



**Evaluation of the
Expanded Family Duty Counsel**

**Evaluation Refresh
Final Report**

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Prepared for:

Legal Services Society of British Columbia

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Executive summary

This report presents the findings for the evaluation refresh of the Legal Services Society (LSS) of British Columbia's Expanded Family Duty Counsel (EXP FDC) project. The evaluation refresh uses a similar methodology to the process and summative evaluations of EXP FDC, which were conducted in 2015 and 2016, respectively. The evaluation refresh was conducted to demonstrate the EXP FDC's progress made toward achieving its intended outcomes after two full years of operations. The evaluation covers the project's activities from September 24, 2014 to May 8, 2017.

Delivery of the EXP FDC

The refresh evaluation further confirms findings from the summative evaluation that the EXP FDC model is working well for providing the expected services. The lawyers providing the services are viewed as an experienced group of lawyers that work well together. The additional time available (both through the one hour appointments and the overall increased amount of time, compared to pre-pilot), the ability to schedule appointments and see the same lawyer at appointments, and the access to self-help room and other Justice Access Centre (JAC) resources are all viewed as contributing to an increased level of services and better prepared clients.

The EXP FDC currently appears to have sufficient resources, supports, and capacity for meeting the demand for client meetings at the JAC. Most clients are able to book appointments within a week or less and, based on the client survey results, most believe the wait times for appointments is reasonable. There has been some reported increased demand for the FDC on list day, which is creating some backlog, of which the EXP FDC and court registry are currently working together to resolve.

Achievement of outcomes

The refresh evaluation further confirms findings from the summative evaluation that client access to FDC services appears to have increased substantially since the implementation of the EXP FDC. There is good awareness of the EXP FDC within the court environment, and other justice service providers are widely referring clients to the EXP FDC. While key informants observe that clients mainly find out about the FDC at the courthouse, awareness appears to be growing, as confirmed by both the client survey and the analysis of the EXP FDC database, which both identified some increase in word of mouth referrals since the summative evaluation. Furthermore, the FDC is also making increased outreach efforts to inform other organizations that may provide services to individuals with a family law issue of the EXP FDC.

The increased time available with the FDC, the ability to schedule one hour appointments, and the location of the EXP FDC at the JAC with other resources are all identified as contributing factors for increasing client access. Despite the increased availability of the FDC though, most clients are still using only one to two hours of service — it is unclear if this is due to an accessibility issue or some other reason or reasons.

The EXP FDC has been making increased efforts to ensure continuity of services with respect to clients seeing the same lawyer on return visits. While the majority of clients that have more than one meeting at the JAC are seeing more than one lawyer, the EXP FDC database

and the client survey show that the proportion of clients seeing the same lawyer at their follow-up appointment has increased since the summative evaluation. Such continuity and consistency provides benefits to the client in that better use is made of their time with the lawyer (rather than retelling their story), clients have the opportunity to establish a relationship with and gain trust in the lawyer, and they receive consistent advice from one lawyer. Plus, reducing the potential of clients from seeing multiple lawyers decreases risks of conflict. Similar to the summative evaluation findings, the maintenance of client files, which was not done prior to the project, is also viewed as improving continuity of service, in that lawyers can become informed on the client's case through the files.

The improved level of service that the FDC are able to provide clients through the expanded services are all viewed as contributing to improved client knowledge. The available six hours, one hour appointments, assistance with documents, written instructions provided to clients, as well as access to other JAC services are all considered as the main features contributing to this improved knowledge and understanding. Such services are assisting clients in gaining a greater understanding of what they are trying to achieve, a greater recognition of their responsibilities and obligations, and improved confidence in completing necessary documents. Furthermore, the increased time available gives the FDC more opportunity to discuss options with clients, such as the benefit of mediation as an alternative to court. Clients are receiving a wide range of assistance from the FDC and report that the information and assistance is helpful to them for understanding their family law matter and their options. However, family law matters are often complex, particularly those going to Supreme Court, which presents challenges to self-represented individuals despite the assistance from the FDC.

As with the summative evaluation, the refresh evaluation found that the assistance provided by the EXP FDC is contributing to clients' ability to manage and resolve their legal issue. The FDC encourages mediation as a preferable option to the protracted court route, informs clients on how to prepare needed documents to move their matter forward, educates clients on reasonable expectations as well as their rights and obligations, and provides coaching to help clients negotiate on their matter and in preparing to present their arguments before a judge. When clients come to mediations or to court with a greater understanding of the process, and with more reasonable expectations, this improves their ability to manage and resolve their family matter. Clients themselves are positive about how the help and information from the FDC has assisted them in managing their legal matter.

The consensus is that the EXP FDC services should contribute to timely resolution through the assistance provided both in court and at the JAC. The services provided are viewed as assisting clients in a variety of ways that should lead to more timely resolution of their matters. This includes, for example, helping clients recognize the value of participating in mediation, helping them acknowledge and accept their family obligations and having more reasonable expectations, or assisting them in gaining increased skills for negotiating and representing themselves. As well, assistance from the FDC in court is credited with helping clients achieve some positive results and moving their file forward. The EXP FDC generally does not have access to data or information on the final outcome of clients' matters, and therefore how the services provided assisted clients in achieving resolution to their legal matter in a timely manner. However, as confirmation of the EXP FDC's role in helping clients achieve resolution, a majority of the surveyed clients have achieved at least some resolution on their matter, with most crediting the FDC as being helpful in this progress.

Based on the client survey conducted for the refresh evaluation, clients continue to have a high level of satisfaction. The majority (80%) of survey respondents, were either satisfied or very satisfied with the help and support received from the EXP FDC, and in fact, almost half (49%) were very satisfied. As well, some internal key informants report they have received positive feedback from clients on the helpfulness of the services.

The EXP FDC's location at the JAC is viewed as one of the most valuable features of the project, with the FDC complementing other JAC services and creating one-stop shopping for clients. Individuals with family law matters can access the FDC for legal advice and then easily access other JAC services for other needed resources, most frequently the self-help room and the Family Justice Counsellors for mediation. Similarly, clients of other services are referred to the EXP FDC as needed. The addition of the EXP FDC at the JAC is viewed as further complementing the existing services located at the JAC and adding to the continuum of services. Integration of services is facilitated by the reported good communications and collegiality between all JAC services, including the EXP FDC.

Available information suggests that net system savings due to efficiencies gained from the EXP FDC's operation should be occurring. While data are not available to make conclusive statements on system savings, key informants believe this is occurring due to the more effective use of the court system in general when clients are assisted by the FDC. The refresh evaluation was able to update the cost avoidance scenarios estimated in the summative evaluation using the most recent FDC data and updated court costs provided by LSS. The analysis shows a range of potential net system savings should the project be able to reduce the number of court hours and trials that involve its clients.

Recommendations

Recommendation 1: Undertake analysis to assess if those clients using only one to two hours of the available six hours of services are receiving a sufficient level of assistance for their matter, or if some type of barriers exist in their making optimal use of the services.

Recommendation 2: Consider improvements to the project database to facilitate ongoing assessment of client services, as well as to inform future studies.

1.0 Introduction

The British Columbia Ministry of Attorney General (the Ministry)¹ provided the Legal Services Society of British Columbia (LSS) with \$2 million of additional funding over a three-year period (2014–15 to 2016–17) to implement five pilot projects intended to help address access to justice in the province, collectively referred to as the Justice Innovation and Transformation Initiatives (JITI). These projects included the Parents Legal Centre (PLC), the Expanded Family LawLINE (FAM LL), Family Mediation Referrals (MED REF), the Expanded Criminal Duty Counsel (EXP CDC), and the subject of this report, the Expanded Family Duty Counsel (EXP FDC). PRA Inc. was hired to conduct process and summative evaluations for the projects in 2015–2016. The process evaluations focussed on the early implementation phase of the projects. The summative evaluations covered the entire period of project operations and considered issues related to implementation, achievement of outcomes, and efficiencies. For the EXP FDC project, the time period covered by the summative evaluation was September 24, 2014 to May 3, 2016. As noted in the EXP FDC summative evaluation report, the process and summative evaluations occurred primarily during the first year of the project’s operations, which is an early stage for assessing achievement of outcomes. Evidence related to the achievement of intermediate and long-term outcomes is usually not available for at least two to three years. As a result, the summative evaluation report noted that evidence of achievement of outcomes is preliminary and based on the best available evidence.

Since the summative evaluation, LSS committed to updating the four evaluations for the projects that are continuing (EXP FDC, PLC, EXP CDC, and FAM LL) in order to demonstrate progress made toward achieving outcomes.² The replication of the summative evaluations is intended to provide more recent data on the degree to which projects are meeting their objectives and yielding efficiencies. In so doing, the evaluations will be able to consider another year of project operations. With the additional year of data, the evaluations should be able to at least partially address some of the methodological limitations to the summative evaluations, such as the short time horizon and the small number of closed files.

This report presents the refresh evaluation findings for the EXP FDC project and covers the project’s activities from September 24, 2014 to May 8, 2017.

¹ The Ministry of Attorney General was previously known as the Ministry of Justice prior to July 19, 2017.

² MED REF did not receive funding to continue beyond 2016.

2.0 Brief overview of EXP FDC

Family duty counsel is a service that provides brief in-person legal advice to financially eligible clients with family law issues. Duty counsel can provide advice about parenting issues,³ guardianship/custody, child support, spousal support, child protection, family violence, tentative settlement agreements, court procedures, debt and property issues (to a limited extent), and non-court resolution options, including mediation. In addition to advising on these matters, duty counsel can speak on a client's behalf in court for simple matters. However, they can provide services for a limited time only, and they cannot represent clients at trial.

Under the expanded family duty counsel model, duty counsel are available by appointment on Monday, Tuesday, Wednesday, and Friday, from 9:00 am to 4:00 pm, and by limited drop-in services (one hour daily). On Thursdays (family list days), there are three duty counsel available in the morning and two in the afternoon in provincial court to assist clients who have court matters. The court registry provides a list of parties who are attending court, and duty counsel provide eligible clients with legal advice and with information on how to address the court and present evidence. There are no office appointments booked on Thursdays, when all duty counsel are in court.

The JITI funding has enabled LSS to expand the family duty counsel services to provide greater continuity of advice and new services. The project is located in the Victoria Justice Access Centre (JAC) and implements a model of family duty counsel which includes the following new or modified features:

- ▶ **An appointment-based approach:** The EXP FDC make efforts to schedule appointments so that clients may work with the same lawyer throughout the service, thereby ensuring greater lawyer continuity; in the old model, the service was accessible by drop-in only, and clients would usually speak with a different lawyer at each visit.
- ▶ **Up to six hours of service per client:** Under the old model, clients received a maximum of three hours of service.
- ▶ **Expanded hours:** The project provides 74 overall hours of duty counsel service per week, up from the previous number of 38 hours per week.
- ▶ **Administrative support:** A full-time pilot administrator supports the project in various ways, from answering phones to scheduling appointments and maintaining client files; this support was not available under the old model. The full-time administrator is also supported by a part-time administrator.
- ▶ **Coaching for clients to represent themselves in court:** Duty counsel are able to instruct clients on aspects of the court process, such as how to address the judge and present their case. Coaching services were not available under the old model. As of the refresh evaluation, a formal coaching model has not been developed, which is discussed in more detail in Section 5.1, Evaluation Question 1.

³ Parenting issues include those related to custody and access according to the language of the *Divorce Act*, and guardianship, parenting time, allocation of parental responsibilities, and contact according to the language of the *Family Law Act*.

As stated in its project charter, the objectives of the EXP FDC are the following:

- ▶ increase clients' understanding of their legal problems at the earliest opportunity
- ▶ increase clients' understanding of the family justice system
- ▶ increase clients' ability to resolve their family law problems
- ▶ improve clients' ability to use public legal education and information tools
- ▶ increase clients' ability to make meaningful and effective appearances in court
- ▶ increase the availability of family duty counsel and advice services at the courthouse and the Victoria JAC
- ▶ increase continuity of service for clients
- ▶ increase the future capacity of family law practitioners and legal aid practitioners

The EXP FDC pilot project is directly served by the following staff positions:

- ▶ a lead family duty counsel (lead lawyer), who manages the EXP FDC site, supports the roster duty counsel, supervises the pilot administrator, and provides EXP FDC services to clients; as of January 2016, the lead lawyer position is now shared by two co-leads;
- ▶ one full-time and one part-time pilot administrator, who are responsible for answering phones, determining the urgency of client matters, determining clients' eligibility for EXP FDC services, creating and maintaining client files, scheduling appointments for roster duty counsel, and other assorted duties; and
- ▶ 10 roster duty counsel, who provide EXP FDC services to clients, and who work about one full day shift every two weeks at the JAC, plus the duty counsel services at the courthouse.

Clients may contact or be referred to the EXP FDC in a number of ways. In most cases, regardless of how the client contacts or is referred to the program, the EXP FDC pilot administrator must complete a triage process with the client to collect information and determine if their case is appropriate for the pilot project. Clients may do the following:

- ▶ approach the EXP FDC directly in court, in which case the lead or roster duty counsel collects information on paper forms and provides the forms to the pilot administrator for processing; there is no triage of clients who have court that day;
- ▶ contact the EXP FDC at the pilot project offices in the JAC, at which point the pilot administrator will conduct triage;
- ▶ be referred to the EXP FDC through LSS intake; intake staff assess clients to determine their appropriateness for various LSS services, including the EXP FDC, and if a client is referred through LSS intake, they must still be triaged by the EXP FDC pilot administrator;
- ▶ be referred to the EXP FDC through another LSS service; clients who are receiving other LSS services will sometimes be referred to the EXP FDC for legal advice, and the service is responsible for contacting the EXP FDC on behalf of the client, but again, the client must still be triaged by the EXP FDC pilot administrator before receiving its services; or
- ▶ be referred to the EXP FDC through family justice counsellors (FJCs) or another agency; FJCs will often refer clients to LSS services for legal advice or other legal services, in which case the FJC or another agency contacts the EXP FDC, whose pilot administrator will triage the clients.

2.1 Profile of EXP FDC clients

Table 1 provides an overview of the clients accepted since the pilot’s inception on September 24, 2014 up to May 8, 2017. The FDC has served 3,493 clients since its launch, and of these files, 84% were closed and 16% were still open as of May 8, 2017.⁴

Of the 3,493 clients:

- ▶ 59% are female;
- ▶ about half (48%) are 40 years of age or younger, but most (86%) are over 30 years of age;
- ▶ just over one third (37%) identify themselves as single, and one third (32%) as separated;
- ▶ 11% indicated they are of Indigenous ancestry (20% declined to specify);
- ▶ only 32 clients (1%) indicated a language other than English, and only 30 were identified as requiring an interpreter.

Table 1: Client demographics (n=3,493) – FDC database		
	#	%
Gender		
Female	2,044	59%
Male	1,392	40%
Other	3	<1%
No data	54	2%
Age		
18 to 25	118	3%
26 to 30	366	10%
31 to 40	1183	34%
41 to 50	1062	30%
51 and over	763	22%
No data	1	<1%
Marital status		
Single	1276	37%
Separated	1129	32%
Married	444	13%
Divorced	425	12%
Common-Law Marriage	212	6%
Widowed	7	<1%
Indigenous ancestry		
Yes	371	11%
No	2,419	69%
No data	703	20%
Language		
English	3,461	99%
Other	32	1%
Source: EXP FDC database as of May 8, 2017.		
Note: Percentages may not sum to 100% due to rounding.		

⁴ It should be noted that there is some duplication of clients in the EXP FDC database. A client’s file may be closed due to inactivity or the matter is completed, but then return again at a later date, either for the same issue or new matter. When this occurs a new file is opened, but with the same client identification. There were a total of 236 duplicates and 8 triplicates in the database.

The most common opposing party types for EXP FDC clients include ex-spouses (40% of cases), the other parents (33%), and spouses (15%). Table 2 contains a complete listing of the opposing party types in client cases.

Opposing party type	#	%
Ex-spouse	1,381	40%
Other parent	1,154	33%
Spouse	532	15%
Common law spouse	132	4%
Other relative	40	1%
Other	254	7%
Source: EXP FDC database as of May 8, 2017.		
Note: Percentages may not sum to 100% due to rounding.		

From the available EXP FDC pilot project data, 56% of files involved the BC provincial court, 20% involved the BC Supreme Court, and 3% involved both.⁵

Family was the area of law for most files (94%), with a small proportion related to CFCSA matters (6%). The most common types of legal issues addressed are the following:

- ▶ parenting issues (56% of total files)
- ▶ child support (55% of total files)
- ▶ property division or spousal support (21% of total files for each)
- ▶ divorce (19% of total files)

See Table 3 for the complete listing of legal issues identified.

Legal issue addressed	Closed files (n=2,951)	Open files (n=542)	Total files (n=3,493)
	%		
Family law legal issues			
Parenting issues	56%	56%	56%
Child support	54%	59%	55%
Property division	22%	15%	21%
Spousal support	21%	19%	21%
Divorce	19%	15%	19%
Denial of parenting time	11%	10%	11%
Maintenance enforcement	10%	13%	11%
Family violence	8%	9%	8%
Protection order (family member)	7%	7%	7%
Relocation	4%	4%	4%
Hague convention	<1%	-	<1%
CFCSA issues			
Removal	4%	5%	4%
Risk of removal	3%	3%	3%
Access	1%	2%	1%
Transfer of child to a non—parent	1%	2%	1%
Cancellation of continuing custody order (CCO)	1%	1%	1%
Not identified	<1%	<1%	<1%
Source: EXP FDC database as of May 8, 2017.			
Note: Cases could include more than one legal issue; totals sum to more than 100%.			
*Parenting issues include those related to custody and access according to the language of the <i>Divorce Act</i> , and guardianship, parenting time, allocation of parental responsibilities, and contact according to the language of the <i>Family Law Act</i> .			

⁵ The remaining 21% identified the court as other (3%), not applicable (1%), or did not identify any court level (17%).

Table 4 shows the number of client meetings and court appearances per file for those files where client meetings/court appearances were indicated in the FDC database, showing the data for both closed and open files, as well as total files. Of total clients, just over two thirds in total (66%) had only one meeting with the lawyer, while 17% had two meetings, and 8% had three meetings. Only 9% of cases included four or more client meetings, with the largest number being 14 meetings (two clients). The majority of clients that had a court appearance with an FDC lawyer had one appearance (62%) and just under one quarter (23%) had two appearances.

Table 4: Total number of client meetings and court appearances per case – FDC database			
Number of client meetings at JAC	Closed files (n=2,316)*	Open files (n=407)*	Total files (n=2,723)*
	%		
1	66%	66%	66%
2	18%	15%	17%
3	7%	11%	8%
4	4%	3%	4%
5	2%	3%	2%
6 or more	4%	2%	3%
Number of court appearances with duty counsel	(n=1,108)**	(n=230)**	(n=1,338)**
1	61%	69%	62%
2	23%	20%	23%
3	9%	7%	9%
4	4%	1%	3%
5 or more	3%	3%	3%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding.
 *Only includes files that had client meetings indicated.
 **Only includes files that had court appearances indicated.

Most (62%) client’s initial contact with the EXP FDC is through an appointment and 23% through court (Table 5).

Table 5: Type of initial contact with the EXP FDC – FDC database			
Type of contact	Closed files (n=2,951)	Open files (n=542)	Total files (n=3,493)
	%		
Appointment	61%	67%	62%
Court	22%	28%	23%
Drop-in	2%	4%	2%
Not identified	15%	1%	13%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding.

The majority of clients (62%) received assistance from the FDC at the JAC only, while 22% received their assistance only at court, and 16% both at court and at the JAC (Table 6).

Table 6: Where clients received the FDC assistance – FDC database			
Where the client received assistance	Closed files (n=2,951)	Open files (n=541)*	Total files (n=3,492)*
	%		
JAC only	62%	57%	62%
Court only	22%	25%	22%
Both JAC and court	16%	18%	16%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding.
 *One open file does not yet indicate client meetings or court appearances.

2.2 Cost of the EXP FDC pilot

Table 7 below provides pilot costs for the first two years of the pilot, and includes a calculation of the unit costs of providing its services in its first two years of operations (Year 2 and Year 3).⁶ A unit is defined as a client file for the purposes of the FDC. The number of FDC clients served per fiscal year was calculated as those whose first date of service occurred within the fiscal year; no calculations are made for Year 1 as it is a partial year. Pilot costs were \$277,039 for Year 2 (2015–16) and the pilot served 1,298 clients, which relates to a cost of \$213 per client. Pilot costs were \$305,651 in Year 3 (2016-17) and the pilot served 1,287 clients, which relates to a cost of \$237 per client. Project costs were slightly higher in Year 3 due to increased pilot administrator costs as a result of additional administrator support provided to the EXP FDC. As the number of clients was similar between the two years, the increased costs then also increased unit costs somewhat.

Item	Year 1 2014–15 Actual	Year 2 2015–16 Actual	Year 3 2016-17 Actual
Full-time lawyer (Lead FDC)	\$60,000	\$120,000	\$120,000
Roster lawyers – FDC ¹	-	-	\$4,800
Pilot administrators	\$27,945	\$72,964	\$97,315
Office expenses & outreach	\$8,118	\$14,075	\$6,716
Subtotal for EXP FDC expenses	\$96,063	\$207,039	\$228,831
In-kind: Overhead on lawyer salaries ²	\$20,400	\$18,000	\$20,820
In-kind: Office space ³	\$23,500	\$52,000	\$56,000
Total	\$139,963	\$277,039	\$305,651
Number of FDC clients	-	1,298	1,287
Unit cost	-	\$213	\$237

Sources: Calculations made based on pilot database and LSS data.
¹Roster lawyer costs are offset by existing FDC services.
²Calculated as 15% of lawyer contract costs.
³Calculated as \$1,500 per month per office used and \$1,000 per month per open workspace used.

⁶ The EXP FDC unit cost analysis is not intended for comparison to costs of other LSS services for similar family matters, such as the regular family duty counsel service or representation contracts. The unit cost analysis includes costs for LSS overhead, while tariff rates do not include similar LSS overhead costs (e.g., application processing, invoice processing). For the same reason, overall pilot costs are not intended for direct comparison with costs avoided through system efficiencies, which do not include costs avoided for comparable overhead (including facilities, out-of-court activities, etc.).

3.0 Methodology

The evaluation refreshes the methodology used in the summative evaluation of the EXP FDC project and consists of four lines of evidence: a document and data review, interviews with key informants, a survey of clients, and a systems efficiency analysis.

Prior to commencing data collection, LSS and PRA reviewed and revised as appropriate the logic model and evaluation matrix, which are in Appendices A and B, respectively. PRA also revised the data collection instruments to update them, and LSS approved the data collection instruments used for the refresh evaluation. The data collection instruments are included in Appendix C.

