

# Legal Services Society

## 2017/18 – 2019/20 SERVICE PLAN

February 2017



**Legal  
Services  
Society**

British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)



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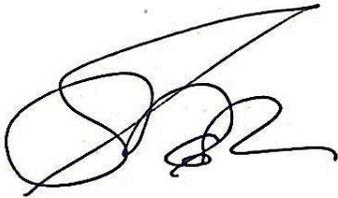
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## Accountability Statement

The 2017/18 – 2019/20 Legal Services Society (LSS) Service Plan was prepared under the board's direction in accordance with the *Budget Transparency and Accountability Act* and the BC Reporting Principles. The plan is consistent with government's strategic priorities and fiscal plan. The board is accountable for the contents of the plan, including what has been included in the plan and how it has been reported.

All significant assumptions, policy decisions, events, and identified risks, as of January 1, 2017, have been considered in preparing the plan. The performance measures presented are consistent with the society's mandate and goals, and focus on aspects critical to the organization's performance. The targets in this plan have been determined based on an assessment of the society's operating environment, forecast conditions, risk assessment, and past performance.



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Suzette Narbonne  
Chair, LSS Board of Directors

# Table of Contents

<b>Strategic Direction and Context</b> .....	5
Strategic Direction.....	5
Operating Environment .....	5
<b>Performance Plan</b> .....	7
Goals, Strategies, Measures, and Targets.....	7
Goal 1: People with low incomes who have legal issues use LSS services.....	8
Goal 2: People with low incomes get help with related legal issues so they can solve and prevent legal problems. ....	9
Goal 3: LSS manages resources soundly. ....	10
Goal 4: LSS provides leadership in justice innovation. ....	12
<b>Financial Plan</b> .....	13
Summary Financial Outlook 2016 – 2020 (in millions) .....	13
Key Forecast Assumptions.....	15
Sensitivity Analysis.....	15
Management Perspective on Future Financial Outlook .....	16
<b>Appendix A</b> .....	17
Hyperlinks to Additional Information.....	17

# Strategic Direction and Context

## Strategic Direction

To advance LSS strategic goals, we will be working on three priority actions for 2017/18, as outlined in our mandate letter ([lss.bc.ca/about/ourMandate.php](http://lss.bc.ca/about/ourMandate.php)). The first is to implement Phase II of the Client Information System (CIS) Transition Initiative, which will focus on enhancing the system's functionality and user experience in three main areas (Intake Referrals and Appeals; Lawyer Online Portal and Invoicing; and Duty Counsel Scheduling). This priority action is aligned with Goal 3 and the Taxpayer Accountability Principles (TAP) of service and cost consciousness.

The second is to continue to implement, monitor, and evaluate Justice Innovation Transformation Initiatives (JITI) projects to support improvements in the accessibility and efficiency of criminal, child protection, and family law services. Additional annual funding of \$2.8 million was approved for initial expansion of JITI, including the addition of a Surrey Parents' Legal Centre location, in 2017/18. This action is aligned with Goals 1 to 4 and TAP under integrity, cost consciousness, and accountability.

The third priority action is to work with the Ministry of Justice, affected ministries, and Indigenous communities to continue to develop action plans based on recommendations from the Truth and Reconciliation Commission final report and any other relevant reports. LSS will also work with the Office of the Chief Judge to support First Nations Courts, in particular the training of First Nations Elders. This action is aligned with Goals 1, 2, and 4, and TAP under service and respect.

## Operating Environment

To operate within our funding envelope, LSS sets strict eligibility guidelines for all services but faces limited flexibility to respond to fluctuating service demands. We continue to apply robust budgeting and planning practices, supported by business intelligence and program evaluation information, to deliver effective and cost-efficient legal aid services to clients most in need.

Aboriginal clients are a particularly vulnerable group that we will be focusing on for 2017/18. Early intervention and access to justice for Aboriginal clients, especially in remote locations, is a significant priority for LSS as well as for provincial and federal governments. We will continue to support the delivery of services to Aboriginal people, with a focus on child protection issues. LSS's approach needs to be systemic and community-focused to respond to the expectations that are emerging following the Truth and Reconciliation Commission's Calls to Action. While we are eager to make improvements in this area and see many opportunities for doing so, we also recognize the risk of creating expectations that we cannot meet. We must be clear on what we can deliver within the available resources.

