



## Community Workshop: Legal Aid Services & Family Law

Days Inn | Prince George

600 Quebec Street | Prince George, BC | V2L 1W7

Thursday | October 28 | 2010

### AGENDA

Time	Session	Speaker	Facilitator
07:30-8:30	Breakfast & Registration	• N/A	N/A
08:30-08:45	Opening Prayer & Housekeeping	• Frederick Frank	Sherry
08:45-10:30	Update on Recent Developments in Family Law & Child Protection Law	• Debbie O'Leary - Duty counsel • Linda T - Recent development of Family Law & LSS family law services	Beatrix
10:30-10:45	<b>Break</b>		
10:45-12:15	An Overview of LSS services & resources	• Beatrix Josephy (Local Agent) • Branka M. (Intake) – and demo • Mike D/Sherry M – Aboriginal Services & resources • John S - PLEI	Baljinder
12:15-13:15	<b>Lunch</b>		
13:15-14:45	Small Group Discussion – “Real Case” Scenarios	• N/A	Sherry
14:45-15:45	Other Community Services & Resources	• Baljinder and Sandra – ClickLaw • Penny Rivard – PovNet • Geoffrey – ProBono • Joan Brett – Justice Education	Mike
15:45-16:00	<b>Break</b>		
16:00-16:15	Open questions & answers	• John	Branka
16:15-16:30	Closing	• John	Sandra

#### Community and Publishing Services

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## **PRINCE GEORGE Community Workshop – Legal Aid Services and Family Law**

October 28, 2010

### **PRESENTATION OUTLINE**

Linda Thiessen

#### **1. *New Family Law Rules – BC Supreme Court***

- The Family Justice Reform Working Group report in 2005 outlined a new vision for family law in BC touching on a range of family justice services and processes that should be available to people in BC experiencing family breakdown
- One of the recommendations of the report was creating simpler family court rules to provide a more accessible and streamlined process for family cases in Supreme Court
- The rules were drafted by a committee of senior judges and family lawyers and came into effect July 1<sup>st</sup>, 2010
- LSS has worked with the Attorney General to develop resources to help the public understand and follow the new family rules

#### **2. *Community Advocate Support Line (CASL) service***

- A senior lawyer provides legal advice, information and support to advocates working on behalf of clients
- Assistance is offered on legal matters such as housing, welfare, family law, employment insurance and employment law, benefits such as CPP disability, consumer and debt and bankruptcy issues

#### **3. *The Simplified Family Tariff and proposed Simplified CFCSA Tariff***

- A priority of LSS has been to streamline administrative processes so that lawyers can focus more resources on client services
- One initiative was to simplify the tariff which outlines how lawyers are paid when they handle a family legal aid case
- The simplified tariff makes it easier for LSS and lawyers to explain to clients the range of services that are included in a legal aid referral
- The simplified family tariff came into effect June 29, 2010 and it provides a basic number of hours to the lawyer and much more discretion for the lawyer to decide how to use those hours to benefit the client suited to the client's particular needs

#### **4. *The proposed new Family Relations Act – highlights of the White Paper***

- The Attorney General began a review of the Family Relations Act in 2006
- Goals of this review were to modernize the law, support cooperative approaches to resolving family law issues and create a statute that is easy to understand

- The review began with research into family law reform underway in other jurisdictions and recommendations for reform made by family law experts
- The Attorney General has issued the White Paper to allow the public an opportunity to comment on the proposed new family law
- Feedback from the White Paper will be considered and used to finalize the new family law before the bill is introduced in the Legislative Assembly of BC

**5. *Lead Family Duty Counsel in Kamloops***

- The Family Duty Counsel Program has become part of core funding by LSS for family law
- Brief next step advice is offered in court to people with family law problems who do not qualify for representation through a legal aid referral
- LSS has contracted with lawyers in 8 locations in BC to provide this service
- These lawyers will act as a liaison for clients and the court registry and local lawyers to problem solve and help administer the program locally
- Kathy Kendall has been contracted to provide this service in Kamloops beginning October 1<sup>st</sup>, 2010

## **LEGAL SERVICES SOCIETY ABORIGINAL SERVICES & RESOURCES and COMMUNITY ENGAGEMENT**

**GOAL:** To engage rural, remote and Aboriginal communities and to adapt current LSS programs and services to accommodate circumstances and situations unique to Aboriginal Peoples and their cultures.

