood

OVERALL RANK: 10/14

LEVEL OF NEED: Least Need (blue band)

TOTAL POPULATION: 56,291

ETHNICITY/RACE:

- First Nations 5% (2,895; 594 on reserves)
- Visible Minorities 2% (1,260)

LSS POVERTY LAW REFERRALS MADE (2000/2001): 169

TOP 5 POVERTY ISSUES REFERRED (2000/2001):

6. BC Benefits (E & A)
7. Housing
8. Debt & Collection
9. Employment; Insurance (tie)
10. Torts/Negligence

LSS INTAKE CASES RECORDED (2000/2001): 94

TOP 5 INTAKE CASES RECORDED (2000/2001):

1. Family Non-tariff
2. Criminal Non-tariff
3. Debt & Collections
4. BC Benefits
5. Housing

COMMUNITY RESOURCES AVAILABLE:

(Those funded by LFBC are italicized)

1. *Cranbrook Women's Resource Society, Travelling Advocate Program, East Kootenays, Cranbrook (Advocacy Project)*
2. ANKORS, Cranbrook
3. Canadian Mental Health Association Kootenays, Women's Outreach Coordinator, Cranbrook
4. Brain Injury, PARTY Program, Regional Hospital, Contact: Janice Bampton

ORGANIZATIONS FOCUSING SERVICES ON THE ABORIGINAL OR MULTI-CULTURAL COMMUNITIES:

1. Kootenay Region Métis Association

OTHER RESOURCES AVAILABLE:

1. LSS Legal Information Outreach Worker: No (closest is Kelowna)
2. Native Courtworker: Yes (Cranbrook)
3. Pro Bono Law Clinic: Yes (Cranbrook)
4. Workers' Advisers: No (closest is Nelson)

FEEDBACK FROM COMMUNITY CONSULTATION:

(a) Needs Assessment

- disagrees with provincial ranking (10/10): Large number of people in region will “pitch a tent in the bush before dealing with bureaucracy”
- welfare, housing, debt & collection now top three poverty issues referred
- big increase in employment standards problems and so difficult for workers to fight back, employers are getting away with more violations
- top 5 intake cases recorded OK
- people treat legal aid as if it doesn't exist anymore
- more and more agencies making referrals to Travelling Advocate Program as a way of getting problems out of their offices
- some parts of region are very needy (e.g. Cranbrook). Huge number of people live in the bush in cabins or tents, low levels of literacy and no telephones. Now living without and don't understand Ministry requirements or the seriousness of being cut off welfare
- most people who need help with a poverty law matter also need help with a family law problem

(b) Gap/Overlap Analysis

- most provincial resources not working at all
- absence of public transportation makes it difficult to obtain assistance of any kind

(c) Access to Needed Services

- hitch-hiking is the only way to reach MHR office if you don't have a car
- access to MHR office through two telephones located within the Government Agent's office
- people getting lost in system due to inability to communicate with MHR
- centrally located “user friendly” computer centre staffed with assistant may give people some sense of control over their own destinies

COMMENTS

- Cranbrook's Travelling Advocate Program reaches much of the region
- LSS cases in 2001: 263
- Poverty Law files in 2004: 330 (Cranbrook Travelling Advocate)
- Note: the Travelling Advocate Program has been in existence for some time

APPENDIX I

LIST OF SELECTED KEY INFORMANTS AND FOCUS GROUP PARTICIPANTS

Individuals from the following organizations were represented as informants and/or focus group participants:

(A) REGIONAL RESPONDENTS TO QUESTIONNAIRE

- NORTHEAST: federated anti poverty groups of BC (fapg) and National Anti Poverty Organization (NAPO)
- NORTHWEST/CENTRAL COAST: Lawyer
- NORTH CENTRAL: Lawyer, Member, Carrier/Sekani First Nation
- CARIBOO: Paralegal
- NORTH ISLAND: Community Advocate
- MID-ISLAND: BC Benefits Tribunal
- SOUTH ISLAND: The Law Centre,
- SUNSHINE COAST/HOWE SOUND: Lawyer
- LOWER MAINLAND: Covered by Provincial Focus Group
- FRASER VALLEY: Lawyer
- THOMPSON/NICOLA: Lawyer
- OKANAGAN/SHUSWAP: Elizabeth Fry Society
- WEST KOOTENAY: Community Advocate
- EAST KOOTENAY: Travelling Advocate