Governments and other legal aid agencies recognize LSS as a national and international leader in several domains, including board governance, online innovation, social service networking, access to justice, and innovative legal service delivery. Requests, from within and outside BC, for the society to dedicate its skills, knowledge, and resources towards collaborative initiatives are in increasing demand. Participating in system reform is strategically important to LSS in order to serve our clients

better without increasing costs. We plan to support justice system change by providing facilitative leadership, offering access to justice expertise, and collaborating with stakeholders. LSS is keen to continue building and sharing our expertise, but we risk over-extending our already constrained resource capacity without additional resources.

As the prominence of digital services increases, we will keep looking for opportunities to deliver services in an innovative and accessible way. As part of this strategy, we will promote and strengthen MyLawBC, an interactive online platform that features guided pathways to connect users with tools and resources they need to resolve several common legal issues. This platform is one of the tools we use to provide early intervention to clients, directing them to other justice services outside of the court process.

LSS continues to address outdated business-critical systems such as our call centre. We recognize the fast pace of technological change and the opportunities and risks that this provides. We have identified the risk of increasingly intelligent cybersecurity threats to our IT systems, and will be mitigating this risk with enhanced security features. Responding to other technological changes will require ongoing innovation, collaboration, and systems thinking.

LSS engagement with the bar and overall lawyer satisfaction remain a focus. Phase II of the CIS Transition Initiative is an opportunity to make positive changes to the lawyers' experience when they interface with LSS. If we are unable to improve the functionality of CIS for lawyers quickly enough or substantially enough, there is a risk that some lawyers will take fewer or no legal aid files. This compounds the impact of long-standing low tariff rates on the society's ability to attract and retain legal aid lawyers. A lawyer supply risk is particularly problematic in rural and remote communities, where the loss of even one lawyer can affect the availability of legal aid services to the surrounding region. We will mitigate this risk by focusing on CIS improvements, monitoring lawyer supply issues, and developing a lawyer recruitment and retention strategy.

# Performance Plan

## Goals, Strategies, Measures, and Targets

To advance the LSS vision, we develop goals, strategies, and performance measures that engage LSS staff, our service partners, and our clients in finding timely and lasting solutions to clients' legal issues while managing to budget. Our service plan is aligned with TAP. In particular, our third goal ("LSS manages resources soundly") and associated performance measures are centred on ensuring we provide effective and efficient services, and providing maximum benefit to clients within the funding and staffing resources available to us.

LSS conducts four major stakeholder surveys, which provide data for many of our performance measures. We develop action plans to address the survey results and implement identified relevant operational and service improvements. The client satisfaction, work environment, and tariff lawyer surveys are conducted triennially. The public opinion poll has traditionally been conducted annually, but starting this year, it will be conducted biennially as the results do not provide much variation year over year. LSS staff develop the survey questions and methodology, and independent research organizations carry out the data collection, analysis, and presentation of a final report.

The society also monitors and reports on key internal operational and financial data, which are tested internally. In this service plan, we introduce five new performance measures, which are operational in nature, to complement our suite of outcome-focused performance measures. While outcome measures are meaningful because they assess the ultimate effectiveness of our services, they are difficult to measure and require more intensive data collection methods such as surveys. Output measures rely on data that is easier to collect and, therefore, allow for more frequent reporting. LSS believes that both types of measures are valuable and help illustrate our performance. We will establish baselines on these five new performance measures in our 2017/18 Annual Service Plan Report. In addition to introducing five new performance measures, LSS is undertaking a review of all of our performance measures as well as data collection methodologies.

LSS benchmarks its performance against like organizations, where possible, using the Common Measurement Tool (CMT). CMT is an independent client satisfaction benchmarking tool and data service that allows us to compare client satisfaction results against agencies providing similar services. BC Stats benchmarks our work environment survey against work units within the BC public sector.

We set survey targets by considering benchmark data and evaluating the level of improvement possible given the strategies and activities planned in the coming period. For operational and financial measures, we set targets based on a reasonable expectation of performance based on historical results. Meeting our targets would demonstrate continuous improvement in stakeholder satisfaction with, support for, and use of our services, as well as financial responsibility, all of which are necessary to achieve our goals.