### **GLADUE IN A NUTSHELL:**

Gladue rights apply to all Aboriginal people whether they are status or non-status Indian, First nations, Metis or Inuit and whether they live on or off reserve. Gladue refers to the special consideration that judges must give Aboriginal offenders during sentencing or the setting of bail. Gladue rights inform the judge that they must keep in mind the fact that Aboriginal offenders face special circumstances and all options other than jail must be considered. The sentence should be designed to help the offender address the issues that got them into trouble with law in the first place. This is called a **Community Sentence** designed to rehabilitate the offender and help the whole community heal.

Gladue does not mean that an offender will automatically be given a community sentence. In some circumstances, the judge may have no option but to sentence a person to jail. The judge should continue to apply the same Gladue principles when deciding the length of imprisonment or bail conditions.

LSS is raising awareness and providing training to lawyers, community organizations and intermediaries, to develop a better understanding of Gladue rights. The LSS publishing team is also in process of publishing a **Gladue Primer**, as part of our initiative to educate the community and service providers. For more information, please contact Pamela Shields, who is our Aboriginal Services Program Manager, at 604.601.6000 or by [e-mail](#).

### **FIRST NATIONS COURT:**

The court is led by Judge Buller-Bennett and sits in New Westminster once every month. Aboriginal offenders who plead guilty can be heard by Judge Buller-Bennett at the sentencing stage and she will work with the community and the offender to develop a “healing plan.”

First Nations Court hears criminal and related child protection matters. The goal is to take a First Nations Perspective and justice is viewed with a holistic and restorative approach.

LSS is raising awareness and providing support to the court. A Legal Information Outreach Worker (LIOW) works with the court to enhance the intake application process and provide information to offenders and the communities they impact. LSS also works closely with the First Nations Clinic and the Native Court Worker Program.

Expanded Duty Counsel Service is provided by LSS for First Nations Court. Please contact Rob Fredrickson at 604.825.1861.

## **LEGAL AID**

Legal Aid coverage is available for all Aboriginal clients, but they have to be financially eligible and the issue must be one that is covered by LSS. If you have a client looking for criminal, family and / or CFCSA matter, please encourage them to apply for legal aid. A legal aid intake worker will determine their eligibility and will provide them with assistance.

For Aboriginal People, if the offence interferes with the offender's ability to follow a traditional livelihood of hunting and fishing, this may be covered by legal aid.

## **DUTY COUNSEL:**

LSS has duty counsel service available in all courthouses throughout the province. They also have **Expanded duty counsel services**, which Aboriginal clients can access. LSS have expanded duty counsel in other court houses as well. LIOWs can be found in the following locations to help with the application process and to provide legal information and resources.

- Sheway, Vancouver
- First Nations Court New Westminster
- Williams Lake
- Port Hardy

## **ABORIGINAL COMMUNITY LEGAL WORKERS:**

Aboriginal Community Legal Workers are paralegals who are supervised by a lawyer and can provide legal advice. We have two Aboriginal Community Legal Workers in the following locations.

- Donna Moon, Nanaimo
- Maggie Matilipi, Port Hardy

## **PUBLICATIONS AND FACT SHEETS**

### **Aboriginal Child Protection Fact Sheets**

- Understanding Aboriginal Child Protection / Removal Matters
- Understanding Aboriginal Delegated Agencies
- Understanding Court Orders and Hearings

### **Wall Charts / Wallet Cards**

- Aboriginal Child Protection Process: Information for Aboriginal Parents and Communities
- Your Right to Get a Lawyer (Aboriginal child protection wallet cards)

### **Aboriginal Criminal Law Fact Sheets**

- Are You Aboriginal? Do You Have a Bail Hearing? Are You Being Sentenced for a Crime? Do You Know About First Nations Court?

### **Aboriginal Publications**

- Benefits, Services, and Resources for Aboriginal Peoples

- How to Make a Will and Settle an Estate: A Guide for First Nations People Living on Reserve
- Social Assistance on Reserve in BC

## **Binders**

- Aboriginal People and the Law in British Columbia (binder)

## **Aboriginal Resource Website**

This is work in progress that will enhance our website by highlighting reference links to additional resources outside of LSS that will assist Aboriginal People address their legal issues.

