



**Celeste Haldane, Board Chair, Legal Services Society
Speech to the Law Society of BC Benchers, July 13, 2018**

Thank you for inviting me to speak with you today.

It's good to be home – on the unceded territory of the Musqueam -- shared with Squamish and Tsleil Waututh.

I am a member of the Sparrow family of the Musqueam First Nation and Metlakatla.

I am a lawyer, practicing criminal law – which included legal aid work and pro bono, the value of which influenced my decision to become an LSS board member and now chair.

I am a member of the Law Society's Lawyer Education Advisory Committee. And Chief Commissioner of the BC Treaty Commission.

For those who are unfamiliar with the work we do at the Legal Services Society – we are mandated by legislation to provide legal aid to low-income people in BC.

Legal aid provides legal advice and representation for criminal, child protection, some family matters, and for refugee claims. And we have a well utilized public legal education and information program.

The current board priorities for LSS are improved family law services; greater access to justice for Indigenous people; and a tariff increase for lawyers who do legal aid work.

LSS has been able to make some real headway on the first two priorities.

With an extra \$12 million in provincial government funding this year – we were able to reinstate some family law coverage that we had to eliminate over a year ago.

This change alone will assist about 600 family law clients per year.

And we are opening seven new Parents Legal Centres for child protection matters.

Parents Legal Centres -- or PLCs -- operate in Vancouver and Surrey, helping families facing the possible removal of their children from the home.

This is a collaborative process where a lawyer and paralegal work with the parents to address the social worker's concerns and is meant to avoid a trial.

This may mean representing parents during mediations and family case conferences, or getting them help for things like housing and addictions.

The new PLCs will be located in Campbell River, Smithers/Hazelton, Williams Lake, Prince George, Kamloops, Duncan, and Victoria.

Our Terrace Regional Centre will offer PLC services.

Grand Chief Edward John's report provided us with guidance as to where PLCs should be.

The board priority we have been less successful with is achieving a lift in the legal aid rates for lawyers -- or tariffs.

We all know that in the budget this year, any new funding was to go to services and not the tariff. That left little room for maneuvering.

And we know that legal aid lawyers are deeply unhappy about this outcome.

I want to see LSS pay lawyers for the value of their work.

You can be sure that LSS will continue to push for the kind of funding that will allow us to increase lawyer rates.

You can help us with that. As you have with the survey on the cost of practice, which was very helpful for advocacy with government.

We also appreciate that in fulfilling your mandate to uphold and protect the public interest in the administration of justice, the Law Society is making legal aid a priority and helping to raise the profile of legal aid with the bar and government.

The time now is for members of the legal aid bar, the BC Bar Association, LSS and the Law Society to sit down at a table with government -- to decide what a sustainable legal aid plan looks like on a practical level.

Higher legal aid tariffs for lawyers are required to sustain legal aid.

Because without lawyers willing to do legal aid, we cannot provide legal services to those who need them the most.

We must also concern ourselves with legal aid services that promote Reconciliation with Indigenous peoples.

This is an issue that is close to my heart ... I still spend a lot of time in my community and I have the privilege through roles at the Treaty Commission where I get to spend time with Indigenous communities and with Indigenous peoples throughout BC.

And through my experiences I know both the cultural richness of Indigenous communities and peoples as well as the economic impoverishment most Indigenous communities, families and citizens, face. In a country as wealthy as Canada, when you know a community does not even have water, let alone clean drinking water.

I have been to those communities, and they exist here in BC.

I have been to places where I have shown up at a meeting that has nothing to do with children and families, yet I am thrust in a situation where most of the kids were just removed by boat -- because it was a remote community.

Having to deal with a community who is grieving. A community who feels they no longer have a voice, and trying to comfort people who feel lost in a system and lost to a system they did not create.

That is not justice. That is not Reconciliation.

It is simply not acceptable that so many Indigenous children are removed from the family home ... from their cultural community.

It is not acceptable that so many Indigenous people continue to be incarcerated.

It is also not acceptable that Gladue rights are so rarely enforced in our courts.

All of which means we are going to have to work very hard to increase Indigenous peoples' trust in the justice system.

One way that LSS works towards building trust is by funding Gladue reports on behalf of Indigenous clients.

This year we are increasing the number of Gladue reports to 300.

These reports recognize the unique circumstances of Indigenous offenders.

These reports also address the need for offenders to get appropriate help to deal with issues resulting from colonialism. Like inter-generational trauma from residential school.

Gladue reports contribute to *fair* sentencing, not *lesser* sentences.

First Nations Courts are also key to creating trust.

They offer the opportunity to have different and more meaningful impact on Indigenous justice.

LSS supports First Nations courts with duty counsel.

We also train and provide the honorariums to the Elders, who all play such a vital role in the courts' success.

In closing, I encourage the Law Society to continue its legal aid initiatives and Truth and Reconciliation work -- the latter named a priority in Don Avison's recent item in the Benchers' Bulletin and in the reports of the Truth & Reconciliation Advisory committee.

Let's build on the energy of the Law Society's Truth and Reconciliation symposium. ...I attended the symposium and was impressed to see so many attendees dedicated to advancing Reconciliation and ensuring that as a profession, we start to tackle the lasting harms stemming from colonialism and the role that the justice system has played in the marginalization of Indigenous peoples.

I also want to congratulate those involved in the video, "But I was wearing a suit" -- for effectively illuminating the racism faced by Indigenous lawyers.

I applaud my brave colleagues for sharing their stories because it is not easy to overcome some of the shame that we Indigenous peoples feel after encountering such experiences.

As a member of the Law Society's Lawyer Education Advisory Committee, I intend to push for lawyer education that ensures culturally appropriate legal services for Indigenous clients.

And I need to acknowledge the Law Society's positive steps by including cultural competency in the professional legal training course.

Likewise, LSS is ready and committed to working with the Law Society to improve the cultural competency of lawyers.

I hope, too, that we can continue to work *together* to address issues in common like the need to increase the tariffs for lawyers who do the important work of legal aid.

And towards a vision of legal aid that increases access to justice for everyone.

And to do whatever it takes to support Reconciliation with Indigenous people.

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Thank you.