(B) PROVINCIAL RESPONDENTS TO QUESTIONNAIRE

- Community Legal Assistance Society
- John Howard Society of British Columbia
- Former LSS poverty law staff lawyer(s)
- Elizabeth Fry Society, Kamloops, Lawyer
- Provincial Court of British Columbia
- UBC First Nations Clinical Program
- Lawyer, LSS family law programs

(C) FOCUS GROUP PARTICIPANTS

- Supreme Court of British Columbia
- LSBC Access to Justice Committee
- UBC LSLAP Clinical Law Program
- LawLINE,
- LSS PLEI programs,
- PovNet
- British Columbia Coalition of People with Disabilities (BCCPD)
- CLAS Mental Health Law Program
- Tenants' Rights Advocacy Coalition (TRAC)

- Public Interest Advocacy Centre
- Native Courtworkers and Counselling Association of BC
- Downtown Eastside Residents Association (DERA)

APPENDIX J

QUESTIONS FOR FOCUS GROUP PARTICIPANTS

A. NEEDS ASSESSMENT

(The purpose of this section of the questionnaire is to obtain knowledge about the poverty law needs we have identified for the province)

1. Poverty Issues Referred

When we looked at referral statistics gathered by the Legal Services Society during the last year it provided poverty law services (2000/2001), it appears that the 5 areas of poverty law which low-income people in the province needed help with most often were:

- (1) BC Benefits (now Employment & Assistance)
- (2) Housing
- (3) Debt & Collection
- (4) WCB; and
- (5) Canada Pension/OAP

Do you agree? If not, what in your view are the top 5 areas in the province?

2. Intake Cases Recorded

When we looked at intake cases recorded by the Legal Services Society during the last year it provided poverty law services (2000/2001), it appears that the 5 areas of poverty law which low-income people in the province needed help with most often were:

- (1) Family Non-tariff
- (2) Criminal Non-tariff
- (3) BC Benefits (now Employment & Assistance)
- (4) Income Tax/GST
- (5) Housing

Do you agree? If not, what in your view are the top 5 areas in the province?

3. How often would you estimate that people who need help with a poverty law matter also need help with a family law problem?

B. GAP/OVERLAP ANALYSIS

(The purpose of this section is to obtain knowledge about resources in the province available to meet the poverty law needs we have identified)

4. Are there any anti-poverty advocates in the province we are not aware of?

5. Do the ones listed under section A. Background Information (being individuals or organizations actively providing poverty law services in the region) continue to exist?

6. Will this change if women's centres in the region close?

7.How effective are they in meeting the need for poverty law services in the community?

8.How effectively are provincial resources meeting the need for poverty law services in the community? (Tenants' Hotline, CLAS Mental health law Program, Workers' Advisors, Lawyer Referral Service, LawLINK, LawLINE)

D.ACCESS TO NEEDED SERVICES

(The purpose of this section of the questionnaire is to obtain knowledge about the most effective way to deliver poverty law services in the province)

9.How can low-income people in the province best access poverty law services identified as being needed?

(a) Public Legal Education (written or internet resources)?

(b) Self-help (written or internet resources)?

(c) Community advocate (in one location or travelling)?

(d) Lawyer?

Does the answer to this question change with the legal issue involved?

10.Where should poverty law resources be located in order to maximize access to them?

E.OTHER COMMENTS

APPENDIX K

SPARC BC Report on “Delivering Poverty Law Services: Lessons from BC and Abroad”

The SPARC Report, written by Andrea Long and Anne Beveridge, included a brief survey of 42 community organizations in British Columbia as part of its larger discussion of possible service delivery mechanisms that could be examined in trying to design a poverty law service delivery system in British Columbia in the future.

Some notable results from the report are as follows:

- a. Ranking of the “most pressing” poverty law issues in British Columbia,
 1. Welfare
 2. Family Law
 3. Disability Benefits
 4. Residential Tenancy
 5. Employment Insurance
 6. Debt/Credit
 7. Canada Pension Plan
 8. Workers’ Compensation

To compare with a foreign situation, the Australian National Association of Community Law Clinics has gathered statistics since 1995 on types of legal problems it has dealt with as follows:

1. Family 25%
2. Credit/Debt 10%
3. Criminal 8%
4. Consumer 8%
5. Tenancy and Housing 8%

92% of the services provided were primarily advice while 38% included drafting documents, 10% entering negotiations, and 9% getting involved in prosecuting or defending a court action.