It will also contain a Frequently Asked Question (FAQ) Section which is a list of questions and /or common legal issues faced by Aboriginal communities along with the resources that exist to address those issues.

The Aboriginal Resource Website will be broken down as follows:

- **Aboriginal Legal Issues**
- **Aboriginal publications**
- **Who can help**
- **Gladue rights**
- **First Nations Court**

To order publications, please follow the LSS Publications link:

[http://www.lss.bc.ca/publications/subject.aspx?s\\_id=2](http://www.lss.bc.ca/publications/subject.aspx?s_id=2)

## **Additional Resources:**

Gladue and First Nations Court Fact Sheet:

[http://www.lss.bc.ca/publications/pub.aspx?p\\_id=350](http://www.lss.bc.ca/publications/pub.aspx?p_id=350)

Are You Aboriginal? Do you have a bail hearing? Or are you going to be sentenced for a Crime?

Publication - this publication is on line or can be ordered from the Legal Aid Ontario at:

[www.legalaid.on.ca](http://www.legalaid.on.ca)

Toll free: 1-800-668-8258

In Toronto: 416-979-1446

## **Mike Delaney**

Community Engagement Coordinator

Legal Services Society

400 - 510 Burrard Street

Vancouver, BC V6C 3A8

Phone: 604-601-6055

email: [mike.delaney@lss.bc.ca](mailto:mike.delaney@lss.bc.ca)

## **An Overview of Legal Services Society (LSS) Services and Resources — Public Legal Education and Information (PLEI) and community engagement**

LSS provides a range of services under the Legal Services Society Act — information, advice and representation to help resolve legal issues. Legal information is available to everyone and is free.

Legal information for your clients include one-on-one assistance, over the phone and in person, to find information, print materials and web resources in many languages, referrals, and links to other services and resources.

Services for community workers include: the *Electronic Legal Aid News* (starting in January 2011, it will be issued as a blog and as a quarterly “best of” edition), Twitter feed, community training workshops, and conferences for community workers.

### **In Person:**

In person services include:

- Intake workers in 33 community locations around BC, through Local Agents and at courthouses, who also provide access to PLEI materials.
- Legal information outreach workers in Vancouver and Terrace.
- Aboriginal Community Legal Workers —Nanaimo and Port Hardy.

### **On the Phone:**

Provincial Call Centre — call no charge, providing access to legal aid from anywhere in BC  
604-408-2172 (Greater Vancouver)  
1-866-577-2525 (call no charge, elsewhere in BC)

### **In Print:**

- Free Publications — family, criminal, immigration, Aboriginal, and related topics such as welfare rights and consumer creditor/debtor.
- Order stock from Crown Publications for your agency at no charge, or have copies sent to one of your clients directly.

### **On the Web:**

- Family Law Website [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca) — extensive resources on family law process, guides and forms and links to other resources, “What’s new in family law” with an RSS feed.
- LSS website [www.legalaid.bc.ca](http://www.legalaid.bc.ca) — online publications and links to Aboriginal and other resources.
- ELAN — *Electronic Legal Aid News* — quarterly issues with information about recent developments in the law, legal aid and other services that can help people resolve legal issues. A blog version will be released in January 2011.
- Twitter — LSS posts tweets daily on topics of interest [www.twitter.com/legalaidbc](http://www.twitter.com/legalaidbc).

### **Related Resources/Partnerships:**

- Clicklaw [www.clicklaw.bc.ca](http://www.clicklaw.bc.ca) — an online portal to legal resources with HelpMap to find services.
- Immigrant PLEI Consortium [www.immigrantlegal.ca](http://www.immigrantlegal.ca) — online education, information and other resources for newcomers and the people who help them.

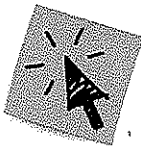
### **New Developments in PLEI at LSS:**

Community outreach services — LSS was restructured following changes at LSS in March 2010 to better meet the needs of our clients and community. Four new positions were created to support services and new staff were hired to address the following roles:

- Community Engagement — focuses on developing a new approach to improving access to intake and PLEI services in rural, remote and Aboriginal communities; engaging communities through partnerships, small contracts and other initiatives.
- Community Training and Outreach — provides training through community workshops.
- Publications Development — works collaboratively with community organizations to identify needs and develop new publications, ensuring that materials are useful and that distribution strategies are effective.
- Online Outreach — addresses the needs of a growing online audience so that they have access to accurate information and useful online services.