## Goal 1: People with low incomes who have legal issues use LSS services.

LSS needs to ensure our services are accessible, address the needs of clients, are culturally appropriate, and that the public is aware that these services are available.

### Strategies

- Make it easier for clients to access legal aid services.
- Partner with Aboriginal and other underserved communities to deliver services that support positive client outcomes.
- Support service partners and front-line workers to deliver effective and efficient services.
- Support clients to be active participants in solving their legal issues.

### Performance Measures

Performance Measure	2014/15 Actual	2015/16 Actual	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
a) Percent of clients satisfied with the accessibility of LSS services <sup>1</sup>	69%	N/A	N/A	73%	N/A	N/A
b) Percent of clients satisfied with the helpfulness of LSS services <sup>1</sup>	68%	N/A	N/A	72%	N/A	N/A
c) Percent of clients satisfied overall with LSS services <sup>1</sup>	66%	N/A	N/A	70%	N/A	N/A
d) Percent of clients satisfied with LSS support to help them participate in resolving their legal issues <sup>1</sup>	66%	N/A	N/A	70%	N/A	N/A
e) Percent of approved applicants receiving a representation contract within the same day of applying <sup>2</sup>	N/A	N/A	Baseline TBD	TBD	TBD	TBD

<sup>1</sup> Data is from the triennial Client Services Survey.

<sup>2</sup> Data is from our client information system.

### Discussion

Overall client satisfaction with the accessibility and helpfulness of LSS services and support (measures a to d) shows that we are providing clients with the services they need when and where they need them, fulfilling our mandate to help people solve their legal problems and to facilitate access to justice. Measure (e) tracks the timeliness of application approval, which ensures minimal delay in resolution of the client’s legal matter including delay in court proceeding while awaiting legal aid approval. Targets are set based on a reasonable expectation of improvement over results in baselines or the previous survey; see Performance Plan on page 7.

## Goal 2: People with low incomes get help with related legal issues so they can solve and prevent legal problems.

Clients’ legal problems often arise from or lead to other problems such as health, housing, and debt issues. By working with other service providers to help clients get support for these issues, LSS can improve client outcomes as well as reduce clients’ use of justice, health, and social services over the long term.

### Strategies

- Collaborate with service partners to assess and refer clients to services for their related legal issues.
- Support front-line workers to assess and refer clients to services for their related legal issues.

### Performance Measures

Performance Measure	2014/15 Actual	2015/16 Actual	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
a) Percent of clients referred by LSS intake to services to address related issues <sup>1</sup>	N/A	N/A	Baseline TBD	TBD	TBD	TBD
b) Percent of clients satisfied with the level of support LSS gave them to address their related legal issues <sup>2</sup>	59%	N/A	N/A	63%	N/A	N/A
c) Percent of lawyers satisfied with LSS support for increasing their ability to help clients address related legal issues <sup>3</sup>	N/A	N/A	35%	N/A	N/A	N/A
d) Percent of lawyers who support the integrated approach to providing legal aid services <sup>3</sup>	N/A	N/A	69%	N/A	N/A	N/A

<sup>1</sup> Data is from our client information system.

<sup>2</sup> Data is from the triennial Client Services Survey.

<sup>3</sup> Data is from the triennial Tariff Lawyer Satisfaction Survey. The 2015/16 survey was postponed to 2016/17, to better align with other LSS evaluation work.

### Discussion

Measures (a), (b), and (c) assess the effectiveness of the support provided by LSS to clients and lawyers to help clients address their related legal issues. Measure (d) indicates the level of support from lawyers in advancing this goal. Targets are set based on a reasonable expectation of improvement over results in baselines or the previous survey; see Performance Plan on page 7.

### Goal 3: LSS manages resources soundly.

LSS must manage resources effectively and efficiently to ensure we are achieving the optimum benefit for the society’s clients within available funding.

#### Strategies

- Foster employee engagement and retention of key staff through professional development, succession management, and organizational communication.
- Engage with and develop stronger relationships with legal aid lawyers.
- Improve information technology systems to respond to a changing environment.
- Improve the nimbleness and flexibility of LSS business processes to support capacity.