- b. Service delivery needs,
 1. Representation by a lawyer in court
 2. Legal advice
 3. Representation by an advocate at a board or tribunal
 4. General legal information
 5. Informal dispute settlement
- c. The report identified the lack of lawyers doing poverty law as problematic and ranked the following service delivery options as follows:

1. Create paid positions for community based poverty lawyers to assist a variety of service providers.
 2. Increase the number of poverty lawyers on staff at the local service providers.
 3. Encourage more lawyers to volunteer time to organizations that do poverty law work.
 4. Recruit more lawyers to participate in *pro bono* poverty law clinics.
- d. The top service delivery mechanisms were:
1. Increased access to lawyers to act as poverty law advisors/supervisors.
 2. Increased accessibility – provide poverty law services in more communities.
 3. Increased lawyer involvement in poverty law.
 4. Increased coordination amongst poverty law service providers.

It is of note that while increased access to lawyers to act as poverty law advisors received a score of 130 on the SPARC scale, at the other end of the spectrum, the use of online poverty law services received a score of 3, the use of telephone based poverty law services received a score of 13, and the use of volunteers to deliver poverty law services received a score of only 30. None of these latter three ways of delivering poverty law services are recommended in the report.

- e. The following three ideas received significant support from respondents:
1. “Piggy-back” poverty law services onto existing agencies within communities.
 2. Provide mobile poverty law services to visit a variety of communities.
 3. Increase travel funding for existing poverty law service providers.
- f. Recommendations
1. Adequate funding
 2. Advocates and lawyers should work together to deliver poverty law services
 3. Adequate legal support is essential for direct service delivery as well as supervision
 4. Be realistic about the contribution of *pro bono* lawyers
 5. Expand the training opportunities available to advocates and lawyers
 6. Facilitate interaction and communication amongst poverty law service providers.

APPENDIX L

MINUTES FOCUS GROUP MEETING FOR Law Foundation of British Columbia Poverty Law Needs Assessment and Gap/Overlap Analysis

October 13, 2004, 4:00 p.m. - 6:00 p.m.
People's Law School

Facilitator:Denice Barrie

Attendees:Representatives from BC Coalition for People with Disabilities; Legal Services Society; Native Courtworkers and Counselling Association of BC; Law Society Access to Justice Committee; Supreme Court of BC; Tenants' Rights Action Coalition.

Staff: Wayne Robertson, karima budhwani

Wayne Robertson introduced the session and outlined the Law Foundation's Funding Strategies Review process.

Denice Barrie described the work that she had been doing and, in particular, reviewed regional needs assessment chart and the draft Gap/Overlap Analysis document.

Denice outlined the working definitions of poverty law:

1. Legal Services Society definition: Legal issues impacting a low-income person's ability to feed, clothe or house themselves and members of their family.
2. The Law Foundation of British Columbia definition: Poverty law advocacy service is defined as direct client assistance including providing legal information, summary advice, and full representation for income security and residential tenancy matters. Income security includes issues relating to Employment Assistance, Employment Insurance, Canada Pension Plan, Old Age Security, Workers' Compensation, and Employment. Other matters may include debtor/creditor, wills and estates, torts, income tax and criminal.
3. Family law advocacy services are not included.

Introductions

The participants in the group introduced themselves.

Legal Services Society

Approximately one quarter of the public legal education material at Legal Services Society ("LSS") is in languages other than English. There are a number of initiatives coming, including Law-Line, Law-Links, and poverty advocate training that LSS is encouraging in order to promote access to justice, even though direct representation is no longer available.

Native Courtworkers and Counselling Association of BC

Native Courtworkers may be moving to the Attorney General's Ministry; currently they are under the Solicitor General. They have suffered a significant budget cut. A key issue was who coordinates advocacy services in the province? Native Courtworkers may be an option to provide poverty law advocacy to some communities if funds were provided to them.

The group agreed that the lack of coordination is a key issue in the delivery of poverty law services. This theme was noted in the report of the Community Legal Assistance Society who concluded that a network of people doing poverty law was what was needed.

BC Coalition of People with Disabilities

Coordination was important, especially for sharing information, but was somewhat concerned about too much centralized control over the service providers.

It was noted that keeping track of who is out there delivering poverty law services would be a part of any coordination role.

A question arose as to whether small communities such as Atlin, Cassiar, Williams Lake are served at all under the current system.

It was noted that it was important to distinguish demand from need.