3.1 Document and data review

Relevant project documents were reviewed for the refresh evaluation, including any updates that were made to the project manual and charter, descriptions and diagrams of the EDP FDC model, and forms used by the pilot to collect information on its clients and the types of assistance provided.

The data review involves a review of available data from the pilot project database, as well as data provided by the Court Services Branch (CSB) of the Ministry, and other data provided by LSS as follows:

- ▶ LSS provided an extract of the pilot database for all EXP FDC clients from the time of implementation (September 24, 2014) to May 8, 2017; this included clients that were provided either only brief services in court, or only services at the Justice Access Centre (JAC), or received services both in court and at the JAC. Tables based on the FDC database are primarily shown giving data for closed, open, and total files, as services for open files may be still be ongoing, and the information in the files may be incomplete.
- ▶ LSS provided financial information on the EXP FDC, including actual costs for years 1, 2, and 3, which included salaries, office expenses, overhead, and in-kind expenses (e.g., value of office space provided at no charge to LSS).
- ▶ Data was provided by CSB to show some trends in court activity for each of 2012 and 2016, including numbers of initiating family applications filed at Victoria Provincial Court and Supreme Court between January 1 to December 31 for each of 2012 and 2016, as well as the subsequent applications arising from these initiating applications within that same timeframe. CSB also provided data on several elements of the applications for each of these years.
- ▶ CSB had also provided a separate set of data for the summative evaluation that was used for the system efficiency analysis and is used again for the refresh evaluation. This set of data provided the activity that occurred on all applications filed in 2012 at Victoria Provincial or Supreme Court up to October 31, 2015. As approximately three months are required for court data to stabilize, October 31, 2015 was the latest time period for which data could be provided at the time of the summative evaluation. Because this activity is for all applications filed in 2012, it includes all subsequent applications filed in 2012, some of which could be from initiating applications filed earlier than 2012.

3.2 Key informant interviews

The refresh evaluation included 16 interviews with 20 key stakeholders who have some knowledge of the EXP FDC and could provide their perspectives on the project and the impact of the project. Interviews were conducted by telephone with the following:

- ▶ internal key informants (n=8)
 - EXP FDC project lead and the two co-lead lawyers
 - five roster lawyers
- ▶ external key informants (n=12)
 - one *Child, Family, and Community Services Act* (CFCSA) director’s counsel and one Family Maintenance Enforcement Program (FMEP) counsel
 - four JAC representatives (self-help room, administrative manager, local manager, family justice counsellor (FJC))
 - three court services representatives (court clerk, court registry, manager)
 - three judges

Separate interview guides were developed for internal and external key informants (see Appendix C); interviewees received the interview questions in advance. Interviews were conducted by telephone and were audio-recorded with the interviewees’ permission to facilitate note-taking. The key informant interviews occurred in May and June 2017.

3.3 Client survey

To obtain feedback from EXP FDC clients, PRA conducted a telephone survey of FDC clients. PRA developed a survey questionnaire in consultation with the Working Group involved during the summative evaluation; the questionnaire was only slightly modified for the refresh evaluation. The target was to obtain 200 completes; the survey achieved 261 completes, of which 59 respondents (23%) were given brief advice only at the courthouse and 202 respondents (77%) received assistance either at the JAC only (46%) or both the JAC and the courthouse (31%). The survey focussed on the clients’ experience and satisfaction with the EXP FDC services. The survey sample included all clients that had received services from the EXP FDC since its implementation, other than those that participated or had declined to participate in the earlier survey conducted for the summative evaluation. One limitation of including the complete sample is that recalling details may be difficult for clients that had received services soon after the EXP FDC’s implementation. However, given the longer timeframe, it is also more likely that such clients would have resolved or have been near to resolving their family law matter and it was desirable to obtain information on how the EXP FDC assisted them in this process. The survey was in the field from June 5 – 26, 2017. The survey questionnaire is provided in Appendix C.

Tables based on the client survey, the FDC database, or CSB data are all labelled accordingly.

3.4 System efficiency analysis

This analysis considers the potential of the EXP FDC to achieve system efficiency by estimating the potential impact of the project to avoid court costs through earlier and more efficient resolution of cases. Early and more efficient resolution can be demonstrated, for example, by the following:

- ▶ an increase in cases that reach agreement without court involvement
- ▶ a reduction in the number of court appearances and/or potentially more effective and therefore reduced use of court time during appearances, which should both result in reduced court hours
- ▶ a reduction in the time to resolution
- ▶ an increase in cases resolved without a trial

If the pilot is able to achieve its intended objectives (described in Section 2.0) then such reductions in court hours might be expected to occur such as when, through the FDC assistance, clients realize the value of non-court options (e.g., mediation), resulting in fewer trials, or submit better prepared documents, or are better prepared for the court appearances, thus resulting in fewer and shorter appearances, or fewer adjournments.

Court activity data provided by CSB (described in Section 3.1) can be used with pilot data and average court costs per hour to make some estimates around avoided costs as a result of reductions of court hours and court trials. The court activity data provided for the summative evaluation is again used for the refresh evaluation systems efficiency analysis, as it provides a more complete picture of the activity that occurs on a file. As described in Section 3.1, this data gives, for all applications filed in 2012, activity that occurred up to October, 2015. Applications filed include the initiating and all subsequent applications filed in Victoria Provincial Court and all initiating applications filed in Victoria Supreme Court. This information was used in the summative for the systems efficiency analysis, as well as to provide a profile of family law cases at Victoria law courts, and is provided here as Appendix D. The CSB data provided later in section 4.0 gives activity for a much narrower time frame for each of 2012 and 2016, and is intended primarily to show trends between the two years.

Hourly court costs provided by LSS include: the cost for a court clerk, a deputy sheriff, a provincial court judge, and court registry staff for provincial family court; the cost of a court clerk, Supreme Court Justice, and court registry staff for Supreme Family Court. However, for each it does not include the cost of judicial support services, sheriff out-of-court activities, or court overhead.⁷

It should be noted that it is not possible to make any conclusive statements on efficiencies gained or cost savings, as no data is available on the extent that the pilot has resulted in any of the impacts described above. The analysis uses statistics on family court cases at Victoria law courts as provided by CSB along with pilot data. Estimates of potential future efficiencies (i.e., cost avoidance) are made based on a scale of success in reducing the number of court hours and trials (lower rate of success – 10% reduction; medium success – 30% reduction; higher rate of success – 50% reduction). Further details on the calculations used are provided in the efficiency analysis section (evaluation question 10).

⁷ Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on Ministry data.

3.5 Evaluation limitations

There are several methodological limitations that affect the evaluation.

- ▶ Assessing outcomes for the EXP FDC clients is challenging in that the FDC lawyers do not have ongoing interactions with clients once they have received their services and, therefore, the pilot cannot track client outcomes past the time of service. Although the pilot database has a field on legal outcomes, as is shown in a later section of the evaluation, only a small proportion of clients show any type of interim or final order, with most showing an outcome of having received advice only.
- ▶ Certain limitations also existed with the information that could be obtained from the CSB data due to the complexity and volume of court data, and how various court activities are accounted for on the CSB's Civil Electronic Information System (CEIS). For example, the number of adjournments could be provided only as adjournments that occurred prior to the scheduled appearance, and not those that occurred on the day of a scheduled appearance.
- ▶ The available data on court costs provide only some of the potential costs that might be avoided by the project's operations. The hourly court cost includes the cost for a court clerk, a deputy sheriff, a provincial court judge, and court registry staff for provincial family court, but do not include the cost of judicial support services, sheriff out-of-court activities, or court overhead.

4.0 Trends in general family law cases at Victoria law courts

To give some context of the environment in which the EXP FDC is operating, this section provides a brief profile of family law cases at Victoria law courts. As shown in Table 8, the Victoria law courts handled over 3,000 total applications annually for 2012 to 2016. Subsequent applications to provincial court account for the majority of total provincial court applications, ranging from 1,543 to 1,841 between 2012 and 2016. Annual initiating applications are close to double or more in Supreme Court compared to those for provincial court. CSB could not provide data on subsequent applications in Supreme Court — subsequent applications are not specifically tracked as such in Supreme Court.

Year	Provincial court		Supreme Court	Total applications
	Initiating applications	Subsequent applications*	Initiating applications	
2012	521	1,815	971	3,307
2013	519	1,724	1,010	3,253
2014	500	1,841	969	3,310
2015	465	1,720	1,031	3,216
2016	446	1,543	1,036	3,025

Source: Data provided by Court Services Branch.
 *Includes all subsequent applications filed annually and may be related to applications initiated in earlier years.

In order to provide some perspective of family law cases at Victoria Law Courts post-pilot compared to pre-pilot, CSB provided some illustrative data elements for each period, with 2012 chosen as the pre-pilot period and 2016, the second full year of the pilot, as the post-pilot period. For each of these years, CSB provided an illustrative data set to show the activity that occurred for the initiating application filed, as well as the subsequent applications that arose from the initiating applications only within that year. It is important to note that because family law matters can be protracted and lengthy, activity on an application can occur for a number of years after the initiating application is first filed, including additional subsequent applications. The information provided below is only for activity that occurred in 2012 for applications filed in 2012, and only for activity that occurred in 2016 for applications filed in 2016.

The Victoria Provincial Court activity is shown in Table 9 and Supreme Court activity in Table 10. From Table 9, there were 439 initiating applications filed in provincial court in 2012, and from these applications another 384 subsequent applications were also filed in 2012. In 2016 there were fewer initiating applications filed in provincial court (355), but more subsequent applications were filed from these initiating applications.⁸ As a result, average subsequent applications per case were 0.87 in 2012 and 1.22 in 2016.

Some noticeable changes have occurred between 2012 and 2016 for provincial court activity. However, it is difficult to assess the extent the implementation of the EXP FDC has or has not had an impact based on this data, as many other factors may affect court activity. Plus, more than two years of data would be required to detect any noticeable trends.

⁸ As indicated in Table 9, activity data excludes 82 out-of-scope applications for 2012 and 91 for 2016; therefore the number of initiating applications in Table 9 are slightly lower than given in Table 8. Out-of-scope initiating applications are those entered outside the year in which they are opened, as well as cases initiated on a written agreement or separation agreement (non-application).

The average time to a first order for overall provincial court applications declined to 30 days in 2016 from 50 days in 2012, while average court time increased to 1.2 hours in 2016 from 0.4 hours in 2012. The average number of scheduled appearances was very similar between the two years (2.1 in 2012 and 2.2 in 2016). The proportion of the applications that went to trial within the year the applications were filed (i.e. 2012 and 2016) were low and very similar between the two years (6% in 2012 and 5% in 2016).

Elements	2012			2016		
	Initiating	Subsequent	All	Initiating	Subsequent	All
Number of applications*	439	384	823	355	434	789
Average days to first order	67	34	50	43	22	30
Average scheduled appearances	2.3	1.9	2.1	2.7	1.9	2.2
Average court hours	0.5	0.4	0.4	1.6	1.0	1.2
Percent that go to trial	5%	7%	6%	6%	4%	5%

Source: Data provided by Court Services Branch.
 *Does not include 82 out-of-scope applications for 2012 and 91 for 2016
 n/a – not available

Some of the same trends have occurred in Victoria Supreme Court, with average time to a first order declining to from 110 days in 2012 to 88 days in 2016, and average court time per application increasing slightly from 0.7 hours in 2012 to 1.0 hour in 2016. The proportion of applications going to trial within each of the respective years is very low at 1% for each of the two years.

Elements	2012	2016
Number of initiating applications	971	1,036
Average days to first order	110	88
Average scheduled appearances	1.4	1.4
Average court hours	0.7	1.0
Proportion that go to trial	1%	1%

Source: Data provided by Court Services Branch.

Wait times for half-day as well as two-day or more family hearings/trials at Victoria Provincial Court declined somewhat between 2014 and 2015, but increased again in 2016, as shown in Table 11. Wait times for family case conferences declined from two months in 2014 and 2015 to one month in 2016.

Type of court appearance	Wait times as of October in months		
	2014	2015	2016
Family case conference	2	2	1
Half-day family hearings/trials	4	2	4
Two-day or more family hearings/trials	7	3	5

Source: Data for Victoria Provincial Court provided by Court Services Branch with permission of the Office of the Chief Judge, Provincial Court of British Columbia.
 Provincial data from *The Semi-Annual Time to Trial Report of the Provincial Court of British Columbia, September 30, 2016*, retrieved from [http://www.provinciacourt.bc.ca/downloads/pdf/Time%20to%20Trial%20Update%20\(as%20at%20September%2030%202016\).pdf](http://www.provinciacourt.bc.ca/downloads/pdf/Time%20to%20Trial%20Update%20(as%20at%20September%2030%202016).pdf)

5.0 Findings

The refresh evaluation findings are presented based on the evaluation questions, which focus on the delivery of the pilot project and its progress toward achieving its intended outcomes.

5.1 Delivery of the EXP FDC

1. How well is the EXP FDC model working for providing the expected services since the summative evaluation? What, if any, changes or improvements have been made to the model or how it operates?

Key findings: The refresh evaluation further confirms findings from the summative evaluation that the EXP FDC model is working well for providing the expected services. The lawyers providing the services are viewed as an experienced group of lawyers that work well together. The additional time available, the ability to schedule appointments and see the same lawyer at appointments, and the access to the self-help room and other JAC resources are all viewed as contributing to an increased level of services and better prepared clients.

How the model is working

Internal key informants believe the model is working well for providing the expected services. Key informants report, for example, that the EXP FDC is able to provide clients with a good level of service that advises clients of their rights, informs them on options for negotiating and mediating, helps them in having better prepared documents and in going to court better prepared, and assists them in moving their matter forward. Internal key informants attribute the success of the model to a variety of factors, such as:

- ▶ the FDC providing the services are an experienced and cohesive group of lawyers
- ▶ the ability to provide appointments and more hours of services contributes to increased services and greater continuity of services to clients
- ▶ the maintenance of client files enables other lawyers to access client information when a client cannot see the same lawyer, which also contributes to continuity
- ▶ the access to the self-help room for clients to obtain further assistance with documents and other information
- ▶ the ability to cooperate and work with other JAC staff

External key informants also generally believe the model is working well, with most making comparisons to the assistance FDC were able to provide pre-pilot, although a few were still unclear on the differences in service pre- and post-pilot. Key informants primarily gave examples as to why they viewed the model as working well, such as:

- ▶ Clients that come to a court appearance with the FDC appear to have an understanding of the process and what they are seeking and the FDC are informed on the clients' issues.
- ▶ There is more continuity of FDC in court, given that one of the co-leads is always in court on list day, and also more consistency in the various FDC's approach in court.
- ▶ There is greater effort on making use of court appearances to move the file forward (rather than just adjourning matters).
- ▶ The EXP FDC are supportive of and encourage mediation, which aligns with the approach of other justice service providers, including judges.
- ▶ Vulnerable clients are obtaining assistance in court immediately and are properly directed on where to go to obtain legal counsel.

Internal key informants identified a few challenges that have been encountered with the model, and which might be considered more operational than challenges with the model itself. One is in minimizing conflict of interest when a client visits the FDC frequently, and is more interested in having an appointment with the first available lawyer, rather than waiting to see the lawyer that assisted them in the past. If the opposing party then also seeks the services of the FDC, this can present challenges in assigning a lawyer due to conflict. The EXP FDC, however, while striving to accommodate clients, is also mindful of the number of lawyers assisting any one client in order to avoid such possibilities. As well, some concern still exists that file continuity with respect to a client seeing the same lawyer on return visits is not occurring to the extent expected—this concern is discussed in more detail in evaluation question 4. A challenge that has only recently emerged, as identified in both internal and external key informant interviews, is with respect to a recent increase in the numbers of individuals wanting the FDC assistance on list day, and which is causing some backlog. As well, it was commented that many of these individuals appear to have not seen the FDC prior to list day. As a result, the FDC need to interview the clients prior to their court appearance, and which, along with the high number of people waiting to see the FDC, is causing disruptions and confusion in the hallway. Key informants noted though, that the EXP FDC and the court registry are working to identify how to resolve this issue.

Another external key informant identified a challenge outside the scope of the pilot, which is that the FDC cannot assist clients in court throughout their family matter process, and that these clients also need representation in trials.

Changes to the model

Internal key informants identified only a few changes that have been made to improve the model. One identified improvement, which will be discussed in more detail in evaluation question 4, is that there have been increased efforts since the summative evaluation to increase the continuity of counsel for individual clients. Another recent improvement is in encouraging the FDC providing duty counsel services on list day to take to court the files of clients that will be in court that day to give them quick access to the client's information. Lawyers would carry the files of clients they had already seen, as well as those they had not seen if none of the other FDC in court that day had seen the client.

The project is also looking for ways to streamline the paperwork required for client files, such as ways to better assess a client's progress in understanding and managing their legal matter. A few internal key informants commented that the current assessment process for measuring client progress is subjective and will vary between lawyers, with this subjectivity magnified, given clients may see and be assessed by more than one lawyer. The EXP FDC project indicates that improvements have been made to the client assessment questions in the case summary form, and that such improvements were made in consultation with the roster lawyers. LSS indicates that the updated forms are expected to be released at the next EXP FDC database update, which is scheduled for February, 2018, although considerations are being made for an earlier date.

A few key informants identified a recent administration improvement in the reception area for the EXP FDC, in that the project administrator was provided their own window for greeting clients and individuals seeking services. Prior to this change, the administrator's desk was away from the reception window, such that clients were not sure who they should speak with, and they were not given privacy to speak to the administrator confidentially.

One aspect of the model has yet to be implemented. A formal coaching model was to be developed as part of the expanded services, but given the low volume of clients having more than one meeting

with EXP FDC, LSS determined that it was premature to invest the time in development of the model, which relies on successive coaching sessions. Instead, training on coaching skills occurred as part of the training sessions for the roster and lead lawyers, and additional training was conducted during the Family Duty Counsel conference in February 2016.

2. Does the EXP FDC have sufficient resources, supports, and capacity to meet demand and any intended targets?

Key findings: The EXP FDC currently appears to have sufficient resources, supports, and capacity for meeting the demand for client meetings at the JAC—most clients are waiting a week or less for their appointments. There has been some reported increased demand for the FDC on list day which is creating some backlog, of which the EXP FDC and court registry are currently working together to resolve.

The EXP FDC pilot has had 3,493 files up to May 8, 2017. Figure 1 shows the number of files opened per month from October 1, 2014 to April 30, 2017, based on the date of first service⁹. The number of files opened was highest in October, 2014 with 154 files opened, then showed a downward trend to September, 2015. Thereafter, files opened per month averaged at about 110 files, other than a sharp upturn to 147 files in September, 2016. As was mentioned for the summative evaluation, the initial high number, followed by a bit of a downward trend before numbers stabilized would likely be expected, with the pilot initially accepting a large number of “new” clients, but then over time having fewer spots available for “new” clients as existing clients schedule follow-up visits.

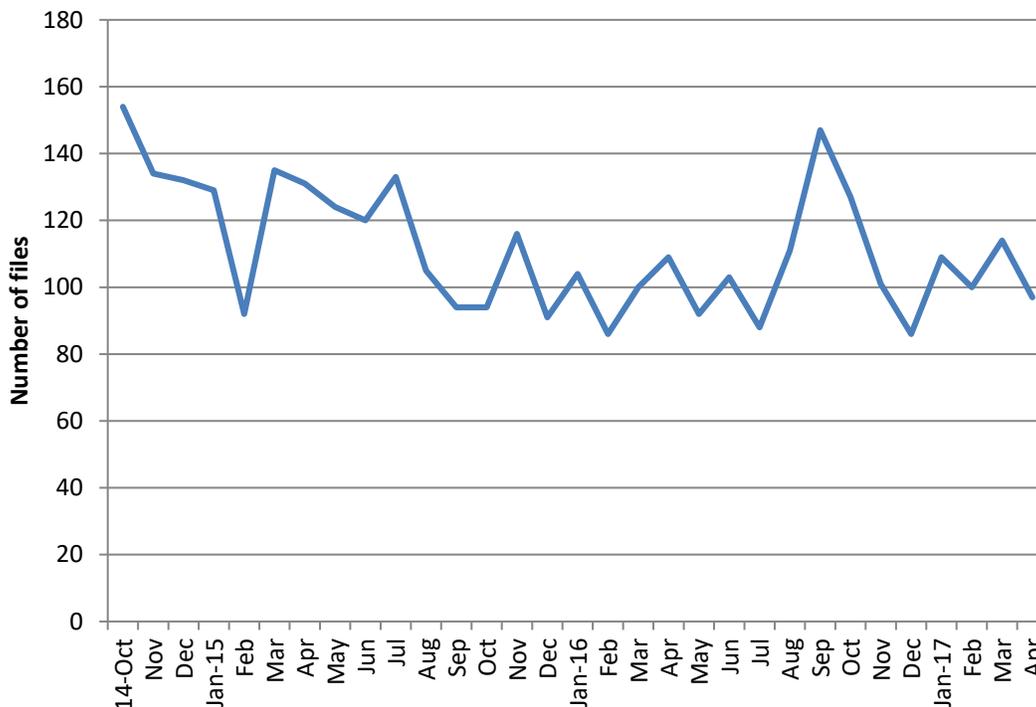


Figure 1: Intake data for EXP FDC – number of files per month based on first service date
Source: EXP FDC database as of May 8, 2017

⁹ The EXP FDC was established September 24, 2014 and the data extract for this current analysis took place May 8, 2017. The partial months of September 2014 and May 2017 are excluded from Figure 1.

As described in Section 2.0, the FDC has a lead lawyer position and 10 roster lawyers to provide the expected legal services. Two lawyers are available at the JAC on a daily basis (other than family list day on Thursdays) to provide appointment and drop-in services, with the latter provided for one hour per day, plus the project is supported by pilot administrators. Roster lawyers work a shift at the JAC about every two weeks depending on scheduling, including their own schedules, as most have a private practice as well.

As with the summative evaluation, internal key informants believe the pilot has a sufficient number of lawyers. Most internal key informants believe the EXP FDC is able to keep up with the current demand at the JAC. One identified resource challenge is that there has been some turnover in the administrator position since the summative. As well, internal key informants reported that LSS was undergoing discussion on how best to employ the administrator, and whether to continue with the current arrangement of employment by the local agent, or for LSS or the project to become the employer. The summative evaluation found that the employment by the local agent created some challenges, in that any feedback or concerns had to be channeled through the local agent office. One of the evaluation recommendations was to look for ways to streamline and improve the pilot's administrative process, including considering whether it was effective and efficient for the pilot administration to continue under the supervision of the local agent. LSS indicates that as of September 1, 2017, the administrators will be employed by and be under the direct supervision of the lead lawyers.

