

# Holistic Representation:

## Enhancing Client-Centred Criminal Legal Aid in BC

September 2024

Published on the traditional unceded territory of the Coast Salish peoples, including the territories of the x<sup>w</sup>məθk<sup>w</sup>əy əm (Musqueam), Skwxwú7mesh (Squamish), and səl'ílwətał (Tsleil-Waututh) Nations.



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### **Message from Rhaea Bailey, VP – Legal Strategy**

Legal Aid BC's year-long Enhanced Services for Criminal Law Clients with Complex Needs (CCCN) project has enabled us to further our learning through past and current clients, lawyers, legal system partners, and community service providers across the province.

The findings reaffirm that human connection – communities of care and continuity in service – are effective ways to address underlying social and health needs that heighten risk of negative contacts with the criminal legal system.

I'm deeply grateful to everyone we spoke to, and especially to the clients whose journeys through legal aid and the legal system are featured in this report. Your feedback on our services was personally impactful for me. A legal matter is one part of someone's life, and it doesn't define who you are as a person – sharing that part of your life experience is extraordinarily generous.

More than that, the client journeys in this report remind us that being client-centred involves being client-informed. We will continue to keep these client experiences at the centre of our work.

Legal aid has an important role, alongside other service providers, in protecting individuals' rights and liberty. We can deepen our connections with social, health, and community services to help our clients address underlying needs. We can support lawyers and other legal aid service providers to achieve beneficial outcomes. Through this work, we can support clients in and beyond the courtroom.





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## Executive Summary

When someone enters the criminal legal system, they are often stressed, overwhelmed, and lack the information they need to navigate complicated procedures alone. For many, their immediate legal matter is one of many issues they deal with in their life. Their legal problem may be intertwined with, and result from, other challenges they face – including those related to physical and mental health, housing, poverty, and trauma. The seriousness and impact of these interrelated legal, social, and health needs are further magnified by intersecting forms of systemic discrimination, stigma, and marginalization.

Legal Aid BC (LABC) clients who frequently need legal representation in a criminal law matter may also have multiple unmet social and health needs. These interlocking needs can have cumulative effects that started long before encountering the criminal legal system, and create collateral consequences that affect other parts of their life beyond the immediate outcome of a court case. Multiple barriers to addressing underlying social and health needs that contribute to contact with the criminal legal system can increase the likelihood that someone will need legal aid in the future.



The Enhanced Services for Criminal Law Clients with Complex Needs (CCCN) project studied ways to improve outcomes for these LABC clients. We reviewed literature, analyzed data, and consulted with five key stakeholder groups. We asked clients, lawyers, legal system partners, community service providers, and internal LABC staff about their experiences with legal aid service delivery and their perspectives on potential service enhancements.

Key findings of the project are:

- What counts as a good outcome depends on a client's unique needs and circumstances, and having a good experience with legal aid and court processes also matters
- Integrating and coordinating service responses across multiple systems can improve outcomes for clients who have overlapping legal, social, and health needs
- Increasing continuity in lawyer-client relationships, providing timely and accessible information to clients, and specialized supports for lawyers build sustainable pathways to achieve quality outcomes

Our research finds that the most beneficial legal outcomes prioritize an individual's liberty and security and help to address their other needs.

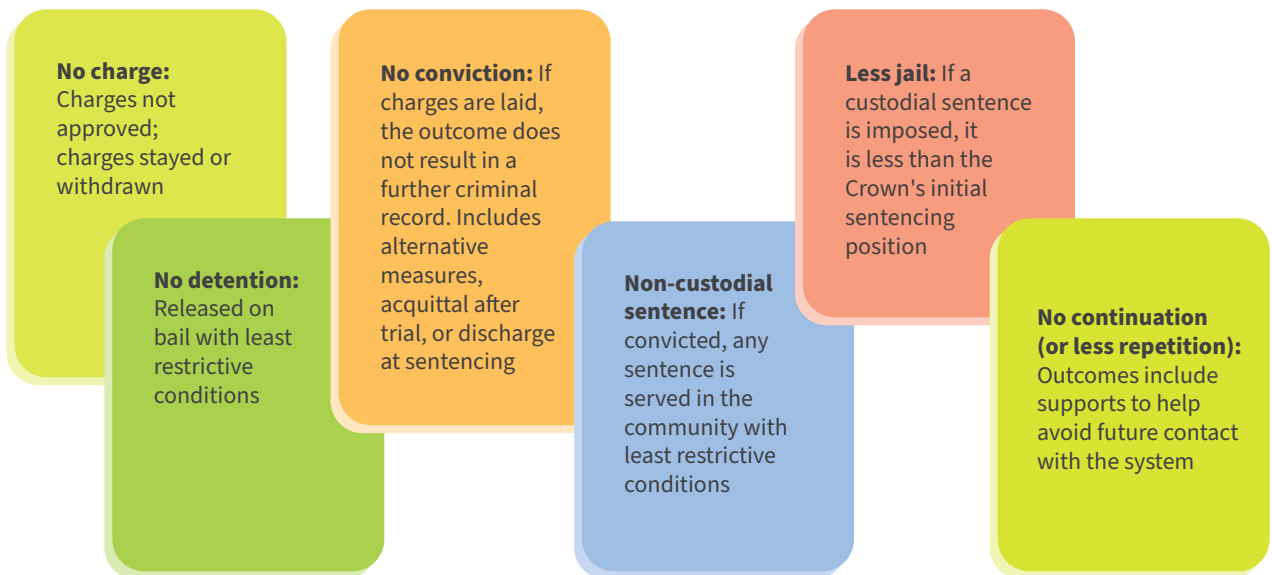


Figure 1 Beneficial legal outcomes

The traditional scope of legal aid service is to provide legal representation and resolve a client's immediate legal issue. But getting the best outcomes for clients who have serious and ongoing social and health needs means finding ways to enhance and tailor service responses. A growing body of research suggests that legal aid is most impactful for this group of people when it involves legal representation to resolve the immediate criminal charges and also helps, in some form, to address other issues that affect their encounters with the legal system.<sup>1</sup> Multi-system, integrated service responses that sustain support for someone as a whole person are therefore frequently identified as ways to address underlying needs that increase someone's risk of re-arrest, re-conviction, or re-incarceration.<sup>2</sup>

From our research findings, in this report we recommend LABC promote a holistic approach to legal representation. Holistic representation is client-centred and entails interdisciplinary collaboration across multiple service systems. It is based on the recognition that advocacy for a client's interests involves both representation in the courtroom, and strategies that address underlying needs contributing to contact with the criminal legal system.

LABC has a history of supporting holistic services, and can build from its existing relationships and partnerships, as well as available resources and infrastructure in BC. We see an important opportunity for LABC to advance client-centred legal aid through holistic representation in criminal law matters. Holistic legal representation aligns closely with strategies social and health service providers currently use in their respective fields, as well as with published research evidence.

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<sup>1</sup> Marcus Pratt and Trevor CW Farrow, "Exploring the Importance of Criminal Legal Aid: A Canadian Perspective." *Windsor Yearbook of Access to Justice* 39 (2023): 123-144.

<sup>2</sup> Dorothy Adams and Hlodver Hakonarson. *An integrated approach to service delivery for people with multiple and complex needs* (Paris: OECD, 2024).

## **Legal Aid Stories: Client Journey Interviews**

The client journeys featured in this report are from real people, not personas. Camman Evaluation + Design interviewed 11 current and past clients and created profile cards featuring some of their experiences with legal aid and the criminal legal system, and suggestions to improve LABC services. Melanie Camman and Ciaran Camman created an original approach to engage with participants using tactile and digital tools, and implemented robust confidentiality and consent procedures. Everyone who participated was compensated for their time. Camman Evaluation + Design prepared an anonymized version of each profile card, and offered everyone the option of doing a "story return" to review the draft.

# Legal Aid Stories

“Erik”

*“I want to change the system for the next generation, so they don’t have to go through what I went through.”*

Erik wants the system to be more supportive for people who are going through what he’s been going through. He’s struggled with his mental health since he was young and is currently dealing with addiction and being unhoused as well. His criminal charges are always minor and connect to times when he’s relapsed. But dealing with the legal system on top of everything else means he also racks up breaches and, if detained over the weekend, risks going through withdrawal while he awaits release. He’s graduated treatment before and is on a waitlist to go back right now, but it’s a hard cycle to break. He does better when people take the time to support him and work with him rather than making it harder.

## LEGAL AID SERVICES EXPERIENCED:

Advice at the time of arrest / legal aid hotline

Duty counsel representation / advice

Applied for legal aid in person or by phone

Representation for a case

Age: 28 | Gender: male

Identifies as: white

Received legal aid in: BC

First legal aid contact: 9 years ago (age 19)

# of cases: many

# of lawyers: at least 5; his most recent for 3-4 cases

## NEEDED MORE OF:

support

listening

information

family

mental health

“No one told me drug court was an option.”

“I’m trying to get clean to get my family back. When I’m clean, it makes me a proper citizen not doing illegal things.”

## NEEDED LESS OF:

shame

struggle

addiction

“It’s been a really bumpy road.”

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “It’s hard waiting. Not knowing for weeks and months if your application got approved.”
- “It was a terrible deal, but I took it so I didn’t have to go to jail. I would do anything to avoid being sent to jail where there is no telling if I will survive with how

dangerous the correctional system has become.”

- “On one case, I had even worse charges and breaches, and I got a lighter sentence and a better deal.”
- “That lawyer took the time to hear my story. My work history, my achievements, goals in life, and where I am now. He told that to the judge and it helped my case.”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

### Longer contracts for lawyers (more hours per case).

“My financial situation isn’t going to change, so it should be covered until the case is done. It should never be an hours thing.”

### Working with the same lawyer across multiple cases.

“It takes time for the lawyer to get to know you.”

Specialized training for lawyers. “Ask about mental health issues that might affect the outcome on your cases. Ask people about what help they need and about their accomplishments too.”

Helping people get access to other services. “There should be a list of services available. Keep it updated, since the help offered might have changed.”

Integrating legal aid with other services. “As long as it’s privileged and won’t affect the outcome of a case.”

Terrible  
idea!

Amazing  
idea!



## MORE IDEAS FOR SERVICE CHANGES

Notifications. “It takes so long to get approved. If you got a notification after you apply that it’s in the works, you’ll know your file didn’t get lost.”

Getting to court. “People need help making it to court dates when they don’t have a calendar or a phone. I check email at the library once a week.”





# LABC Mandate & Strategic Framework

Legal Aid BC is a provincial Crown Corporation established under the [Legal Services Society Act](#) that provides legal information, advice, and representation to people in BC who are dealing with a legal issue in criminal, family, child protection, and immigration law. LABC also administers legal services in mental health and prison law primarily delivered by partner organizations.<sup>3</sup> The BC Government is LABC's primary funder, but LABC is independent of government. LABC reports its activities to the government through the Ministry of Attorney General (MAG). LABC's statutory mandate is to help people resolve their legal issues, facilitate equal access to the legal system, administer an effective and efficient legal aid system in BC, and advise MAG about legal aid.

LABC's strategic framework for 2023-2028 reflects a new vision to transform BC's legal system into one that is more equitable and inclusive. Its key goals emphasize achieving better outcomes for clients, strengthening collaboration, and embedding Truth and Reconciliation and equity, diversity and inclusion in all aspects of LABC services.



**Figure 2 LABC Strategic Framework**

<sup>3</sup> The West Coast Prison Justice Society operates Prisoners' Legal Services, providing prison-related legal aid for issues related to Charter liberty rights, human rights, and health care. The Community Legal Assistance Society (CLAS) Mental Health Law program provides representation to people who have been involuntarily detained under the BC Mental Health Act or subject to the Mental Disorder Provisions of the *Criminal Code of Canada*. LABC funds PLS's liberty rights work and the CLAS Mental Health Law program, and provides legal aid for appeals in prison and mental health law.

## Project Description

The Enhanced Services for Criminal Law Clients with Complex Needs (CCCN) project is a year-long multi-method study investigating service enhancement options to assist clients who have interrelated legal, social, and health needs.

The project aligns with and supports LABC's strategic vision to strengthen a client-centred approach and achieve better outcomes for people involved with the legal system.

Project objectives are to:

- Increase LABC's understanding of the needs, experiences, and demographics of clients who receive legal representation for criminal law matters
- Develop evidence-based recommendations for service enhancements that improve outcomes for these clients
- Consult and engage with key stakeholders to foster stronger relationships with service providers and partners in the legal system
- Investigate ways to improve integration of LABC criminal law services through service partnerships and interdisciplinary collaborations

The project also responded, in part, to the BC Government's Safer Communities Action Plan, which targets a population that overlaps with frequent users of LABC criminal law services. The Law Foundation of BC and MAG provided funding for this research.



## Overview of LABC Criminal Law Services

The research focuses on LABC clients who have legal and non-legal needs that lead them to access a range of criminal law and related services in their journeys through criminal court processes. Not everyone uses the full range of these services, and they access some services more frequently than others. The diagram below illustrates the criminal law and related legal aid services most relevant for understanding the legal needs and legal outcomes of this group of LABC clients.

Clients may access these services at different points in their journey through the legal system. Following the COVID-19 pandemic, these service touchpoints have become increasingly hybridized, involving a mix of in-person and virtual contacts. Coordinating between them is increasingly important, but also challenging, to make access to legal aid and the legal system as seamless as possible.

