

**Submission of the Terrace Regional Centre of the Legal Services Society to the
Public Commission on Legal Aid
September 23, 2010**

Personal Background

My name is Judith Kenacan and I am the managing lawyer of the Terrace Regional Centre of the Legal Services Society. I was called to the BC bar in 1984 and have been practising as a legal aid lawyer in many communities along Highway 16 since 1987.

I first came to the North as the staff lawyer for the Native Community Law Office (NCLO) funded by the Legal Services Society (LSS) in Burns Lake. I went to court in Burns Lake, Vanderhoof, Houston and Smithers.

From 1988 to late 1994, I was the staff lawyer at the two NCLOs on Haida Gwaii, one in Old Massett village and one in Skidegate. Both in Burns Lake and on Haida Gwaii the practices were general in nature and we assisted clients in all areas of law.

In late 1994, I moved to Prince Rupert and practised family and poverty law (for example, residential tenancy, welfare, disability pensions, foreclosures, employment standards and employment insurance law) in the legal aid office and also supervised a poverty law paralegal and intake staff. I was there for 6½ years and then moved to Kelowna as a poverty law lawyer at the legal aid office there.

I returned to the North in 2002 as the managing lawyer in the Terrace Regional Centre of the Legal Services Society, practising criminal and family law and have worked at this office since then.

Our services and the community

The Terrace Regional Centre is located at 207-3228 Kalum Street and is open to the public from Monday to Friday from 8:30 am to 4:30 pm. We also have a satellite office in Prince Rupert at the government agent's office at 201 3rd Avenue, which is open from Monday to Wednesday for two days of intake and one day of legal information services.

There are currently seven staff members at the Terrace Centre, three of whom are Aboriginal. There is one other lawyer, Karen Whonnock, who practises family law and does both criminal and family duty counsel. Ms Whonnock also is very active in providing legal outreach to the Aboriginal communities throughout the province. There are two legal assistants, and three (2 FTE) Intake Legal Assistants who also provide Legal Information Outreach Worker services (.6 FTE).

Greater Terrace is a city with a population of approximately 18,581 people (from the 2006 census). As in many areas of the province, both Terrace and Prince Rupert have experienced significant downturns in their economies in the last fifteen years.

As a Regional Centre, we also serve the surrounding communities of Prince Rupert, Kitimat, Haida Gwaii, Dease Lake, and Stewart. We also serve the First Nations communities in the region including Kitselas, Kitsumkalum, Kitimaat Village, New Aiyansh, Greenville, Kincolith, Canyon City, Port Simpson, Kitwanga, Iskut, Telegraph Creek, Old Massett, and Skidegate.

In 2008 in response to the *Building Bridges* report on improving legal services for aboriginal peoples in the province, the Terrace Regional Centre of the Legal Services Society was expanded and chosen to implement some of the specific recommendations of the report. The Terrace Centre has been identifying and attempting to address the legal needs of the aboriginal persons in our region that were raised in the report.

Intake Services

In the 2009-2010 fiscal year our intake staff interviewed 1,100 people applying for a legal aid appointed lawyer in the in the areas of criminal, family and child protection. Of that number, 748 people received a referral to a lawyer.

The clients of our offices are a mix of aboriginal and non-aboriginal people. Many of our clients have low incomes and are receiving BC benefits or pension income. In addition, many of our clients have cognitive impairments, including brain damage and fetal alcohol spectrum disorder (FASD), and suffer from mental

illnesses, illiteracy and have substance abuse related issues. The clients often present with multiple legal/social issues.

Due to the large geographic area served by the office, out-of-office interviews are held by telephone. Application forms are available at courthouses and band offices in the communities for applicants who are unable to travel to Terrace and can be faxed to the Terrace or Prince Rupert offices. Applicants can then arrange for an interview using our toll-free phone service. In addition, the intake workers travel to circuit courts (for example, New Aiyansh), and provide on-site intake which is very popular with the court administration.

Legal Information and Outreach Services

The two intake legal assistants in Terrace and Prince Rupert provide some limited hours each week acting as Legal Information Outreach Workers (LHOWs). As intake workers, in addition to taking applications, they provide basic legal information, community referrals, referrals to resources such as the CBA's lawyer referral program and provide brochures and pamphlets on many different topics. As LHOWs, they provide additional legal information to clients, assist clients at an in-office computer for legal website access, and travel to some of the remoter communities in the region and First Nations villages to extend the legal outreach. The LHOWs are available to make presentations to groups in all of the communities to provide legal information as public legal education and also to provide information about the services available through our office.

The lawyers in the office also provide legal outreach to both urban and remote aboriginal communities of the region by conducting workshops and providing public legal education.

Legal Aid successes in community

The attendance of an Intake Legal Assistant at the remote circuit courts has had a very positive result. Both the court administration and the clients have been vocally appreciative of the in-person service which contributes to more effective court sittings.

The work of the LIOWs and the lawyers in providing legal information at urban and remote locales by telephone and in person has had a very good result in alleviating the isolation that the people accessing these services have indicated that they experience.

The implementation of family duty counsel services at the provincial court has also been very successful in this region. Unrepresented individuals may speak with a lawyer for information and assistance on the day of court or before. Since the program has been in place, I have observed that many more consent orders are achieved at first appearances on matters. Interim arrangements may also be achieved in files where the matters are contested. Also duty counsel in the child protection matters have been a great help to parents and families.

Legal Aid challenges in the communities we serve

Geographical isolation is a significant challenge in our region. Travel is often difficult and sometimes impossible in the winter months. Outreach to the remoter communities can be fairly challenging.

In this region, especially after the closure of many legal aid offices in the province in 2002, community agencies have provided the bulk of advocacy services to low-income people in the poverty law areas. However, in recent months many of these agencies have had to cutback or cease operations as a result of losing funding from provincial gaming proceeds.

For instance, the anti-poverty group in Terrace shut down this summer after years of providing residential tenancy and welfare advocacy to local residents. At a recent brown bag lunch at the women's centre in Terrace we were told that people seeking assistance with forms and applications for services such as social assistance or disability support have been going to the local volunteer bureau for assistance with these tasks.

Since the closure of the Legal Services Society's LawLINE project in March of 2010, the Terrace LIOWs have been receiving calls from all over the province (the Terrace Regional Centre has a toll-free phone number) from people seeking legal information on a wide range of topics, for instance, housing, foreclosures, small

claims, estates, FMEP and family property division. One LIOW related a phone call from someone who identified themselves as “desperate to speak with a live person”. Another caller apparently was unable to stop crying as she related a story that she had no one to assist her to advocate for social assistance benefits for her grandson.

What needs to be done to improve legal aid in this region

Legal aid clients in the north and throughout the province need more poverty law services, particularly in-person advocacy services, there also needs to be more training for poverty law advocates.

Examples of how poverty law services can be expanded with sufficient funding include the former LawLINE of LSS which was a very popular and effective resource in providing poverty law support and other legal assistance for the isolated populations in this region.

Another example is the use of Aboriginal Community Legal Workers (ACLWs) in both remote and urban areas where there a large number of Aboriginal people. ALCWs can provide much-needed advocacy services to Aboriginal people.