External key informants could generally either not comment on whether the project has sufficient resources, or could only comment on how well the FDC is able to meet resource requirements in those areas where they have exposure to the EXP FDC. Those that could speak on resource requirements at the JAC believe the EXP FDC has sufficient resources to meet those demands. A few external key informants, however, report that the FDC are challenged in keeping up with the recent increase in demands for service in court on list day, as was discussed previously under evaluation question 1. Key informants attributed this increased demand to a combination of factors, including an increased number of people coming to court, an increased awareness of the availability of the FDC, and a lack of other options, such as legal aid. A few of these key informants spoke of backlogs and the need for court to stand down while the FDC saw clients. A few other external key informants, however, did not view the need for court to stand down at times as significant or disruptive, and that the FDC come to court prepared and informed on the client's matter, or that the wait times are not as significant as in other court locations.

Internal key informants identified a few areas of need for further supports for the EXP FDC, including the following:

- ▶ More space at the JAC for the EXP FDC's part-time administrator and for file storage. LSS indicated measures have been taken for the former, with construction of an additional workspace completed during the evaluation (August, 2017).
- ▶ A suggestion was made to have flash drives available at the EXP FDC. Lawyers cannot save client information on the EXP FDC computers, for obvious privacy and conflict reasons, given the computers are shared. It was suggested it would be useful to save a client's information to a flash drive that could become part of the client's file for easy access when clients make return visits.

As with the summative evaluation, resources appear to be sufficient from the clients’ perspective, as far as meeting their needs in terms of appointments. From the client survey, the majority (73%) of clients said the longest they had to wait for an appointment was one week or less (Table 12), and most clients (84%) believe the wait time overall for their appointments was about right (Table 13). Those few that thought the wait time was too long mainly just said it was too long, or that they needed help or advice right away.

Table 12: The longest clients waited for an appointment – client survey	
<i>Q14: What was the longest you had to wait for an appointment?</i>	
Longest wait for an appointment	(n=192)
Same day	23%
Less than one week	29%
1 week	21%
2 weeks	9%
3 weeks	4%
1 month	2%
Other	3%
Don't know/can't recall/no response	9%
Note: Totals may not sum to 100% due to rounding.	

Table 13: Reasonableness of appointment wait time, and, if too long, why – client survey	
<i>Q15: Thinking about all the appointments you have had, do you think, overall, the wait time was about right or too long?</i>	
<i>Q16: Why do you think it was too long and how did this affect your family law matter?</i>	
Wait time was...	(n=131)
About right	84%
Too long	13%
Don't know/can't recall	3%
Why it was too long	(n=17)
Just mentioned was prolonged/too long	47%
Needed help/advice right away	41%
Waiting was stressful, frustrating	6%
Other	12%
Note: Respondents could provide more than one answer; totals may sum to more than 100%.	

5.2 Achievement of outcomes

3. To what extent does the EXP FDC project increase client access to Family Duty Counsel services? Were there any gaps in the types of clients reached?

Key findings: The refresh evaluation provides further evidence that availability of FDC services to clients has increased substantially since the implementation of the EXP FDC. The increased time available with the FDC, the ability to schedule one hour appointments, and the location of the EXP FDC at the JAC with other resources are all identified as contributing factors for increasing client access. There is also good awareness of the EXP FDC within the court environment, and other justice service providers are widely referring clients to the EXP FDC. While key informants observe that clients mainly find out about the FDC at the courthouse, awareness outside the court environment appears to be growing, and the FDC is also making increased outreach efforts. Despite the increased availability of the FDC though, most clients are still using only one to two hours of service—it is unclear if this is due to an accessibility issue or some other reason or reasons.

Awareness of the EXP FDC

Most key informants report good awareness of the EXP FDC within the court user's community and that the JAC, court registries, and judges, will direct people with family law matters to the FDC. While some of these key informants believe that awareness of the EXP FDC is growing, some also believe that potential clients themselves mainly find out about the FDC when they come to court. A few key informants identified specific groups where the FDC could improve their reach, such as individuals who are not considering the court route and so need to learn of the EXP FDC in some other manner, those whose first language is not English and who may find it challenging to use the FDC services (although as described below, interpretation services are available), or those who could be faced with incarceration if they do not sort out their Family Maintenance Enforcement Program (FMEP) issues. It was also suggested that it could be beneficial to reach more clients earlier, such as before they begin incorrectly completing documents or developing an unreasonable position on their matter. As with the summative evaluation, it was also observed that the project draws few Indigenous clients, and that this was an area where more outreach could be undertaken.

Internal key informants did report that the project has recently made increased efforts for outreach to inform other stakeholders of the FDC services. Examples given of organizations where outreach activities have taken place or are planned include CFCSA social workers, Greater Victoria Family Services, friendship centres, mental health support organizations, organizations providing services to immigrants, transition houses, and parent counselling agencies. All external key informants report referring individuals to the FDC, either to see them in court on list day, or to go to the JAC to make an appointment. Key informants spoke of judges regularly announcing at the beginning of court about the availability of the FDC and encouraging those without a lawyer to first speak with them before their appearance. As well, individuals are regularly referred to the JAC in general to make use of the FDC and other available services.

Of the client survey respondents that were helped only at the courthouse, the larger portion (32%) said they found out about the FDC from someone at the courthouse, while 22% said they found out about the FDC from a friend, relative or acquaintance (Table 14). These numbers changed somewhat from the survey conducted for the summative evaluation, where 59% of these clients found out about the FDC at the courthouse, and only 5% from a friend or relative, suggesting word of mouth awareness of the FDC is increasing. Of clients that saw the FDC at the JAC only or both at the JAC and the courthouse, 22% said they found out about the service at the courthouse and 23% from a friend, relative, or acquaintance, similar to the findings for the summative evaluation survey. The internet as a source of awareness of the FDC increased only slightly overall between the summative evaluation (15%) and this refresh evaluation (18%).

Table 14: Most common sources of how clients found out about the FDC – client survey

Q1: How did you first find out about the Expanded Family Duty Counsel and the help you could get from the lawyers?

How clients found out about the FDC	FDC assistance at the...		Total (n=261)
	Courthouse only (n=59)	JAC only or both (n=202)	
At the courthouse (e.g., the duty counsel, someone else at the courthouse)	32%	22%	24%
A friend, relative, or acquaintance	22%	23%	23%
Saw it online/through internet	10%	21%	18%
Family Justice Counsellors or someone else at the Justice Access Centre (JAC)	8%	13%	12%
A private lawyer	8%	5%	6%

Note: Not all responses are shown; totals do not sum to 100%.

The EXP FDC tracks how clients were referred to the service in the client database (Table 15). Although the highest proportion of client files had no referral to the FDC identified (45%), a wide range of services do appear to be making referrals to the FDC, albeit in small numbers for the most part. Of note is that friends and family told the client about the FDC for only 10% of closed files, but for 19% of open files. Considering open files have generally been opened more recently than closed files, this again suggests that awareness of the FDC through word of mouth is growing. Furthermore, friends or family now account for a slightly higher proportion of referrals compared to the findings for the summative evaluation (11% for total files for the refresh evaluation versus 7% for the summative evaluation).

Table 15: Organizations or individuals referring clients to EXP FDC – FDC database			
Referring organization or individual	Closed files (n=2,951)	Open files (n=542)	Total files (n=3,493)
	%		
Family justice counsellor	12%	11%	12%
Friends/family	10%	19%	11%
Legal Aid/LSS Intake	7%	7%	7%
Court staff or judiciary	5%	7%	5%
Online/Internet	5%	8%	5%
Family Maintenance Enforcement Program	4%	3%	3%
JAC self-help room	3%	3%	3%
Other government agency	3%	2%	3%
Advocate or community agency	2%	2%	2%
Social worker	2%	4%	2%
Indigenous community agency	1%	1%	1%
Access Pro Bono	1%	<1%	1%
Child Support Officer (CSO)	1%	<1%	1%
Courthouse library	1%	2%	1%
Crown counsel/prosecutor	<1%	1%	<1%
Health professionals	1%	1%	1%
Immigrant settlement or multicultural organization	1%	<1%	<1%
Income assistance	1%	1%	1%
JAC interviewer	<1%	<1%	<1%
Law students' clinic or program	1%	1%	1%
LSS Family LawLINE	1%	2%	1%
Mediate BC	1%	1%	1%
Police/victim services	1%	1%	1%
Private lawyer	1%	2%	1%
Private mediator	<1%	<1%	<1%
Don't know	1%	3%	1%
None identified	47%	36%	45%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding.

Increased access to FDC services

The EXP FDC is viewed as increasing client access to FDC services, with most key informants, as with the summative evaluation, making comparisons to the limited services available prior to the project. This increased access was most frequently attributed to the following:

- ▶ the increased number of hours available to clients which enables them to get more legal advice and assistance;
- ▶ the ability for clients to schedule appointments, rather than the first-come, first-served situation in the past, where clients had to wait to see the FDC; plus appointments allow clients to speak to the FDC in private and away from the hectic court atmosphere;
- ▶ the one hour length of the appointments that enable the FDC to provide the client with more comprehensive assistance, compared to the 10-15 minutes they were able to provide in court prior to the project;
- ▶ the location of the service at the JAC where clients can access other JAC services;
- ▶ the written advice given to clients, which provides them with instruction and advice on how to move forward on their matter;
- ▶ the resources and structure of the EXP FDC, with administrative assistance, access to computers, and maintenance of client files, and that there are FDC available every day and not just on list day; and
- ▶ the provision of services beyond those just at court, which has expanded access to other individuals who may not be engaged in the court process.

Key informants also generally were not aware of significant barriers to accessing the EXP FDC services. The location is considered convenient and accessible to clients with disabilities, although the centralized location is identified as a potential geographical barrier for some individuals with transportation challenges. Other potential barriers identified include the following:

- ▶ A few key informants (internal and external) identified the financial eligibility as a barrier for those clients that do not qualify financially, with a few external key informants saying they were aware of individuals turned down for assistance but could not afford a lawyer.
- ▶ Key informants also report that some individuals are particularly challenged in understanding and maneuvering through the justice system, even with the FDC assistance, such as those experiencing mental health issues. However, a few external and internal key informants report that the FDC are experienced in assisting a wide range of clients, and that they will take extra steps to help such individuals, such as through the written instructions, and by encouraging them to bring support persons to appointments.
- ▶ While language can be a barrier, internal key informants report that interpreters can be arranged with sufficient notice, or that individuals can bring supports with them to translate. A few key informants observed, though, that individuals with language barriers often have challenges in understanding the information provided, even with a translator.

Several internal key informants identified the loss of the photocopier that was provided by the Ministry in the self-help room as a significant access issue for clients. Clients need to do a considerable amount of photocopying for their documents, and for many the costs can be prohibitive, as can be the requirement that they now must leave the courthouse to find photocopying facilities, and then return to file documents. For some clients, that extra step of having to go elsewhere to photocopy can be a barrier for them in making progress on their family

law matter. While not an EXP FDC access issue or even an LSS issue, it does have the potential to create issues for the FDC if it poses a barrier to EXP FDC clients in pursuing their matter or making the best use of EXP FDC services; for example, if the lack of a photocopier prevents clients in taking the steps suggested by the EXP FDC, or in returning to the EXP FDC for further assistance, or if this results in them returning to the FDC with having made little progress in their matter.

A few other concerns expressed with access are that not all individuals that could use the services are aware of the availability of the FDC, and so this affected access, and also that not all individuals are making sufficient use of the available six hours to effectively assist them with their matter.

As previously described, the expanded service gives clients the opportunity of receiving up to six hours of lawyers' assistance, compared to three hours in the previous model. Based on the service hours recorded by the pilot, however, most (86%) clients are using no more than a total of two hours, plus the mean and median is 1.3 hours and 1.0 hour, respectively for each of closed, open, and total files, indicating that most clients are using far less than the available six hours (Table 16). These numbers have changed little from the summative evaluation.

Table 16: Service hours per client – closed and open files – FDC database			
Number of hours per client	Closed files* (n=2,316)	Open files* (n=405)	Total files* (n=2,721)
	%		
0.1 to 0.5 hours	21%	18%	21%
0.6 to 1 hours	45%	48%	46%
1.1 to 1.5 hours	10%	8%	10%
1.6 to 2 hours	9%	9%	9%
2.1 to 2.5 hours	4%	6%	4%
2.6 to 3 hours	3%	5%	4%
3.1 to 3.5 hours	2%	1%	2%
3.6 to 4 hours	1%	1%	1%
4.1 to 4.5 hours	1%	1%	1%
4.6 to 5 hours	1%	-	1%
5.1 to 5.5 hours	<1%	1%	1%
5.6 to 6 hours	<1%	<1%	<1%
Over 6 hours	1%	1%	1%
Averages and medians			
Mean	1.3	1.3	1.3
Median	1.0	1.0	1.0
Source: EXP FDC database as of May 8, 2017. Note: Totals may not sum to 100% due to rounding. *Only includes those clients where service hours were identified.			

No data are available on the amount of FDC time clients used in the previous model for comparison purposes to assess whether clients are accessing more lawyer time under the EXP FDC project. Plus, the ability for more time with the lawyer during individual visits through the one hour scheduled appointments, as well as the potential for increased follow-up on directions provided to clients (e.g., for completing forms) through the file management process, should result in more effective lawyer-client time, thereby contributing to increased access.

Internal key informants said they are not usually aware of why a client might visit the FDC at the JAC only once or twice, or not make full use of the available six hours, but cited a number

of reasons why this may occur. For example, if the FDC has suggested the client try mediation or to apply for legal aid, the client does not usually inform them if they have acted on the suggestion. As well, some clients may only have a few questions or a few minor issues that they need legal advice on, and which can be resolved in one or two visits to the JAC. And some clients make the decision to hire their own private lawyer while others may find a temporary order as satisfactory and do not pursue the matter further, or may just let their matter slide. Internal key informants also said that some clients may need more than the six hours, and that additional time may be granted at the discretion of one of the co-leads if it is warranted. An area that the EXP FDC and LSS may wish to explore is the reasons why the majority of clients are using nowhere near the available six hours. Such an assessment could assist in identifying if clients are obtaining all the assistance they require within the time they are using, or if there are some unidentified barriers to making greater use of the service.

Clients who access the FDC at the JAC appear to be making use of both the drop-in and appointment options, with 11% using the drop-in only, 54% using appointments only, and 30% using both (Table 17). Therefore, the majority (84%) of clients made appointments and 41% used drop-in services. Use of drop-ins has decreased somewhat since the summative evaluation, where 52% of survey respondents said they used either drop-ins only or both drop-ins and appointments. Use of appointments has changed little since the summative evaluation (82% for either appointments only or both appointments and drop-ins).

Table 17: How clients visited the FDC at the JAC (drop-in, appointment, or both) – client survey

Q13: Of all these times you saw the duty counsel at the Justice Access Centre, about how many were times you had to make an appointment for a different day and how many were times you dropped in and saw the lawyer that same day?

Visit type	(n=202)
Appointments only	54%
Drop-ins only	11%
Both	30%
Don't know/no response	5%

Note: Totals may not sum to 100% due to rounding.

Most surveyed clients (58%) said they saw the FDC at the JAC one to two times, while 26% visited three to four times (Table 18). The largest portion of clients that used drop-ins as well as those that made appointments said they did so once (49% and 45%, respectively).

Table 18: Number of times they saw the duty counsel at the JAC, and number that were drop-ins and appointments – client survey

Q12: About how many times in total did you go to see a Duty Counsel at the Justice Access Centre office, either by appointment or by dropping in?

Q13: Of all these times you saw the Duty Counsel at the Justice Access Centre, about how many were times you had to make an appointment for a different day and how many were times you dropped in and saw the lawyer that same day?

Number	Visits to the JAC (n=202)	Drop-ins (n=90)	Appointments (n=175)
One	34%	49%	45%
Two	24%	26%	23%
Three	19%	13%	14%
Four	7%	2%	7%
Five	4%	1%	1%
Over five	9%	1%	7%
Don't know/can't recall/no response	2%	8%	3%

Note: Totals may not sum to 100% due to rounding.

4. Does the EXP FDC improve the continuity and consistency of the Family Duty Counsel services?

Key findings: The refresh evaluation found that, while a large proportion of clients that have more than one meeting at the JAC are seeing more than one lawyer, the FDC is making increased effort for greater continuity. Such continuity and consistency provides benefits to the client as well as decreases risks of conflict. Based on the EXP FDC database and the client survey, there does appear to be an increased level of continuity since the summative evaluation. Furthermore, as was found in the summative evaluation, the maintenance of client files is viewed as improving continuity of service in that lawyers can become informed on the client’s case through the files.

The appointment-based approach of the FDC pilot is expected to provide opportunities for clients to work with the same lawyer through their potential six hours of services, thereby providing greater continuity of services in that the lawyer will become familiar with the case, and the client and lawyer will form something of a relationship. From Table 19, 67% of all closed files and 74% of all open files involved only one lawyer. In total, only 13% of all files involved three or more lawyers. Looking only at clients that had more than one meeting at the JAC, most had seen two or more lawyers.

Table 19: Number of lawyers involved in each case – FDC database			
Number of lawyers per case	Closed files	Open files	Total files
	%		
All clients	(n=2,951)	(n=542)	(n=3,493)
1	67%	74%	68%
2	19%	17%	19%
3	8%	7%	8%
4	3%	1%	3%
5-8	2%	1%	2%
Clients that had more than one client meeting at the JAC	(n=797)	(n=138)	(n=935)
1	21%	30%	23%
2	41%	36%	41%
3	20%	24%	20%
4	9%	6%	9%
5-8	8%	4%	7%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding.

Table 20 below compares the number of lawyers involved in a file to the number of client meetings at the JAC, keeping in mind that the number of lawyers may also include duty counsel that assisted a client in court. As illustrated below, the number of lawyers involved increases with the number of client meetings. Where clients had more than one meeting at the JAC, the majority had more than one lawyer involved in their case. However, it is not possible to determine how often this was because the client was assisted by a different duty counsel at the courthouse, although from Table 6, 62% of closed files did not have a court appearance identified.

Table 20: Case comparisons: number of client meetings at the JAC vs. number of lawyers for closed files only (n=2,317) – FDC database									
Number of client meetings	Number of lawyers involved in the case*								Total
	1	2	3	4	5	6	7	8	
1*	89%	8%	3%	1%	-	-	-	-	1,519
2	30%	54%	12%	3%	<1%	<1%	-	-	407
3	16%	37%	34%	9%	4%	-	-	-	164
4	13%	23%	27%	25%	8%	3%	1%	-	97
5	12%	29%	26%	12%	17%	5%	-	-	42
6	12%	16%	24%	24%	12%	8%	-	4%	25
7	-	29%	25%	17%	21%	4%	4%	-	24
8	-	17%	22%	28%	11%	22%	-	-	18
9	-	13%	-	50%	-	25%	13%	-	8
10-14	-	-	8%	8%	25%	33%	17%	8%	12

Source: EXP FDC database as of May 8, 2017.
 *Number of lawyers includes duty counsel that assisted the client in court; therefore a client with only one client meeting may have more than one lawyer involved if they had were assisted by a different duty counsel in court.

Internal key informants report that the EXP FDC has made increased efforts since the summative evaluation to ensure clients work with the same lawyer in follow-up appointments or to assist them in court. Project administrators have been instructed to try to schedule clients' next appointments with the same lawyer to the extent possible. Clients are encouraged to wait for their appointment when the same lawyer is next available, unless the matter is urgent and the client needs to see the first available lawyer. Similarly, the administrators will assemble files of those clients due to appear for each list day and will strive to assign the files to an FDC scheduled that day that has already seen the client. Such measures are viewed as not only contributing to file continuity for clients, but also for reducing risks of conflict.

Findings from the EXP FDC database analysis and the client survey demonstrate that such measures are assisting in ensuring greater continuity in terms of having assistance from the same lawyer. As shown in Table 21, a higher proportion of those clients with more than one meeting at the JAC whose files were opened after May 5, 2016 (the end of summative evaluation period) had only one lawyer working on the file (33% for all files), compared to files opened prior to that date (19% for all files).

Table 21: For clients with more than one meeting at the JAC, comparison of number of lawyers involved in each case for files opened May 5, 2016 earlier to files opened after May 5, 2016 – FDC database

Number of lawyers per file	Files opened on or before May 5, 2016			Files opened after May 5, 2016		
	Closed files (n=684)	Open files (n=8)	Total files (n=692)	Closed files (n=113)	Open files (n=130)	Total files (n=1,281)
1	19%	-	19%	35%	32%	33%
2	40%	13%	40%	48%	38%	42%
3	21%	25%	21%	14%	24%	19%
4	11%	13%	11%	3%	5%	4%
5-8	9%	50%	10%	1%	1%	1%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding.

And from the client survey, of those respondents who had visited the FDC at the JAC more than once, 61% report seeing the same lawyer each time, 21% saw two lawyers, and 12% saw three or more lawyers (Table 22). The proportion of survey respondents that saw just one lawyer increased from the summative evaluation client survey, where 42% said they the same lawyer with each visit, while 31% said they saw two lawyers, and 23% saw three to five lawyers.

Table 22: Number of lawyers respondents saw, for those visiting the FDC at the JAC more than once, and reasons for seeing more than one lawyer – client survey

Q17: Thinking of all the times that you saw the Duty Counsel at the Justice Access Centre office did you see the same lawyer each time?

Q18: How many different Duty Counsel did you speak with?

Number of duty counsel seen	(n=70)
One	61%
Two	21%
Three	6%
Four	4%
Six	1%
Over six	1%
Don't know/can't recall/no response	5%

Note: Totals may not sum to 100% due to rounding.

When asked why they were not able to see the same lawyer, as with the summative evaluation, the majority (65% of 69 respondents) said that the lawyer was not available, indicating the lawyer was either not available at either their next scheduled appointment (35% of 69 respondents), or when they dropped in for services (23% of 69 respondents), or they just said that the lawyer they had already seen was not available (7% of 69 respondents).

While a few external key informants report observing some file continuity, others said they were not in a position to comment. External key informants mainly reported on what they saw as the benefits of file continuity. As with the summative, internal and external key informants view file continuity as beneficial to clients in that they do not need to repeat their story with each lawyer, which makes better use of their available time with the lawyer and reduces frustration on the client's part. Furthermore, the client is able to establish a relationship with and gain confidence in the lawyer, and also receive consistent advice when seeing just one lawyer. Similarly, internal key informants report that with ongoing assistance from one lawyer, the lawyer gains a more thorough understanding of the clients' matter, and is able to provide more encouragement and follow-up to keep the client accountable for moving forward. Plus, if the lawyer appears in court with the client, they can more effectively advocate and negotiate for the client when the lawyer has a strong understanding of their matter.