LSS is continuing work to improve access to PLEI throughout BC.





Are you a member of the public or helping someone with a legal problem?

The Clicklaw website offers a single place to start on the Internet for quality legal information, education and help for British Columbians. Here are five key ways you can use Clicklaw:

**1 In Solve Problems**, find understandable information on your legal rights and options to solve legal problems

**2 Choose** from over 100 common questions, which offer starting points for common legal problems

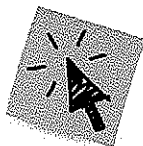
**3 On HelpMap** search for someone in your community who can help with legal problems

**4 Find** resources and services that are in languages other than English

**5 See what's new** on the Clicklaw blog or find Clicklaw on Facebook or Twitter

**Website Content:**

- Header:** British Columbia, Canada | Text size: A A A | Laws, Cases & Rules | Blog | About Us | Contact | Contributors
- Navigation:** Home | Solve Problems | Learn & Teach | Reform & Research | HelpMap | Search Clicklaw [Go]
- Welcome to Clicklaw:** This site provides legal information, education and help for British Columbians. What is here for you?
  - [solve legal problems](#) | [learn & teach the law](#) | [reform & research the law](#) | [HelpMap](#)
- Solve Problems:** Understand your rights, solve legal problems
  - Your money:** [Debt](#), [Pensions, benefits & welfare](#)
  - Your family:** [Children & teens](#), [Family law](#), [Health](#), [Wills, estates & life planning](#)
  - Your daily life:** [Accidents & injuries](#), [Consumer](#), [Employment](#), [Housing, tenancy & neighbours](#), [Rights & citizenship](#)
  - Your safety:** [Abuse & family violence](#), [Victims of crime](#)
  - Your communities:** [Aboriginal](#), [Disabilities](#), [Immigrants & refugees](#), [Seniors](#)
  - Your legal system:** [Alternatives to court](#), [Courts & tribunals](#), [Crimes & offences](#), [Legal help & lawyers](#)
- Learn & Teach:** Access resources that build awareness of laws and how the legal system works.
- Reform & Research:** Access resources that feature analysis and reform of the law and the legal system.
- What's new on Clicklaw:**
  - The New & Improved Clicklaw: Six Highlights**  
We've been working on improving Clicklaw! Drawing on usability... April 16, 2010
  - LawStartBC: New Promotion Campaign Featuring Clicklaw**  
At Courthouse Libraries BC, we're launching a new campaign... April 16, 2010
  - Clicklaw Team at Law Day in Vancouver**  
On Saturday, April 17, the Clicklaw team will be... April 16, 2010
- Common questions:** Starting points for common legal questions
  - Popular questions:**
    - [I'm the executor of a will; what are my first steps?](#)
    - [What is a representation agreement?](#)
    - [I want to find out about BC disability benefits](#)
    - [I've been dismissed \(fired\) without just cause](#)
    - [I need to take someone to small claims court](#)
    - [Our marriage is over; do we have to go to court?](#)
  - New or updated questions:**
    - [Where can I find legal help I can afford?](#)
    - [How is welfare different on and off reserve?](#)
    - [I am worried an older adult may be being abused](#)
    - [Is there legal help available in remote communities?](#)
    - [We want our non-profit group to become a society](#)
    - [How can I dispute a traffic ticket?](#)
- Footer:**
  - [View all topics](#) | [all topics & subtopics A-Z](#) | [languages](#) | [videos](#) | [everything](#)
  - [View the Clicklaw blog](#)
  - Find us on Facebook & Twitter**



## Introducing the Clicklaw HelpMap

Integrated with Google Maps, the HelpMap assists the public in British Columbia with finding those who can provide assistance with legal problems in their community. It also assists service providers and helpers who are making referrals for clients who have legal issues.



### HelpMap

Find someone in your community who can help with legal problems.

## Three steps to finding law-related help on the HelpMap

**1** Search by keyword or city/town at [www.clicklaw.bc.ca](http://www.clicklaw.bc.ca). Or you can browse by topic.

Search the HelpMap for law related help with a Keyword OR Location

Keyword

or

Location

Go

Campbell River  
Chilliwack  
Clinton

**2** [optional] Refine your search by topic, location, type of service, or language.

You searched for

Campbell River

Refine your search

Topic

Crimes & offences (9)  
Legal help & lawyers (9)  
Family law (8)  
Alternatives to court (5)  
Wills, estates & life planning (5)  
more topics ...