#### Performance Measures

Performance Measure	2014/15 Actual	2015/16 Actual	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
a) Overall average employee engagement <sup>1</sup>	N/A	N/A	70	N/A	N/A	70
b) Percent of lawyers satisfied with the overall support provided by LSS <sup>2</sup>	N/A	N/A	62%	N/A	N/A	65%
c) Number of new lawyers taking more than three contracts in the first six months <sup>3</sup>	53	70	70	70	70	70
d) Percent of lawyer invoices paid within 20 days <sup>3</sup>	N/A	N/A	Baseline TBD	TBD	TBD	TBD
e) Percent of lawyer-submitted invoices processed for payment without review <sup>3</sup>	N/A	N/A	Baseline TBD	TBD	TBD	TBD
f) Percent of the public that supports the provision of legal aid services <sup>4</sup>	94%	92%	N/A	>90%	N/A	>90%
g) Third-quarter expense forecast accuracy <sup>5</sup>	0.46%	0.19%	0%	0%	0%	0%

<sup>1</sup> Data is from the triennial Work Environment Survey.

<sup>2</sup> Data is from the triennial Tariff Lawyer Satisfaction Survey. The 2015/16 survey was postponed to 2016/17, to better align with other LSS evaluation work.

<sup>3</sup> Data is from our client information system.

<sup>4</sup> The Public Opinion Poll will now be conducted biannually, with the next administration occurring in 2017/18.

<sup>5</sup> This metric is calculated based on the following formula: (Q3 year-end expense forecast – actual year-end expense)/(Q3 year-end expense forecast)

## **Discussion**

High employee engagement in the public sector, tracked by measure (a), is linked to improved service for clients. Measures (b) and (c) qualitatively and quantitatively assess our progress on maintaining a sustainable supply of lawyers to provide services to clients across BC, while measures (d) and (e) track the administrative efficiency of our lawyer interactions. Sustained public support for legal aid, measure (f), confirms the importance of investment in legal aid services. Measure (g) looks at how well we forecasted our year-end expenses by comparing our third-quarter forecast and the year-end actual. Targets are set based on a reasonable expectation of improvement over results in baselines or the previous survey; see Performance Plan on page 7.

## Goal 4: LSS provides leadership in justice innovation.

LSS believes that innovation is needed to bring about the fundamental justice system changes required for clients to achieve timely and lasting resolutions to their legal issues.

### Strategies

- Pilot evidence-based legal aid initiatives to improve access and outcomes.
- Communicate LSS’s strategic direction to stakeholders.
- Consult with Aboriginal communities and other stakeholders to identify opportunities to develop innovative services and increase access to justice for Aboriginal people.

### Performance Measures

Performance Measure	2014/15 Actual	2015/16 Actual	2016/17 Forecast	2017/18 Target	2018/19 Target	2019/20 Target
a) Volume of references to LSS and justice innovation <sup>1</sup>	42	28	30+	35+	40+	40+
b) Volume of clients served by new justice innovation services <sup>2</sup>	N/A	N/A	Baseline TBD	TBD	TBD	TBD

<sup>1</sup> Data is from an annual search of academic literature, stakeholder reports, and media. Our methodology includes tracking references to LSS in relation to its justice innovation ideas and projects through Google Scholar, Canadian Newsstand Major Dailies, HeinOnline, and stakeholder websites. The search is limited to a specific set of search terms and conducted manually.

<sup>2</sup> Data is from our client information system.

### Discussion

Measure (a) reflects the reach of LSS’s influence in justice reform work. A high volume of references to LSS’s justice innovation work in academic literature, government reports, and the media indicates that our ideas are being reviewed and considered by key justice system decision-makers and opinion-makers. Measure (b) reflects the reach of our justice innovation projects. Targets are set based on a reasonable expectation of improvement over baseline results in prior years with consideration for when JITI project launches have increased our media exposure. Incremental target increases are based on gradual improvement from initial 2013/14 results.