It was noted that, in the colour chart, each of the Law Foundation regions has all levels of need for poverty law services. It was also noted that access to justice has in the last couple of years been increasingly impacted by the fact that a lack of bus fare or a lack of access to a telephone are significant barriers.

One commentator noted surprise that the sunshine coast was seen as less needy than the Fraser Valley. A question was asked as to whether or not the results of this work were going to be available to others.

Priorities

The top five LSS poverty law referrals for the province in 2001 were noted to be:

- 1.Welfare
- 2.Housing
- 3.Debt
- 4.Workers' Compensation
- 5.CPP/OAP

The top five intake cases for the province were noted to be:

- 1.Family Non Tariff
- 2.Criminal Non Tariff

3. Welfare
4. Taxation
5. Housing

Native Courtworkers agreed with the list and have recently conducted a similar exercise and have developed a “treatment plan” to deal with the issues.

Family law is even bigger now than it ever has been, likely is a direct result of cuts to legal aid funding.

Options

In response to a query about where any new money might be invested, *pro bono* clinics were noted as a good option.

With respect to tenancy matters, it was important to look at homelessness which is often linked to income, mental health, and addictions problems.

The Native Courtworkers help non-Aboriginal people, too, and in fact may need non-Aboriginal Courtworkers in the future.

It was noted that it is hard to get services out to such huge areas. The map showing the location of advocacy services provides a graphic example of those areas of the province that may not be receiving appropriate service.

It was also noted that family law, welfare, and housing are all important issues. We need to construct and support networks that are there for people in need. Some of these can be done through courts; some of this work can be done through providing more training and support to people already in the community who in turn would help people with their basic security needs.

Pro Bono Law of BC is apparently thinking of getting more into solicitors’ matters. Expanded services (likely *pro bono*) could and should be provided at the courthouse as well.

Somebody needs to be funded to do courtwork. In complex cases, appeals or reviews lawyers are needed to do the court cases that flow from advocates’ work and there are currently none.

Even with training, people don’t necessarily know what resources are out there. At the Supreme Court, for example, people arrive who are trying to set aside eviction notices, without any legal assistance at all. The family duty counsel service in the Supreme Court is starting shortly and is welcomed; may be useful to look at a similar duty counsel service for civil matters. Such a service not only must exist, but must be known to the public.

Investing in more advocates could prevent problems from reaching courts in the first place.

The demand for advocacy services is growing. Agencies such as the BC Coalition of People with Disabilities are being forced to cut back at a time when demand is greater. There is two or three times as much demand as their agency can handle and gave an example of Maple Ridge where a full time advocate is needed. Self help materials and public legal education hand outs are a useful part of the service but do not reach everyone.

Gap/Overlap Analysis

The group agreed that there were lots of gaps and few overlaps. The First United Church appears regularly in front of the E.I. Tribunal. Training advocates is important.

One anomaly that was noted was that advocates, on occasion, are training government workers.

In the United States, the “unbundling” of legal services is being spoken about more; perhaps people can be helped to prepare documents.

Should a study be funded of judicial time spent on unrepresented litigants?

By far, the largest number of unrepresented litigants in court have family law issues.

The Gap/Overlap Analysis document will be reviewed by participants and comments forwarded to Denice and/or the Law Foundation.

Overall provincial referral and intake case statistics will be included in the final document.

Population and ethnicity information will be moved up in the document to immediately follow communities.

All Law Foundation funded groups will be identified. Duncan will be included in the Mid-Island region.

The list will be checked against the updated PovNet and Social Planning and Research Council of BC lists.

Factors to be considered in including advocates on the list include whether the service is accessible to the public, hopefully paid, hopefully full time. The size of population served and who the service is actually accessible to, and whether or not it is physically accessible to people will also be factors.

Lawyers Doing Poverty Law

It was noted that there are about 10 lawyers in the province who currently practice poverty law actively, 5 who provide information and advice on the LSS Law Line, 4 who work for the Community Legal Assistance Society (“CLAS”) in the BC Public Interest Advocacy Centre (“PIAC”) doing test cases and one doing charter/human rights work (Gwen Brodsky). There are no lawyers doing “typical” court cases that arise from poverty law matters.

With respect to *pro bono* lawyers, it was noted that there will be, next year, on-line training for members of the bar in poverty law, the contents of which are being developed as a result of a grant from the Law Foundation.