Location

Type of service

Information or self-help (8)  
Legal advocacy, advice or representation (7)  
Counselling or support (3)  
Government services (2)

Language

We've found some results

12 results in: [Solve Problems](#) [Learn & Teach](#) [Reform & Research](#) [HelpMap](#)

Sort by: [most viewed](#) [alphabet](#)



6 Services available by phone or web access only

#### Access Justice

Our volunteer lawyers provide free legal advice to persons who cannot obtain legal aid or afford a lawyer. Some common legal issues include motor vehicle claims, [+ More details](#)

From Western Canada Society to Access Justice

Topics: Abuse & family violence; Accidents & injuries; Alternatives to court; Business & non-profits; [+ all topics](#)

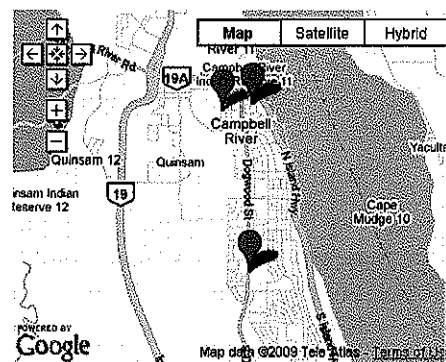
101-500 South Dogwood St., Campbell River, BC, V9W 6R4

#### Courthouse Libraries BC

Provides legal information service to the public via a network of libraries throughout BC. Librarians can help find legal information but cannot offer legal advice [+ More details](#)

From BC Courthouse Library Society

**3** Click on a service to see details on the Clicklaw HelpMap.



## What can you find on the HelpMap

- o pro bono clinics, community legal clinics, and legal aid offices
- o organizations with community legal advocates
- o court registries
- o courthouse libraries
- o Native Courtworkers
- o victim support programs
- o key government agencies
- o dozens of other law-related helping services



Access Pro Bono (“APB”) promotes access to justice in BC by providing and fostering quality pro bono legal services for people and non-profit organizations of limited means.

APB offers the following pro bono advice and representation services:

### **Summary Advice Clinics**

Access Pro Bono runs 85 summary legal advice clinics in community centers, social agencies, churches and courthouses located throughout the province. Some of our civil law clinics are operated in conjunction with the Vancouver Justice Access Center and the Salvation Army Access Centre located in the Vancouver Supreme Courthouse. By having clinics in such locations clients are able to access a variety of helpful services.

Lawyers at our legal advice clinics typically volunteer for 2 hours each month as they advise people in up to 4 half-hour appointments. Lawyers receive advance client and case information for each appointment, including the client’s name and a brief description of their legal issue, to ensure time for conflict checks and any minimal preparation that may be necessary. Client legal matters are matched according to each lawyer’s areas of practice.

Clients that need more help can book additional clinic appointments or may be able to get representation through APB’s Roster Programs.

### **Roster Programs**

The Roster Programs provide pro bono legal representation services to individuals and non-profit organizations of limited means. Currently APB runs roster programs in the areas of Family Law, Court of Appeal matters, Judicial Review matters, Federal Court matters, Wills and Estates and a Solicitor’s program for non-profit organizations. Lawyers receive pro bono opportunities by e-mail on a “no obligation to respond” basis, according to their location and areas of practice. Responding lawyers choose the scope of their services and qualify for disbursement funding of up to \$2500 per case. The Roster Program provides excellent opportunities for barristers and solicitors alike to gain more in-depth involvement with compelling cases. We also encourage mentoring relationships through the Roster Programs by connecting younger lawyers wishing to do pro bono work with more senior lawyers willing to provide guidance. We also connect

lawyers doing pro bono work with law students and non-lawyer legal professionals, such as paralegals, who are willing to assist lawyers on pro bono files.