# Financial Plan

## Summary Financial Outlook 2016 – 2020 (in millions)

	2015/16 Actual	2016/17 <sup>7</sup> Forecast	2017/18 <sup>1</sup> Budget	2018/19 <sup>1</sup> Forecast	2019/20 <sup>1</sup> Forecast
<b>Revenue</b>					
Provincial Transfers <sup>2,3,4,5,6,7,8</sup>	67.8	69.2	68.1	68.2	68.2
Large and Major Cases <sup>2,8</sup>	4.8	5.6	4.7	4.7	4.7
Justice Transformation Initiatives <sup>8</sup>	2.0	2.0	2.0	2.0	2.0
Justice Transformation Expansion <sup>8</sup>	0.0	0.0	2.8	2.8	2.8
Non-government Revenue <sup>9</sup>	5.2	4.8	4.2	4.2	4.3
<b>Total Revenue</b>	<b>79.8</b>	<b>81.6</b>	<b>81.8</b>	<b>81.9</b>	<b>82.0</b>
<b>Expenses</b>					
Tariffs <sup>2,3,4,5,7</sup>	44.2	46.4	44.7	44.7	44.7
Salaries and Benefits	12.6	12.5	12.6	12.8	12.8
Duty Counsel	10.2	9.7	9.7	9.7	9.7
Justice Transformation Expansion <sup>8</sup>	0.0	0.0	2.8	2.8	2.8
Grants and Contracted Services <sup>6</sup>	4.7	4.8	3.1	3.0	3.0
Premises	1.9	2.0	2.2	2.3	2.4
Local Agents	1.7	1.7	1.8	1.8	1.8
Computers	1.6	0.8	1.4	1.4	1.4
Office	0.8	0.7	0.8	0.8	0.8
Amortization	0.8	0.7	0.8	1.0	1.1
Transcripts	0.7	1.0	1.0	1.0	1.0
Miscellaneous	0.3	1.0	0.5	0.2	0.1
Board Expenses	0.2	0.2	0.2	0.2	0.2
Travel	0.1	0.1	0.2	0.2	0.2
<b>Total Expenses</b>	<b>79.8</b>	<b>81.6</b>	<b>81.8</b>	<b>81.9</b>	<b>82.0</b>
Net Surplus/(Deficit)	0.0	0.0	0.0	0.0	0.0
Accumulated Surplus	5.3	5.3	5.3	5.3	5.3
Capital Expenditures	0.5	0.4	0.4	0.7	0.7

## Notes

<sup>1</sup> The budgets for the years 2017/18 through 2019/20 inclusive are projections and not yet approved. As per section 18 of the *Legal Services Society Act*, LSS will seek budget approval from the Attorney General in each of those respective years. LSS will provide tariff services budgeting to the bottom line in each year.

<sup>2</sup> Budgets for large and major cases are based on ministry approved budgets and may not reflect actual costs. In 2017/18, we estimate that Category B cases will cost \$2.9 million (2016/17 — \$2.2 million) and Category C cases will cost \$5.4 million (2016/17 — \$3.4 million) based on our forecasts as of January 13, 2017. LSS will manage expenditures to the available funding provided by the ministry as in previous years.

<sup>3</sup> LSS forecasts Criminal Category A costs to be \$1.5 million higher than funded. Current discussions at the FPT group indicate that funding for 2017/18 may be in the range of an additional \$1.5 to \$1.7 million, assuming full flow through from the province to LSS. LSS will provide services to the available funding.

<sup>4</sup> LSS forecasts demand for Family services would increase costs by \$0.619 million if fully funded. LSS will provide services to the available funding.

<sup>5</sup> LSS forecasts demand for Immigration and Refugee services would increase costs by \$0.477 million if fully funded. LSS will provide services to the available funding.

<sup>6</sup> Grants and Contracted Services includes Community Legal Assistance Society (CLAS), West Coast Prison Justice Society, Brydges Line, Downtown Community Court, and Drug Court costs.

<sup>7</sup> LSS is forecasting additional Criminal (\$1.05 million) and Family (\$1.0 million) cost pressures in 2016/17. We are assuming a balanced budget based on the successful implementation of our mitigation strategy plan, including an additional \$1.081 million increase to the Federal Criminal contribution and assumes full flow through from the province to LSS.

<sup>8</sup> These revenues are funded by the Provincial Government. Additional annual funding of \$2.8 million was approved for initial expansion of JITI, including the addition of a Surrey Parents' Legal Centre location in 2017/18.

<sup>9</sup> Non-government revenue includes funding from the Law Foundation, the Notary Foundation, investment income, and Federally Funded Cases by the Department of Justice (DOJ) Canada. Our 2015/16 actual expenditures and 2016/17 forecast include \$0.891 million and \$0.55 million respectively for Federally Funded Cases for which there is no budget as it is a flow through from DOJ Canada.