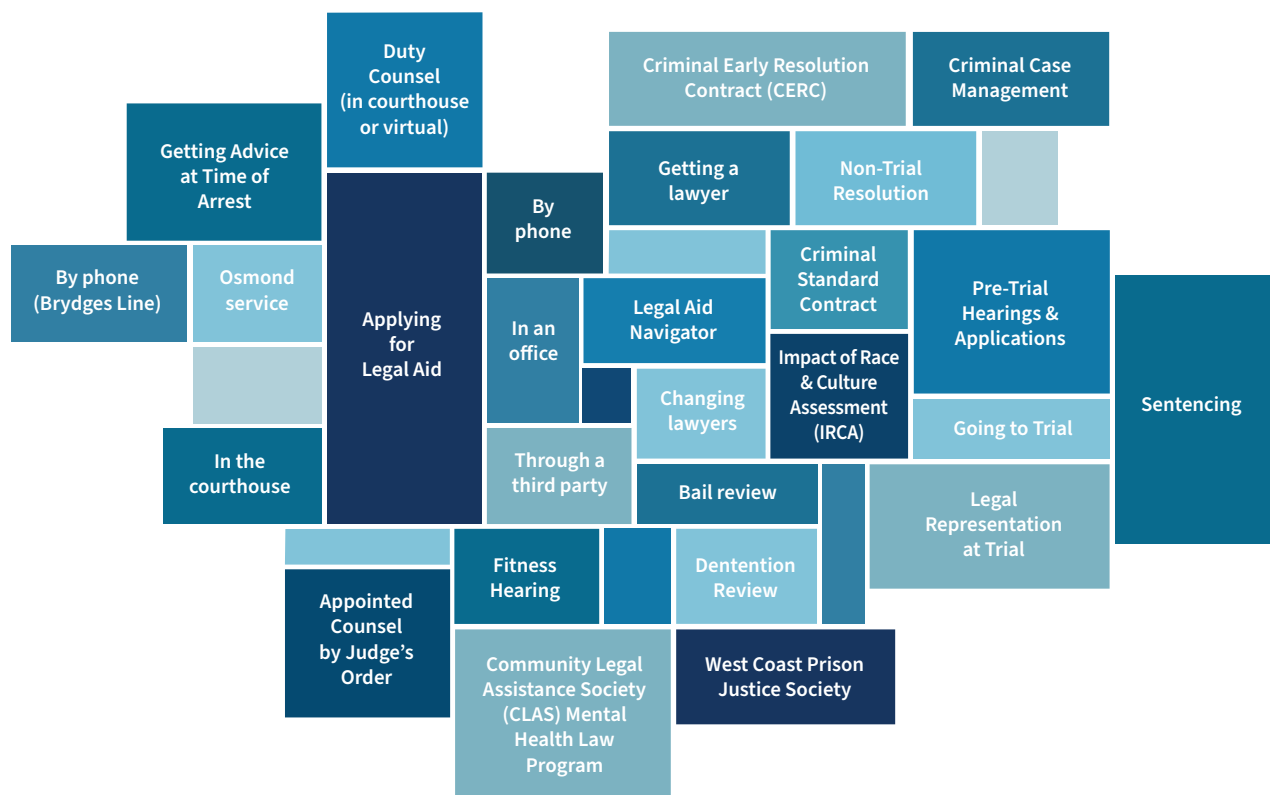


Figure 3 Relevant LABC Criminal Law Services

## Background and Approach

From our literature review, we learned that people who have multiple unmet social and health needs often encounter the criminal legal system once service responses from other systems have failed to effectively intervene at an earlier stage. Overlapping legal and non-legal issues have cumulative effects that can prolong someone's contact with the criminal legal system. Multi-system, integrated, and tailored services that sustain support for the whole person help to address underlying needs that increase risk of re-arrest, re-conviction, and re-incarceration.<sup>4</sup>

Systemic discrimination, stigma, and marginalization intersect with a person's legal issues in ways that compound the consequences of legal issues and case outcomes in other parts of their life.<sup>5</sup> For example, criminal law issues can mean loss of eligibility for services that require someone to have no criminal record or no active criminal charges to qualify, and can have implications for the outcome of other legal issues (like a child custody case).

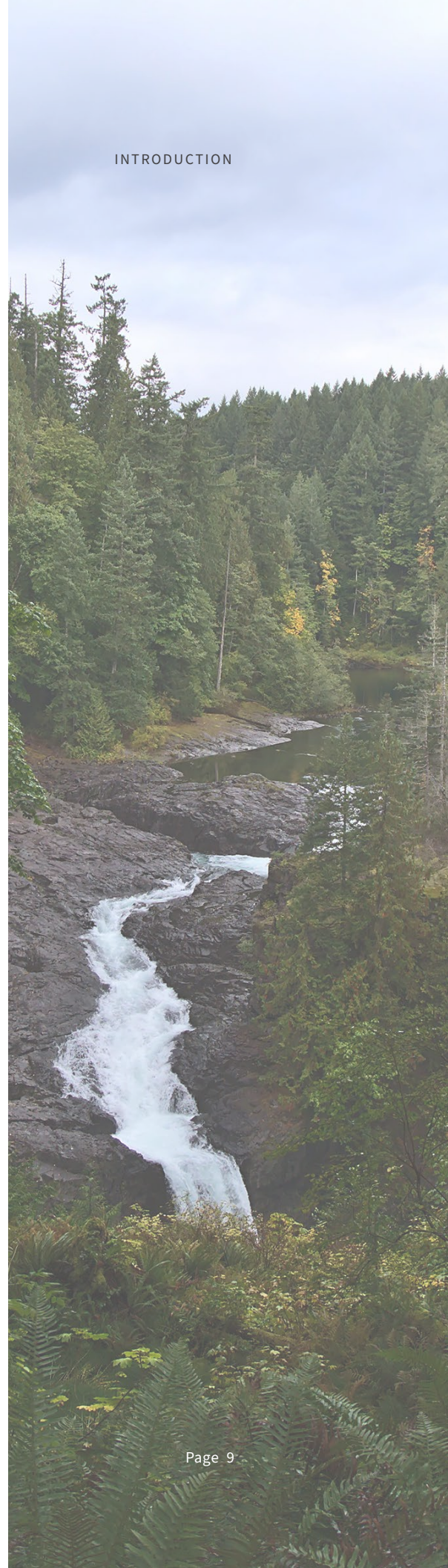
Cumulatively, these dynamics can perpetuate a cycle of criminalization and marginalization. In this cycle, each additional contact with the legal system recreates conditions for further negative interactions with police, courts, and corrections.<sup>6</sup> Someone caught in this cycle may need additional legal aid in the future to deal with criminal law issues, which accumulate more collateral consequences that affect their life in other ways.

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<sup>4</sup> For example, see: Rebecca Bunn, "Intersectional needs and reentry: Re-conceptualizing 'multiple and complex needs' post-release." *Criminology & Criminal Justice* 19, no. 3 (2019): 328-345.

<sup>5</sup> Wendy Chan and Dorothy Chunn, *Racialization, Crime, and Criminal Justice in Canada*. Toronto: University of Toronto Press (2014).

<sup>6</sup> For example, see: Dawn T. Bounds and Patricia D. Posey, "A Resistance Framework for Racially Minoritized Youth Behaviours in the Transition to Adulthood." *Journal of Research on Adolescence* 32, no. 3 (2022): 959-980.





## Complex needs: a working definition

To do our research, we developed a working definition of “complex needs” emphasizing overlapping systemic, institutional, and interpersonal factors. These factors are an important part of the context for someone’s interaction with several complicated systems, including the legal system. We tested and refined this working definition throughout the project, consolidating insights from our data analysis and consultations.

Our research findings suggest that in the legal aid context, complex needs may be understood as follows:

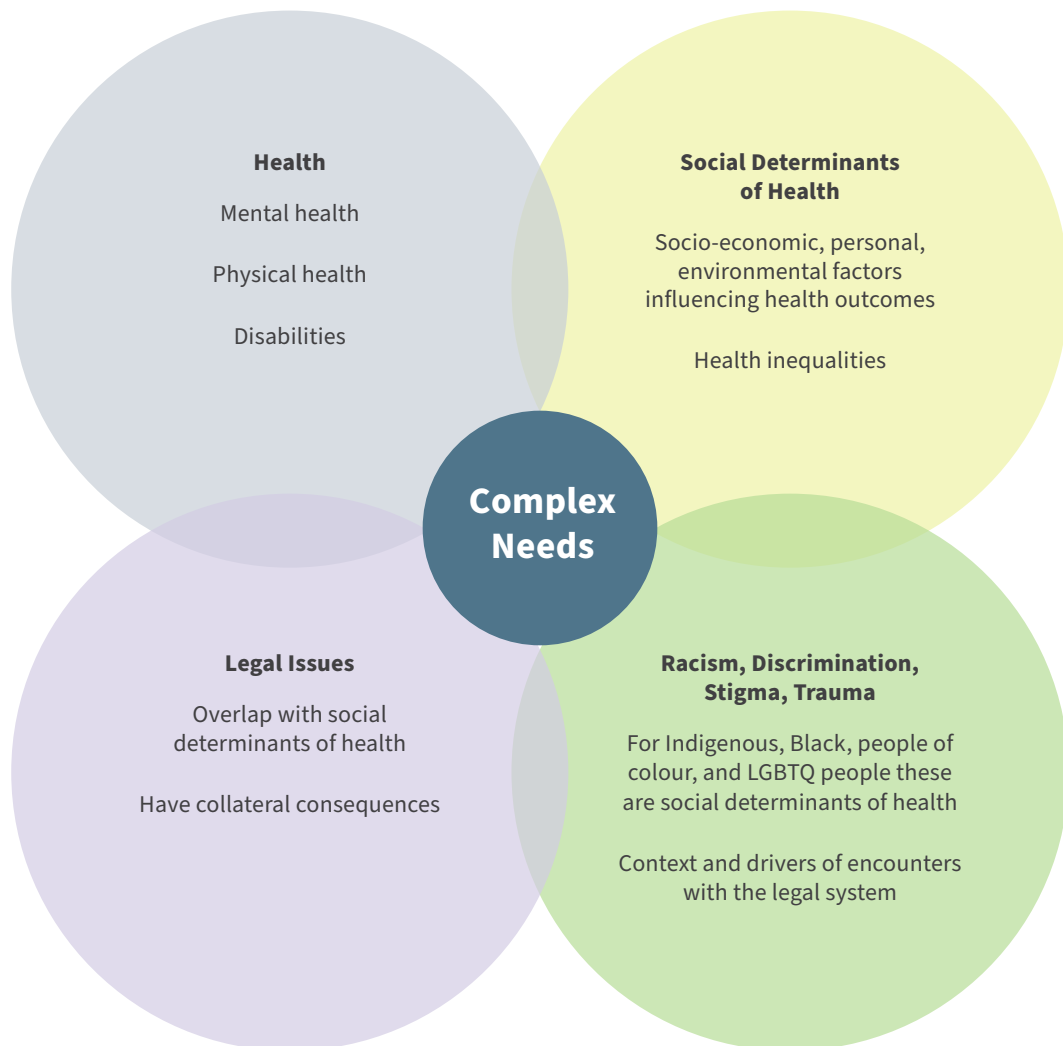


Figure 4 Complex needs in the legal aid context



Needs may be complex, in part, because they are difficult to address in isolation from one another. Realistically, someone's legal issues cannot be dealt with separately from issues in other parts of their life.<sup>7</sup> Intersecting legal and non-legal issues have implications in someone's life beyond an immediate court case, including on their health and wellbeing. The seriousness and impact of these overlapping issues represent the *breadth* (multiplicity, interconnectedness, and chronicity) and *depth* (acuity, severity, and intensiveness) of an individual's needs.<sup>8</sup>

We adopted this working definition of complex needs to avoid stigmatizing people. If the term is misused to designate "problem" service users it can exclude people from the very services they need because they are "too hard to help," "difficult," or "resistant." Service responses are most effective when they take these definitional challenges into account and broaden the view of what constitutes suitable interventions and outcomes.<sup>9</sup>

#### Perspectives from key stakeholders: Complex needs

*"The term 'complex needs' kind of bugs me. I think it should be 'complex **unmet** needs' because everyone has complex needs [...] I have complex needs. I don't just need food and water: I need a lot of things, and everyone does. So, I think sometimes by labelling these people as complex needs, it almost like, 'oh this person, they're just too hard to help, they're too complicated.' Well, it's just that they have multiple needs that have not been met and that shouldn't surprise anybody. I don't normally get too hung up on semantics, but I think it's important because it can change someone's attitude when you're trying to help them."*  
(Legal System Partner Interview)

<sup>7</sup> Ab Currie, "Engaging the Power of Community to Expand Legal Services for Low-Income Ontarians." *Canadian Forum on Civil Justice* 26 (2017): 1-71.

<sup>8</sup> Marianne Quirouette, "Managing multiple disadvantages: The regulation of complex needs in emergency shelters for the homeless." *Journal of Poverty* 20, no. 3 (2016): 316-339.

<sup>9</sup> For example, see: Manuel Macías Balda, "Complex Needs or Simplistic Approaches? Homelessness Services and People with Complex Needs in Edinburgh." *Social Inclusion* 4, no. 4 (2016): 28-29.

## Research context

Our focus on complex needs also highlights how systemic crises, social exclusion, and disability intersect in the lives of people who are disproportionately arrested, detained, charged, convicted, and incarcerated.

In Canada, Indigenous people are dramatically over-represented in nearly every aspect of the criminal legal system.<sup>10</sup> Despite reduced crime rates and declining numbers of people incarcerated, Indigenous and Black people are incarcerated in growing numbers and at rates that far exceed the proportion of the general population they represent.<sup>11</sup> Indigenous and Black women who are criminalized may also be victims of crime and face charges related to the circumstances of their victimization.<sup>12</sup>

The prevalence of people who have multiple serious medical issues, including mental health symptoms, in prisons also appears to be growing in Canada (and internationally). In BC, assessments of people entering provincial prisons suggest that simultaneous mental health conditions and use of drugs/substances is much higher than in the general population. The conditions of confinement while incarcerated worsen the effects of health issues and systemic inequalities that began long before entering prison.<sup>13</sup> Neurodivergent and disabled people receive worse outcomes in the criminal legal system, especially if they are a person of colour. Most disturbingly, they are at heightened risk of deadly or excessive use of force when they encounter police.<sup>14</sup>

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<sup>10</sup> Ally Sandulescu, “Indigenous Peoples in the Canadian Criminal Justice System: Over-representation & Systemic Discrimination.” *York University Criminological Review* 3, no. 1 (2021): 65-89.

<sup>11</sup> Akwasi Owusu-Bempah et al, “Race and Incarceration: The Representation and Characteristics of Black People in Provincial Correctional Facilities in Ontario, Canada.” *Race and Justice* 13, no. 4 (2023): 530-542.

<sup>12</sup> Michaela M. McGuire and Danielle J. Murdoch, “(In)-justice: An exploration of the dehumanization, victimization, criminalization, and over-incarceration of Indigenous women in Canada.” *Punishment & Society* 24, no. 4 (2022): 529-550. Patrina Duhaney, “Criminalized Black Women’s Experiences of Intimate Partner Violence in Canada.” *Violence Against Women* 28, no. 11 (2022): 2765-2787.

<sup>13</sup> Amanda Butler et al, “Prevalence of Mental Health Needs, Substance Use, and Co-occurring Disorders Among People Admitted to Prison.” *Psychiatric Services* 73, no. 7 (2022): 737-744.

<sup>14</sup> Kelly Fritsch, Jeffery Monaghan, and Emily van der Meulen (editors), *Disability Injustice: Confronting Criminalization in Canada*. Vancouver: UBC Press (2022).