A few roster lawyers observed they are more often seeing the same or new clients, rather than clients that have already seen another lawyer. A few, however, said that it can still be challenging to assign clients to the same lawyer, given the gaps in time when the lawyers are at the JAC or in court, other than for the co-leads who are at the JAC and in court more frequently. And a few internal key informants also believe it can be beneficial for clients to see a different lawyer at times, such as to obtain another perspective, or another lawyer may explain something in a different manner that helps the client better understand. As with the summative evaluation, internal key informants again report that the maintenance of files on clients contributes to continuity of service, plus a few external key informants commented on the benefits of maintaining client files. If a client has to see a different lawyer, their information is all in the file for the lawyer to gain an understanding of the matter and of any tasks the client was to complete before their next JAC visit or court appearance. Prior to the EXP FDC, there were no files kept on individuals who sought the FDC's assistance in court, and lawyers had to rely on clients' attempts to recall what previous lawyers told them.

The majority (80%) of the survey respondents that had worked with the same lawyer said this was helpful or very helpful to them, or it made no difference (Table 23). Respondents most frequently said this was because they did not have to re-explain their situation to a different lawyer (41%), or the lawyer was familiar with their case (39%), or because they got consistent advice (24%).

Of those clients who worked with different lawyers, 59% said it was helpful or very helpful to them, or made no difference (see Table 23). Respondents mainly said this was because they got to hear different perspectives from the lawyers (61%), or that all the lawyers they saw were helpful in their matter (20%). Of the 25 (36%) respondents that said it was not helpful or not at all helpful to work with different lawyers, this was mainly because they had to repeat their situation each time (n=15; 60%), or the lawyers were not all familiar with their case (n=11; 44%), or they got different opinions or advice from the lawyers (n=8; 32%).

Table 23: Helpfulness of working with either the same lawyer or different lawyers – client survey
 Q20: How helpful or unhelpful was it to you to work with different lawyers rather than just one lawyer?
 Q23: How helpful was it to you to work with the same lawyer compared to if you had had different lawyers?

Helpfulness	Different lawyers (n=69)	Same lawyer (n=124)
Very helpful	19%	47%
Helpful	23%	23%
Made no difference	17%	10%
Not helpful	26%	6%
Not at all helpful	10%	3%
Don't know/no response	4%	11%

Note: Totals may not sum to 100% due to rounding.

5. Have the EXP FDC services improved clients' knowledge of the legal process, family law, and their legal options?

Key findings: The improved level of service that the FDC are able to provide clients through the expanded services (e.g. one hour appointments, more time available, written instructions, access to other JAC services) are all viewed as contributing to improved client knowledge. Clients are receiving a wide range of assistance from the FDC and report that the information and assistance is helpful to them for understanding their family law matter and their options. Based on lawyers' assessment of clients, although a large proportion of clients are rated as having a low understanding in a number of elements, both at the start and end of assistance, some progress is made in terms of understanding and abilities between the initial and end assessments.

Internal key informants generally report that the improved level of assistance they are able to provide to clients through the expanded services with the EXP FDC project contributes to an increased level of client knowledge on the legal process, their family law matter, and their legal options. As with the summative evaluation, key informants primarily attribute this improvement to the one hour appointments and the total of six available hours of FDC assistance through the project. Key informants also said that the written notes and instructions provided to clients are helpful to them in guiding them forward on their next steps. The access lawyers have to computers during client appointments is also viewed as valuable for showing clients useful online resources to obtain more information to help them in their matter. Furthermore, several key informants observed that the FDC now have more time to discuss the benefits of mediation as an alternative to court with clients, and can refer them to the mediation services at the JAC.

Internal key informants again noted that prior to the project, the FDC in court had only 10-15 minutes to assist each client, and that the atmosphere was rushed and stressful for both clients and lawyers. Plus, written instructions were not provided to clients and files were not maintained, such that clients often made repeat visits to court having made little to no progress.

A few internal key informants qualified their statements, saying they assist clients as much as possible, but that some individuals have more difficulty in comprehending the information and advice, or that family law is complex and even other lawyers that do not practice in this area can be challenged in understanding many aspects of family law. A few key informants observed that matters going to Supreme Court are particularly complex and may require more than the six available hours.

External key informants have varying interactions with clients of the EXP FDC, with a few saying they are not in a position to observe how the services assist clients in understanding the legal process, their family matter, or their legal options. Some examples provided by external key informants of observations they have made include that some clients:

- ▶ are going to court better informed, with a greater understanding of what they are trying to achieve
- ▶ are gaining a better understanding of their responsibilities and obligations, particularly for child support
- ▶ are gaining an understanding of whether their position is realistic or achievable
- ▶ are gaining confidence and empowerment to take the steps for completing necessary documents

A few external key informants also observed that that the EXP FDC approach aligns well with other justice system service providers, such as judges and other services at the JAC, in encouraging mediation as opposed to the court route, and that all the FDC consistently message the benefits of mediation.

From the FDC database, most clients are receiving procedural advice on the court process (73%) and substantive advice regarding a legal issue or issues (72%), with only a slight variation in these proportions between closed and open files (Table 24). Just over a third of clients (36%) were assisted at a court attendance and just over one quarter (27%) were provided advice with document preparation. Looking at all the service categories for document preparation (advice, drafting, and editing), 30% of closed files and 36% of open files were provided assistance in one or more of these areas.

Table 24: Services provided by the FDC to clients – FDC database			
Services provided	Closed files (n=2,951)	Open files (n=541)*	Total files (n=3,492)*
	%		
Procedural advice regarding court process	73%	73%	73%
Substantive advice regarding legal issue(s)	72%	74%	72%
Court attendance	35%	41%	36%
Document preparation: advice	26%	34%	27%
Coaching	16%	28%	18%
Document preparation: drafting	13%	18%	14%
Referral to non-LSS service	6%	11%	7%
Document preparation: editing	5%	7%	6%
Substantive advice about a mediated agreement	4%	2%	4%
Substantive advice about a negotiated agreement	3%	8%	4%
Case conference attendance	1%	1%	1%
Successive coaching sessions	<1%	3%	1%

Source: EXP FDC database as of May 8, 2017.
 Note: Cases could involve more than one service; totals will sum to more than 100%.
 *Although there were 542 open files, no services have yet been recorded for one recently opened file.

As a component of the clients’ case summary forms, duty counsel are to assess each client’s understanding of a number of elements and to do so both at the start of assistance and after each appointment (Table 25, next page).¹⁰ Between half and two thirds of clients were rated as having a low understanding/ability for each of the elements below at the start of the file, and, in fact, a majority of clients are rated low for almost all elements for both closed and open files.¹¹ However, in all cases, some progress is made in understanding and abilities between the initial and end assessments, for both closed and open files, with duty counsel assessments graduating mainly from low understanding to some understanding. Few clients are assessed as able, even for end assessments. For all elements, and for both closed and open files, 8% or less of clients are rated as able for both the initial and end assessments.

Specific to the evaluation question of concern here on improved clients’ knowledge of the legal process and family law, and considering only closed files:

- ▶ Just over half (52%) of clients were assessed as having a low understanding of their family law issue at the start of assistance, with this improving somewhat to 47% at the close of the file.
- ▶ Two thirds (66%) of clients were assessed as having a low understanding of the legal processes that relate to their case, with this also improving somewhat by the close of the file, but still at over half (59%) of clients having a low understanding.

¹⁰ Clients’ level of understanding is assessed by the roster lawyer at each appointment. The rating scale includes: Low, Some, and Able. LSS reports that while the assessment was discussed during roster lawyer training, the assessment process does not take into account variations in lawyers’ perception of client ability. The client’s ability to understand will also vary and be affected by such factors as mental health issues or cognitive impairments. The project is currently working on making the assessments more objective.

¹¹ Each element included a “not applicable” category, with the not applicables ranging from 9% to 62% overall. Not applicable has been excluded from the percentages provided in Table 26.

Table 25: Clients' understanding of their legal issue as assessed by lawyer – FDC database						
Clients' understanding levels by element*	Closed		Open		Total	
	Start	End	Start	End	Start	End
	%**					
Understands their family law issues	(n=2,480)	(n=2,222)	(n=534)	(n=198)	(n=3,014)	(n=2,420)
Able	8%	8%	8%	7%	8%	8%
Some	41%	45%	44%	51%	41%	46%
Low	52%	47%	49%	42%	51%	47%
Understands the legal processes that relate to their case	(n=2,465)	(n=2,205)	(n=527)	(n=201)	(n=2,992)	(n=2,406)
Able	4%	5%	6%	5%	5%	5%
Some	30%	36%	32%	41%	30%	36%
Low	66%	59%	62%	54%	65%	59%
Is able to prepare and submit provincial court documents	(n=1,876)	(n=1,646)	(n=382)	(n=162)	(n=2,258)	(n=1,808)
Able	4%	5%	8%	6%	5%	5%
Some	34%	38%	37%	48%	35%	38%
Low	62%	58%	55%	46%	61%	57%
Is able to prepare and submit Supreme Court documents	(n=1,000)	(n=866)	(n=143)	(n=47)	(n=1,143)	(n=913)
Able	4%	5%	6%	4%	5%	5%
Some	29%	36%	31%	43%	29%	36%
Low	67%	59%	63%	53%	66%	59%
Is organized and prepared to address their legal issues	(n=2,401)	(n=2,158)	(n=503)	(n=195)	(n=2,904)	(n=2,353)
Able	4%	5%	7%	7%	5%	5%
Some	29%	35%	32%	40%	29%	36%
Low	67%	60%	60%	54%	66%	60%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding
 *Does not include the not applicable category
 **Only includes files where a rating is provided.

Clients themselves said they are getting a wide variety of assistance from the FDC, with close to two thirds and more of survey respondents saying they received help in each of the areas identified in Table 26. In particular, almost all respondents said the duty counsel explained to them and provided them with information on their family law matter (91%), and explained the legal process to them (87%), and also told them about their options for handling and resolving their legal matter (83%). Responses for each of the categories in Table 26 were very similar to those in the summative evaluation client survey.

Furthermore, almost all (86%) respondents said that overall, the information and assistance received was either very helpful (52%) or helpful (35%) to them for understanding the legal process and their family law matter, and almost all (84%) also said this was either very helpful (48%) or helpful (36%) for understanding and making decisions on their options for handling their family law matter. Of the few that said the assistance was either not helpful or not at all helpful for understanding the legal process/their family law matter (n=24; 12%) and/or for understanding their options (n=25; 13%), most said this was because they did not feel they got enough, or the correct, or good assistance, information, or advice.

Table 26: Type of information and assistance provided by the duty counsel – client survey

Q26: Which of the following types of information and assistance did the Duty Counsel give to you?

Information/assistance received	Respondents that received the assistance (n=202)
Explain and provide you with information about your family law matter	91%
Explain the legal process to you	87%
Tell you about your different options for handling and resolving your legal matter	83%
Specifically talk to you about ways you could resolve your matter without going to court	65%
Help with forms or documents needed for your legal matter	63%

Note: Respondents could give more than one answer, totals do not add to 100%

6. Have the EXP FDC services increased clients' ability to manage and resolve their legal issue?

Key findings: As with the summative evaluation, the assistance provided by the EXP FDC is contributing to clients' ability to manage and resolve their legal issue. The FDC encourages mediation as a preferable option to the protracted court route, informs clients on how to prepare needed documents to move their matter forward, educates clients on reasonable expectations as well as their rights and obligations, and provides coaching to help clients negotiate on their matter and in preparing to present their arguments before a judge. Clients themselves are positive regarding how the help and information from the FDC has assisted them in managing their legal matter.

Key informants believe the EXP FDC is contributing to increased client ability to manage and resolve their legal issue, with most reiterating what was said in the summative evaluation. Key informants gave a variety of examples of how they believe the EXP FDC assists in clients' management and resolution of their legal issues, such as through giving clients the following:

- ▶ an increased understanding of court forms and what to include in the forms, which leads to better prepared court forms;
- ▶ a greater awareness of other available resources and how to access other resources;
- ▶ a greater understanding of other options besides the court route and increased willingness to consider mediation;
- ▶ more realistic expectations and less tendency to take unreasonable or unachievable positions;
- ▶ a greater understanding of what to expect when appearing before a judge, such as what the judge will expect when considering the best interests of the child;
- ▶ a greater understanding and willingness to recognize not only their rights but also their obligations, such as a greater understanding of child support payment guidelines;
- ▶ more clarity on what they are seeking when appearing before a judge;
- ▶ increased ability to effectively argue for what they are seeking and to negotiate with the other party; and
- ▶ coaching and assistance in preparing for representing themselves at trial.

Some internal key informants also said they generally do not hear from clients after they receive referrals from the FDC, or when they go to mediation or to court on their own, and so they do not get feedback from the clients on how helpful the referrals were, or how the assistance helped them in managing their court trial or taking part in mediation.

A few external key informants said they have observed and/or have heard from other justice service providers that more individuals are submitting and coming to court with better prepared court documents. This improvement in court documents was attributed to the assistance received at the JAC, either from the FDC or the self-help room at the JAC, or a combination of both. Some of these key informants also believe that more people are coming to mediation or to court with a greater understanding of the process and with more reasonable expectations. This is viewed as making better use of mediation or court time which, in turn, assists clients in better managing and resolving their legal issue. As noted previously, the encouragement of mediation over court by the FDC is viewed as consistent with the approach judges and other members of the justice system actively pursue.

A few key informants again mentioned that some individuals are better able to make full use of the assistance provided, while others may be less able to comprehend, or are less comfortable in negotiating or representing themselves. As was noted in the previous evaluation question and as was shown in Table 25, duty counsel assessed the majority of clients as low for the assessment element *is organized and prepared to address their legal issues* at both the start (66%) and end (60%) of the process. And some clients or types of matters are viewed as needing additional assistance for managing their matter, with some examples given including the following:

- ▶ Clients with Supreme Court matters that are viewed as are complex and which, therefore, may require more assistance than what the FDC are able to provide, even with the available six hours.
- ▶ Some clients need more assistance with actually completing their court forms. A few key informants (internal and external) noted that some individuals struggle with filling out the forms, and/or do not have access to or know how to use a computer to type up their forms, or lack the capacity to complete the process on their own. These clients are viewed as requiring additional assistance than what the FDC or the JAC self-help can provide. One example provided is that some individuals with FMEP issues require someone to actually complete their documents for them in order to get their maintenance order varied.

Clients themselves were also positive about many of the examples given above on how the FDC have helped them manage their family law matter. Of the surveyed clients who said the FDC assisted them with documents, 85% said the duty counsel gave them information and advice on completing the forms on their own, 60% said the duty counsel reviewed their forms, and 54% said the duty counsel assisted them in completing some or all of the forms (Table 27). Most (85%) respondents said this assistance was very helpful (56%) or helpful (29%) to them.

Table 27: Assistance provided by the duty counsel on forms and documents – client survey	
<i>Q31: What help did the Duty Counsel give you on the forms and documents needed for your legal matter?</i>	
Assistance	(n=127)
Gave them the forms or told where to find them	91%
Gave them Information and advice on how to complete the forms on their own	85%
Reviewed their forms	60%
Gave them assistance in completing some or all of the forms	54%
Note: Respondents could provide more than one answer to the type of assistance provided; totals may sum to more than 100%.	

Just over half (51%) of all survey respondents who accessed the FDC at the JAC said they submitted court documents on their own (Table 28). Most clients said their documents were accepted the first time they tried submitting them, with little difference between those that did and did not receive help with their documents from the FDC. Of the few clients overall (n=16) whose documents were not accepted the first time, nine said it was because the forms were either not completed, packaged, or submitted correctly, five said because there was information missing, and two said it was because they had not used the correct forms.

Table 28: Submittal of forms and documents to the court registry – client survey		
<i>Q33: Did you yourself submit any documents to the court registry or court services?</i>		
<i>Q34: Were they accepted by the court registry the first time you tried to submit them?</i>		
Documents submitted	(n=202)	
Yes	51%	
No	46%	
Their lawyer submitted the documents	1%	
Don't know/can't recall/no response	1%	
Documents accepted the first time they tried to submit	Duty counsel helped with forms (n=80)	Duty counsel did not help with forms (n=21)
Yes	80%	86%
No	16%	14%
Don't know/can't recall/no response	4%	-
Note: Totals may not sum to 100% due to rounding.		

Of the 41 (35%) survey respondents who said they resolved some or all of their family law issues through a court trial, 25 (61%) said they represented themselves. These respondents said the duty counsel helped to prepare them by telling them:

- ▶ how the court process works (80%)
- ▶ what to expect in court (76%)
- ▶ what to bring to court (68%)
- ▶ how to present their case (52%)
- ▶ how to address the judge (52%)

As well, 27% of the survey respondents that visited the JAC said they appeared before a judge for reasons other than a trial. Of these respondents, 56% said the duty counsel gave them information on the court appearance, and the majority of these clients said the assistance was helpful to them for understanding each of the below:

- ▶ what would happen in court (87%)
- ▶ what they need to do to get ready for court (90%)
- ▶ what information they should bring to court (94%)
- ▶ what they should say in court (58%)

The majority of survey respondents who represented themselves in court, either at a trial (76%) or for some other court appearance (57%), said they felt either very prepared or prepared (Table 29). For both groups, most respondents said they felt prepared because they had everything ready and all the information/documents they needed for the trial, and/or that the duty counsel gave them all the information needed and/or helped them to prepare.

Table 29: Preparedness in going to court without a lawyer – client survey		
<i>Q48: How prepared did you feel to handle the trial by yourself?</i>		
<i>Q54: How prepared did you feel to handle the court appearance or court appearances by yourself?</i>		
How prepared they felt to represent themselves in court	At a court trial (n=25)	At other court appearances (n=30)
Very prepared	36%	20%
Prepared	40%	37%
Not prepared	12%	23%
Not at all prepared	12%	17%
Don't know/no response	-	3%
Note: Totals may not sum to 100% due to rounding.		

Most (81%) survey respondents who were helped by the duty counsel at the courthouse said this was very helpful (51%) or helpful (30%) to them (Table 30). From Table 31, respondents primarily said this was because the duty counsel spoke on their behalf and handled the process (37%), or did such things as clarified things for them; gave them direction, support, and advice; prepared them; and informed them of options (25%).

Table 30: Helpfulness of having duty counsel assist them at the court appearance – client survey
 Q6&58: How helpful was it to have the duty counsel at the court appearance or appearances with you?

Helpfulness of duty counsel assistance at the court appearance	FDC assistance at the...		Total (n=109)
	Courthouse only (n=33)	JAC and courthouse (n=50)	
Very helpful	49%	54%	51%
Helpful	18%	34%	30%
Not helpful	3%	6%	7%
Not at all helpful	15%	2%	8%
Don't know/no response	15%	4%	4%

Note: Totals may not sum to 100% due to rounding.

Table 31: Why it was helpful/not helpful to have the duty counsel assist them at the court appearance – client survey

Q7&59: Why was it helpful or not helpful to have the Duty Counsel at the court appearance with you?

Helpful	FDC assistance at the...		Total (n=76)
	Courthouse only (n=28)	JAC and courthouse (n=48)	
Duty Counsel spoke on their behalf and handled the process	54%	27%	37%
Duty Counsel prepared them, gave support and/or informed them of options	21%	27%	25%
Good to have the support	21%	23%	22%
Duty Counsel understands the process/know what to do	7%	17%	13%
Client not familiar with court process	4%	15%	11%
Not helpful			
Duty Counsel did not give enough help, were rushed, and/or trying to help too many people	-	8%	5%
Dissatisfaction with the representation provided and/or their treatment by the duty counsel	14%	-	5%
Some Duty Counsel were helpful, some were not	-	2%	1%
Other	14%	2%	7%
Don't know/can't recall/no response	4%	6%	5%

Note: Respondents could provide more than one answer; totals may sum to more than 100%.

7. Are the EXP FDC services helping clients achieve early resolutions to their legal problems?

Key findings: The EXP FDC generally does not have access to data or information on the extent their assistance is assisting clients in achieving resolution to their legal matter in a timely manner. The consensus, though, is that the EXP FDC services should contribute to timely resolution through assisting clients to recognize the value of mediation, or become more open to acknowledging their obligations and to have more reasonable expectations, or in gaining increased skills for negotiating and representing themselves. As well, assistance from the FDC in court is credited with helping clients achieve some positive results and moving their file forward. As confirmation, a majority of the surveyed clients have achieved at least some resolution on their matter, with most crediting the FDC as being helpful in this progress.

A challenge in assessing the extent that the EXP FDC services help clients achieve resolution to their legal problems is that the FDC provide clients with assistance on just certain aspects of their matter, but do not usually follow their clients to the case conclusion. Clients are referred to services such as mediation or legal aid, or are coached on how to negotiate with the other party, and/or how to represent themselves at a court trial. While some internal key informants believe the EXP FDC services are helping clients achieve resolution to their legal matter and doing so earlier, others said they do not know because they do not know the final outcome. Some internal key informants do believe that many clients are taking part in mediation and are finding resolution and doing so earlier than if they had pursued the court route. As well, the assistance, coaching, and other tools provided by the FDC are considered valuable to clients, such as to increase their willingness to negotiate and formulate reasonable expectations, and to improve their ability to communicate and negotiate in their pursuit of a satisfactory resolution.

A few internal key informants noted that it would be helpful to have more feedback, either from clients on how helpful the assistance was for resolving their issue, or if better information could be captured in the case summary forms that could give some indication of outcomes. LSS has indicated there are plans to implement a client feedback survey form at the next EXP FDC database update, which is scheduled for February, 2018.¹²

Some external key informants also said they were not in a position to know the outcomes of the EXP FDC clients. That said, some do believe that because the FDC are helping clients better prepare their documents or better prepare for court, that this, in turn, makes better use of court time and helps clients resolve their matter in a timelier manner. A few external key informants also believe that more matters are being resolved through mediation, and that families are able to reach resolution through this route faster than through the courts. As was noted previously, the FDC, along with other justice service providers, are credited with being very supportive of mediation.

¹² Information provided by LSS.

The FDC are also credited with placing increased focus on moving client matters forward when they appear with the client in court and in making better use of court time. Examples given include that there are fewer unnecessary adjournments, and when adjournments do occur it is for more constructive reasons, such as for the client to go to mediation, and also that there are fewer unnecessary hearings being set. Furthermore, the pre-court preparations by the FDC better prepares the client, preventing the need for the judge to spend time explaining processes and litigant obligations. Better use of court time is viewed as helping clients take positive steps in resolving their legal matter in a manner that is beneficial to families, such as through helping clients understand the child support guidelines and their child support obligations. Some comparisons were made between Victoria and other court locations that do not have the same level of FDC assistance and expertise and where judicial, and thus court time, is used less effectively because litigants are coming to court less prepared in comparison to in Victoria.