## Key Forecast Assumptions

The tariff budgets are based on our best estimate of volume of applications and contracts, contract rates, and average case costs, taking into consideration any known changes to policies, initiatives, and historical trends.

### External Risk Factors

1. About 5 percent of LSS's revenue (\$4.2 million) is from non-government sources and is interest rate sensitive (i.e., Law Foundation, Notary Foundation, and investment income). With interest rates at historic low levels with no increase in the foreseeable future, and an uncertain real estate market due to recent changes, LSS could see a decrease in revenue. This revenue is used to fund the Indigenous Services department (including Aboriginal Community Legal Workers), the Community and Publishing Services department (including MyLawBC), the Family LawLINE, and Legal Information Outreach Workers.
2. Complex criminal trials are taking longer because of police investigation techniques, disclosure challenges, undercover operations, and gang-related prosecutions. These factors result in higher costs to LSS, including case preparation and court attendance. Having a fixed budget that does not allow for deficits means that LSS may need to restrict services in other areas in order to manage these cost pressures.
3. LSS, like other Crown corporations, had its executive compensation frozen for the past seven years, which has made it challenging to recruit and retain senior-level management staff. However, with the recent Ministry of Finance directive – BC Public Sector – Phase II, moving out of the freeze and providing further flexibility for both excluded executive and management staff will begin to help address this risk.

### Internal Risk Factors

1. LSS has only raised tariff rates once since 1991 (in 2006), due to insufficient budget. The private bar have consistently reported their dissatisfaction with our tariff rates through our lawyer satisfaction surveys. At times, LSS is challenged with recruiting lawyers to provide services in certain communities (e.g., Fort St. John) and has to fly lawyers in, which increases service costs. LSS runs the risk that we will not be able to recruit lawyers, our main service providers, to provide legal aid services in the future without increasing the tariff.
2. LSS's lease on its Vancouver regional office expires on December 31, 2019. We currently pay less than market rate. If conditions remain the same, we will pay more whether we decide to renew the lease and stay in the current facility or move when the lease expires. If we are unsuccessful in negotiating a new lease with the current landlord, we will need to relocate.

## Sensitivity Analysis

1. The tariff budgets have not been adjusted for any potential clients related to significant unbudgeted events.
2. It is estimated that the additional cost to fund a tariff increase to match comparable government rates for lawyers (e.g., Director's Counsel rates at \$135/hour) would be \$16.5 million.

3. Longer trials in BC are costing LSS more each year based on historic averages. Increased case costs compound increased volumes, which we have experienced in these cases. For every 1 percent increase in case volumes, costs for general preparation and court attendance are expected to increase \$111,000.

## **Management Perspective on Future Financial Outlook**

LSS is dependent on provincial government funding to finance the majority of its expenditures. It also receives revenue from non-government sources that are tied to interest rates. LSS will provide services to the available budget.

### **Mitigation Strategies**

1. LSS will use predictive-risk models for budgeting and forecasting.
2. LSS will increase the use of data analytics and trend analysis, and will seek timely access to other justice system data (e.g., government, courts, and judiciary).
3. LSS will use technology to improve the efficiency and effectiveness of our programs and services.
4. LSS has implemented a Management Succession Plan to ensure continuity of leadership.
5. LSS will pursue increased collaboration and discussions with government and other justice system stakeholders.

# Appendix A

## Hyperlinks to Additional Information

### Governance

Board Governance: [lss.bc.ca/about/ourGovernance.php](https://lss.bc.ca/about/ourGovernance.php)

Senior Management: [lss.bc.ca/about/executiveDirector.php](https://lss.bc.ca/about/executiveDirector.php)

### Organizational Overview

Mandate: [lss.bc.ca/about/ourMandate.php](https://lss.bc.ca/about/ourMandate.php)

Who We Are; and Our Vision, Mission, and Values: [lss.bc.ca/about/index.php](https://lss.bc.ca/about/index.php)

Legal Aid Services: [lss.bc.ca/legal\\_aid/](https://lss.bc.ca/legal_aid/)

Legal Aid Locations: [lss.bc.ca/legal\\_aid/legalAidOffices.php](https://lss.bc.ca/legal_aid/legalAidOffices.php)