We have also done this research in the context of overlapping health and housing crises that reach deeply into communities across BC. Barriers to adequate, stable, and safe housing continue to disproportionately affect people who are already discriminated against and stigmatized.<sup>15</sup> The human costs of the toxic drug crisis are felt throughout the province, and drug poisoning is the leading cause of death for people aged 10-59 in BC.<sup>16</sup>

These crises also intersect with a growing “crisis of access to justice” in Canada. Barriers to accessing legal information, representation, or advice can prevent an individual from resolving legal issues that affect other parts of their lives.<sup>17</sup> In this context, legal aid assistance may be the most meaningful when legal representation is accompanied by strategies for addressing underlying social and health needs that contribute to encounters with the criminal legal system.<sup>18</sup>

Throughout BC, there are many hopeful examples of ongoing collective efforts to reduce the harms that accumulate in peoples’ lives as a result of these overlapping crises. The stakeholders we consulted graciously welcomed us to learn more about these efforts, and we share some of these insights in the next sections of this report.

<sup>15</sup> Andrew Ivsins et al. “Overdose Prevention and Housing: a Qualitative Study Examining Drug Use, Overdose Risk, and Access to Safer Supply in Permanent Supportive Housing in Vancouver, Canada.” *Journal of Urban Health* 99 (2022): 855-864.

<sup>16</sup> *The Toxic Drug Crisis in BC’s Southern Interior Region: 2022 Medical Health Officer Report Part 2* (Interior Health, 2022). Darryl Greer, “8 Years and 14,000 deaths later, BC’s drug emergency rages on.” (CBC News. April 12, 2024).

<sup>17</sup> Department of Justice Canada, “#ACCESSTOJUSTICE”: <https://www.justice.gc.ca/eng/csj-sjc/access-acces/index.html>. See also: Julie Mathews and David Wiseman, *Shifting the Paradigm: Exploring Opportunities for Community Justice Help* (Ottawa: Department of Justice Canada, 2022).

<sup>18</sup> Pratt and Farrow, 2023.



## Research methods

### ***Literature Review & Environmental Scan***

Analysis of publications and synthesis of evidence from policies, evaluations, and qualitative/mixed-methods studies from BC, comparator jurisdictions in Canada, and internationally (Australia, New Zealand, the UK, and the US).

We focused on publications with an intersectional analysis and centering lived experience. We wanted to learn more about alternatives and options that are already in place for people who have complex needs. We found a variety of promising alternatives with proven impact.

### ***Client Record Review***

To understand more about the legal and non-legal needs of clients who frequently use LABC criminal law services, we created a new procedure to query internal data systems and analyze results. We reviewed 50 client records of the highest users of LABC criminal law services.

### ***Lawyer Survey***

Berlineaton Management Consultants (BE)

Surveys emailed to lawyers asked about their experiences in law practice, barriers to achieving beneficial outcomes for criminal law clients who have multiple unmet needs, and suggestions for specialized supports and service enhancements. A total of 226 lawyers who take legal aid contracts responded:

- Most respondents (56%) have been practicing criminal law for over 16 years, and a significant number (23%) have been practicing criminal law for less than 5 years
- 37% reported that they take 50+ legal aid contracts per year
- Most (55%) identified as male, and 6% of all respondents identified as Indigenous
- Respondents practice in multiple locations, and in every region of the province

### ***Interviews and Focus Groups with Professionals***

BE and LABC Research Team

We asked a wide range of professionals and practitioners about their experiences working with people who have multiple unmet needs and recurring criminal law issues. We focused on gaining perspectives from front-line service providers, in part to better understand barriers they encounter when trying to get good outcomes for their clients and patients.

- 21 legal aid lawyers, including duty counsel and local agents for LABC
- 18 legal system partners, including Crown, judiciary, and legal service providers
- 9 community service providers, including outreach workers, clinicians, and counsellors
- 10 front-line LABC staff members

### ***Legal Aid Stories: Client Journey Interviews***

Camman Evaluation + Design

Ciaran Camman and Melanie Camman created a unique, in-depth, trauma-informed, and low-barrier approach to consult with people who have lived/living experience (PWLLE) of legal aid services and the criminal legal system. Past and current legal aid clients shared their experiences and suggestions for improving services. Of the 11 people who participated:

- 10 identified as men, and 1 as a woman
- 4 identified as Indigenous
- Age of first contact with legal aid ranged from 15 to 41; 54% had their first contact with the criminal legal system before age 20
- At the time of their interview, 6 participants had current charges before the court, 1 was still completing parole, and 3 did not have any charges in the past 5 years
- Participants received legal aid service in multiple locations across Metro Vancouver, the Southern Interior, and Northern BC; some also received legal aid service in other provinces (Alberta, Ontario, and Quebec) in addition to BC

## Research approach

We combined multiple methods to consult intensively and extensively with several key stakeholder groups. We prioritized involving past and current legal aid clients as well as people with front-line knowledge of legal and non-legal services. Throughout, we proactively reached out to, sought advice from, and invited the participation of Indigenous people in all key stakeholder groups. To ensure we gathered perspectives on service delivery challenges outside the Lower Mainland, we consulted people living and working in rural and remote areas across BC.

We offered everyone we consulted the option to remain anonymous in this public report. We chose pseudonyms to refer to clients whose profiles are featured in this report, and other consultation responses are reported in aggregate. To further protect confidentiality, we chose not to use images associated with any participants and removed, as much as possible, identifying details.

Our approach combined a variety of research methods and sources reflecting a wide range of experiences with legal aid and the criminal legal system. Our findings are strongly consistent across these multiple perspectives, most notably that people who have had very different encounters with the criminal legal system see coordinated, integrated service responses as best suited to address underlying non-legal needs.

The remainder of this report presents our research findings and concludes with evidence-based recommendations.

## Strategic Alignment

The project aligns with LABC's Strategic Goal 5 to embed Truth and Reconciliation and equity, diversity, and inclusion. We designed the research to be intersectional, grounded in the knowledge that people have multiple identities and relative social positions that influence how they are affected by crime, criminalization, and the criminal legal system.<sup>19</sup> When we planned and implemented the research activities, we remained attentive to the fact that the direct impacts of involvement with the system are disproportionately distributed among disadvantaged individuals and marginalized groups. To ensure we incorporated these concerns throughout the project, we evaluated our methods, data collection, and analysis using the GBA+ framework.<sup>20</sup>

<sup>19</sup> Hillary Potter, "Intersectional Criminology: Interrogating Identity and Power in Criminological Research and Theory," *Critical Criminology* 21, no. 3 (2013): 305-318.

<sup>20</sup> Gender-based Analysis Plus (GBA+) is a Canadian government tool for assessing potential policy impacts. The "plus" in GBA+ refers to the fact that gender is among the many factors that influence how policies affect people differently. Accordingly, this framework incorporates race, ethnicity, disability, socio-economic status, sexual orientation, and age.



# Legal Aid Stories

## “Ashley”

**“You gotta be flexible to get to people.”**

Ashley has been dealing with repetitive charges for sixteen years, mostly connected to the challenges of being unhoused, which also makes it hard to do things like get to court and prove her income status. She’s had the same lawyer for all of her cases and that makes it easier. He found her on her first day at the courthouse and the process has relatively been simple from there. He’s about to retire though and an outreach worker has set her up with new representation.

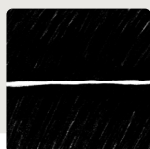
### WHAT IS YOUR LIFE LIKE RIGHT NOW?



“I’ve been homeless for a year, so that was hell. Right now, I’ve got a place, I’ve got opportunities. I feel clear in my mindset to be able to take the road I want to.”

### WHAT HAVE YOUR EXPERIENCES WITH LEGAL AID BEEN LIKE?

“Walking into that room where you sign up for legal aid is pretty straightforward.”



“I never really have to say what I need to the lawyer. He’s got it, he knows me. Pretty easy.”

Age: 42 | Gender: female

Identifies as:

Métis / Canadian / white

Received legal aid in: BC

First legal aid contact:

16 years ago (age 26)

# of cases: maybe 13

# of lawyers: 2 (hasn’t met the new one yet), not including duty counsel

### NEEDED MORE OF:

housing time

money help

information / knowledge

“The court system. You gotta go through it to know it.”

### NEEDED LESS OF:

court dates

“My stuff got held over a lot.”

### LEGAL AID SERVICES EXPERIENCED:

Duty counsel representation / advice

Applied for legal aid in person or by phone

Advice at the time of arrest / legal aid hotline

Representation for a case

Help from legal aid in finding a lawyer

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “I didn’t know anything about legal aid before. I didn’t even know what a courthouse was. I went in there, sat down, and here I am.”
- “Just yesterday I signed up again for legal aid and it was quite easy. I had to switch over the paperwork of the lawyer’s names to apply for a new lawyer.”
- “My lawyer answered all my questions, but for the most part, you don’t have any. You don’t ask because you don’t even know what it means.”
- “There’s some pamphlets there, but it’s legal aid things. It not about housing or addictions or getting your kid back from welfare or your cat out of the SPCA or a tampon machine down the hall or a place to get blankets or food banks.”
- “Being homeless is hell. Even just making it to court can be hard. Trying to get my car started in a parking lot somewhere, finding somewhere to pee, fighting with my boyfriend.”
- “The lawyer would come talk for me, but at the same time he couldn’t get paid until you get paid, which I couldn’t. My taxes hadn’t been done since 1995.”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

Longer contracts for lawyers (more hours per case).

Working with the same lawyer across multiple cases. “That’s how it should be. It’s important. They know you, who you are. My lawyer doesn’t even have to ask me about things.”

Specialized training for lawyers. “They should get trained in dealing with people, people skills. Like if he can’t take a joke, this isn’t going to work. It loosens people up, it’s a way to break the ice.”

Helping people get access to other services. “At least they should give you a sheet that has all the info on it. Here’s the addiction hotline, counsellors, all those things. There should be pamphlets on the wall in those places, courthouses. People will do better with wanting to get help.”

Integrating legal aid with other services. “Yeah! Isn’t that what I just said?”

Terrible  
idea!

Amazing  
idea!





## What We Learned from Client Records

To better understand interrelated legal and non-legal needs and patterns of LABC service use, we reviewed the full client records for the 50 highest users of criminal law services based on the total number of standard representation contracts they received since 2017. We created and implemented clear protocols for protecting each client's privacy and confidentiality throughout this review.

The client records we reviewed included information about all of the contracts for legal representation issued to someone since the start of their dealings with LABC, going back to 1999 (the earliest date for which electronic data was available). Findings from this review informed, in part, our working definition of complex needs.

### Sample

416

Number of client records ranked in the highest 1% of criminal law service users

50

Number of client records selected for in-depth review

94

Total identified as men

39

Average age

Most recent location of residence:

3

Interior/East Kootenays

8

North/North West

3

Okanagan/West Kootenays

10

Surrey/Fraser Valley

6

Vancouver Island

20

Vancouver/Sunshine Coast



## Findings

### Demographics

Thirty percent of the current highest users of criminal law services self-identified as Indigenous when they applied for legal aid, which is broadly consistent with the demographic profile of all LABC clients receiving criminal law services.

Forty percent of the highest users indicated they were unhoused the last time they applied for legal aid. Two-thirds either did not complete high school, or their education history was unknown. All but two clients indicated they were born in Canada, and all but one reported that their primary language is English.

When someone applies for legal aid from jail, LABC may waive requirements to provide proof of income. For the 20% of the highest users who were *not* in custody when they last applied for legal aid, most reported they were unemployed or receiving social assistance.

### LABC Service Use

While client records do not reflect the full circumstances of someone's life, identifying patterns in clients' interactions with LABC helps to understand which services clients access and how often.

66%

of the highest users have received most of their legal aid services since 2017. Changes to financial eligibility likely would *not* influence this pattern, as the highest users primarily have documented histories of meeting these guidelines.

34

is the average total number of contracts for legal representation issued to the highest users over the full history of their dealings with LABC, before and after 2017. (Number of contracts is not the same as number of cases, for example changing lawyers means issuing a new contract.)

8

is the average number of times the highest users have changed lawyers while receiving criminal legal aid services. (Changes of counsel may be at the client's or lawyer's request).

20%

of the highest users have received legal aid assistance for a family law issue or a child custody matter under the Child, Family, and Community Services Act (CFCSA). However, use of these services is far less frequent: a maximum of 1 or 2 times over someone's full history of dealings with LABC.



### Legal Outcomes on LABC Contracts

Data on legal outcomes and types of offences included in a standard representation contract help to understand the legal issues LABC provides assistance for.

#### **Frequent guilty pleas**

7 out of 10 times, the highest users of criminal law services plead guilty.

#### **Non-conviction outcomes are rare**

Although most of the highest users (78%) have received a stay of proceedings, peace bond, or acquittal at trial, they got this result only 1 to 3 times.

#### **Multiple convictions for less serious offences**

When represented by a legal aid lawyer in a criminal law case, the highest users most often plead guilty to a combination of less serious administrative (breach), property, and person offences. Only 1 of the 50 highest users has been convicted of a major violent offence.



## Key themes

We wanted to understand, as much as possible given the limitations of data sources, what complex needs might look like in the legal aid context. Our review identified several key themes related to clients' history of legal aid use.

**Early life contact with the criminal legal system:** Over half (56%) of the current highest users of criminal law services were youth the first time they were represented by a legal aid lawyer.

**Acquired traumas and harms:** Documented evidence of traumatic life experiences include early life contact with the child protection system, childhood abuse or neglect, loss of housing or loss of eligibility for transitional/supportive housing, and incarceration.

**Mental and physical health:** Documented evidence of serious mental and physical health symptoms that may affect interpersonal communication, cognition, or self-regulation. Frequent or repeated psychiatric hospitalizations as a youth or adult and entering/leaving residential treatment for drug/substance use are also documented. Schizophrenia, acquired brain injury (ABI), FASD, and PTSD are commonly referenced. Physical injuries that affect communication and/or functional movement are also documented.

**Applying for legal aid while in custody:** The records we reviewed showed that clients were most often in jail when they applied for legal aid. The records often noted a range of systemic factors, including discrimination, stigma, and long-term poverty, as added stressors that clients contend with while applying for legal aid and navigating the legal system. Conditions of confinement while in jail can also exacerbate physical and mental health symptoms and effects of acquired traumas and harms.

**Communication barriers:** The client records we reviewed frequently document communication barriers, which are often noted in relation to observed mental or physical health symptoms.