The group agreed that access to a judicial reviews and appeals was important and that because there are no lawyers left doing this work, the behavior of decision makers is changing because they know they won’t be reviewed.

In was noted that community advocates are never seen in court. An additional issue related to the fact that there are no lawyers doing poverty law on a daily basis is that trends in poverty law are not being identified or coordinated as quickly as in the past.

The review by lawyers in the past used to keep the system honest and, in appropriate cases, the legislation was challenged and bad decisions were challenged. More than just the occasional test case by PIAC and CLAS is needed and more links are needed between lawyers doing poverty law in the community.

The meeting closed with participants being thanked for their input.

APPENDIX M

MINUTES FOCUS GROUP MEETING FOR Law Foundation of British Columbia Poverty Law Needs Assessment and Gap/Overlap Analysis

October 15, 2004, 9:30 a.m. - 11:30 p.m.
People's Law School

Facilitator: Denice Barrie

Attendees: Representatives from BC Public Interest Advocacy Centre (PIAC); Legal Services Society; Downtown Eastside Residents' Association; Law Students' Legal Advice Program (LSLAP); Mental Health Law Program, Community Legal Assistance Society (CLAS); PovNet

Staff: Wayne Robertson, karima budhwani

Wayne Robertson introduced the session and outlined the Law Foundation's Funding Strategies Review process.

Denice Barrie described the work that she had been doing and, in particular, reviewed the regional needs assessment chart and the draft Gap/Overlap Analysis document. She outlined that the purpose of the meeting was to:

1. Share thoughts about poverty law needs in the province
2. Share knowledge about resources
3. Offer ideas about facilitating access to poverty law legal services

Denice outlined the working definitions of poverty law.

Introductions

Each member of the group introduced themselves.

In reviewing the needs assessment chart, Denice noted that the resource allocation numbers were the result of a "robust" formula and was a good example of a predictive needs model. Employment Assistance rates were also predicted while LSS statistics about previous applications and referrals were demand statistics.

Legal Services Society

Law Line had handled approximately 13,000 cases in the past year, and that statistics about Law Line services would be available by region.

Law Students' Legal Advice Program

Approximately four to six thousand clients are handled by the LSLAP program each year.

It was noted that changes to welfare and housing legislation may have had some effect on the demand number in the last couple of years. This effect, however, in the opinion of the group would have increased the need for those services.

Priorities

CLAS noted that discussions with poverty law advocates the top five areas were:

1. Welfare
2. Residential Tenancy
3. Family
4. Disability
5. Human Rights

The findings from the CLAS study on poverty law advocate training needs were reviewed. It was very common for advocates to a) not recognize or be able to define issues, b) not keep statistics, and c) because the issues do not get defined, advocates don't know where to make appropriate referrals. The fact that clients often have a multitude of issues makes this problem even more acute.

LSS coverage for family cases is approximately one quarter of what it used to be. LSS intake statistics in the past referred to clients who have not been needs tested. To some degree, LawLine represents more recent information.

LawLine statistics indicate a general breakdown of calls as follows:

1. Family – 40%
2. Debt/Consumer – 16%
3. Health Law/Estates – 6%
4. Housing – 4%
5. Income Security – 4%

The reason for income security and housing being as low as they are may have something to do with the fact that there are advocates performing this work, at least, in the community.

LSLAP's top five areas of demand were:

1. Criminal
2. Debt/Consumer Law
3. Worker's Compensation
4. Housing/Residential Tenancy
5. Canada Pension Plan

Family law counts for 33% to 40% of the phone calls to LSLAP. In reviewing the top five referrals list, one participant noted that the Worker's Compensation number for referral seemed high. This could be explained, perhaps, by the fact that referrals in this context included poverty law staff lawyers as well as advocates. The consensus of the group was that there was no where to go for family law problems. It was noted that "clients will nod when given information about family law, but won't use it. They want representation." One participant familiar with LawLINK indicated that virtually no one got useful help from LawLINK in family law matters.

The Law Students' Legal Advice Program sees 4 – 6 thousand people for appointments every year and has another 3 thousand or so calls, as well.

It was noted that statistics are affected by what groups do; for example, the courts know LSLAP does criminal law, so people are getting sent there for that service.

It was noted that there are thousands of people (2-3 thousand) sleeping on the streets of Vancouver and that Business Improvement Associations is a significant force in advising the City which groups to fund. This is a real danger from the Safe Streets legislation which he anticipates may be used by Business Improvement Associations and private security forces to further victimize people on the streets.