From the pilot database, the highest proportion (35%) of client files were opened before court proceedings or a written agreement (Table 32). Plus, 15% were opened when court action was commenced, but before a case conference, which might be considered early for a family law matter. Earlier engagement with the EXP FDC (such as before court proceedings are initiated) increases the opportunities for the FDC to encourage and facilitate resolutions that do not involve the courts.

Stage of case	Closed files (n=2,949)*	Open files (n=541)*	Total files (n=3,490)*
Before court proceedings or written agreement	35%	33%	35%
After final order or agreement	17%	21%	18%
Court action commenced – before case conference	16%	11%	15%
Change final order or agreement	13%	13%	13%
Before final order	12%	14%	12%
After case conference – before interim orders	2%	1%	2%
CFCSA specific stages**			
New removal/presentation	3%	3%	3%
Protection stage	1%	1%	1%
Risk of removal	1%	1%	1%
Cancellation of CCO	<1%	<1%	<1%
CCO	<1%	1%	<1%
Transfer of child to a non-parent	<1%	1%	<1%
Extension	<1%	<1%	<1%

Source: EXP FDC database as of May 8, 2017.
 Note: Totals may not sum to 100% due to rounding.
 *Although there were a total of 3,493 cases in the EXP FDC project database, data regarding the stage of client case when the file was opened were available for 3,490 cases only (data missing on two closed and one open file).
 **Clients that had CFCSA issues may also be included in other stages listed besides those specific to CFCSA files.

Table 33 looks at the length of time files are open, as indicated from the FDC database. It is not possible to make any definitive statements based on this information, given that it is not generally known if clients' cases are resolved when closed, plus 80% of the files that give a reason for closing are closed due to inactivity.¹³ Furthermore, there are no baselines available upon which to measure the length of time EXP FDC files are open; prior to the pilot no files were maintained on individuals seeking FDC assistance. The following just helps to provide some context in that:

- ▶ just over half (51%) of closed files were open for six months or less and just over one third (35%) for six to 12 months;
- ▶ 14% of closed files were open for over a year;
- ▶ the majority of open files (77%) have been open for four months or less;
- ▶ closed files were open for an average of 7.2 months, with a median of 5.8 months, while open files have been open for an average of 3.3 months, with a median of 2.6 months.

Table 33: Length of time files are open – FDC database			
Months open	Closed files (n=2,951)	Open files* (n=542)	Total files (n=3,493)
	%		
Up to 2 months	1%	39%	7%
2.1 to 4 months	27%	38%	29%
4.1 to 6 months	23%	12%	21%
6.1 to 8 months	15%	6%	14%
8.1 to 10 months	11%	2%	10%
10.1 to 12 months	8%	<1%	7%
12.1 to 14 months	4%	<1%	3%
Over 14 months	10%	2%	9%
Averages and medians	Months		
Mean	7.2	3.3	6.6
Median	5.8	2.6	5.0
Source: EXP FDC database as of May 8, 2017.			
Note: Totals may not sum to 100% due to rounding.			
*Length of time for open files is calculated up to date of extract, May 8, 2017.			

¹³ From the EXP FDC Procedures Manual files are to be closed after 90 days of inactivity.

The FDC also tracks legal outcomes, although in some respects this is a service outcome, in that the information does not necessarily indicate the final legal outcome for the client (Table 34). The most common outcome was for advice only (72%), followed by appearance – adjournment (18%) and appearance – interim order (12%). A small proportion (14% for closed files) indicated some type of order (interim or final) or agreement.

Table 34: Legal outcomes of EXP FDC cases – FDC database			
Legal outcome	Closed files (n=2,950)	Open files (n=154)	Total files (n=3,104)*
	%		
Advice only	72%	80%	72%
Appearance: adjournment	18%	13%	18%
Appearance: interim order	12%	11%	12%
Order: interim	10%	3%	9%
Unresolved: file closed	8%	-	8%
Unresolved: referred to Intake	6%	-	5%
Order: final	4%	1%	4%
Unresolved: client abandoned	4%	-	4%
Appearance: final order	3%	4%	3%
Agreement	1%	-	1%
Unresolved: file continuing	1%	-	1%
CFCSA specific outcomes**			
Child in care	1%	1%	1%
Child with client: supervision	1%	1%	1%
CCO granted	<1%	-	<1%
Child transferred to non-parent	<1%	1%	<1%
Child with client: no supervision	<1%	-	<1%
Child with other parent	<1%	-	<1%
Access granted	<1%	-	<1%
Unknown	46%	1%	44%

Source: EXP FDC database as of May 8, 2017.
 Note: Cases could involve more than one legal outcome; totals will sum to more than 100%.
 *Although there were 3,493 files in the EXP FDC project database, data regarding the legal outcome were available for 3,104 files only.
 **Clients that had CFCSA issues may also be included in other legal outcomes listed besides those specific to CFCSA files.

Survey respondents were asked about the current status of their family law matter (Table 35), with findings very similar to those for the summative evaluation. The majority (58%) of respondents said they had achieved at least some resolution, with 33% saying all issues had been resolved through agreement or an order from a judge, and 25% saying that some issues had been settled and some were still unsettled. Of those who had settled some or all issues, 60% said they did so out of court, and of these, 44% did so through working out an agreement on their own with the other party, 36% did so through mediation, and 19% did so by taking part in a family or judicial case conference.

Table 35: Current status of their family law matter, and how some or all issues were resolved – client survey	
<i>Q41: Which of the following best describes the current status of your family law issues that you went to see the Duty Counsel about?</i>	
<i>Q42: For your issues that are resolved, how were you able to resolve them?</i>	
<i>Q43: How were you able to resolve all or some of your matters out of court without a trial?</i>	
Current status	(n=202)
No issues are yet resolved	41%
All issues have been resolved or settled either through agreement or an order from a judge	33%
Some issues have been resolved or settled, but some are still unsettled	25%
Don't know/no response	1%
How some or all issues were resolved	(n=117)
They were all settled out of court without a trial	60%
They were all settled through an order from a judge after a trial	20%
Some settled out of court and some through an order from a judge after a trial	15%
Don't know/no response	5%
How some or all issues were resolved out of court	(n=88)
Worked out an agreement on your own with the other party	44%
Taking part in mediation with a mediator	36%
Taking part in a Family Case Conference or Judicial Case Conference	19%
Counselling	2%
By default (other party gave up, didn't show up)	1%
With help from a lawyer	1%
Other	3%
Don't know/can't recall/no response	1%
Note: Totals may not sum to 100% due to rounding.	
Note: Respondents could provide more than one answer to how issues were resolved; totals may sum to more than 100%.	

Of those survey respondents who settled their matters out of court, most (79%) said the assistance from duty counsel was either very helpful (42%) or helpful (37%) to them in resolving all or some of their matters out of court (Table 36). When asked why they found the assistance helpful, the majority (74%) of respondents said that the FDC gave them good advice, assistance and guidance, and/or that the FDC explained the process to them.

Table 36: Helpfulness of the assistance from the duty counsel in resolving some or all matters out of court – client survey	
<i>Q44: How helpful was the information or assistance you received from the Duty Counsel in resolving all or some of your matters out of court?</i>	
Helpfulness	(n=78)
Very helpful	42%
Helpful	37%
Not helpful	8%
Not at all helpful	5%
Not applicable, did not get information or assistance from the Duty Counsel for this	5%
Don't know/no response	3%
Note: Totals may not sum to 100% due to rounding.	

Of those clients who have not resolved some or all of their family law matter issues, 23% said they plan on trying to resolve the matter on their own with the other party, 21% said they were planning on trying mediation, 29% said they plan on having a trial, and 21% were not sure of their next steps. The majority (65%) of respondents that plan on trying to resolve their matter outside of court believe the assistance they had received from the duty counsel will be helpful (36%) or very helpful (28%) in this process.

**8. Are clients satisfied with their experience using the added EXP FDC services?
What, if anything, can be done to improve clients' experiences?**

Key findings: The EXP FDC does not obtain feedback from clients on satisfaction with services. However, based on the client survey conducted for the refresh evaluation, clients continue to have a high level of satisfaction.

Based on the survey results, clients have a high level of satisfaction with the FDC services, with 80% of survey respondents saying that overall, they were either very satisfied (49%) or satisfied (31%) with the help and support they received from the FDC (Table 37). As well, 89% of all respondents (including those that only received the FDC assistance at the courthouse) said that they felt treated with respect by the duty counsel, and 82% said they felt the duty counsel listened to them and took the time to understand their legal issues.

Table 37: Level of satisfaction with the Expanded Family Duty Counsel services– client survey	
<i>Q66: Overall, how satisfied were you with the help and support you received through the Expanded Family Duty Counsel services?</i>	
Satisfaction level	(n=202)
Very satisfied	49%
Satisfied	31%
Unsatisfied	10%
Very unsatisfied	8%
Don't know/no response	2%

Note: Totals may not sum to 100% due to rounding.

Although the EXP FDC does not formally collect feedback from clients on the services, a few internal key informants said that over the course of the appointments they do receive some feedback from clients; for example, they are appreciative of being able to access the services, or after speaking with the FDC they feel relieved and less worried, or clients have told them they could not have managed their family law matter without the FDC assistance.

Had the FDC services not been available, just over one quarter (28%) of survey respondents said they would have hired their own lawyer, 19% said they would have tried to do everything themselves, and 17% said they would have tried to find another service to give them assistance (Table 38).

Table 38: What they would have done without the Expanded Family Duty Counsel service— client survey	
<i>Q63: What would you have done if the Expanded Family Duty Counsel service was not available?</i>	
What they would have done	(n=202)
Hired their own lawyer	28%
Tried to do it all themselves	19%
Tried to find another service to help	17%
Represented themselves in court with no help	10%
Would have been lost/in turmoil/stuck/worried a lot	6%
Dropped the matter/done nothing	5%
Tried to resolve the matter out of court	5%
Conducted more online research	5%
Get help from friends/family	3%
Tried to get a pro bono lawyer/free help from a lawyer	3%
Relied on the Duty Counsel available in the court	2%
Tried to get help from legal aid	2%
Would just do the same as what they're doing right now	1%
Other	2%
Don't know/no response	15%

Note: Respondents could provide more than one answer; totals may sum to more than 100%.

When asked about suggested improvements to the EXP FDC, just over one third (33%) of client survey respondents said they had no suggestions; others made a variety of suggestions, with no particular suggestion or suggestions mentioned by a substantial proportion of respondents. The two most frequent suggestions were to allow more time and/or appointments with the lawyer (18%) and to have more lawyers available (11%); a detailed list of suggestions is provided in Table 39.

Table 39: Suggestions for improving the Expanded Family Duty Counsel services– client survey	
<i>Q67: What, if anything, would you change about the Family Duty Counsel to make the services better?</i>	
Suggestions	(n=202)
No suggestions, services were good	33%
Allow more time/appointments with the lawyer	18%
Have more lawyers available	11%
Less wait time for appointments/more drop-ins	10%
Make sure the client works with the same lawyer all the time	9%
More communication/advertising to let people know it is available	6%
Expand the types of issues they can cover	6%
Lawyers should listen more to client/show compassion	5%
Offer evening hours/expanded hours	5%
Give more information on the client's options/alternatives for resolution, what to do	4%
More coaching/preparing/what to expect	4%
Allow the lawyer to represent you in court/give more help at court	4%
Communication issues	4%
Documentation on preparing for meeting with lawyer/on legal processes/family law	3%
Lawyers should be familiar/knowledgeable on the various family matters	2%
Increased accessibility, such as more offices, access for clients outside of Victoria	2%
More assistance with document preparation	2%
Better match lawyers' areas of expertise with clients' legal needs	2%
Use plain language that non-legal people understand	1%
More flexible financial guidelines/make service available to everyone	1%
Provide information sheet that explains what help they can give	1%
Decrease wait time at courthouse/more time with lawyer at court house	1%
Comments not applicable to FDC	1%
Give more assistance when the other party is represented by a private lawyer	<1%
Other	4%
Negative comments	1%
Don't know/can't recall/no response	5%

Note: Respondents could provide more than one answer; totals may sum to more than 100%.

9. Does the EXP FDC improve the level of integration across available legal supports and services at the Victoria site? Does the EXP FDC provide other helpful referrals?

Key findings: The EXP FDC’s location at the JAC is viewed as one of the most valuable features of the project, with the FDC complementing other JAC services and creating one-stop shopping for clients. Individuals with family law matters can access the FDC for legal advice and then easily access other JAC services for other needed resources, most frequently the self-help room and the Family Justice Counsellors for mediation. Similarly clients of other services are referred to the EXP FDC as needed. Integration of services is facilitated by the reported good communications and collegiality between all JAC services, including the EXP FDC.

Improved integration of services at the JAC

Locating the EXP FDC at the JAC is considered very beneficial to individuals with a family law matter, with key informants most frequently referring to the JAC as “one stop shopping.” All key informants appeared familiar with the various resources and services available either at or adjacent to the JAC, citing such services as the FJC, the self-help room, Access Pro Bono, the Credit Counselling Society, the Greater Victoria Police Victim Services, and the University of Victoria’s Law Centre (Law students). While these other services are helpful to EXP FDC clients, the addition of the EXP FDC to the JAC is viewed as further complementing existing services and producing a continuum of services. Key informants most frequently spoke of referrals between the EXP FDC, the self-help room, and the FJC. After receiving advice and assistance from the FDC, clients are frequently referred to the self-help room to make use of their computers and other resources for completing their documents. Similarly, if individuals come to use the self-help room and appear to be in need of legal assistance, they are referred to the EXP FDC. With mediation being such a strongly recommended approach by the FDC, having the FJC in the same location is convenient in that the lawyers can walk clients over to speak with the Justice Interviewers to be assessed for mediation services. Similarly, once individuals have used the mediation services, they can return to the FDC if legal advice is required on an agreement, or for more advice if agreement could not be reached through mediation.

From the FDC database, clients are most commonly referred to the JAC self-help room (41% of total files) (Table 40). A substantially higher proportion of open files (60%) were referred to the JAC compared to closed files (37%). Plus, a higher proportion of client files indicate a referral to the JAC self-help room in comparison to the findings for the summative evaluation, where 20% of closed files, 43% of open files, and 28% of files overall identified a referral to the self-help room. One potential explanation for both of these findings is that, with time, as the FDC have become more familiar with the other resources at the JAC and the helpfulness of the self-help room to clients, more are referring clients to the self-help room.

Table 40: Referrals from EXP FDC to other organizations or individuals – FDC database			
Organization or individual	Closed files (n=2,951)	Open files (n=542)	Total files (n=3,493)
	%		
JAC self-help room	37%	60%	41%
Online/Internet	20%	31%	22%
Court staff or judiciary	17%	34%	20%
Legal Aid/LSS Intake	17%	15%	17%
Family Justice Counsellor	16%	23%	17%
Private lawyer	12%	13%	12%
Family Maintenance Enforcement Program	8%	12%	9%
Other government agency	6%	4%	6%
Private mediator	5%	4%	5%
Social worker	4%	6%	4%
Health professionals	3%	3%	3%
LSS Family LawLINE	3%	2%	2%
Advocate or community agency	2%	1%	2%
Courthouse library	2%	-	2%
Law students' clinic or program	2%	3%	2%
Police/victim services	2%	3%	2%
Indigenous community agency	<1%	-	<1%
Access Pro Bono	1%	1%	1%
Child Support Officer (CSO)	<1%	1%	<1%
Crown counsel/prosecutor	<1%	-	<1%
Immigrant settlement or multicultural organization	1%	<1%	1%
Income assistance	<1%	<1%	<1%
None identified	27%	10%	24%

Source: EXP FDC database as of May 8, 2017.
 Note: Cases could involve more than one referral; totals will sum to more than 100%.

From Table 15, 12% of FDC clients were referred to the pilot by an FJC, but only 3% by the self-help room. The latter could partially be because many people using the self-help room had already received FDC assistance or were already aware of the FDC.

Of the client survey respondents, 55% said the duty counsel referred them to another service at the JAC, while 21% of respondents said they had already used the JAC resources prior to seeing the duty counsel (Table 41). Of those referred, 68% said it was a helpful referral. Plus, 94% of respondents who either had been referred to the JAC or had already used one of the resources said it was very helpful or helpful to have the duty counsel at the JAC with the other resources, with 72% saying it was very helpful.

Table 41: Use of other resources at the JAC – client survey	
<i>Q36: Did the Duty Counsel tell you about and suggest you go to the resource centre or Family Justice Counsellor for more help?</i>	
<i>Q36a: If yes, was that a helpful referral to you?</i>	
<i>Q37: How helpful was it to you to have the Duty Counsel along with these other resources all in one place at the Justice Access Centre?</i>	
Duty counsel referred them to other resources at the JAC	(n=202)
Yes	55%
No	19%
They had already used JAC resources before seeing the duty counsel	21%
Don't know/can't recall/no response	5%
Whether this was a helpful referral	(n=111)
Yes	68%
No	14%
Did not use the resource	15%
Don't know/can't recall/no response	2%
Helpfulness of having the duty counsel at the JAC with the other resources	(n=155)
Very helpful	72%
Helpful	22%
Not helpful	3%
Not at all helpful	2%
Don't know/no response	2%
Note: Totals may not sum to 100% due to rounding.	

Having the JAC located in the same building as court is also helpful in that clients coming to court or the court registry are easily referred to the JAC resources, including the EXP FDC. Key informants spoke of the importance of making services as accessible to clients as possible. Co-located services that can be immediately accessed increase the likelihood that clients will follow-up on referrals. Such co-located services also increase efficiencies for clients in that they do not have to travel to different locations, find parking, or take additional time off work. The only concern expressed in key informant interviews is that some clients become confused because they have to leave the courthouse building to access the JAC through another entrance.

Most internal and JAC related key informants report good communications between the FDC and the JAC. There appears to be a strong sense of collegiality between the EXP FDC and other JAC services, which continues to grow with time, particularly for the EXP FDC co-leads who are at the JAC on a more regular basis and are involved in JAC staff meetings. Key informants spoke of JAC staff having an open door policy and that staff are available to each other for sharing ideas, answering questions, and obtaining clarifications. An example provided of the latter is that initially, some FDC were referring clients to mediation for matters outside the scope of the FJC. Through JAC staff meetings and sharing of information with the EXP FDC co-leads, the mandate of the FJC has been clarified and inappropriate referrals have diminished. The only suggestion for communications was similar to the summative evaluation, in that there could be more formal communications/meetings that involve the FDC roster lawyers and other JAC resources, which could be beneficial to lawyers who are at the JAC on an infrequent basis.

Other referrals from the FDC

The FDC are all viewed as experienced lawyers who are all aware of a wide range of available services, and who will make referrals depending on client needs and situations. The list of potential referrals on the case summary form is considered helpful as a reminder of services, plus brochures and pamphlets are available in the EXP FDC offices. The co-leads are also credited with keeping roster lawyers informed of any new and potentially helpful resources. It was again suggested, as with the summative evaluation, that a formalized list of resources and contact information could be useful for easier access when making referrals to clients. While a list of other resources is apparently maintained by the EXP FDC, it may be useful to continue to remind roster lawyers of the availability of the list.

From the EXP FDC database, after the JAC, clients are most commonly being referred to online/internet sources (22% for total files). In particular, 31% of open files had a referral to an online source (see Table 40). As was noted previously, roster lawyers find having access to computers for client appointments helpful and convenient for showing clients how to locate and use online resources.

Just over one quarter (27%) of closed files had no referral identified, compared to only 10% of open files. Furthermore, the overall proportion of files with no referral has declined from the summative evaluation, where 43% of closed files and 22% of open files identified no referral, indicating that either more FDC are referring clients to at least one resource, or that FDC are improving their tracking of referrals.

Of the client survey respondents, 47% said the duty counsel referred them to other resources outside of the JAC, which is an increase from the summative evaluation findings, where 25% said they received such a referral. Of those respondents that received a referral, 63% said they used the resource and almost all 88% said the resource was either very helpful (59%) or helpful (29%).

10. To what extent has the EXP FDC pilot led to net system savings, due to efficiencies gained for LSS and/or other areas of the justice system?¹⁴

Key findings: While, as with the summative evaluation, data are not available to make conclusive statements on net system savings due to efficiencies gained, key informants believe this is occurring due to the more effective use of the court system in general when clients are assisted by the FDC. The refresh evaluation was able to update the cost avoidance scenarios estimated in the summative evaluation using the most recent FDC data and updated court costs provided by LSS.

Key informants mainly repeated what was said in the summative evaluation, in that the assistance provided by the FDC helps in preparing clients and reduces the inefficient use of other justice service providers. Specific examples include the following:

- ▶ Clients that take part in successful mediations or are able to negotiate an agreement on their own are diverted from the court system, creating efficiencies.
- ▶ Better prepared documents ease the burden on court registry staff and judges in dealing with inadequate or incorrect documentation, and court registry has somewhere to refer people to for assistance, reducing their need to field inquiries.
- ▶ Individuals who are better prepared with more reasonable expectations make better use of court time.
- ▶ The representation by the FDC at court appearances gives clients the support and guidance they need and assists in moving the file forward.

This section looks at potential efficiencies gained for LSS and/or other areas of the justice system as a result of the EXP FDC and considers what costs might be avoided by the efficiencies gained from the operation of the project. As noted in the methodology section, it is not possible to make any conclusive statements about efficiencies gained or costs avoided due to the EXP FDC, as no data are available on the extent to which the EXP FDC has resulted in such impacts as diversion of cases from the court system, or in a reduced number of appearances, adjournments, or trials, or in shorter court appearances. Therefore, this section uses some statistics provided by CSB on family court cases at the Victoria law courts, as presented in the profile given in Appendix D, along with data from the EXP FDC database to make some estimates of potential costs avoided if the FDC could affect certain changes, and using different scenarios. As well, no information is available to attach any monetary estimates to any other potential savings to the justice system outside of court costs (e.g., reduced demands on court registry from people looking for assistance or direction).

¹⁴ We understand that any efficiency created in the system will be backfilled by cases waiting for a hearing. Thus, any court savings are at best costs avoided by these cases. The language in the question above has not been changed, as it was approved during consultations for development of the summative evaluation matrix, on which the refresh evaluation matrix provided in Appendix B is based.