This includes:

- Numerous short periods of high-intensity communication when a client is in custody and waiting on an application for legal aid or asking to change lawyers
- Patterns of interpersonal conflicts in some of the records, in particular when frequently calling the LABC Call Centre or their lawyer, refusing their lawyer's advice, or providing instructions their lawyer cannot follow
- Difficulty maintaining access to the means of communication (phone/Internet) out of custody, and restricted access to phones while in custody



## Limitations

Our findings identified a number of key factors associated with unmet non-legal needs and high use of LABC criminal law services. These findings are consistent with research in other service contexts, including comparator legal aid plans.<sup>21</sup> However, gaps in internal data systems mean that our review provides only a partial picture of the actual series of contacts someone has had with LABC and with the criminal legal system. For example, because records are kept mainly to assess eligibility and administer contracts current LABC data systems do not track clients' contacts with duty counsel, nor do the records include full court file information or criminal records. Also, while these records accurately record the history of someone's applications for legal aid, contracts, and changes of counsel along with the criminal offences and legal outcomes linked to these services, they often omit significant supporting details.

An additional limitation is the lack of some important demographic data. During our research, current data systems did not collect information on race or ethnicity beyond Indigenous identity but work is currently underway to start doing so. While applicants currently self-identify their gender, expanded data collection to reflect multiple forms of gender identity and expression would improve understanding of how these experiences intersect with race/ethnicity, socio-economic factors, and legal needs.

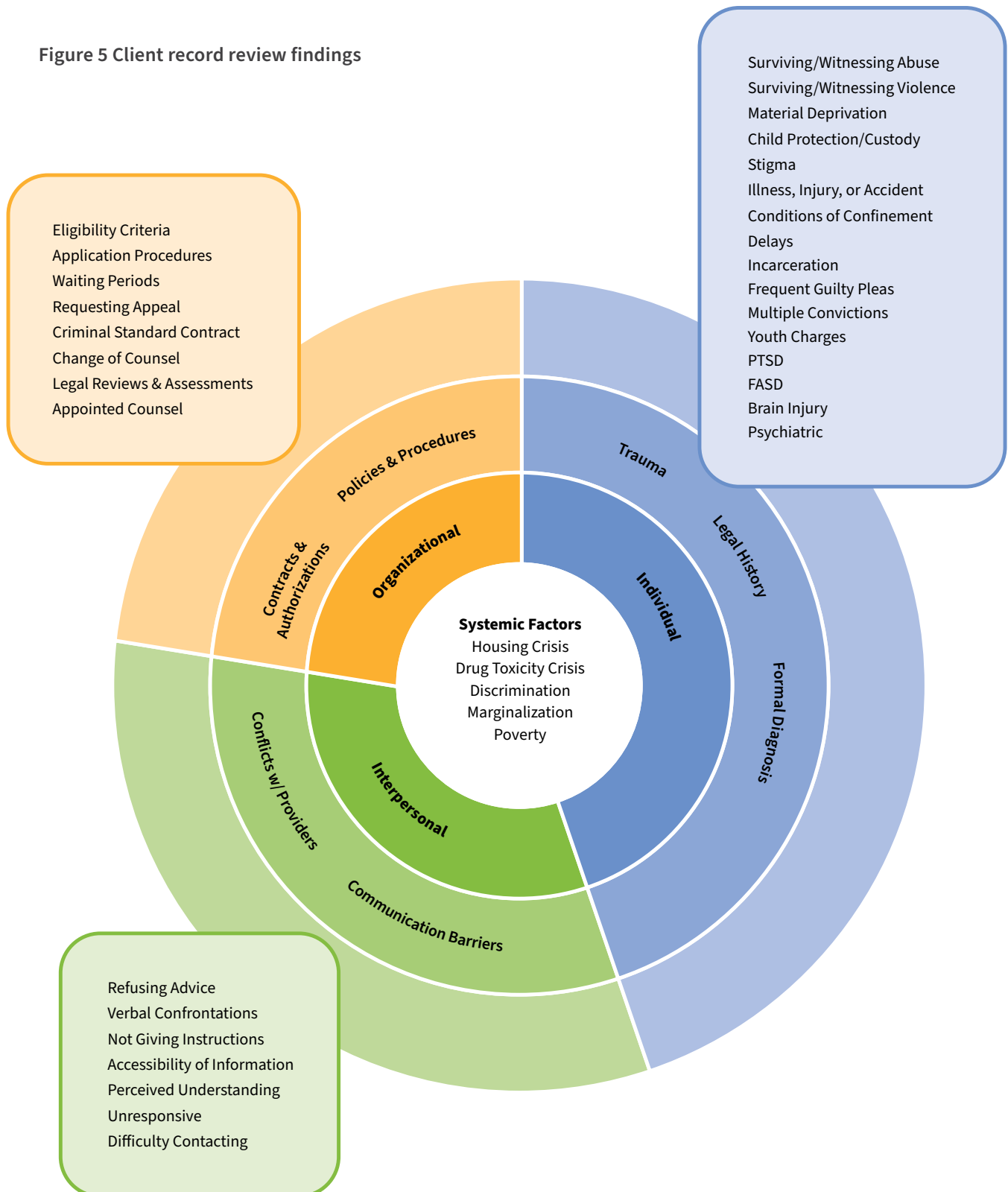
Finally, data on outcomes is limited to the legal outcome of a case when it has concluded. It does not include specific outcomes for each offence charged when there are multiple offences. We therefore couldn't capture information about reductions in charges or sentences, which could give a more accurate understanding of the effectiveness of LABC services and the impact of legal and other service outcomes in someone's life. LABC is developing more capacity to track and measure outcomes currently, and our client record review can provide some useful context to support this work.

The diagram below represents multiple factors associated with complex needs we found in the client records we reviewed, and the LABC criminal law services these clients have accessed.

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<sup>21</sup> Rosy Jolić, *Victoria Legal Aid Client Profiles – High-Contact Users of Legal Aid Services* (Victoria Legal Aid, 2021). Pia Van De Zandt and Tristan Webb, *High Service Users at Legal Aid NSW* (Legal Aid New South Wales, 2013).

Figure 5 Client record review findings



# Legal Aid Stories

## “Richard”

**“Legal ‘aid’. It says you’re going to be helped. It’s right in the title.”**

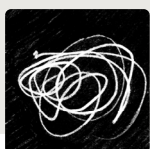
It’s been a long time since Richard navigated the criminal legal system as a client rather than a peer worker. For three rough years, he was in and out of jail in an escalating spiral. No one acknowledged the path he was on or asked if he needed help. It took a serious charge, a judge’s intervention, and a lot of work, time, and help to get on a different track. He doesn’t remember getting a lot of options or support from legal aid until the very end.

### WHAT WAS YOUR EXPERIENCE WITH LEGAL AID LIKE?



“It’s a little bit of a runaround.”

### WHAT WAS YOUR LIFE LIKE AT THE TIME?



“When your life is like this, you’d think you’d be cleaning up your life so that things wouldn’t get worse. But it didn’t really work for me like that.”

### LEGAL AID SERVICES EXPERIENCED:

Representation for a case

Duty counsel representation / advice

Advice at the time of arrest / legal aid hotline

Applied for legal aid in person or by phone

Age: 47 | Gender: male

Received legal aid in:  
BC and Alberta

First legal aid contact:  
10 years ago (age 37)

# of cases: 8

# of lawyers: 5 in BC,  
1 in Alberta

### NEEDED MORE OF:

support

services / help

communication

respect

information / knowledge

trust

compassion

relationships

being seen & heard

“Somebody could have said, ‘Hey, do you know where to look for a lawyer? I know somebody really good’.”

“I could have used way more support and encouragement.”

### NEEDED LESS OF:

discrimination

technology

control / choice / freedom

stigma

“I wish there was a recognition that nobody chooses this.”

“Even though it felt harsh, I felt cared for in that way. I needed to be given two choices and to pick the good one.” [in the legal system generally]

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “I didn’t know what my options were. I didn’t know the process of things, what was going to happen to me. So there was a lot of anxiety, a lot of confusion.”
- “I wasn’t anyone’s actual client. Nobody was working on my case. They were just working a case.”
- “At the time I didn’t feel like I was able to tell anybody I needed help because no one ever offered me any along the way.”
- “The lawyer didn’t treat me like a scumbag. He kept me informed. He knew things about me and he remembered those things. It felt personal.”
- “My lawyer got me into the recovery house, but it was the judge brought it up. The lawyer was going to let me go to jail.”
- “There’s no aftercare program. You just get let out to do your own thing.”
- “If somebody’s coming in and they’re in a bad spot or a crisis, and you can’t even look at them, chances are you’re going to miss something that could really affect their life.”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

Longer contracts for lawyers (more hours per case).

Working with the same lawyer across multiple cases.

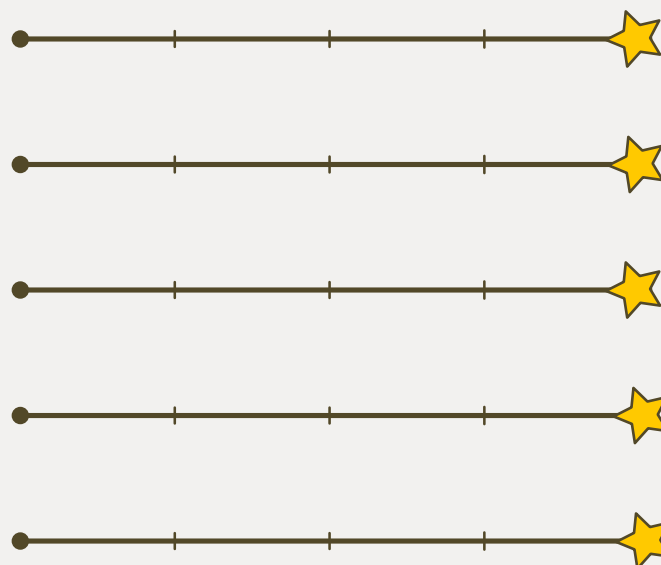
Specialized training for lawyers. “Sensitivity training. Trauma-informed practice. We have webinars where they just explain trauma to people.”

Helping people get access to other services. “Recovery. Aftercare from jail. Mental health services.”

Integrating legal aid with other services. “This is an amazing idea. This is a recognition of the gaps.”

Terrible  
idea!

Amazing  
idea!



## MORE IDEAS FOR SERVICE CHANGES

Legal aid outreach workers. “Who know where everybody is or how to find them. So people don’t have to come to an office and stand in a line for two hours to start a service request.”

Meet people where they are at. “We need people who can see people, start the service request, action the service request, and all the client has to do is show up and get what they need.”



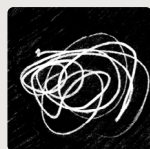
# Legal Aid Stories

## “Rory”

*“The whole process was super easy but it didn’t help with any other aspect of going to court.”*

Rory had been in legal trouble once before as a teenager and was diverted to a community-based process. His recent experience was also his first time using legal aid, which ended up being the easiest part of an otherwise stressful experience. Once a friend at the courthouse told him where to go, he was able to connect with legal aid, and his lawyer took it from there.

**WHAT IS YOUR  
LIFE LIKE  
RIGHT NOW?**



“I had a pretty chaotic life at the time, so having something you didn’t need to worry about was nice.”

**WHAT HAVE YOUR  
EXPERIENCES  
WITH LEGAL AID  
BEEN LIKE?**



“The whole situation was stressful, but getting legal aid was the easiest part of my whole court experience.”

Age: 40 | Gender: male

Identifies as:

Native American / mixed

Received legal aid in: BC

First legal aid contact:  
5 years ago (age 35)

# of cases: 2 (first experience  
didn’t involve legal aid)

# of lawyers: 2

### NEEDED MORE OF:

communication

“About what court is going to be like. A brochure instead of my friend being the guy. If he wasn’t there, I wouldn’t have had any idea of what’s going on. If he wasn’t there, I don’t even know what would have happened.”

### LEGAL AID SERVICES EXPERIENCED:

Advice at the time of  
arrest / legal aid hotline

Duty counsel  
representation / advice

Representation  
for a case

Applied for legal aid  
in person or by phone

Help from legal aid  
in finding a lawyer

Information from  
the legal aid website

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “I just showed up to the court. I didn’t know anything or where to go. I was stressing out and had no idea what was going on.”
- “Luckily I ran into my buddy. He’s been through court a lot and knows the ins and outs of the system.”
- “The whole situation was stressful, but getting legal aid was the easiest part of my whole court experience.”
- “I just showed up and the lawyer was there and I didn’t have to do much. Like, holy shit, this is easy.”
- “It took 2 or 3 years for my case to get to court. And I was stuck, because I had gotten over that part of my life.”
- “My lawyer thought the Gladue report would make a difference and it did for sure.”
- “I was super relieved to plead down. It was some pretty serious consequences, so it was a relief to know I wasn’t going to go to jail.”

### FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

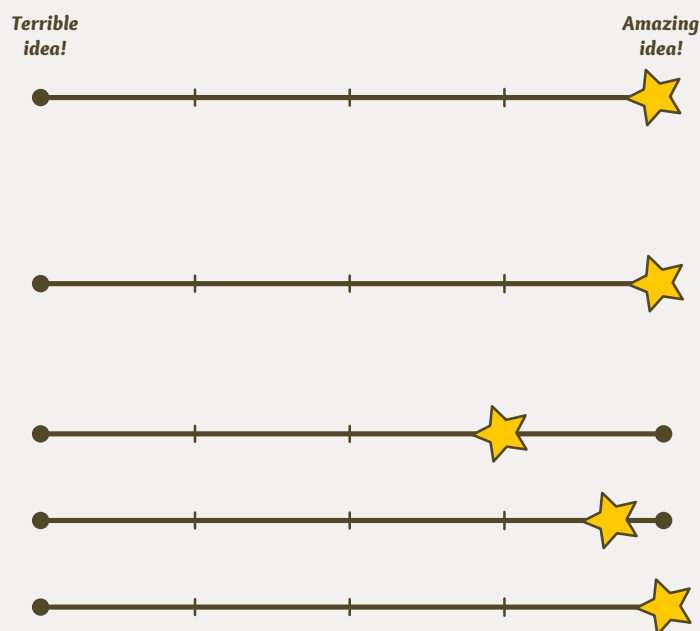
Longer contracts for lawyers (more hours per case). “If they’re paying a lot of people to prosecute, that needs to be levelled with equal amounts of defense.”

Working with the same lawyer across multiple cases. “That’d be awesome. Seems like common-sense.”

Specialized training for lawyers. “Maybe communication, speaking in normal language.”

Helping people get access to other services.

Integrating legal aid with other services. “The whole legal aid process was super easy, but it didn’t help with any other aspects of going to court.”



### MORE IDEAS FOR SERVICE CHANGES

More court support. “Making sure you have an understanding of what’s going on in the court that day and what you have to do when you get to the court.”

FAQ or beginner course to court. “It would have been nice for someone to tell me how it was going to go, where I should go, what I should do.”