### **Vancouver Civil Chambers Duty Counsel Project**

Access Pro Bono operates the Civil Chambers Duty Counsel Project twice per week in Vancouver. The Project is conveniently located in the Vancouver Supreme Courthouse. On a yearly or twice yearly basis, Access Pro Bono lawyers provide legal assistance and representation to unrepresented low and modest income litigants appearing in civil chambers at both Supreme Court and Court of Appeal levels. As with the Summary Advice Clinics, lawyers receive advance client and case information for each appointment, including the client's name and a brief description of their legal issue, to ensure time for conflict checks and any minimal preparation that may be necessary. Duty Counsel lawyers' services range from providing extended consultations to appearing in Chambers with the client.

### **Nanaimo Children's Lawyer Project**

The project is currently available in the Nanaimo Provincial Court but may extend to Nanaimo Supreme Court in the future. This initiative deals with high conflict custody and access cases and provides a "voice to children" ages 10 through 18, through the Nanaimo Children's Lawyer office on a pro bono basis.

In order to assist children whose parents are involved in high conflict separations, several Nanaimo lawyers saw a need for children to be represented, and with the guidance of a local Provincial Court Judge, have come together to establish the Nanaimo Children's Lawyer.

Where a Provincial Court Judge is of the view that a matter before the Court would benefit from the appointment of legal counsel for a child, he or she can make an order requesting that the Nanaimo Children's Lawyer become involved. A lawyer is then appointed who meets with the child as much as is necessary to properly obtain the child's evidence, which is ultimately presented in an affidavit sworn by the child.

The project is managed by Joan Cotie, who has significant experience in family mediation and child protection mediation.

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The screenshot shows the Clicklaw website interface. At the top, it says 'British Columbia, Canada' and 'Text size: A A A'. The main navigation bar includes 'Home', 'Solve Problems', 'Learn & Teach', 'Reform & Research', and 'HelpMap'. A search bar is also present. The main content area is titled 'Welcome to Clicklaw' and provides a brief overview of the site's purpose. Below this, there are several sections: 'Solve Problems' (with sub-sections like 'Your money', 'Your family', 'Your daily life', 'Your safety', 'Your communities', and 'Your legal system'), 'Common questions' (with 'Popular questions' and 'New or updated questions'), 'HelpMap', 'Learn & Teach', 'Reform & Research', and 'What's new on Clicklaw'. At the bottom, there are social media links for Facebook and Twitter.

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Keyword  or

Campbell River  
 Chilliwack  
 Clinton

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**You searched for**  
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**Refine your search**

**Topic**  
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[Alternatives to court \(5\)](#)  
[Wills, estates & life planning \(5\)](#)  
[more topics ...](#)

**Location**

**Type of service**  
[Information or self-help \(8\)](#)  
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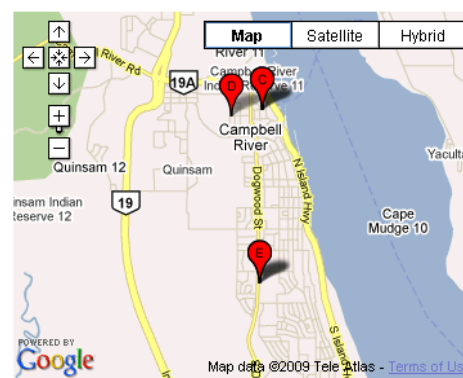
101-500 South Dogwood St., Campbell River, BC, V9W 6R4

#### **Courthouse Libraries BC**

Provides legal information service to the public via a network of libraries throughout BC. Librarians can help find legal information but cannot offer legal advice [+ More details](#)

From BC Courthouse Library Society

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- organizations with community legal advocates
- court registries
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### **Nanaimo Children's Lawyer Project**

The project is currently available in the Nanaimo Provincial Court but may extend to Nanaimo Supreme Court in the future. This initiative deals with high conflict custody and access cases and provides a "voice to children" ages 10 through 18, through the Nanaimo Children's Lawyer office on a pro bono basis.

In order to assist children whose parents are involved in high conflict separations, several Nanaimo lawyers saw a need for children to be represented, and with the guidance of a local Provincial Court Judge, have come together to establish the Nanaimo Children's Lawyer.

Where a Provincial Court Judge is of the view that a matter before the Court would benefit from the appointment of legal counsel for a child, he or she can make an order requesting that the Nanaimo Children's Lawyer become involved. A lawyer is then appointed who meets with the child as much as is necessary to properly obtain the child's evidence, which is ultimately presented in an affidavit sworn by the child.

The project is managed by Joan Cotie, who has significant experience in family mediation and child protection mediation.