PIAC is working on challenges to the Safe Streets legislation.

A question was posed as to why there was a difference between the top five LSS referrals which are as follows:

1. Welfare
2. Housing
3. Debt
4. Workers' Compensation
5. CPP/OAP

and the top five intake cases:

1. Family
2. Criminal
3. Welfare
4. Tax/GST
5. Housing

Part of the explanation is that tax issues tended to be important for many Aboriginal communities and, accordingly, were dealt with by the Native Community law offices. In addition, family and criminal cases appeared because the LSS offices were the focal point in the community for legal help. Again, LSS statistics reflect demand, not necessarily need.

Options

In looking at poverty law, it will be important to not "put family in a box" as family problems are often connected with poverty law problems.

The group was consistent in saying that any new money should not be put into family law advocacy services as there was a very real danger of advocates dealing with family law cases which tend to be unpredictable and requiring a high level of expertise.

It was noted that in the past, issues like mass evictions and trends in the law and in the treatment by the government agencies of poor people would be seen by lawyers and responded to. Now there are no lawyers who are working on a daily basis on cases to see these trends and respond to them.

Welfare rights may well be left best with advocates.

It would be good if there could be certified training for advocates. A move in this direction is an initiative of PovNet.

Gap/Overlap Analysis

With respect to community resources, it was noted that LSS has two data bases:

1. Community organizations, and
2. A separate public legal education information database.

The PovNet map has been updated recently and in order to ensure its currency, women centres were telephoned to see if they were still operating. The question with respect to resources may be: how do we set parameters for this list? Options include:

1. Dividing the list into subject areas – who does what type of law
2. Client areas – e.g. seniors, unions, youth, women

The overall criteria should be: what's available to meet the need. It was agreed that the list should not include organizations that are not accessible to the public. One indicator which might be whether or not there is a separate business telephone number for the service. Self advocates should not be on the list, nor should volunteer advocates. If, however, a service is available to a group of people, it may depend on how large the group is. Does, for example, a union that only serves its members fit? Clearly LSLAP should be on the list.

With respect to the list of resources, participants were invited to provide their comments, although the list should also be checked with key informant interviews. The key criteria for determining whether or not a name should appear on the list of resources is whether or not people can really get help there. One suggestion was to split those groups that provide service on the phone from those where service is available in person.

PovNet, for example, is a website only; not for people to get help.

In passing it was noted that there was some confusion about the End Legislative Poverty Program, whether it was wound up or had received further funding from the City?

Lawyers Doing Poverty Law

In response to a question about what the people attending the focus group would do if there was extra money available, options included:

1. Hiring another lawyer at LSLAP for family and welfare representation services
2. Expand the services that are already in place rather than add new agencies
3. Fund a coordinating hub, a group of lawyers to act as a resource to all advocates in the province, perhaps by being traveling lawyers to support and supervise existing services. In response to this proposal, it was noted that there are good lawyers out there who could do this work
4. Funding has to go to front line service. If funding was to go throughout the province, it would need to be responsive to local needs and accordingly would need lawyers in each part of the province
5. More support and supervision to community advocates
6. Establish a network (“fireweed” network) to help connect community organizations that are already out there
7. The coordinating hub is a good idea, but it should not become a bureaucracy onto itself, nor should it “direct” the work of individual organizations

With respect to the “hub” idea, it was reported that 15% - 20% of LawLine calls are meritorious cases that need service and are not helped because they need lawyers to provide some level of representation services. It is clear that it is the cases in the middle of the spectrum that are being missed. Advocates are available in many places on the front lines and PIAC and CLAS are there for test cases but lawyers to do the work the middle ground is missing. Linkage with advocates is important and is not happening now. A hub service with a travel component may well work.

One participant liked the hub idea and noted that advocates are craving legal support, and also noted the importance of continuing training of advocates in order to bring the general level of advocacy up.

Generally it is true that people want certainty about funding, legal support and ongoing training. A question was raised about whether PovNet should have a lawyer.

In Ontario, Legal Aid has a clinic resource office but this office is not necessarily the answer for British Columbia.

Denice Barrie advised that a training program for private bar lawyers and poverty law is being worked on.

In conclusion, the general concept of a hub seemed to be supported by virtually everyone, with ground level “doers” continuing to be attached to existing organizations. The Law Foundation was encouraged to expand services that are currently in place and support the people who are there doing the work now.