## **What We Heard: Summary of Key Stakeholder Consultations**

This section consolidates insights and input collected from key stakeholder groups: lawyers, clients, legal system partners, and community service providers. Through interviews, focus groups, and a survey, we asked participants about beneficial outcomes, barriers to achieving these outcomes, and appropriate changes to improve outcomes for criminal law clients who have complex needs. We additionally invited participants to reflect on their own experiences accessing the legal system, supporting people navigating the legal system or legal services, and providing legal representation to clients who have inter-related legal and non-legal needs.

Throughout the consultations, we shared our working definition of complex needs. We emphasized that this project is informed by an understanding that the term “complex needs” doesn’t describe someone’s personal characteristics or deficiencies. Rather, someone’s needs are “complex” because they are dealing with a complicated service landscape that is not designed for them.

The purpose of the consultations was to include perspectives from people who have direct, lived and living experience of legal aid service delivery and the criminal legal system. The stakeholder groups thus encompass people who have received and provided legal representation, and who support clients and lawyers to address non-legal needs. The goal was to engage with and learn from these diverse and unique perspectives.

We found that clients, lawyers, and legal system partners share significantly similar perspectives on beneficial legal outcomes, what it takes to get there, and how legal aid can best provide help. Perspectives from community service providers were also broadly consistent with other stakeholder groups, although their responses focused more on strategies and techniques in their own professional fields and practices to appropriately assist clients who have multiple unmet needs.

The remainder of this section outlines the major themes of what we heard and synthesizes our findings, to inform the evidence-based recommendations presented at the end of this report.

## Context matters for defining the most beneficial legal outcomes

### **“Number 1 – no jail”: The best legal outcomes are the least restrictive to one’s liberty**

In interviews and focus groups, lawyers identified what they see as the most beneficial legal outcome for clients who encounter multiple barriers to accessing the legal system and non-legal services. Broadly – and perhaps unsurprisingly – the lawyers we consulted highlighted that the best outcome is the least restrictive to their client’s liberty.

The most desirable case results identified in our lawyer survey are generally non-conviction outcomes. Beyond the immediate case results, lawyers favoured non-custodial or minimally restrictive sentences (if convicted) and supportive sentences, conditions, or orders that address a client’s underlying non-legal needs. Open-ended survey comments also highlighted that what a good outcome looks like is highly dependent on context and can’t be generalized to apply across multiple clients and cases.

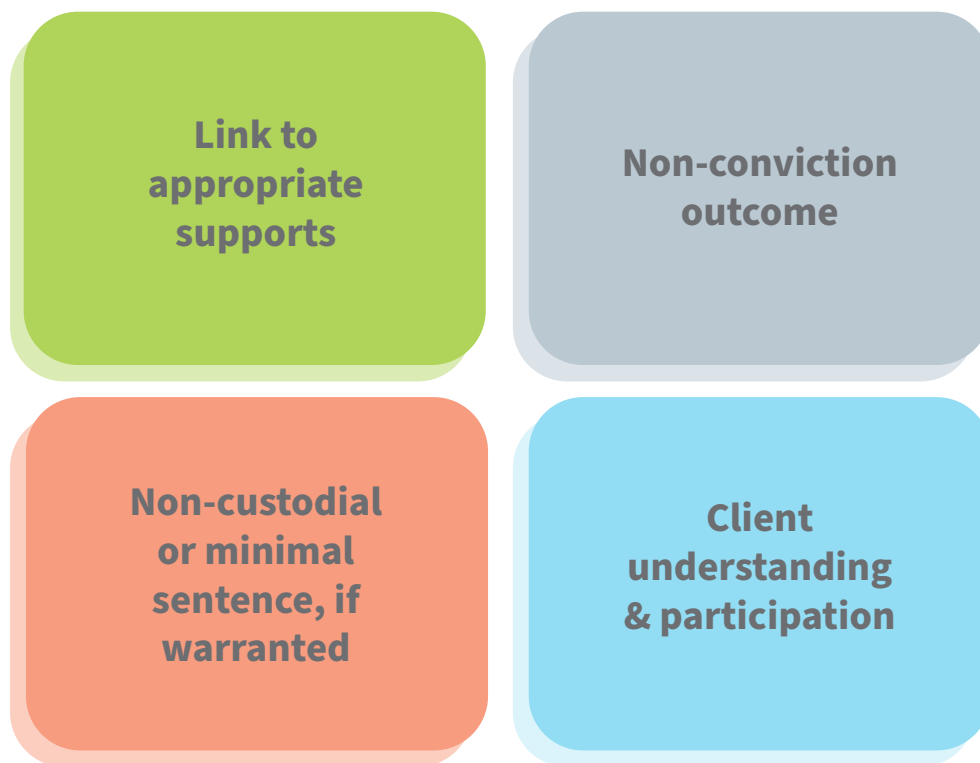


Figure 6 Lawyer survey responses: Beneficial outcomes



Perspectives from lawyer surveys, interviews, and focus groups further illustrate what may be the most beneficial legal outcomes for a client who has interrelated legal and non-legal issues.

*“Whatever result can least impact their liberty. Something to be said about addressing the root cause as well. Even if someone has a lengthy criminal record, protecting and respecting their liberty as much as possible and help address their underlying issues. My personal view is that the criminal justice system is not well suited for treating those challenges. Court, criminal record, jail, can’t do anything to resolve the underlying causes.” (Lawyer Interview)*

*“Generally, it involves getting them out of the criminal justice system with the fewest possible ongoing restraints and entanglements. If possible, no criminal record and no probation conditions. Ideally, they are put in touch with, reconnected to, or are in a position to follow up with social services as part of the process.” (Lawyer Survey)*

From client journey interviews, we learned that a good outcome (and a good experience) allowed them to focus on what matters to them most. Conversely, a bad outcome (and a bad experience) was one that made it more difficult to move on with their lives. This broad understanding of outcomes resonates with the ways lawyers framed the least restrictive legal outcomes described above. Criminal cases and their outcomes were no doubt important to the clients we consulted, but they generally framed these in terms of what it meant in other aspects of their lives.

### **What a good outcome looks like will vary**

Lawyers we consulted shared that each client’s needs and circumstances are unique, and that context will affect which outcomes are realistically achievable. In other words, what constitutes a beneficial outcome can vary from case to case and client to client. Many emphasized that it is their duty to get the best result possible, given the complexities of the legal system and the seriousness of charges someone faces. Sometimes, there’s no practical way to prevent a conviction but a lawyer can effectively advocate to the Crown and the court to avoid a lengthy jail sentence.

*“This is hard to answer since they are all different. An acquittal at trial might be the best for one but not for another. The latter might need a term in a treatment centre pursuant to a probation order. It varies.”*  
(Lawyer Survey)

*“Depends on the severity of the charges. If we can reach alternative measures or pursue First Nations court where they won’t receive a criminal record, that’s a great [outcome]. If it’s a serious assault [charge], that might not be in the cards, but what outcome does the least damage [is beneficial].”* (Lawyer Interview)

*“For a client detained in custody and doing a jail sentence, all we can do is minimize the harm as opposed to changing the outcome.”* (Lawyer Interview)

The lawyers we consulted saw that unmet social and health needs contribute to recurring contact with the legal system. Service providers, the court, and others may perceive an individual’s difficulty accessing and navigating the legal system as communication barriers or other obstacles to understanding and participating in the legal process. These circumstances can increase the possibility that someone will encounter further criminal law issues and need additional legal aid in the future.

*“[I have a] client with addiction issues and concurrent mental health issues [who] presents poorly on the witness stand, gives inconsistent answers, and will generally be disbelieved. Trial fairness is affected, and I believe has led to unjust convictions. Then he is saddled by the judge with a probation order that he doesn’t have the capacity to fulfill, leading to jail time for multiple breaches.”* (Lawyer Survey)

In general, the clients who shared their stories had similarly broad perspectives on what constitutes a good legal outcome. It could be a withdrawal of charges or acquittal, but it could also involve reducing charges, or sentences involving little or no additional time in custody.





### **Beneficial outcomes take a client's unique needs and circumstances into account**

A criminal case is only one part of someone's life, and we learned from client journey interviews that it may not be the most important thing they are dealing with. The clients we spoke to described challenging circumstances in their lives at the time of their criminal cases and their concerns that the criminal legal system would add to their difficulties, or at least not help with these issues.

Notably, many lawyers underlined that any legal outcome should ideally entail some kind of connection to appropriate resources and supports. Linking clients to these services can help to address their underlying social and health needs, as well as to help reduce the harms associated with frequent contacts with police, courts, and corrections.

*"The most beneficial legal outcome for most clients is a withdrawal of all charges, but short of that, an outcome that considers their unique circumstances and is structured to provide appropriate community supports and reduce the likelihood of future criminal charges is the most beneficial. Often that positive outcome includes connections to housing supports or treatment programs, but other times involves reconnection with family or community."*  
(Lawyer Survey)

*"It is desirable for a good legal outcome to be accompanied by a good connection to housing, addiction services, or mental health services, and, often, the legal outcome is improved if those secondary needs can be met."* (Lawyer Survey)

Our survey asked lawyers to identify the non-legal services that would best help their clients. They placed access to substance/drug treatment, housing, and mental health care as the three primary areas of need that would best position their clients to address their legal matters. However, to a lesser extent the survey responses also ranked health and accessibility needs related to physical, cognitive, and intellectual disabilities; primary healthcare for chronic illness and communicable diseases; and need for government ID as effective additional supports that could help clients to deal with their legal matters.

In addition to beneficial legal outcomes and links to services, the lawyers we consulted also highlighted some positive moments in the different stages of a client's journey through a criminal court case. Clients feeling heard and supported, giving instructions that reflect their goals, understanding the process, and participating in their own defence: these are all important steps to resolving someone's immediate legal issues. Getting to these moments can mean that lawyers are dedicating more time to developing a relationship with their clients, earning their trust, and showing that they care about the person and not just their legal matters.

*"Sometimes just being able to receive instructions is a good outcome."* (Lawyer Focus Group)

*"Giving clients hope that their situation is temporary and this one event doesn't define them."* (Lawyer Focus Group)

*"Client satisfied with the outcome. The outcome is as good as you think it could be, but still reasonable. No record, discharge, alternative measures, stay."* (Lawyer Interview)

*"If I'm able to allow them to understand the necessary parts of the legal system, then the outcome should be a fair outcome – a good outcome is if it's the same outcome as if it was a lawyer who understood all the concepts. Even if it takes longer to reach an understanding due to level of knowledge, the outcome should be the same."* (Lawyer Interview)

### **Clients have reasonable expectations about outcomes and their lawyers**

The past and current legal aid clients we spoke to had fundamentally reasonable expectations about the outcomes they could hope to get for their cases as well as what their lawyer could realistically accomplish. For the most part, the clients we consulted wanted a fair outcome that allowed them to get on with their lives. They also wanted their lawyers to listen, believe them, and make the same efforts they would for a client who can afford to pay privately for their services. Importantly, even when a lawyer could not fully meet a client's expectations, the client could still express satisfaction with their case result and the support their lawyer provided.

# Legal Aid Stories

## “Nate”

### “You have to follow the steps to stay out of trouble.”

Nate doesn't find navigating the legal system as difficult as it could be. Even with the challenges of living on the street, trying to stay warm and being constantly moved along by bylaw officers, he has an essential support system in his wife and his peer outreach worker. They help him stay on top of what he needs to do, including dealing with forms, getting to appointments on time, and following through on court orders. He uses legal aid for all his cases and always gets community service rather than jail time. Finding (and keeping) a good lawyer can be tricky sometimes, but it would be even harder without his support system.

#### WHAT WAS YOUR EXPERIENCE WITH LEGAL AID LIKE?

“The steps that you need to do moving forward, to stay out of trouble.”



#### WHAT IS YOUR LIFE LIKE RIGHT NOW?

“Things get better and better, and then all of a sudden it gets worse.”



Age: 39 | Gender: male  
Identifies as: caucasian

Received legal aid in:  
BC and Alberta

First legal aid contact:  
24 years ago (age 15)

# of cases: several; 3 in the last 10 years

# of lawyers: 3 recently (the same for his last two cases) and more when he was younger

#### LEGAL AID SERVICES EXPERIENCED:

Advice at the time of arrest / legal aid hotline

Duty counsel representation / advice

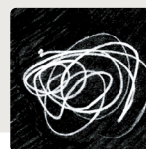
Help from legal aid in finding a lawyer

Representation for a case

Representation for an appeal

Applied for legal aid in person or by phone

“They make us run around town like a chicken with its head chopped off.”



## SERVICE JOURNEY MOMENTS & INSIGHTS

- “Not having a phone, living on the street, it’s pretty hard to keep a hold of your lawyer and stuff all the time.”
- “I usually always have someone to help me with the legal aid application, because I’m highly dyslexic, so it’s hard for me to comprehend.”
- “Sometimes you have a lawyer and then you get pushed onto a different lawyer. I’ve had that happen once before.”
- “I usually go to the first appearance, but for this last time, I didn’t have to. The outreach worker dealt with it for me.”
- “They breached me just for not going to fingerprinting. I was a day late. I don’t have a watch to tell me what day it was. The outreach worker was able to call and tell them that I got my date mixed up.”
- “I don’t know what’s going on with this town. What are we supposed to do? We can’t put our tents up anywhere. Just go stand out in the rain and get soaking wet and hypothermia?”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

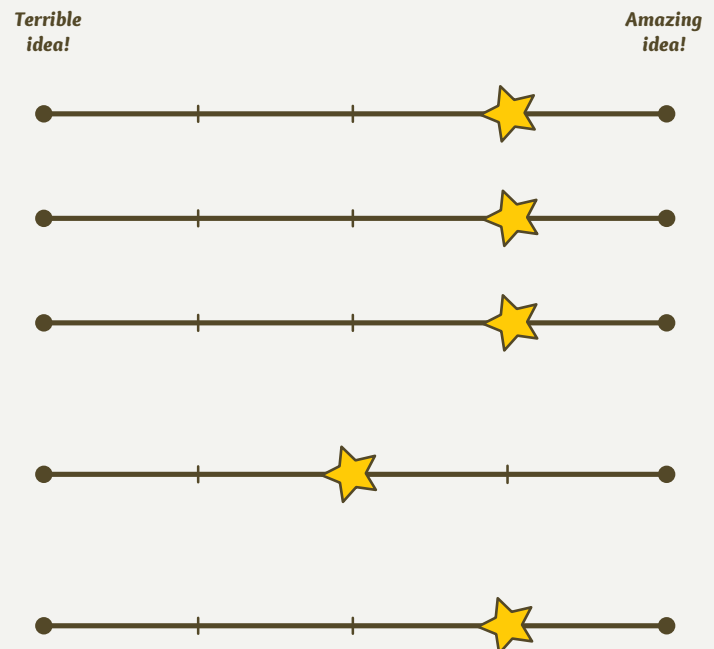
Longer contracts for lawyers (more hours per case).