In order to estimate savings on an annual basis, the number of clients provided EXP FDC services in the most recent full fiscal year 2016-17 is used, with the number of clients determined by date of first service. As shown in Table 4, Appendix D, provincial court applications and Supreme Court applications that make a court appearance are not equal in their time requirements. Therefore, in order to make some considerations for FDC clients, it is first necessary to look at the 1,287 clients served in 2016-17 with respect to their court level. From the FDC database, files went to each of the courts as follows:

- ▶ 713 to BC provincial court
- ▶ 187 to BC Supreme Court
- ▶ 74 to both BC provincial court and BC Supreme Court
- ▶ 31 were identified as other (which includes, for example, court in another jurisdiction or the Court of Appeal)
- ▶ 19 were identified as not applicable
- ▶ 263 had no level of court identified

The 74 files with both provincial court and Supreme Court identified as the level of court are assigned to both courts for the purposes of the evaluation. The 31 files identified as “other” and 19 identified as “not applicable” are not included in the estimates.¹⁵ Some assumptions need to be made to allow for including those files with no level of court identified in the estimates. While it is possible that some of these files may never go on to make a court application or appearance, it is also possible that those whose court level is identified may not go on to make a court appearance either; these considerations are taken into account and explained in the estimates below. For the purposes of the scenario estimates, it is assumed that those files with no court level identified would be distributed in a manner proportionate to those files whose court level for provincial and Supreme Court are identified. They are, therefore, redistributed between provincial and Supreme Court according to the distribution of each, when the 74 files at both courts are added to each of the provincial court and Supreme Court numbers, and then the relative distribution between the two are calculated (i.e., provincial court is given a weighting of $(713+74)/1,048$ and Supreme Court a weighting of $(261+74)/1,048$).¹⁶

The 263 files with no level of court identified were then distributed between the two courts according to these weights. The resulting files for each court level then are:

- ▶ 985 provincial court
- ▶ 326 Supreme Court

¹⁵ In the database, court level is identified as “not applicable” when the client is not a party to an existing court file and is not planning to submit any court documents, at least at the time of receiving FDC assistance; and no court level is identified when it is not yet determined what the level of court will be, or it is unclear if there will be any court documents submitted.

¹⁶ The divisor of 1,048 is arrived at by adding the new values for provincial court and Supreme Court once the 74 that went to both is added to each, i.e. $(713+74) + (261+74) = 1,048$.

Potential cost avoidance from reduced court hours

Many family law cases do not go to court and therefore the analysis needs to take this into consideration. According to CSB data, approximately 61% of provincial court and 26% of Supreme Court applications result in a court appearance at the Victoria law courts.¹⁷ For the purposes of these estimates, each FDC file is treated as an application. As shown in Table 4 of Appendix D, and only for the Victoria law courts, provincial court applications that make a court appearance require an average of approximately one hour of court time, and Supreme Court applications that make a court appearance require an average of approximately 3.15 hours. These include court appearances for any reasons. From data provided by LSS, court costs per hour are approximately \$618 for family provincial court and \$846 for family Supreme Court.¹⁸

From the above information, the following estimates can be made in Table 42. Based on these calculations, the family matters going to provincial court in Victoria in 2016-17 would have required an estimated 601 total court hours for an estimated \$371,325 in total court costs, while family matters going to Supreme Court in Victoria would have required an estimated 268 total court hours for an estimated \$226,570 in total court costs. The intake volume changed very little between 2015-16 and 2016-17, therefore any changes in estimates of costs (and savings) from the summative evaluation are mainly due to changes in estimated hourly court costs.

Row #	Item	Victoria provincial court	Victoria Supreme Court
1	Number of FDC files (applications)	985	326
2	Percentage of applications that make a court appearance	61%	26%
3	Number of FDC files with an appearance (row 1 * row 2)	601	85
4	Average court hours per application that makes a court appearance	1	3.15
5	Total court hours (row 3 * row 4)	600.9	267.8
6	Court costs per hour*	\$618	\$846
7	Total court costs (row 5 * row 6)	\$371,325	\$226,570

Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data.
 Note: Numbers may not calculate exactly due to rounding.
 * Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on Ministry data.

¹⁷ Proportion making a court appearance was calculated from the CSB data given in Appendix D, as the number making a first appearance divided by the number of applications filed in 2012 (the total of initiating and subsequent applications for provincial court, and initiating applications for Supreme Court).

¹⁸ Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on Ministry data. Family provincial court costs include the cost of a court clerk, deputy sheriff, provincial court judge, and court registry staff, while family Supreme Court costs include a court clerk, Supreme Court Justice, and court registry staff; neither include the cost of judicial support services, sheriff out-of-court activities, or court overhead.

While we do not have any pilot data to indicate what happens to these cases once they have completed their services at the pilot, we can make some estimates based on scenarios. Below we provide some potential low, medium, and high impacts of the pilot, based on whether the services from the FDC were able to reduce the number of court hours per file by 10%, 30%, or 50%. These estimates are provided in Table 43.

Table 43: Estimated court cost reductions based on several scenarios of reduced court hours

Item	Provincial court	Supreme Court	Total
Total court costs	\$371,325	\$226,570	\$597,895
Reduce court hours by:	Annual court cost reduction		
10%	\$37,133	\$22,657	\$59,790
30%	\$111,398	\$67,971	\$179,369
50%	\$185,663	\$113,285	\$298,948

Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data.
 Note: Numbers may not calculate exactly due to rounding.

Therefore, based on these estimates, the FDC pilot has the potential for avoided court costs of \$59,790 annually, if court hours per file that makes a court appearance are reduced by 10%, and up to \$298,948 if court hours are reduced by 50%, assuming a similar number of client files are handled annually by the FDC as in 2016-17, as well as that the averages used hold. The estimates would be the same if, instead of reducing court hours, the scenarios considered diverting these same percentages from court altogether.

Potential cost avoidance from reducing court trials

Another set of scenarios (which would be a subset of the above) can be estimated if we just consider a reduction in the number of applications that end in a court trial as a result of the assistance from the FDC. From CSB data, approximately 13.9% of provincial court and 2.8% of Supreme Court applications in Victoria go to a trial (see Table 4, Appendix D). Average appearance duration for trials is 1.2 hours in provincial court and 3.04 hours in Supreme Court (see Table 4, Appendix D). Given that, prior to going to trial, many cases first have to go to a family/judicial case conference to try to resolve matters, it can be assumed that files that go to trial have also had a case conference. These conferences last an average of 0.87 hours in provincial court and 0.93 hours in Supreme Court.

From this information, the following estimates can be made in Table 44, keeping in mind that these include only average costs for the trial and any associated family/judicial case conference. As well, it is assumed that the average court costs per hour can also be applied to case conferences. Furthermore, time for trials and case conferences are based on average appearance duration provided by CSB, and therefore assume only one appearance per case is required for case conferences and for trials.

Table 44: FDC files and estimated court costs for trials only			
Row #	Item	Provincial Court	Supreme Court
1	Number of FDC files (applications)	985	327
2	Percent of applications that go to trial	13.9%	2.8%
3	Number of FDC files that go to trial (row 1 * row 2)	136.9	9.2
4	Average family/judicial case conference duration (hours)	0.87	0.93
5	Average trial duration (hours)	1.20	3.04
6	Total average court hours per trial (row 4 + row 5)	2.07	3.97
7	Court costs per hour*	\$618	\$846
8	Total cost/trial (row 6 * row 7)	\$1,279	\$3,359
9	Total court costs for those going to trial (row 3 * row 8)	\$175,150	\$30,752
Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data. Note: Numbers may not calculate exactly due to rounding. * Court cost data were provided by LSS, working with George McCauley, an independent consultant, and are based on Ministry data.			

As with court appearances, we can make some estimates based on various scenarios. Below we provide some potential low, medium, and high impacts of the pilot based on whether the services from the FDC were able to reduce the number of files that go to trial and their associated case conferences by 10%, 30%, and 50%. These estimates are provided in Table 45. This scenario assumes that, with the assistance from the FDC, these clients are able to resolve their matters without the involvement of the judiciary through a trial and the associated case conference. Case conferences themselves are valuable for resolving matters and avoiding trials, or for narrowing the issues that need to be addressed at trials. This scenario does not include those files that might have a case conference only, and then do not need to go on to a trial. It only considers the scenarios of reducing court trials and, along with this, their associated case conferences.

Based on these estimates, the FDC pilot has the potential for avoided court costs of \$20,590 annually if the average court trials that might be expected from the files handled by the FDC are reduced by 10%, and up to \$102,951 if trials are reduced by 50%, assuming a similar number of client files is handled annually by the FDC as in 2016-17, and that the averages used hold.

Table 45: Estimated annual court costs avoided based on several scenarios of reduced court trials

Item	Provincial court	Supreme Court	Total
Total court costs	\$175,150	\$30,752	\$205,901
Reduce # of trials by:	Total annual court costs avoided		
10%	\$17,515	\$3,075	\$20,590
30%	\$52,545	\$9,225	\$61,770
50%	\$87,575	\$15,376	\$102,951

Sources: Calculations made based on pilot database, LSS provided court costs, and CSB data
 Note: Numbers may not calculate exactly due to rounding.

The ability of the pilot to create substantial efficiencies is affected by the volume of clients the pilot can serve, as well as the extent to which it can achieve its desired objectives. An increase in the number of clients served at the Victoria EXP FDC will increase system efficiency gains and, correspondingly, the cost of LSS to deliver the service, unless the pilot is able to increase the number of clients served with the same resources that the pilot is currently using. However, from Figure 1, and what was discussed under evaluation question three, the number of “new” monthly clients served showed a decline to September 2015, and have since stabilized, other than a sharp increase in September 2016. The recent outreach activities the EXP FDC is engaging in may serve to further increase awareness of the FDC and result in more clients accessing the services. Expansion of the pilot to other locations of the province also has the potential to add to efficiency gains in terms of increasing volumes as well as additional costs to LSS for providing the service.

6.0 Conclusions and recommendations

This section presents the conclusions of the refresh evaluation.

6.1 Conclusions on delivery of the EXP FDC

The refresh evaluation further confirms findings from the summative evaluation that the EXP FDC model is working well for providing the expected services. The lawyers providing the services are viewed as an experienced group of lawyers that work well together. The additional time available (both through the one hour appointments and the overall increased amount of time, compared to pre-pilot), the ability to schedule appointments and see the same lawyer at appointments, and the access to self-help room and other JAC resources are all viewed as contributing to an increased level of services and better prepared clients.

The EXP FDC currently appears to have sufficient resources, supports, and capacity for meeting the demand for client meetings at the JAC. Most clients are able to book appointments within a week or less and, based on the client survey results, most believe the wait times for appointments is reasonable. There has been some reported increased demand for the FDC on list day, which is creating some backlog, of which the EXP FDC and court registry are currently working together to resolve.

6.2 Conclusions on achievement of outcomes

The refresh evaluation further confirms findings from the summative evaluation that client access to FDC services appears to have increased substantially since the implementation of the EXP FDC. There is good awareness of the EXP FDC within the court environment, and other justice service providers are widely referring clients to the EXP FDC. While key informants observe that clients mainly find out about the FDC at the courthouse, awareness appears to be growing, as confirmed by both the client survey and the analysis of the EXP FDC database, which both identified some increase in word of mouth referrals since the summative evaluation. Furthermore, the FDC is also making increased outreach efforts to inform other organizations that may provide services to individuals with a family law issue of the EXP FDC.

The increased time available with the FDC, the ability to schedule one hour appointments, and the location of the EXP FDC at the JAC with other resources are all identified as contributing factors for increasing client access. Despite the increased availability of the FDC though, most clients are still using only one to two hours of service — it is unclear if this is due to an accessibility issue or some other reason or reasons.

The EXP FDC has been making increased efforts to ensure continuity of services with respect to clients seeing the same lawyer on return visits. While the majority of clients that have more than one meeting at the JAC are seeing more than one lawyer, the EXP FDC database and the client survey show that the proportion of clients seeing the same lawyer at their follow-up appointment has increased since the summative evaluation. Such continuity and consistency provides benefits to the client in that better use is made of their time with the lawyer (rather than retelling their story), clients have the opportunity to establish a relationship with and gain trust in the lawyer, and they receive consistent advice from one lawyer. Plus, reducing the potential of clients from seeing multiple lawyers decreases risks of conflict. Similar to the summative

evaluation findings, the maintenance of client files, which was not done prior to the project, is also viewed as improving continuity of service, in that lawyers can become informed on the client's case through the files.

The improved level of service that the FDC are able to provide clients through the expanded services are all viewed as contributing to improved client knowledge. The available six hours, one hour appointments, assistance with documents, written instructions provided to clients, as well as access to other JAC services are all considered as the main features contributing to this improved knowledge and understanding. Such services are assisting clients in gaining a greater understanding of what they are trying to achieve, a greater recognition of their responsibilities and obligations, and improved confidence in completing necessary documents. Furthermore, the increased time available gives the FDC more opportunity to discuss options with clients, such as the benefit of mediation as an alternative to court. Clients are receiving a wide range of assistance from the FDC and report that the information and assistance is helpful to them for understanding their family law matter and their options. However, family law matters are often complex, particularly those going to Supreme Court, which presents challenges to self-represented individuals despite the assistance from the FDC.

As with the summative evaluation, the refresh evaluation found that the assistance provided by the EXP FDC is contributing to clients' ability to manage and resolve their legal issue. The FDC encourages mediation as a preferable option to the protracted court route, informs clients on how to prepare needed documents to move their matter forward, educates clients on reasonable expectations as well as their rights and obligations, and provides coaching to help clients negotiate on their matter and in preparing to present their arguments before a judge. When clients come to mediations or to court with a greater understanding of the process, and with more reasonable expectations, this improves their ability to manage and resolve their family matter. Clients themselves are positive about how the help and information from the FDC has assisted them in managing their legal matter.

The consensus is that the EXP FDC services should contribute to timely resolution through the assistance provided both in court and at the JAC. The services provided are viewed as assisting clients in a variety of ways that should lead to more timely resolution of their matters. This includes, for example, helping clients recognize the value of participating in mediation, helping them acknowledge and accept their family obligations and having more reasonable expectations, or assisting them in gaining increased skills for negotiating and representing themselves. As well, assistance from the FDC in court is credited with helping clients achieve some positive results and moving their file forward. The EXP FDC generally does not have access to data or information on the final outcome of clients' matters, and therefore how the services provided assisted clients in achieving resolution to their legal matter in a timely manner. However, as confirmation of the EXP FDC's role in helping clients achieve resolution, a majority of the surveyed clients have achieved at least some resolution on their matter, with most crediting the FDC as being helpful in this progress.

Based on the client survey conducted for the refresh evaluation, clients continue to have a high level of satisfaction. The majority (80%) of survey respondents, were either satisfied or very satisfied with the help and support received from the EXP FDC, and in fact, almost half (49%) were very satisfied. As well, some internal key informants report they have received positive feedback from clients on the helpfulness of the services.

The EXP FDC’s location at the JAC is viewed as one of the most valuable features of the project, with the FDC complementing other JAC services and creating one-stop shopping for clients. Individuals with family law matters can access the FDC for legal advice and then easily access other JAC services for other needed resources, most frequently the self-help room and the Family Justice Counsellors for mediation. Similarly, clients of other services are referred to the EXP FDC as needed. The addition of the EXP FDC at the JAC is viewed as further complementing the existing services located at the JAC and adding to the continuum of services. Integration of services is facilitated by the reported good communications and collegiality between all JAC services, including the EXP FDC.

Available information suggests that net system savings due to efficiencies gained from the EXP FDC’s operation should be occurring. While data are not available to make conclusive statements on system savings, key informants believe this is occurring due to the more effective use of the court system in general when clients are assisted by the FDC. The refresh evaluation was able to update the cost avoidance scenarios estimated in the summative evaluation using the most recent FDC data and updated court costs provided by LSS. The analysis shows a range of potential net system savings should the project be able to reduce the number of court hours and trials that involve its clients.

6.3 Recommendations to further enhance the EXP FDC

Recommendation 1: Undertake analysis to assess if those clients that are using only one to two hours of the available six hours of services are receiving a sufficient level of assistance for their matter, or if some type of barriers exist in their making optimal use of the services.

As with the summative evaluation, the refresh evaluation found that most clients are using far less than their available six hours of EXP FDC services, with most (86%) using no more than two hours of services. Considering the reported complex and protracted nature of family law matters and the high cost of acquiring private legal services, it would be expected that clients would be taking greater advantage of the time available to them for these free legal services. Furthermore, the high proportion of clients rated by the FDC as having a low understanding or ability in a range of knowledge elements related to their family law matter both at the start and end of services would indicate clients could continue to benefit from the EXP FDC services. While clients may not return to the EXP FDC for any number of reasons (for example, because their matter was not complex and they received all the help they needed, or that they decided to go for mediation or to hire a lawyer), it would be worthwhile to gain a greater understanding of these reasons. This could assist the EXP FDC and LSS in identifying if there are any unidentified barriers preventing some clients from returning for further assistance, and if that then impedes their ability to resolve their family law matter. For example, the client survey finding that 18% of respondents identified more time and/or appointments with the lawyer as an area for improvement suggests that not all clients are fully aware of the time available to them.

The planned client feedback survey should assist in the analysis if it incorporates questions to explore client opinion on such topics as the sufficiency of the services received, the accessibility of the services, and planned next steps. LSS may also, for example, consider conducting occasional follow-up surveys on the status of clients’ family law matters and how helpful the EXP FDC assistance was in resolving their matter.

Recommendation 2: Consider improvements to the project database to facilitate ongoing assessment of client services, as well as to inform future studies.

The evaluation offers the following suggestions to enhance the project database for tracking of client services. These improvements will further assist in assessing how the services are assisting clients.

- ▶ Separation of the field for indicating the lawyer or lawyers that assisted clients into whether the assistance was provided in court or at the JAC would assist in assessing continuity of services. For example, currently, if a client had multiple visits to the JAC and there are two lawyers identified as assisting the client, it is unclear if this is because one lawyer helped the client in court and one lawyer saw the client each time they visited the JAC, or if both lawyers provided services in court and/or the JAC.
- ▶ Track when clients use drop-in services to obtain improved information on the extent clients are using only drop-in services, only appointment-based services, or both.
- ▶ Track if clients do or do not return for recommended follow-up visits. The client advice form includes a field indicating whether another appointment should be set. Tracking of this information in the database could provide the project with a means of assessing the extent to which clients who the FDC view as needing further services, are indeed scheduling follow-up appointments. Such information would also assist in the assessments related to recommendation 1 above.
- ▶ While it may not be possible for the EXP FDC to better track legal outcomes, it may be possible to incorporate measures of next steps into the database, such as if the client is either participating in or planning on participating in mediation, or negotiating an agreement with the other party on their own, or representing themselves at a court trial, among others.
- ▶ Indicating in the *client referred from* field when clients cannot identify how they learned of the EXP FDC or who first referred them to the project. Currently there is a relatively high proportion (24% in total) of files that are blank for this field, making it difficult to assess if clients could not recall how they learned of the service or if the question was not asked.

Appendix A – EXP FDC logic model

Program Logic Model – Expanded Family Duty Counsel Pilot Project

	Program activities	Program outputs	Short-term outcomes	Medium-term outcomes
SERVICES TO SUPPORT CLIENTS IN RESOLVING LEGAL PROBLEMS	Provide legal advice and information to qualifying low-income individuals	<ul style="list-style-type: none"> # of clients accessing EXP FDC service # of EXP FDC clients receiving summary legal advice # and type of different Family Law issues Amount of time (service hours) per client # of clients assisted at court 	<ul style="list-style-type: none"> Clients' knowledge of the legal process is increased Clients are more informed about family law and their legal options Clients are better prepared for their legal process Clients are more effective at representing themselves at all stages of their legal problem Clients are satisfied with the level of support received from EXP FDC 	<ul style="list-style-type: none"> EXP FDC clients achieve a resolution to their legal problem The client's ability to manage and resolve their legal issues is improved Efficiency of the LSS Family Law Services is improved and FDC at the Victoria site more integrated with other services
	Provide document preparation services to EXP FDC clients	<ul style="list-style-type: none"> # of EXP FDC clients receiving document preparation assistance for Supreme Court matters # of EXP FDC clients receiving document preparation assistance for Provincial Court matters Amount of time (service hours) spent on document prep/client 	<ul style="list-style-type: none"> The client's ability to prepare and submit court documents is improved 	
	Provide support for the development and finalization of agreements	<ul style="list-style-type: none"> # of full agreements reached # of partial agreements reached # of consent or orders filed # of agreements filed # of FJC clients provided summary advice on agreements 	<ul style="list-style-type: none"> The client's ability to prepare and finalize agreements is improved 	
	Provide referrals to, and receive referrals from, other supports and services (e.g., within the JAC)	<ul style="list-style-type: none"> #, type of services/resources to which clients are referred by EXP FDC (qualitative assessment only) #, type of services/resources in the JAC accessed by clients during their engagement with EXP FDC (qualitative assessment only) # of referrals to EXP FDC from Family Justice Counsellors 	<ul style="list-style-type: none"> Clients find the services/resources they were referred to by EXP FDC helpful in understanding/resolving their law issue 	
	Provide a continuous and consistent service to EXP FDC clients <ul style="list-style-type: none"> Scheduling appointments/follow-up with clients Provide a standard set of processes for each client Lawyers spend less time gathering repeat information on clients who call multiple times 	<ul style="list-style-type: none"> # of cases with full continuity of service (with a focus on file continuity: smooth case progression, even if the client sees different lawyers) # of hours spent per client 	<ul style="list-style-type: none"> Continuity of the EXP FDC service is improved 	