Working with the same lawyer across multiple cases.

Specialized training for lawyers. “It seems like some of the lawyers are more experienced than others.”

Helping people get access to other services. “Could be good, as long as it doesn’t mean jumping through more hoops.”

Integrating legal aid with other services. “That’d make my life a lot easier.”



## MORE IDEAS FOR SERVICE CHANGES

Community service support. “More help finding places to do community service. Because sometimes you don’t know where you can do it.”



## Connecting people is important for providing client-centred services

To better understand the pathways to providing quality legal services and achieving beneficial outcomes, we asked lawyers, legal system partners, and community service providers to reflect on the challenges they encounter when assisting clients. In the lawyer survey, respondents ranked the most common obstacles they encounter when assisting clients who have complex needs:

- Difficulties linking clients with appropriate social, health, or community resources, whether because these resources are lacking or because lawyers don't have a person they can contact to connect someone with these services
- Limitations on the amount of time they have to work with a client who has serious and ongoing inter-related needs, due to the structure of a standard representation contract
- Communication barriers or other accessibility issues that may affect a client's participation and understanding of legal processes



Figure 7 Lawyer survey responses: Barriers to good outcomes

Generally, these barriers that lawyers encounter are also places where relationships matter in a client's journey through legal aid services and a criminal court case. Put differently, connections between people at the right moments in a client's journey can also support lawyers to effectively resolve a client's legal problems.

## Time can be the most important resource to get a good outcome

*"Not enough hours. You can never spend enough time with your client. Legal aid knows the marginalized clients we serve and does not acknowledge the three in the morning calls, the trauma our clients are experiencing, the fact we too are traumatized and are vicariously damaged when we cannot help our clients." (Lawyer Interview)*

Across consultation activities, lawyers repeatedly identified time constraints as a major challenge to assist clients with inter-locking legal and non-legal needs. They noted that achieving better legal outcomes most often means more time to work with these clients, beyond what is allotted in standard legal aid representation contracts. Despite this challenge, many lawyers emphasized that they continue to perform unpaid work because they see it as part of their responsibility to their clients and necessary for getting a beneficial legal outcome.

When asked to share what helped them get a good outcome in past cases, lawyers gave similar responses: link to non-legal services, more time, good communication and building trust, and being able to submit information about a client's unique circumstances including through a Gladue Report.

*"Time spent on direct legal issues at most 50% of the time, other 50% is getting [clients] connected to the right supports, discussions with them, talking to their support teams [...] More when I didn't have community connections."* (Lawyer Interview)

Specifically, lawyers identified how they would use this additional time:

- Helping someone apply for legal aid
- Meeting in person, and meeting more than once, to build trust and rapport
- Taking the time to ensure a client understands their legal advice, and can give clear instructions for representing them in court
- Developing an understanding of their client's life experiences, personal history, and unique needs to provide this information in court
- Locating and contacting clients who don't have consistent access to phones/Internet, and who may be moving from place to place when unhoused or residing in shelters
- Finding and linking clients to appropriate community resources to help with underlying needs, including learning about available resources and making appointments

This work often falls outside the scope of a standard representation contract. Lawyers shared stories about times when they followed through on their commitments to advocate for their clients by doing this work. They emphasized the importance of LABC legitimizing and encouraging this work by fairly compensating lawyers for this time and effort.





### **Clients need timely and accessible information and support**

If lawyers had the additional time described above, they said it would address barriers to getting a good outcome that arise from communication and accessibility issues.

Similarly, clients we spoke to also wanted time, whether with their lawyer or another staff member, so they can access the information they need to reduce stress, navigate the legal system, and understand processes. They highlighted that entering the legal system, especially for the first time, involves a big learning curve. Nearly all of the clients interviewed described a combination of feeling confused, upset, scared, angry, nervous, and embarrassed the first time they dealt with a legal problem. Also, from a client's vantage point, courthouses can be intimidating places that are difficult to navigate independently without necessary supports.

Knowing what to do and when, being aware of what legal aid is and how to access it – or even what to ask for help with – felt especially difficult for clients who did not have significant prior experience in the legal system.

Technology, including access to phone and Internet, could also be a barrier for clients when they wanted to get information about their case or their legal aid application. Some preferred to avoid digital technology altogether, either because they feel more comfortable with physical documents or lack consistent access to a means of communication.

Receiving compassionate service responses that meet clients where they are and provide accessible information available at different moments throughout their journey can make court processes easier to understand and less stressful to deal with – improving outcomes and clients' experiences with legal aid.

### **Improving links with non-legal services can benefit clients and lawyers**

Lawyers repeatedly identified links to non-legal services as a primary resource to help them get better legal outcomes for their clients. We asked community service providers about their existing connections to, and experiences with, legal aid when assisting their own clients. To understand how legal aid can be connected with other services, we also invited these providers to reflect on their own strategies for assisting clients who have multiple unmet care needs. Notably, they repeatedly emphasized their openness to deepening connections with LABC and lawyers to better assist their own clients who experience legal issues.

*“Create a circle of support for the person.” (Legal System Partners Focus Group)*

*“It’s continuous work not to work in siloes. [There are] awesome programs, but then they become siloes themselves. You need infrastructures to connect siloes and work together.” (Legal System Partners Focus Group)*

*“Within our community, I can only speak to that and I’m grateful when someone reaches out to me. Collaboration needs to also come from the top, where the relationship starts, and asking our opinions about what does your specific community need.” (Legal System Partners Focus Group)*

*“More information sharing. Duty counsel often has no idea who else in the community has been in touch with a client.” (Legal Service Partner Interview)*

*“Confidentiality is the first to get through. I don’t think that’s a difficult hurdle. We asked that from the patients we work together with, this organization and us, and we ask consent and they ask consent back. And so when we get to that, ‘yes, that’s fine if you guys talk to each other.’” (Community Service Provider Interview, emphasis speaker’s own)*

*“I think that lawyers need a better relationship with a lot of these drug and alcohol counselors or just counselors in general that have these skills that can help them.” (Community Service Provider Interview)*

Building these relationships can help lawyers to reclaim more of their time for providing legal services. Some lawyers described spending hours phoning supportive housing and treatment centres trying to find a place for their client. Others, especially senior counsel with established practices, have their own lists of contacts and resources where someone with a criminal record can get services. Many noted that the availability and accessibility of these services are systemic issues beyond legal aid’s control, but also shared that resource lists or other support would help them to make referrals more efficiently.



Lawyers reported that they have successfully engaged with support workers in the past to help clients who have complex needs. They identified providers in the Native Courtworker and Counselling Association of BC (NCCABC), Assertive Community Treatment (ACT) Teams at Vancouver Coastal Health, integrated and specialized courts, BC Housing, the John Howard Society, and the Motivation, Power & Achievement (MPA) Society as key contacts.

*“Whenever the Native Courtworker and I team up to represent a First Nations client there is always a better outcome at sentencing.” (Lawyer Survey)*

Clients we consulted shared that they didn’t expect their lawyers to be responsible for systemic issues that lead to a lack of services and resources. They also didn’t think it was their lawyer’s job to do this work, and would benefit from more information and help connecting to other services and resources.

### **Specialist knowledge and expert advice can improve outcomes**

In addition to linking clients with additional social, health, and community resources, service providers outside the legal system can also provide important specialist knowledge and expert advice. In this area, lawyers can benefit from access to experts who can make assessments and provide information about a client that can be submitted in court. Clients benefit from this information when it is taken into account in the court’s decisions about their cases, sentencing, or court orders they have to follow.

This information may not radically alter which legal outcomes are realistic given the context of a client’s case and complexities of the legal system, but it may reduce the impact of an outcome in the short and longer term. These results can be identified and measured, often in terms of the difference between the Crown’s opening sentencing position and the results a defence lawyer subsequently achieves. When a client faces serious charges and a significant jail sentence, with additional time and expert assessments a lawyer may be able to negotiate a reduced charge and shorter non-custodial sentence with conditions their client can reasonably comply with. In these

circumstances, relationships between legal and non-legal service providers directly support improved outcomes for clients. Access to this expertise can be especially important when clients experience serious health and mental health issues, such as cognitive disabilities that affect how they are perceived in court.

*“I would appreciate if LABC invested in expert reports that we could use in court, around drug use and therapies. Particularly, regarding the heightened risk of overdose after release from jail, and the impact [on] those who are undergoing treatment in the community and will likely lose housing if they go to jail.” (Lawyer Survey)*

*“One of the greatest difficulties occurs when clients with complex needs go to trial. It is extremely difficult to bring the underlying nature of their complex needs into evidence before the Court without appropriate funding for expert advice. Their credibility and reliability can easily be cast into doubt without this context.” (Lawyer Survey)*

*“I also worked for [another legal aid plan in Canada]. They generously funded access to cognitive assessments by psychologists and neuropsychologists. Multiple clients were operating ages of 3-12 years old. Getting this evidence to court led to: stays, findings of unfitness, and significantly reduced sentences.” (Lawyer Survey)*

*“I have represented several clients in relation to [not criminally responsible on account of mental disorder] defences. The Legal Aid supports that really helped were funding for a forensic psychiatrist and sufficient funding for lawyers to work on serious cases.” (Lawyer Survey)*

# Legal Aid Stories

## “Cody”

**“I just didn’t like the fact that it was all bullshit.”**

Cody’s been around the system and accessing legal aid support since he was sixteen. First in Alberta and in BC as well.

Eight years ago he got tired of lawyers pushing him to plead out quickly and do time, so now he does the legwork (and paperwork) himself with advice and guidance from the lawyers he does trust. He won his last three cases when the charges were dismissed. He wants to see the system be safer and less corrupt.

**WHAT WAS YOUR EXPERIENCE WITH LEGAL AID LIKE?**



“Mayhem.”



Age: 48 | Gender: male

Identifies as: caucasian

Received legal aid in:  
BC and Alberta

First legal aid contact:  
32 years ago (age 16)

# of cases: about 20, used  
legal aid for half of them

# of lawyers: 3-4, not including  
duty counsel

### NEEDED MORE OF:

support

justice

help

trust

control

information / knowledge

housing

communication

health & wellbeing

“A lot of the times you have to pay for the legal aid anyway. The only difference is they’ll take your case up front, and you pay later.”

### NEEDED LESS OF:

shame

danger

money (for lawyers)

time

isolation

“They shame you every time you go to the courthouse.”

### LEGAL AID SERVICES EXPERIENCED:

Advice at the time of  
arrest / legal aid hotline

Duty counsel  
representation / advice

Applied for legal aid  
in person or by phone

Help from legal aid  
in finding a lawyer

Representation  
for a case

# SERVICE JOURNEY MOMENTS & INSIGHTS

- “I’ve never had a lawyer from legal aid stand up and say, ‘Your honour, my client is not guilty.’ They never want to stand up and fight for you.”
- “One lawyer gave me good advice. When I decided to represent myself, he’s the one who told me, ‘Make sure you do all your homework’.”
- “There’s lots of paperwork. I’ve never had a legal aid lawyer do that for me. But I paid for a lawyer a couple of times and they do all that for you. That’s what they’re paid for.”
- “Everyone’s overwhelmed by the thought of going to court. Once you do a little reading, a little research for yourself, get some tips like I did, it’s really nothing to it.”
- “People need to know more about the system. Having access to the law. A lot of people don’t even know there’s legal libraries.”
- “Part of the reason they’re just pumping you through like a feedlot is because there’s not enough legal aid lawyers. They’re stretched out pretty thin. They’ve got a huge workload. That’s part of the reason they don’t give a shit.”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

### Longer contracts for lawyers (more hours per case).

“As long as they don’t get burnt out.”

### Working with the same lawyer across multiple cases.

“If you get good rapport with one lawyer, why not.”

Specialized training for lawyers. “I can’t say. I’m a straightforward guy. Don’t sugar-coat it.”

Helping people get access to other services. “If people need help with something, they should have it. Mental health issues and even physical stuff, like people’s glasses getting taken away in jail.”

Integrating legal aid with other services. “Each individual case has to be looked at individually.”

Terrible  
idea!

Amazing  
idea!



## MORE IDEAS FOR SERVICE CHANGES

Service requirement. “Make it so lawyers have to put in so many hours for legal aid a year, if they want to be part of the bar. Pay your dues.”



## **Creating continuity promotes good outcomes**

Going beyond immediate links to non-legal services, stakeholders we consulted pointed to several ways that creating continuity in a client's journey through a criminal court case can help to improve outcomes. These pathways to beneficial outcomes involve streamlining processes for accessing non-legal services, for clients to continue to work with lawyers they know and trust, and for lawyers to get specialized training appropriate for establishing and maintaining a criminal defence practice.

## **Streamlining access to appropriate resources can reduce barriers to good outcomes**

*"People who are in the system need recovery supports. When you come out you need to recover from the experiences inside."*  
(Legal System Partner Interview)

We asked everyone we consulted what they thought about opportunities to further coordinate service responses across systems, including through integrated and wrap-around supports. Just over half the lawyers surveyed indicated that streamlining access to non-legal services should be a priority for LABC. Integrated and specialized courts across the province were often mentioned as promising examples of how to structure and maintain these kinds of partnerships.

Most respondents favoured greater service coordination, considering it a good strategy to share knowledge and resources among providers while allowing lawyers to focus on providing legal representation. Many emphasized that streamlining processes for referrals and getting access to resources is important and should involve in-person contacts and support to be most helpful to clients.

*"Definitely create strong liaisons with social support agencies. You know they're out there, [but] it has to be a person."* (Legal System Partner Interview)

*"Housing first so we can locate [clients] better."* (Legal System Partner Focus Group)

*"Wrap around services [...] You need to be able to connect people to services where they are."* (Legal System Partner Interview)



Lawyers and legal system partners sometimes suggested that integrated and wrap-around services can be most effective when they are provided at key locations, so they are immediately available when someone is ready to access them. They mentioned that co-locating services within courthouses can make it easy for a person to leave court and go directly to speak with other service providers. However, they also acknowledged that some clients may hesitate to enter the courthouse to get access to other services. Others suggested “housing first” approaches and establishing integrated service partnerships to embed legal aid at other service locations as possibilities. In general, these ideas were offered as examples to consider when a respondent was expressing support for this model of service provision.

A person who has to comply with specific bail conditions or court orders that require them to be in certain places at particular times and struggles to do so can be at risk of receiving a worse legal outcome than if they could do all of these things. Streamlining access to what they’re required to do and the resources they need to access is one way to integrate and tailor responses.