Appendix B – EXP FDC evaluation matrix

Framework for the Evaluation of the EXP FDC project – refresh (revised, April, 2017)		
Questions	Indicators	Data sources
Delivery questions		
1. How well is the EXP FDC model working for providing the expected services since the summative evaluation? What, if any, changes or improvements have been made to the model or how it operates?	<ul style="list-style-type: none"> Stakeholder opinion on the model or aspects of the model and how well it works Stakeholder opinion on any changes/improvements made and how well these have worked, including any steps taken to streamline and improve administrative processes Stakeholder suggestions for improvements to the model or how it operates Decision records of changes made to improve model 	<ul style="list-style-type: none"> Key informant interviews Document review
2. Does the EXP FDC have sufficient resources, supports, and capacity to meet demand and any intended targets?	<ul style="list-style-type: none"> Number of clients served by the EXP FDC Stakeholder opinion that the EXP FDC has sufficient resources, supports, and capacity to satisfactorily meet demand, including duty counsel support on list days Client opinion on the level of assistance provided by the EXP FDC Trends in client usage of EXP FDC services EXP FDC staff (administrative staff, lead lawyers, roster lawyers) opinion on whether they receive the needed level of support to provide the expected services 	<ul style="list-style-type: none"> EXP FDC database LSS CIS database Key informant interviews Client survey
Outcome questions		
3. To what extent does the EXP FDC project increase client access to Family Duty Counsel services? Were there any gaps in the types of clients reached?	<ul style="list-style-type: none"> Stakeholder assessment of gaps in clients served with respect to low socio-economic status/low education, mental health concerns, and language barriers Client perception on accessibility of the EXP FDC and any barriers to accessibility Stakeholder perception on steps taken to inform relevant stakeholders of the EXP FDC Perceptions on awareness of EXP FDC by relevant stakeholders and potential clients Proportion of EXP FDC clients referred from other organizations Number of visits clients are making to the EXP FDC and the amount of their available service hours clients are using 	<ul style="list-style-type: none"> LSS CIS database EXP FDC database Key informant interviews Client survey
4. Does the EXP FDC provide continuity and consistency of Family Duty Counsel services?	<ul style="list-style-type: none"> Number and percent of EXP FDC clients who have continuous contact with a single lawyer Extent to which EXP FDC clients felt it was helpful to work with the same EXP FDC lawyer Extent to which clients who saw different lawyers felt there was still file continuity in their case Lawyer perspective on the effectiveness/continuity of the new service model Stakeholder perceptions on case file continuity 	<ul style="list-style-type: none"> EXP FDC database Client survey Key informant interviews
5. Have the EXP FDC services improved clients' knowledge of the legal process, family law, and their legal options?	<ul style="list-style-type: none"> Extent to which clients believe their knowledge of family law and the legal process is increased Extent to which EXP FDC clients feel more informed about their legal options Key informant opinions on the extent to which clients increased their knowledge of the legal process Feedback from FJCs/JAC staff regarding clients' level of preparedness Changes in roster lawyer reporting on client understanding between beginning and end of service 	<ul style="list-style-type: none"> EXP FDC database Client survey Key informant interviews

Framework for the Evaluation of the EXP FDC project – refresh (revised, April, 2017)		
Questions	Indicators	Data sources
6. Have the EXP FDC services increased clients' ability to manage and resolve their legal issue?	<ul style="list-style-type: none"> • Extent to which clients felt prepared for their legal process (e.g., readiness for self-representation in court) • Key informant feedback on the improved ability of clients to represent themselves • Proportion of EXP FDC clients who believe they could prepare/submit court documents on their own • Proportion of EXP FDC clients who said documents they submitted were refused by the court because they were incomplete/inaccurate • Changes in roster lawyer reporting on client abilities between beginning and end of service 	<ul style="list-style-type: none"> • Client survey • Key informant interviews • EXP FDC database • EXP FDC client survey
7. Are the EXP FDC services helping clients achieve early resolutions to their legal problems?	<ul style="list-style-type: none"> • # and type of family law services provided to clients • Extent to which clients believe the EXP FDC helped them resolve their issues • Key informant assessment of EXP FDC impact on case resolutions • # and % of EXP FDC clients who had fewer legal issues (resolved or unresolved) after EXP FDC support than they did upon first engaging with EXP FDC • Length of time EXP FDC files are open 	<ul style="list-style-type: none"> • EXP FDC database • Client survey • Key informant interviews
8. Are clients satisfied with their experience using the added EXP FDC services? What, if anything, can be done to improve clients' experiences?	<ul style="list-style-type: none"> • Extent to which EXP FDC clients are satisfied with the level of support received from EXP FDC • Key informant opinions on the quality of EXP FDC services • Client and stakeholder suggestions on how to improve clients' experience with the EXP FDC 	<ul style="list-style-type: none"> • Client survey • Key informant interviews
9. Does the EXP FDC improve the level of integration across available legal supports and services at the Victoria site? Does the EXP FDC provide other helpful referrals?	<ul style="list-style-type: none"> • Stakeholder impressions of the level of integration across the JAC (especially the benefits of physical co-location of services, and team approaches between lawyers providing different services) • Extent to which clients believe the services received at the JAC were holistic and effective in dealing with their family law issues • Ease or "seamlessness" of client movement between services within the JAC • Perceptions on steps taken to facilitate interactions and communications between JAC services and how these have enhanced services • Steps taken by the EXP FDC to ensure all staff (administrator, lawyers) are aware of all potential services to refer clients to (both within the JAC and elsewhere) • Extent of referrals to other services available within the Victoria site and elsewhere, and perceived helpfulness of these services 	<ul style="list-style-type: none"> • Client survey • Key informant interviews
10. To what extent has the EXP FDC pilot led to net system savings, due to efficiencies gained for LSS and/or other areas of the justice system?	<ul style="list-style-type: none"> • EXP FDC average cost per case • Cost implications of estimates of avoided court costs based on costs of actual court activity • Comparison of budget allocation versus expenditures • Success of project in reaching clients (relative to commitments/expectations) • Key informant opinion 	<ul style="list-style-type: none"> • EXP FDC data • CSB data • Key informant interviews

Appendix C – Interview guides and client survey

**Legal Services Society of British Columbia
Expanded Family Duty Counsel Project Evaluation Refresh**

**Interview guide for internal stakeholders
(Project Lead, Lead Lawyer, roster lawyers)**

The Legal Services Society of British Columbia (LSS) requires an update of the evaluation of the Expanded Family Duty Counsel (EXP FDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the EXP FDC. The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview. Although we will take notes throughout the interview, no one outside of PRA will see these notes or listen to the recordings.

A process evaluation that focussed on the implementation of the EXP FDC project and a summative evaluation that considered outcome achievement and efficiencies were completed in 2015 and 2016, respectively. LSS committed to updating (or refreshing) the evaluation to support the request to the British Columbia Ministry of Justice for the continuation and possible expansion of the project. This interview is for the refresh evaluation component and will consider the delivery of the EXP FDC project and progress in achieving the expected outcomes. We realize you may not be able to answer all questions; please let us know, and we will skip to the next question.

Delivery of the EXP FDC pilot

1. Please briefly describe your role in the delivery of the EXP FDC project.
2. Based on your observations, since we conducted interviews for the summative evaluation (March 31, 2016), how well has the model worked for providing the expected services? Please explain what you believe has contributed to the model working well or to any challenges encountered.
3. Have any changes or improvements been made to the model or how it operates since the summative evaluation? Have any changes been made to streamline or improve administrative processes at the EXP FDC? If any changes have been made, how well have these worked?
4. In your opinion, does the EXP FDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP FDC clients? Please explain why or why not. Have demands for services changed since the summative evaluation and, if so, how has this affected resources and capacity? Do staff (administrator, lawyers) receive the needed supports for providing the expected services? What steps has the EXP FDC taken to overcome any resource challenges?

Progress towards achieving objectives

5. Based on your observations, would you say that there is a good awareness of the FDC and the services it provides? Why or why not? Are all potential clients who could benefit from the services aware of the FDC? (*Probe: What has been done to inform stakeholders of the service? Is there more that could be done to improve awareness?*)
6. To what extent has the EXP FDC project increased clients' access to Family Duty Counsel services? What are the steps that the pilot takes to ensure accessibility for all eligible clients? Have there been any barriers to clients accessing EXP FDC services and, if so, how are they being addressed? Do you have any suggestions for improving access? (*Probe: Is the pilot able to reach and serve all types of clients, including those with language barriers, mental health concerns, etc.*)
7. To what extent is the FDC able to provide continuity and consistency of duty counsel assistance to clients? Have any steps been taken since the summative evaluation to ensure the increased continuity of counsel for clients? In your opinion, what are the benefits to clients of having this continuity? What, if any, challenges have been encountered in ensuring the continuity of service to clients? If so, how are they being addressed? (*Probe: Is "file continuity" being maintained? I.e., is there smooth hand-off of cases between different lawyers?*)
8. To what extent is the EXP FDC able to give clients a good understanding of the legal process and family law? Of their legal options (e.g., collaborative processes versus court)? Can you comment on how this has changed since the implementation of the EXP FDC project relative to the FDC services provided prior to the EXP FDC project?
9. In your opinion, how do EXP FDC services influence the client's ability to manage and resolve their legal issue on their own? What supports/information/tools does the EXP FDC provide to clients that help them manage and resolve their legal issue? (*Probe: Are clients better able to prepare court documents, to negotiate for themselves, to represent themselves at court appearances, are they more comfortable with the process?*)
10. Are clients making full and effective use of the available EXP FDC services? For example, are clients coming back as expected and completing any tasks assigned to them on their matter? Are they making full use of their available six hours? Is six hours enough, or too much?
11. Overall, to what extent are the various EXP FDC services helping clients achieve resolutions to their legal problems? Are they achieving earlier resolution than before the EXP FDC was implemented? Why or why not?
12. Have you received any feedback from clients about their experiences with the EXP FDC? Do you have any suggestions for how clients' experiences with the EXP FDC can be improved?
13. What do you see are the main benefits of having the EXP FDC located at the JAC? Can you provide some examples?
14. Have you observed any changes in the integration of services between the EXP FDC and other services at the JAC since the summative evaluation? Have any steps been taken, either by LSS or the FDC itself, to increase interactions and communications between the EXP FDC and other JAC services? If yes, what were these and did they enhance services?

15. What, if any, other services are clients referred to besides the other JAC services, such as other services at the Victoria site or at other locations in Victoria/British Columbia? Do you have any knowledge of the extent to which clients follow-up on these referrals and how helpful they are to clients? What steps are taken to ensure all staff (administrators, roster lawyers) are aware of the appropriate services to refer to clients?
16. In your opinion, has the EXP FDC created efficiencies for LSS? For other areas of the justice system (e.g., due to more effective use of court administration, the judiciary, other JAC services)? Please explain why you believe the model has or has not created these efficiencies and the impact.
17. Do you have any other comments on the EXP FDC project? Any other suggested improvements for the EXP FDC model or for any operational aspects of the model not already mentioned?

Thank you for your time.

**Legal Services Society of British Columbia
Expanded Family Duty Counsel Project Evaluation Refresh
Interview guide for external stakeholders
(Judges, Director’s Counsel [Family Maintenance Enforcement],
Victoria JAC staff, Court Registry)**

The Legal Services Society of British Columbia (LSS) requires an update evaluation of the Expanded Family Duty Counsel (EXP FDC) pilot project, which has been implemented under the Justice Innovation and Transformation Initiative (JITI). LSS hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with EXP FDC. The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview. Although we will take notes throughout the interview, no one outside of PRA will see these notes or listen to the recordings.

A process evaluation that focussed on the implementation of the EXP FDC project and a summative evaluation that considered outcome achievement and efficiencies were completed in 2015 and 2016, respectively. LSS committed to updating (or refreshing) the evaluation to support the request to the British Columbia Ministry of Justice for the continuation and possible expansion of the project. This interview is for the refresh evaluation component and will consider the delivery of the EXP FDC project and progress in achieving the expected outcomes.

We realize that you may not be able to answer all of the questions. If that is the case, please let us know, and we will skip to the next question.

Delivery of the EXP FDC pilot

1. Please briefly describe your involvement or interactions with the EXP FDC project or with clients of the EXP FDC project.
2. Since we last conducted interviews for the summative evaluation (March 31, 2016), how well would you say the model has worked for providing the expected services?
3. In your opinion, does the EXP FDC have sufficient resources and capacity for providing the expected level of services to all eligible EXP FDC clients? Please explain why or why not. Have demands for the services offered by the EXP FDC changed since the summative evaluation and, if so, how has that affected resources and capacity? To your knowledge, has the EXP FDC taken steps to overcome any resource challenges?

Progress towards achieving objectives

4. Based on your observations, would you say that there is a good awareness of the FDC and the services it provides? Why or why not? Are all potential clients who could benefit from the services aware of the FDC? (*Probe: What has been done to inform stakeholders of the service? Is there more that could be done to improve awareness?*)
5. From your experience with the EXP FDC so far, to what extent has the EXP FDC project increased clients' access to Family Duty Counsel services? Are you aware of any barriers to clients accessing EXP FDC services? If yes, can you speak to how the barriers are being addressed? Do you have any suggestions for improving access? (*Probe: Is the pilot able to reach and serve all types of clients, including those with language barriers, mental health concerns, or other challenges?*)
6. Have you been able to observe the extent to which the EXP FDC pilot is able to provide continuity of counsel for clients? In your opinion, what are the benefits to clients of having this continuity?
7. To what extent is the EXP FDC able to give clients a good understanding of the legal process and family law? Of their legal options (e.g., collaborative processes versus court)? Can you comment on how this has changed since the implementation of the EXP FDC project relative to the FDC services provided prior to the EXP FDC project?
8. Can you comment on how helpful the legal services from the EXP FDC are to clients? Are they better able to manage and resolve their legal issue on their own? Specifically,
 - a. Are their court documents and forms better prepared?
 - b. Are they making better use of court time (e.g., better prepared at court appearances, fewer adjournments, fewer unnecessary court appearances, more reasonable expectations, more comfortable with the process)?
9. Overall, to what extent are the various EXP FDC services helping clients achieve resolutions to their legal problems? Are they achieving earlier resolution than before the EXP FDC was implemented? Why or why not?
10. What do you see as the main benefits of having the EXP FDC located at the JAC? Can you provide some examples?
11. (*JAC staff only*) Have you observed any changes in the integration of services between the EXP FDC and other services at the JAC since the summative evaluation? Have any steps been taken, either by LSS or the FDC itself, to increase interactions and communications between the EXP FDC and other JAC services? If yes, what were these and did they enhance services?
12. Do you refer individuals to the EXP FDC? If yes, how does that typically occur? (*Probe: To whom do you refer clients, at what point in the family law process do you typically refer clients?*) Have you encountered any difficulties in making a referral? (*Probe: Knowing to whom to refer — LSS intake or Family Duty Counsel.*)

13. In your opinion, has the EXP FDC created efficiencies for other areas of the justice system (e.g., court administration, the judiciary, other JAC services)? Please explain why you believe the model has or has not created these efficiencies and what the impact has been.
14. Do you have any other suggested improvements for the EXP FDC model or for any operational aspects of the model that have not already been mentioned? Do you have any other comments?

Thank you for your time.

**Legal Services Society of British Columbia
Expanded Family Duty Counsel Project Evaluation Refresh**

Survey questionnaire for clients

Pull in from database name, phone number

Hello, is this _____?

Hello, my name is _____ with PRA Inc. We are an independent research company that the Legal Services Society, you may know them as legal aid, has hired to help them on a study of one of their services, the Expanded Family Duty Counsel. This service has also been called Family Advice Lawyers. It is a family law service where lawyers provide eligible clients with in-person family law advice. The service is located at the Victoria Justice Access Centre. Lawyers provide advice on the family law process and legal options, including out-of-court resolutions. You may have received help from the lawyers either at the courthouse or at the Justice Access Centre, or both. We understand you first received help from the duty counsel around [ENTER MONTH AND YEAR FROM DATABASE; DATE OF FIRST SERVICE COLUMN].

[INTERVIEWERS IF NEEDED IT IS LOCATED AT: 225-850 Burdett Avenue]

Legal aid wants to know how well the family duty counsel services are working for clients. We understand you were or still are a client of the family duty counsel. The form you filled out when you first got services from the family duty counsel indicated you may be contacted to provide feedback on their services. That is why I am calling today, to invite you to participate in a short survey. Please be assured that I will not ask you anything personal about your family law matter, only about the services you received and how helpful these were to you. This information will help the Legal Services Society to identify how the project has helped people and how it can be improved.

Your information will be combined with the responses of others and reported all together, so your name will not be mentioned in any report. No one outside of PRA will see your answers.

The survey should take about 15 minutes. Would you be willing to participate in the survey?
RECORD RESPONSE (Yes/No). [Thank them and either proceed or end call.]

1. How did you first find out about the Expanded Family Duty Counsel and the help you could get from the lawyers? (CHECK ALL THAT APPLY – DON'T READ UNLESS REQUIRE PROBING)

Family Justice Counsellors or someone else at the Justice Access Centre (JAC)

At the courthouse (e.g., the duty counsel, someone else at the courthouse)

A private lawyer

Saw it online/through internet

Someone at legal aid/legal aid intake

Someone at the Family Mediation Referral Pilot

Someone at the Family LawLINE

A friend/relative/acquaintance

Other (specify)

Don't know/can't recall

2. As you may know, the family duty counsel services are located in the Victoria Justice Access Centre, at 225-850 Burdett Avenue. Did you go and visit the duty counsel at the Justice Access Centre, or did you only get their help at the courthouse, or did you get their help both at the Justice Access Centre and at the courthouse?

Only saw them at the courthouse

Only at the Justice Access Centre [SKIP TO Q10]

Both at the Justice Access Centre and at the courthouse [SKIP TO Q10]

Don't know/can't recall [GO TO END SURVEY]

FOR THOSE WHO GOT HELP FROM FDC AT THE COURTHOUSE ONLY

3. What help did they give you at the courthouse? Did they give you some legal information and advice, or attend a court appearance with you, or both? [CHECK ONE ONLY]

Legal information or advice only

Attended a court appearance/appearances only [SKIP TO Q6]

Gave legal information/advice and attended court appearance/appearances

Don't know/can't recall [GO TO END SURVEY]

END SURVEY – THE REST OF THE QUESTIONS ARE FOR CLIENTS WHO RECALL HAVING USED THE DUTY COUNSEL AT THE JUSTICE ACCESS CENTRE. THANK YOU FOR PARTICIPATING.

4. How helpful was it to get the legal information and advice from the duty counsel at the courthouse? Was it....?

Very helpful

Helpful

Not helpful

Not at all helpful

Don't know

[SKIP TO NOTE BEFORE Q6]

5. Why was it [INSERT RESPONSE FROM Q4] to get the legal information and advice from the duty counsel at the courthouse?

Specify

Don't know

NOTE: IF SAID THEY ONLY RECEIVED LEGAL INFORMATION AND ADVICE IN Q3, GO TO Q8

6. How helpful was it to have the duty counsel at the court appearance or appearances with you? Was it....?

Very helpful
Helpful
Not helpful
Not at all helpful
Don't know

[SKIP TO Q8]

7. Why was it [ENTER RESPONSE FROM Q6] to have the duty counsel at the court appearance with you?

Response _____
Don't know

8. Thinking of your overall assistance from the duty counsel at the courthouse, how would you describe this experience? Did you feel treated with respect?

Yes
No
Don't know

9. Do you feel they listened to you and took the time to understand your legal issue?

Yes
No
Don't know

**END SURVEY – THE REST OF THE QUESTIONS ARE FOR CLIENTS WHO HAVE USED THE DUTY COUNSEL AT THE JUSTICE ACCESS CENTRE.
THANK YOU FOR PARTICIPATING.**

FOR THOSE WHO GOT HELP FROM FDC AT JAC

For the rest of the survey I'm just going to refer to the lawyers at the family duty counsel as the duty counsel. The next set of questions are specifically about the services you received from the duty counsel when you went to see them at the Justice Access Centre and do not include any services you got from them in court if they also helped you there. I'll have some questions later on about any help they may have given you in court. Also, the survey is only about the duty counsel services at the Justice Access Centre and not about any of the other services you may have used at the Justice Access Centre.

10. Did you find the Justice Access Centre a convenient location to get to for using the family duty counsel services?

Yes

No

Don't know

11. Was the office open at the right hours for you to be able to visit and use the services?

Yes

No

Don't know

12. To get help from the duty counsel at the Justice Access Centre, you usually have to schedule an appointment ahead of time, but there are also certain times that you can drop in for help without an appointment and see the next available duty counsel that same day. About how many times in total did you go to see a duty counsel at the Justice Access Centre office, either by appointment or by dropping in? (PROBE: IF NOT SURE, ASK IF THEY WENT MORE THEN ONCE, AND IF SO, ABOUT HOW MANY TIMES IN TOTAL)

Insert number_____

Don't know/can't recall

13. Of all these times you saw the duty counsel at the Justice Access Centre, about how many were times you had to make an appointment for a different day and how many were times you dropped in and saw the lawyer that same day?

a. Insert number of appointments_____ [IF ZERO SKIP TO Q0]

b. Insert number of drop-ins_____

c. Don't know/can't recall [SKIP TO Q0]

14. **[If they had at least one appointment]** What was the longest you had to wait for an appointment? [DON'T READ]

Less than one week

1 week

2 weeks

3 weeks

Other (specify) [SKIP TO Q0 if they say less than one day (e.g., minutes or hours)]

Don't know/can't recall [SKIP TO Q0]

15. Thinking about all the appointments you have had, do you think, overall, the wait time was about right or too long?
- About right [SKIP TO Q0]
Too long
Don't know/can't recall [SKIP TO Q0]
16. Why do you think it was too long and how did this affect your family law matter?
Specify
Don't know
- [IF THEY SAID IN Q12 THEY ONLY WENT TO THE JAC, ONCE SKIP TO Q0]
17. Thinking of all the times that you saw the duty counsel at the Justice Access Centre office, did you see the same lawyer each time?
- Yes [SKIP TO Q23]
No
Don't know/can't recall [SKIP TO Q26]
18. **[If No]** How many different duty counsel did you speak with?
- Two
Three
Four
Other (specify)
Don't know/can't recall
19. Do you know why you did not get to speak to the same lawyer every time? [READ ONLY IF NECESSARY; CHECK ALL THAT APPLY]
- The lawyer or lawyers you had already seen were not available when you dropped in for services
The lawyer or lawyers you had already seen were not available at the time of your next scheduled appointment
Other (specify)
Don't know/can't recall
20. How helpful or unhelpful was it to you to work with different lawyers rather than just one lawyer? Was it....?
- Very helpful
Helpful
Made no difference
Not helpful [SKIP TO Q22]
Not at all helpful [SKIP TO Q22]
Don't know [SKIP TO Q26]

21. Why did you find it helpful or very helpful or made no difference? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

- You got to hear different opinions from the lawyers
- The lawyers had reviewed your file and/or were familiar with your case
- Other (specify)
- Don't know

[SKIP TO Q26]

22. Why did you find it not helpful or not at all helpful? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

- You had to repeat your story each time
- The lawyers were not all familiar with your case
- You got different opinions/legal advice from the lawyers
- There was no continuum of service
- Other (specify)
- Don't know

[SKIP TO Q26]

23. [If Yes to Q0] How helpful was it to you to work with the same lawyer compared to if you had different lawyers? Was it....?

- Very helpful
- Helpful
- Made no difference
- Not helpful [SKIP TO Q0]
- Not at all helpful [SKIP TO Q0]
- Don't know [SKIP TO Q0]

24. Why did you find it helpful or very helpful or made no difference? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

- The lawyer was familiar with your case
- You didn't have to re-explain the situation to different lawyers/keeping explaining each time
- You got to know the lawyer and were comfortable with them
- You got consistent advice/opinions throughout the process
- Other (specify)
- Don't know

[SKIP TO Q26]

25. Why did you find it not helpful or not at all helpful? [DON'T READ UNLESS NECESSARY TO PROBE. CHECK ALL THAT APPLY]

- You weren't satisfied with the advice the lawyer gave you
- You weren't satisfied with the amount of help the lawyer gave you
- You didn't get to work with the lawyer you had wanted to work with
- Other (specify)
- Don't know

LEGAL INFORMATION/ASSISTANCE RECEIVED

Next I'd like to ask you about the type of legal information and legal assistance the duty counsel gave you and how helpful this information was to you. This could include the help they gave you both at the Justice Access Centre and at the courthouse, if they helped you there.

26. Which of the following types of information and assistance did the duty counsel give to you?

Yes, No, Don't know/can't recall for each

Did they...

Explain and provide you with information about your family law matter?

Explain the legal process to you?

Tell you about your different options for handling and resolving your legal matter?

Specifically talk to you about ways you could resolve your matter without going to court?

Help with forms or documents needed for your legal matter?

[IF SAID NO OR DON'T KNOW/CAN'T RECALL TO ALL SKIP TO Q0]

27. **[If yes to any of Q0]** Thinking of all the types of information and assistance you just said you got, how helpful was this information and assistance in total for understanding the legal process and your family law matter? Was it....?

Very helpful [SKIP TO Q29]

Helpful [SKIP TO Q29]

Not helpful

Not at all helpful

Don't know [SKIP TO Q29]

28. Why do you believe this information and assistance was either not helpful or not at all helpful to you for understanding the legal process and your family law matter?

Specify

Don't know

29. **[If yes to any of Q0]** Again, thinking of all the types of information and assistance you just said you got, how helpful was this information and assistance in total to you for understanding and making decisions on your various options for handling your family law matter? Was it....?

Very helpful [SKIP TO NOTE AFTER Q30]

Helpful [SKIP TO NOTE AFTER Q30]

Not helpful

Not at all helpful

Don't know [SKIP TO NOTE AFTER Q30]

30. Why do you believe this information and assistance was either not helpful or not at all helpful to you for understanding and making decisions on your various options for handling your family law matter?

Specify

Don't know

[NOTE: IF THEY DID NOT INDICATE THEY GOT HELP WITH FORMS IN Q0 SKIP TO Q0]

31. **[If yes to forms/documents in Q0]** What help did the duty counsel give you on the forms and documents needed for your legal matter? For example, [READ RESPONSES; CHECK ALL THAT APPLY]

Yes, No, Don't know/can't recall for each

Did they either tell you where to get the forms, or even give you the forms for completing?

Did they give you information and advice on how you could fill out the forms or documents on your own?

Did they actually help you in filling out some or all of the forms or documents?

Did they review your forms for you after you had completed them?

Anything else that they helped you with on the court documents (please specify)?

(INTERVIEWER: IF THEY SAID NO TO ALL OF THE ABOVE, ASK THEM HERE WHAT THE LAWYER DID HELP THEM WITH ON THE FORMS OR DOCUMENTS)

If said no, don't know/can't recall for each

[SKIP TO Q0]

32. Overall, how helpful was this assistance to you for preparing your own forms and documents? Was it....?

Very helpful

Helpful

Not helpful

Not at all helpful

Or is it not applicable, you did not prepare own documents

Don't know

33. Did you yourself submit any documents to the court registry or court services? [DON'T READ]

Their lawyer submitted the documents

[SKIP TO Q36]

Yes

No

[SKIP TO Q36]

Don't know/can't recall

[SKIP TO Q36]

34. **[If yes to Q0]** Were they accepted by the court registry the first time you tried to submit them?

Yes

[SKIP TO Q36]

No

Don't know/can't recall

[SKIP TO Q36]

35. **[If No to Q34]** Why were they not accepted the first time you tried to submit them? Was it because you were told that.... [READ AND CHECK ALL THAT APPLY]

There was information missing

The forms were not completed correctly

Other (specify)

Don't know/can't recall

REFERRALS PROVIDED BY FDC

36. In the same offices as the duty counsel at the Justice Access Centre there is also a resource centre with a resource staff person, some computers, and pamphlets and other information on family law matters. There are also Family Justice Counsellors who can help you with mediation and other types of support for your family law matter. Did the duty counsel tell you about and suggest you go to any of these for more help? Or had you perhaps already used one of these resources before you went to the duty counsel? [PROMPT IF NEEDED: RESOURCE CENTRE, RESOURCE STAFF PERSON, FAMILY JUSTICE COUNSELLOR]

Yes, duty counsel told them about one or more of the resources

No, duty counsel did not tell them about any of the resources

They had used one or more of these resources before they went to the duty counsel

Don't know/can't recall

a. If yes, was that a helpful referral to you?

Yes

No

Said they didn't use the resource

Don't know/can't recall

[ASK Q0 IF THEY SAID YES THE DUTY COUNSEL HAD TOLD THEM ABOUT THE RESOURCE OR THAT THEY HAD USED ONE OF THE RESOURCES BEFORE THEY WENT TO THE DUTY COUNSEL OR THEY INDICATED IN Q1 THE Family Justice Counsellors or someone else at the Justice Access Centre; FOR OTHERS SKIP TO Q38]

37. How helpful was it to you to have the duty counsel along with these other resources all in one place at the Justice Access Centre?

Very helpful

Helpful

Not helpful

Not at all helpful

Don't know

38. Did the duty counsel refer you to any other services outside of the Justice Access Centre, such as the Legal Services Society website or some other website, legal aid intake, the Family LawLINE, a mediator, a social worker, a private lawyer, or any other service?

Yes

No

Don't know/can't recall

[SKIP TO Q41]

[SKIP TO Q41]

39. Did you use any of these other services?

Yes

No

Don't know/can't recall

[SKIP TO Q41]

[SKIP TO Q41]

40. [If yes used any of the referrals] How helpful were these services to you? Were they....?
- Very helpful
 - Helpful
 - Not helpful
 - Not at all helpful
 - Don't know

Status of their family law matter

Now I'd like to ask you some questions about what has happened with your family law matter since you first saw the duty counsel and about the help you got from the duty counsel. I will not ask you anything personal about your family law matter. Again, we understand you first got help from the duty counsel around [ENTER MONTH AND YEAR FROM DATABASE; DATE OF FIRST SERVICE]. For the rest of the questions, please answer based on what happened since then and not anything that took place regarding your family law matter before that time.

41. Which of the following best describes the current status of your family law issues that you went to see the duty counsel about? [CHECK ONE ONLY]

- All issues have been resolved or settled either through agreement or an order from a judge
- Some issues have been resolved or settled, but some are still unresolved
- No issues are yet resolved [SKIP TO Q50]
- Don't know [SKIP TO Q50]

42. (All or some to Q41) For your issues that are resolved, how were you able to resolve them?

Was it that....

- They were all settled by agreement without a trial
- They were all settled through an order from a judge after a trial [SKIP TO Q46]
- Some were settled by agreement and some through an order from a judge after a trial
- Don't know/can't recall [SKIP TO Q50]

[INTERVIEWER ONLY READ IF RESPONDENT IS UNSURE WHAT SETTLING BY AGREEMENT MEANS] This means where the issue is settled without the need for a trial before a judge. This could be, for example, by coming to an agreement on your own with the other party, or by going to something called mediation, or by going to a Family Case Conference or Judicial Case Conference. A case conference is an informal meeting with a judge or Master to try to help people resolve their matter without a trial.

43. How were you able to resolve all or some of your matters out of court without a trial? Was it through...[CHECK ALL THAT APPLY]

- Working out an agreement on your own with the other party
- Taking part in mediation with a mediator
- Taking part in a Family Case Conference or Judicial Case Conference
- Other (specify)
- Don't know/can't recall

[INTERVIEWER PROVIDE THE FOLLOWING DESCRIPTION IF THEY ARE STILL UNSURE OF WHAT THE CASE CONFERENCES ARE. THEY MIGHT HAVE GONE TO ONE OF THESE EVEN IF THEY HAVE RESOLVED ALL THEIR ISSUES WITHOUT A TRIAL OR IF IN THE END THEY HAD TO GO TO A TRIAL FOR SOME OF THEIR MATTERS.]

***Family Case Conference in Provincial Court:** A Family Case Conference is a private, informal one-hour meeting between you, the other party, and a Provincial Court judge (and your lawyers if you have them). At a Family Case Conference, the judge will help you try to settle some or all of your issues. The judge can also make court orders.*

***Judicial Case Conference in Supreme Court:** A Judicial Case Conference is a private, informal one-hour meeting with a Supreme Court judge or master and the other party (and your lawyers if you have them). At a Judicial Case Conference the judge or master will help you try to settle some or all of your issues.*

44. How helpful was the information or assistance you received from the duty counsel in resolving all or some of your matters by agreement without a trial? Was it....?

Very helpful

Helpful

Not helpful

Not at all helpful

Or is it not applicable, you did not get information or assistance from the duty counsel for this

[SKIP TO NOTE AFTER Q45]

Don't know

[SKIP TO NOTE AFTER Q45]

45. Please explain why you believe the assistance from the duty counsel was [INSERT RESPONSE FROM Q44] to you in resolving all or some of your matters out of court.

Specify

Don't know

No response

NOTE: IF SAID IN Q42 THAT ALL ISSUES RESOLVED WITHOUT A TRIAL SKIP TO Q50]

46. For those matters that you had gone to the duty counsel for help with and that were then resolved through a trial with a judge, did you represent yourself at the trial or did you hire a private lawyer?

Represented self

Hired a lawyer

[SKIP TO Q50]

47. **[If self-represented]** Did the duty counsel help you prepare for representing yourself in court? For example, did the lawyer give you information or advice about.... **[READ RESPONSES; CHECK ALL THAT APPLY]**

What to expect in court

How the court process works

What to bring to court

What to wear to court

How to address the judge

How to present your case

Other information/advice about representing yourself in court (specify)

No, no information or advice was given

Don't know/can't recall

48. How prepared did you feel to handle the trial by yourself?

Very prepared

Prepared

Not prepared

Not at all prepared

Don't know [SKIP TO Q50]

49. Please explain why you felt (insert response from Q51)?

50. **WORDING FOR THOSE WHO HAVE HAD A TRIAL** (*Those who said in Q42 that all or some issues settled through an order from a judge after a trial*): Other than for your trial, have you appeared before a judge on your family law matter for any other reasons since you first went to the Expanded Family Duty Counsel in [ENTER MONTH AND YEAR THEY FIRST RECEIVED SERVICE FROM THE FDC]?

WORDING FOR THOSE WHO DID NOT HAVE A TRIAL (*all other respondents*): Have you appeared before a judge on your family law matter for any reason since you first went to the Expanded Family Duty Counsel in [ENTER MONTH AND YEAR THEY FIRST RECEIVED SERVICE FROM THE FDC]?

Yes

No [SKIP TO NOTE BEFORE Q56]

Don't know/can't recall [SKIP TO NOTE BEFORE Q56]

51. Did the duty counsel give you any information about the court appearance and how to prepare for it? **[NOTE TO INTERVIEWER: IF THEY SAY THE DUTY COUNSEL CAME WITH THEM TO ONE OF THESE, THERE IS A QUESTION FURTHER ON ABOUT THAT; THIS QUESTION IS ABOUT WHETHER THEY HELPED THEM PREPARE FOR IT]**

Yes

No [SKIP TO Q53]

Don't know/can't recall [SKIP TO Q53]

52. [If yes to Q51] Was the information and assistance from the duty counsel helpful to you for understanding any of the following about the court appearance?[CHECK ALL THAT APPLY]

- What would happen in court
- What you need to do to get ready for court
- What information you should bring
- What you should say
- Other (specify)
- None of the above, the assistance was not helpful
- Don't know

53. Did you attend any court appearances on your own without the duty counsel or any other lawyer there in court with you?

- Yes
- No [SKIP TO NOTE BEFORE Q56]
- Don't know/can't recall [SKIP TO NOTE BEFORE Q56]

54. How prepared did you feel to handle the court appearance or court appearances by yourself?

- Very prepared
- Prepared
- Not prepared
- Not at all prepared
- Don't know [SKIP TO NOTE BEFORE Q56]

55. Please explain why you felt (insert response from Q54)?

Response_____

Don't know

NOTE: IF THEY SAID IN Q2 THAT THEY ONLY GOT HELP AT THE JAC, SKIP TO NOTE BEFORE Q60

56. At the beginning of the survey you mentioned that the duty counsel helped you both at the courthouse and at the Justice Access Centre. Did you ever have the same lawyer help you at both the courthouse and at the Justice Access Centre? Or was it always different lawyers?

- The same lawyer always
- Different lawyers always
- Sometimes the same and sometimes different lawyers
- Don't know/can't recall

57. What help did the duty counsel give you at the courthouse? Did they give you some legal information and advice, attend a court appearance with you, or both? [CHECK ONE ONLY]

- Legal information or advice only [SKIP TO NOTE BEFORE Q60]
- Attended a court appearance/appearances only
- Gave legal information/advice and attended court appearance/appearances
- Other (specify) [SKIP TO NOTE BEFORE Q60]
- Don't know/can't recall [SKIP TO NOTE BEFORE Q60]

58. How helpful was it to have the duty counsel at the court appearance or appearances with you? Was it....?

- Very helpful
- Helpful
- Not helpful
- Not at all helpful
- Don't know

[SKIP TO NOTE BEFORE Q60]

59. Why was it [ENTER RESPONSE FROM Q58] to have the duty counsel at the court appearance with you?

- Response_____
- Don't know

[NOTE: IF SAID IN Q41 THAT THEY HAVE RESOLVED ALL ISSUES SKIP TO Q63, OTHERWISE CONTINUE]

60. What are your next steps for trying to resolve your family matter? Do you primarily plan to....[CHECK ALL THAT APPLY]

- Take part in mediation with a mediator?
- Take part in a Family Case Conference or Judicial Case Conference to try to resolve the matter without a court trial?
- Try to resolve the matter on your own with the other party without involving the court at all?
- Have a court trial with a judge? [SKIP TO Q63]
- Other (specify) [SKIP TO Q63]
- Unsure of next steps

61. If you try to resolve you matters outside of a court trial, how helpful do you think the assistance and information you received from the duty counsel will be in this process? Will it be....?

- Very helpful
- Helpful
- Not helpful
- Not at all helpful
- Or is it not applicable, you have not yet received this type of help from the duty counsel [SKIP TO Q63]
- Don't know [SKIP TO Q63]

62. Please explain why you believe the assistance from the duty counsel will be [INSERT RESPONSE FROM Q61]

- Specify
- Don't know
- [SKIP TO Q63]

FOR ALL– WHAT THEY WOULD HAVE DONE IF THE EXP FDC NOT AVAILABLE

63. What would you have done if the Expanded Family Duty Counsel service was not available?

[DON'T READ UNLESS NECESSARY; CHECK ALL THAT APPLY]

- Would have tried to do it all yourself
- Hired your own lawyer
- Relied on the duty counsel available in the court
- Represented yourself in court on your own throughout with no help
- Tried to resolve the matter out of court
- Dropped the matter entirely/done nothing
- Tried to find another service to help
- Other (specify)
- Don't know

GENERAL QUESTIONS FOR EVERYONE

The last few questions are about your overall experience with the duty counsel both at the Justice Access Centre and in court if they helped you there and how you would describe this experience.

64. Did you feel treated with respect?

- Yes
- No
- Don't know

65. Did you feel they listened to you and took the time to understand your legal issue?

- Yes
- No
- Don't know

66. Overall, how satisfied were you with the help and support you received through the Expanded Family Duty Counsel services? Were you....?

- Very satisfied
- Satisfied
- Unsatisfied
- Very unsatisfied
- Don't know

67. What, if anything, would you change about the family duty counsel to make the services better? [DON'T READ; CHECK ALL THAT APPLY]

No suggestions, services were good

Have more lawyers available

Allow more time with the lawyer

Make sure the client works with the same lawyer all the time

Less wait time for appointments

Allow the lawyer to represent you in court

More communication/advertising to let people know it is available

Expand the types of issues they can cover

Other (specify)

Don't know

68. Do you have any other comments?

Yes (specify)

No

**THAT IS THE END OF THE SURVEY.
THANK YOU VERY MUCH FOR YOUR PARTICIPATION.**

Appendix D – Profile of 2012 family law applications at Victoria law courts

To give some context of the environment in which the EXP FDC is operating, this section provides a brief profile of family law cases at Victoria law courts. This information is also used for systems efficiency analysis. Family law cases can be protracted and lengthy with respect to the family’s involvement with the court system. Consultations occurred with LSS and CSB during the summative evaluation on how to best make use of available court data to illustrate how family law cases proceed through the court system at Victoria law courts. It was determined that an illustrative data set would be to consider 2012 initiating and subsequent applications, and how these proceeded through the court system up to October 31, 2015. The rationale for this time period was that the 2012 applications should have had sufficient time by October 31, 2015 for achieving some type of resolution. Table 1 below gives the total number of applications filed in 2012 at both court levels. Subsequent applications include all subsequent applications filed in 2012 and may be related to applications initiated in earlier years.

Table 1: Number of applications filed at Victoria Provincial and Supreme Court, 2012 – CSB data	
Court level and application	Number
Provincial court	
Initiating applications*	449
Subsequent applications	1,801
Supreme Court	
Initiating applications	970
Source: Data provided by Court Services Branch. *72 non-application initiating applications are not included here.	

Table 2 below illustrates the number of subsequent applications that can be generated from initiating applications in Victoria Provincial Court. From the 449 initiating applications for 2012, another 886 subsequent applications were filed up to October 31, 2015, with 45% (399) of these filed in 2012 and 26% (230) in 2013. On average, 2.0 subsequent applications were filed for every initiating application.

Table 2: Number of initiating applications filed at Victoria Provincial Court in 2012 and number of subsequent applications filed annually to October 31, 2015 on those applications initiated in 2012 – CSB data		
Year	Number	
2012 initiating applications	449*	
Subsequent applications from the initiating applications	Number	Percent of total
2012	399	45%
2013	230	26%
2014	156	18%
2015 (up to October 31)	101	11%
Total	886	
Average subsequent applications per case	2.0	
Source: Data provided by Court Services Branch. *72 non-application initiating applications are not included here.		

As shown in Table 3, the most common issues in Victoria Provincial Court for initiating applications were for custody/guardianship (95%), followed by child support (37%). Issues for subsequent applications varied with no particular issue or issues representing a substantial proportion of applications. The most common issues were for custody/guardianship (28%), access/contact/parenting time (18%), child support (17%), and parenting issues (16%). The most common issues for initiating applications in Victoria Supreme Court were divorce (83%) followed by parenting issues (25%).

Issue	Provincial court			Supreme Court Initiating (n=970)
	Initiating (n=449)	Subsequent (n=2,942)	All (n=3,391)	
Custody/guardianship	95%	28%	37%	2%
Child support	37%	17%	19%	15%
Access/contact/parenting time	20%	18%	18%	<1%
Protection order	9%	5%	5%	3%
Spousal support	7%	2%	3%	15%
Relocation	6%	4%	4%	1%
Parenting issues	3%	16%	14%	25%
Possession of home	<1%	-	<1%	3%
Support arrears	<1%	4%	4%	-
Divorce	-	-	-	83%
Maintenance enforcement	-	<1%	<1%	<1%
Property division/debt division	-	-	-	19%
Transfer a child to non-parent	-	<1%	<1%	-
Other*	39%	83%	77%	30%

Source: Data provided by Court Services Branch.
 *Other issues are mainly administrative in nature, such as to shorten time to serve a notice or document, to transfer a file to another court registry, or to produce financial statements or other documents.

Table 4, next page, outlines the activity on the 2012 initiating and subsequent applications for Victoria Provincial Court and initiating applications for Supreme Court up to October 31, 2015.

From Table 4, each initiating and subsequent application in provincial court had an average of 1.7 and 2.1 scheduled appearances, respectively, as well as 0.3 and 0.4 adjournments.¹⁹ However, as described earlier, a limitation is that the latter only includes those adjournments that occurred prior to the scheduled appearance, and does not include adjournments that occur on the day of the hearing. Applications initiated in the Supreme Court had an average of 1.3 appearances and 0.4 adjournments. As with the provincial court data, these adjournments do not include those that occurred on the day of the hearing.

There was an average of 86 days between filing an application and the first appearance for initiating applications and an average of 56 days for subsequent applications for provincial court; The Supreme Court took much longer, with an average of 169 days to the first appearance. The average court time required per application, including all appearances associated with an application, was close to 1.0 hours for both initiating and subsequent applications for provincial court and just over 3.0 hours for the Supreme Court. Considering each initiating application in

¹⁹ Schedule court appearances for family law matters are those that are scheduled to be before the court for a specific reason, such as the first appearance, case conference, or trial.

provincial court has an average of 2.0 subsequent applications, each case that has some type of court appearance requires approximately 3.0 hours of total court time, on average.

Table 4: Court activity of family cases at Victoria law courts – average activity up to October 31, 2015 for 2012 initiating and subsequent applications – CSB data

Element	Provincial court			Supreme Court initiating
	Initiating	Subsequent	All	
Number of applications	449	1,587	2,036	970
Average scheduled appearances	1.7	2.1	2.0	1.3
Average number of adjournments*	0.33	0.42	0.40	0.41
Average days to first appearance**	85.9	55.9	60.9	168.9
Average days to first order***	112.4	91.7	95.7	200.6
% of applications going to trial+	8.9%	15.2%	13.9%	2.8%
Average days to first trial appearance+	276.2	234.7	240.0	467.1
Average days to last trial appearance+	351.0	309.5	314.8	570.1
Days between average first and last trial appearance (calculated)	74.8	74.8	74.8	103.0
Average court hours per application++	0.99	1.00	1.00	3.15
Average appearance duration for trial (hours)	-	-	1.2	3.04
Average appearance duration for case conferences (hours)	-	-	0.87	0.93

Source: Data provided by Court Services Branch.

* Includes adjournments that occurred up to a court hearing, including those occurring the same day as the hearing but not adjournments that occurred at the court hearing.

**Of 229 initiating and 1,143 subsequent applications in provincial court and 252 in Supreme Court that had a first appearance.

***Of 190 initiating and 773 subsequent applications in provincial court and 844 in Supreme Court that had a first order.

+Of 40 initiating and 273 subsequent applications in provincial court and 27 in Supreme Court that had a trial/hearing.

++Court hours include time for all appearances for 229 initiating and 1,142 subsequent applications in provincial court and 252 initiating applications in Supreme Court (those with some type of court appearance).