Making and keeping appointments, completing complicated forms, and getting useful and timely information pose a challenge for many people when they are in the legal system. For someone who has inconsistent access to a means of communication and multiple other concerns like unstable housing, setting up, travelling to, and attending appointments can be difficult.

### **Someone stepping into a gap to assist makes a big difference for clients**

When someone steps in to fill a gap, it makes a big difference for clients. Clients we spoke to identified a number of ways that multiple systems, including the legal system, have either failed them or set them up to fail. Unrealistic conditions of release often lead to breaches and other administrative offences. Lack of integration and coordination across institutions, offices, and regions as well as inadequate community supports for people trying to navigate or exit the legal system also increase the difficulties and stress clients face. People who are dealing with significant housing and income insecurity, physical health, and mental health concerns will also frequently encounter a lack of compassion and inaccessible supports.

Lawyers we consulted understood these circumstances, often pointing to the difficulties clients have when trying to navigate gaps in multiple systems alone.



However, some clients also noted many examples of times when system failures were avoided or redressed. The most common theme across these examples was someone, either formally or informally, stepping in to help. These examples came up at every point in the legal system journey, from the time of application and finding a legal aid lawyer to getting a good case outcome and avoiding further charges. People who stepped into these gaps could be a lawyer, an outreach worker or other community-based service provider, judges, bail supervisors, family, or friends. It could mean high-intensity support like spending two hours on a phone call on behalf of a client or as simple as being a familiar face in the courthouse sharing information about where to find the duty counsel office or a service the client did not know about.

These supporters could also be working together, such as when lawyers collaborated with service providers to make sure someone's needs could be met. More than just a single support person, these were support systems. These interventions can be highly valuable for clients, as are compassionate responses from institutional actors. Formalizing these commitments to time, capacity, and ability to appropriately assist people when they are ready, is a key component of integrated and coordinated service responses.

Lawyers we consulted also shared times when legal aid resources, including additional time with clients, demonstrably improved outcomes for their clients. These resources include help finding and linking clients to non-legal services, as well as access to expert assessments to submit in court and the assistance of Legal Aid Navigators (LANs), a new position created in 2022.

*"I dealt with an Indigenous client with significant mental health issues, addiction issues, and limited community supports [and] resolved his matters globally. I was able to achieve a sentence significantly below the Crown position. I recommended he contact the Legal Aid Navigator who had previously contacted me regarding this client prior to his release to seek assistance in release planning." (Lawyer Survey)*

### **Lawyers and clients value continuity in their relationships with one another**

*"Continuity of counsel is also huge. Clients can't go through the same circus with different lawyers all the time, trying to find the same information." (Lawyer Survey)*

*"Having continuity of counsel is helpful because original counsel has a lay of the case, doesn't have to duplicate work, can use previously sourced documentation. For clients with mental disabilities [sic], they benefit from someone with rapport and trust. Especially if they like their original counsel of choice, having that choice is quite comforting." (Legal System Partner Interview)*

Lawyers, clients, and legal system partners also noted that being able to sustain a lawyer-client relationship is important for achieving good outcomes as well as for clients' experiences with legal aid and the legal system. Nearly every client we consulted spoke to the importance of developing rapport and mutual trust with their lawyer, so they could be more open and forthright about their cases. Lawyers and legal system partners also emphasized the importance of this continuity, and sometimes pointed to different ideas for improving processes that encourage this support on a client-level, rather than case-by-case basis.

Although we did not speak to them together, responses from both clients and lawyers were in strong agreement about the importance of service enhancements to encourage continuity in their relationships with one another. Being able to work together over time enabled lawyers to learn about their clients' lives and advocate for them more effectively; for clients, this relationship could also make the journey easier, more comfortable, and faster.

### **Specialized training can support service quality and lawyer retention**

Lawyers also favoured specialized training opportunities for criminal defence lawyers representing clients who have complex needs.

In interviews, focus groups, and survey responses, lawyers highlighted the need for this training when recruiting and retaining junior lawyers establishing a practice. Some expressed serious concerns that newer lawyers would quickly burn out or be unable to manage a practice and the unique demands of working with clients who have complex needs. They noted that the increased severity of unmet non-legal needs due to systemic factors combined with heavy workloads and lack of experience could affect who chooses and continues to do legal aid work. They recommended LABC promote existing mental health resources available to lawyers and explore opportunities to better connect lawyers with these supports.

Lawyers also emphasized that increasing training opportunities in trauma-informed and culturally safe/culturally appropriate practices as part of lawyer retention and professional development could provide newer lawyers with tools to do their work and care for themselves. Mentorship also came up as an example of additional resources for lawyers to gain additional professional knowledge that helps them to do criminal defence work, beyond what they get from their formal legal training.

Community service providers also mentioned the importance of specialized training for lawyers to better understand specific conditions, including disabilities and diagnostic processes, that may be relevant for assisting their clients. In addition to service coordination, these providers highlighted that their openness to collaborating with LABC and legal aid lawyers included making themselves available to provide or recommend quality training materials and sessions.

# Legal Aid Stories

## “Freddy”

**“Go easy on your clients. It’s not their fault you get paid a third of your wage.”**

Freddy has had a lot of loss in his life. He’s recently widowed and these days he prefers videos games to people. He’s quick to acknowledge that the expertise he’s acquired in navigating the criminal legal system is not necessarily a good thing. His current charge is the first he’s had in over 15 years though, and it’s a step up. He puts his hard-earned experience and advice to use as a peer support worker, helping others access and navigate services.

### WHAT WAS YOUR EXPERIENCE WITH LEGAL AID LIKE?

“At the beginning, I didn’t know what I was doing.”



“Now I know the ins and outs and it’s pretty easy, unless it’s on computers.”

### WHAT IS YOUR LIFE LIKE RIGHT NOW?

“My life is pretty chaotic on any given day.”



“My mental state is always trying to go up, never giving up.”



“My goal is to be on the straight and narrow, everything in order. Hard to achieve that.”



Age: 43 | Gender: male

Identifies as:  
Russian / Canadian

Received legal aid in: BC

First legal aid contact: 19 years ago (age 24)

# of cases: 10-12; all but current over 15 years ago

# of lawyers: 5

### NEEDED MORE OF:

justice

communication

respect

money

housing

freedom

community

“Know your rights. And if you don’t know, ask.”

### NEEDED LESS OF:

grief & loss

danger

discrimination

stigma

“Some of the lawyers know I’ve been through a lot. And I’m still here trying to help people. So they cut me some slack.”

### LEGAL AID SERVICES EXPERIENCED:

Applied for legal aid in person or by phone

Duty counsel representation / advice

Representation for a case

Help from legal aid in finding a lawyer

Court-appointed support while representing self\*

Representation at a specialized court\*

\*family court related

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “My first time in jail, I had it all wrong in my head. I thought it was like in the movies. It’s not.”
- “When I get to court, I talk to the Crown, not duty counsel. Get on the same page with them, and they go to your case right away and the judge just gets you in and out.”
- “I don’t go on computers very much. They irritate me. Over the phone is good unless it’s voice automation. I just want to talk to a person.”
- “Legal aid lawyers get paid one-third the going rate of a regular lawyer, so they don’t really try that much.”
- “I got so good at it that people thought I was a lawyer in the courtroom.”
- “The thing about a plea bargain is it might get you less time now, but it will bite you in the ass later. Because then you’re guilty no matter what, even if you didn’t do it.”
- “I make use of the law library here in town, but not a lot of people even know it’s there.”

### FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

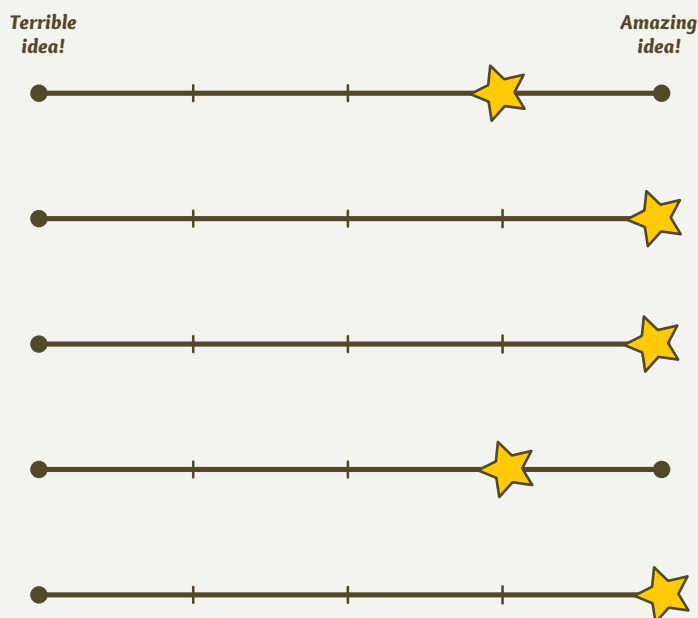
Longer contracts for lawyers (more hours per case).

Working with the same lawyer across multiple cases. “If they know you, they don’t have to ask certain questions. Save on time and he can do his job better.”

Specialized training for lawyers. “Especially for people who need more support. People with mobility issues, mental health issues.”

Helping people get access to other services. “Work in tandem with home support workers.”

Integrating legal aid with other services. “For people who need help on the day-to-day basis, getting to and from places. People who don’t understand what’s happening.”



### MORE IDEAS FOR SERVICE CHANGES

More pay. “Increase the pay that legal aid lawyers get from one-third to half. Give them more incentive to do their job better.”

Know your rights. “Make it easier for clients to know their rights. People get screwed over by not knowing what they have the right to do and say no to.”



## **Already-existing Alternatives: Insights from our Environmental Scan**

In addition to our consultations and review of client records, we wanted a better understanding of the resources and services that are already available, in BC and in other jurisdictions. Our environmental scan focused on alternatives within the criminal legal system and different ways other legal aid plans assist clients who have complex needs. We present these findings in the following section, focusing first on BC before turning our attention to other provinces in Canada and then looking internationally.

These alternatives are an existing infrastructure that LABC can build from, and continue to support, to enhance legal aid services and improve outcomes for clients who have complex needs. These examples have proven results and resonate strongly with what we heard in key stakeholder consultations.

### **Tailored supports and streamlining access: Specialized courts in BC**

Specialized (or problem-solving) courts are non-trial criminal courts designed to resolve legal issues through treatment and/or conditions designed to address underlying needs. Usually, to participate in a specialized court program the individual charged with a criminal offence has to plead guilty and a prosecutor, serving a gatekeeper role, must approve their participation. People in these programs may be referred to as “clients” rather than “the accused” or “offenders,” reflecting the therapeutic or collaborative approach in specialized courts.

We consulted lawyers, legal service partners, social and health service providers, and judges who have worked in specialized courts across BC including the Drug Treatment Court of Vancouver (DTCV), Indigenous courts, integrated courts and the Downtown Community Court (DCC). Currently, there are 6 types of specialized courts that deal with criminal law matters operating in a total of 16 locations. In addition, the Indigenous Family Court in New Westminster deals with family law matters.





In BC, specialized courts are an important way interdisciplinary collaboration helps to coordinate service responses across multiple agencies once someone is in the criminal legal system. For example, LABC embeds designated duty counsel lawyers at the DCC, and participates in the DCC's Steering Committee along with representatives of the DCC case management and mental health teams.

The DCC opened in Vancouver's Downtown Eastside (DTES) in 2008, following an evaluation that considered how to get people "beyond the revolving door" of criminalization.<sup>22</sup> This model is designed to address the underlying causes of contact with the criminal legal system through intensive and integrated case management, with onsite Indigenous, health, housing, and other services. A 2013 evaluation of outcomes at the DCC showed decreased additional contacts with police and criminal courts among people who complied with the program.<sup>23</sup> A recent study highlights the importance of improved *health* outcomes as an alternative metric to evaluate DCC, and similar community court model, programs.<sup>24</sup>

The DCC is not the only example of this work in specialized courts in BC, but it does suggest how building on existing infrastructure can help to advance LABC's client-centred approach. These models can provide on-site access to appropriate services, without requiring referrals and appointments that can be a barrier.<sup>25</sup>

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<sup>22</sup> Street Crime Working Group, *Beyond the Revolving Door: A New Response to Chronic Offenders* (2004).

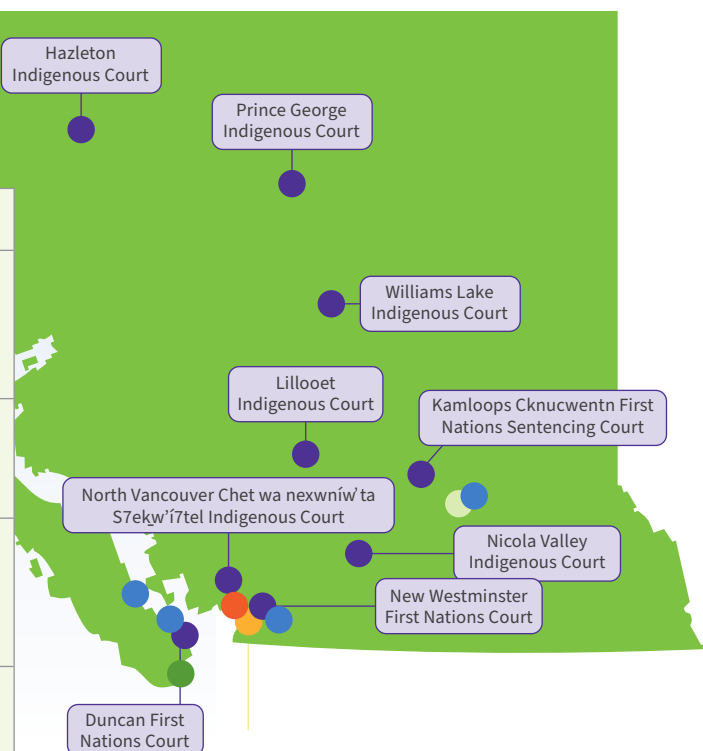
<sup>23</sup> Stefanie Rezanoff, "Examining the impact of case management for offenders with complex health and socio-legal challenges in a Canadian urban context," *European Journal of Public Health* 24, no. 2 (2014): 60-61.

<sup>24</sup> Kristi Heather Kenyon, Regiane Garcia, and Ada Chukwudozie, "Client health is part of my job: A qualitative study of attitudes and experiences of legal personnel in British Columbia's Downtown Community Court," *Journal of Community Safety and Well-Being* 9, no. 2 (2024): 109-113.

<sup>25</sup> Susan Reid et al, *Therapeutic Courts in Canada: A Jurisdictional Scan of Mental Health and Drug Treatment Courts* (2021).

Figure 8 Specialized Courts in BC<sup>26</sup>

Court	Specialized Work
● Drug Treatment Court of Vancouver (DTCV)	Sentencing for criminal offences related to drug/substance use; therapeutic approach with integrated treatment program
● Downtown Community Court (DCC)	Non-trial bail and sentencing court in DTES; integrated case management approach
● Indigenous Criminal Sentencing Courts	Sentencing courts for people who identify as Indigenous and plead guilty to a criminal offence
● Intimate Partner Violent Courts	Duncan and Nanaimo: collaborative, therapeutic approach  Kelowna: expedited case management (cases must be set for trial within 60 days)  Surrey: all non-trial matters related to intimate partner violence charges heard in a single integrated courtroom
● Kelowna Integrated Court	Non-trial bail and sentencing court with follow-up support and enforcement for people who plead guilty to criminal charges
● Victoria Integrated Court	Non-trial bail and sentencing hearings with follow-up support and enforcement for people who plead guilty to criminal charges



<sup>26</sup> All information from the Provincial Court of British Columbia, “Specialized Courts”: <https://www.provincialcourt.bc.ca/about-the-court/specialized-courts>



### ***Indigenous Justice Centres: BC First Nations Justice Council<sup>27</sup>***

The BC First Nations Justice Council (BCFNJC) was established in 2015 with the mandate to transform the existing legal system and advance self-determination. The BC First Nations Justice Strategy is a transformational plan to make the legal system safer and more responsive for Indigenous people and restore First Nations legal systems, traditions, and structures.

The BCFNJC's Indigenous Justice Centres (IJC) provide culturally appropriate information, advice, support, and representation for Indigenous people. There are currently nine physical IJC locations and one virtual IJC. Since March 2024, all Indigenous people can access IJC services to get help with a criminal law or child protection issue – whether or not they qualify for legal aid from LABC.

The IJC's prioritize safe, healthy, accessible, and culturally appropriate pathways through the legal system. Specifically, IJC objectives include expanding the use of restorative justice, promoting transitional and health/treatment supports, providing safe cultural spaces for Indigenous providers and clients, and incorporating elder and community support.

## **Restorative justice in BC**

Restorative justice (RJ) is “an approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime.”<sup>28</sup> RJ has been used in Canada for decades, operating in different forms and at different phases of the criminal process. Restorative justice principles are recognized in the *Criminal Code of Canada*, RJ mechanisms such as alternative measures are used routinely to divert cases from conventional court processes, and RJ committees and organizations across Canada offer community-based alternatives to prosecution. Importantly, restorative justice is related to and informed by, but not identical with, Indigenous concepts and practices of law and justice. Indigenous justice has influenced the development of RJ and reforms in Canadian criminal law, and is also central to Truth and Reconciliation, self-determination, self-government, and the reconstitution of Indigenous legal traditions and orders.<sup>29</sup>

Recently, renewed efforts to expand the use of restorative justice at the national and provincial/territorial level in Canada aim to help address critical issues in the legal system, such as over-reliance on incarceration. National conferences were held in 2018 and 2022 to build momentum to transform the legal system through

<sup>27</sup> All information from BC First Nations Justice Council, “BC First Nations Justice Strategy, a roadmap to transforming the justice system” and “Indigenous Justice Centres in British Columbia.” <https://bcfnjc.com>

<sup>28</sup> “Principles and Guidelines for Restorative Justice Practice in Criminal Matters (2018)”, <https://scics.ca/en/product-produit/principles-and-guidelines-for-restorative-justice-practice-in-criminal-matters-2018/>

<sup>29</sup> Val Napoleon and Hadley Friedland, “Indigenous Legal Traditions: Roots to Renaissance,” in *The Oxford Handbook of Criminal Law*, ed. Mark Dubber and Tatjana Hörnle (Cambridge: Oxford University Press, 2014).

restorative justice.<sup>30</sup> In BC, a provincial working group on restorative justice created in 2021 brings together existing networks of RJ organizations and practitioners and other legal system actors to build connections, coordinate efforts, and promote wider use of RJ. Legal Aid BC has been part of these efforts.

LABC currently supports RJ by providing lead duty counsel in various specialized courts and compensating lawyers for representation that leads to diversion. However, much of the RJ work in BC occurs prior to criminal charges being laid, often without the involvement of criminal defence lawyers. As reflected in the recommendations at the end of the report, we see promising opportunities for LABC to play a wider role in RJ and improve clients' access to restorative justice to get better outcomes for clients, families, and communities.

### ***Indigenous, gender-responsive, and accessible RJ approaches***

Restorative justice outcomes and processes are influenced, in part, by the participants themselves and their respective life experiences including systemic discrimination and histories of trauma. To be more inclusive and impactful, restorative processes can take more of the circumstances, vulnerabilities, and risks to participants into account. For example, gender-responsive RJ strategies can improve outcomes and experiences of women who participate as victims, offenders, or both.<sup>31</sup>

For people who have complex needs and are diverted to RJ, a tailored approach improves results and participants' satisfaction with the process.

Promising examples in Canada include programs dedicated to, or working extensively with, people with FASD, whether or not they have been formally diagnosed. Best practices implemented in BC, and elsewhere in Canada, include specialized training for RJ practitioners and increased collaboration with social service providers.<sup>32</sup>

In Alberta, the Alexis FASD Justice Program (AFJP) model originated in the Alexis Nakota Sioux Nation community justice society in the 1990s. The AFJP model combines clinical with community justice processes dedicated to people with FASD facing criminal legal issues. Participants have identified both immediate and far-reaching impacts of the program including increased connections with family, community, and service providers.<sup>33</sup>

<sup>30</sup> Restorative Justice: Key Elements of Success" (2018), <https://scics.ca/en/product-produit/restorative-justice-key-elements-of-success/>; Report from National Restorative Justice Collaborative Learning Conference (NRCLC) 2022. Jennifer Llewellyn and George Thomson, *Report from National Restorative Justice Collaborative Learning Conference (NRCLC) 2022*. See also Restorative Research, Innovation and Education Lab at Dalhousie University, <https://restorativelab.ca/>.

<sup>31</sup> Linnéa Österman and Isla Masson, "Restorative Justice with Female Offenders: The Neglected Role of Gender in Restorative Conferencing," *Feminist Criminology* 13, no. 1 (2018): 3-27.

<sup>32</sup> Jane Evans and Natacha Bourgon, *Exploring the Use of Restorative Justice Practices with Adult Offenders with Fetal Alcohol Spectrum Disorder*. (Ottawa: Department of Justice Canada, 2020).

<sup>33</sup> Katherine Flannigan et al, "A Unique Response to Offenders with Fetal Alcohol Spectrum Disorder: Perceptions of the Alexis FASD Justice Program." *Canadian Journal of Criminology & Criminal Justice* 60, no. 1 (2018): 1-33.

# Legal Aid Stories

## “Aaron”

*“I only ever had two lawyers.  
They both did good jobs.”*

Aaron's second experiences with legal aid was much harder than the first. The first time, everything went smoothly and people in the system were helpful. The second time, he waited four months to find out he still didn't have a lawyer. A Native Courtworker intervened and got him connected to a lawyer who looked out for him. The West Coast Prison Justice Society also supported him while he fought for medical care while incarcerated.

### FIRST EXPERIENCE

“Everything went smooth. I was able to get bail and get back out.”



“Finding the lawyer was up and down. Once I found a lawyer it was great, everything got dealt with.”



### SECOND EXPERIENCE

“It's just a big mess. They want to deny services.”



“Getting a lawyer was like going up a hill, and then finally getting him.”



Age: 44 | Gender: male

Identifies as:  
Indigenous Canadian  
& Indigenous American

Received legal aid in: BC

Legal aid contact: 2006 (age 26); 2016 (age 36)

# of cases: 2

# of lawyers: 2

### NEEDED MORE OF:

compassion

choice

technology

help

housing

safety

money

“Whenever someone gets bail, they don't talk to the person who's getting bail. It's made up by the Crown and the judge. And the lawyer can only fight.”

“Why don't they have digital parole papers? They have a system for our health cards with a legit website. Something other than carrying paper.”

### NEEDED LESS OF:

stigma

danger

discrimination

### LEGAL AID SERVICES EXPERIENCED:

Applied for legal aid in person or by phone

Advice at the time of arrest / legal aid hotline

Duty counsel representation / advice

Help from a legal navigator [Native Courtworker]

Representation for a case

Representation / advice from WCPJS

Help from legal aid in finding a lawyer

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “I sat in limbo for four months, in pre-trial, not knowing. I thought I would call them and they’d find a lawyer for me and get it all set up. I didn’t know I had to do the footwork to get the lawyer.”
- “I lost everything in those four months [in remand]. I lost my housing, my job.”
- “I honestly didn’t think I was going to find a lawyer. It was because of the Native Courtworker that made the effort to help me find a lawyer.”
- “If someone’s working and they have to sign in, why can’t they just go to any bail office? There are databases and phones that connect everyone. He said no, ‘If you’re connected to this office, you have to come to this office’.”
- “My lawyer kept telling me I should file for an appeal. He told me three times, even sent me a letter. ... I just didn’t want to go back through that process.”
- “The Society called the doctor to say that if he didn’t take the proper steps to help with my pain, they’d put forward legal action to the jail and the doctor. Everything was stacked up against him.”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

Longer contracts for lawyers (more hours per case).

Working with the same lawyer across multiple cases.

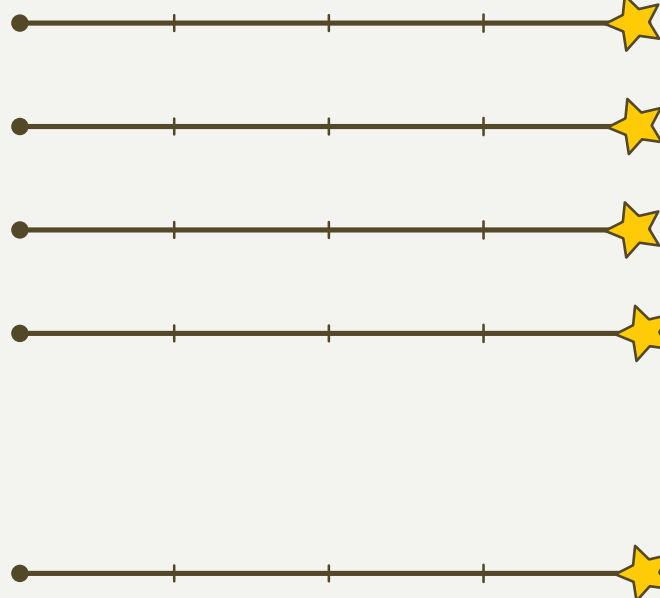
Specialized training for lawyers. “I think they’re already doing a good job.”

Helping people get access to other services. “City Hall just had a brainstorming session on how to bring together all the Indigenous services in the downtown, because everything’s done word of mouth or by Facebook right now.”

Integrating legal aid with other services.

Terrible  
idea!

Amazing  
idea!



## MORE IDEAS FOR SERVICE CHANGES

Pay lawyers more. “Attract more lawyers, make sure there’s more people willing to take on people’s cases.”

Support the West Coast Justice Prison Society. “They try to fight for a lot of people but it goes to court and takes three or four years before something happens.”



### ***Analysis: Safer Communities Action Plan***

Our environmental scan focused mainly on alternatives to conventional prosecution that have been evaluated, but we also tracked recent policy developments within BC.

For example, the BC government introduced the Safer Communities Action Plan (SCAP) in November 2022 with the stated purpose to address perceived increases in low-level violent crime. The plan aims to improve public safety and enhance access to essential health, including mental health, services.

SCAP is yet to be evaluated, so it is difficult to assess its impact at present. In addition to increased funding to hire more RCMP officers in rural, remote, and Indigenous communities, SCAP has expanded notably to incorporate several initiatives that pre-date the plan itself: the BCFNJC's Indigenous Justice Centres (IJC)<sup>34</sup>, Virtual Bail, Peer-assisted Care Teams (PACTs), Community Transition Teams (CTTs), and mental health (Red Fish) and drug treatment models (Road to Recovery). The federal government's reverse onus reforms encompassing more low-level person offences are also a recent addition to the SCAP.

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<sup>34</sup> The BCFNJC responded to the report that led to the creation of SCAP. The BCFNJC response was appended to the report and outlined a series of concerns, concluding: "Ultimately, Indigenous-led initiatives rooted in Indigenous culture and laws are the only way to build robust solutions. The BC First Nations Justice Strategy and the IJCs have the potential to be that solution if supported with resources from the provincial and municipal governments." A link to the full report and BCFNJC response is at: [https://news.gov.bc.ca/files/Prolific\\_Offender\\_Report\\_BCFNJC\\_submission.pdf](https://news.gov.bc.ca/files/Prolific_Offender_Report_BCFNJC_submission.pdf)

One of SCAP's key elements is the Repeat Violent Offender Intervention Initiative (ReVOII). ReVOII is an enhanced case management and community corrections supervision program for "Prioritized Individuals", led by teams of local police and dedicated BC Corrections staff and Crown prosecutors organized in a network of regional hubs. The hubs focus enforcement on people who correctional staff designate as repeat violent offenders. Along with enforcement, the hubs are intended to facilitate better access to mental health and drug treatment services, as well as culturally appropriate services for Indigenous people. The emphasis on targeted enforcement carries potential to increase negative police interactions and/or arrest for vulnerable populations already over-represented in the criminal legal system. However, if expanded care options are available, that may serve to meet underlying needs.<sup>35</sup>

To date, LABC has responded to the REVOII initiative by providing supplementary case funding in recognition of the added seriousness and complexity arising from a client's REVOII designation. LABC has engaged with REVOII leads to learn about project implementation and understand ongoing impacts on LABC clients. There is potential to explore how LABC could coordinate its navigator and other services to align with case management supports provided to clients through the regional REVOII hubs. Ultimately, the advent of REVOII calls on LABC to find ways to improve access to resources while safeguarding the rights and well-being of vulnerable people across the province.

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<sup>35</sup> For example, previous police-led "priority offender management" initiatives in BC raised similar concerns and risks. Reduced conviction rates and police contacts could have resulted from increased surveillance, improved social assistance payments, enhanced support, or a combination of these elements of the program. See Irwin M. Cohen et al, *An Examination of Police-Based Prolific Offender Programs and Teams in British Columbia*. (Abbotsford: University of the Fraser Valley, Centre for Public Safety and Criminal Justice Research, 2019).



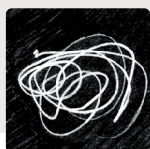
# Legal Aid Stories

## “Marc”

**“They want to identify me as a criminal when I’m not a criminal.”**

Marc is fed up with the legal system. His efforts to get support with the civil cases he wants to bring have led to criminal charges like assault and trespassing when things escalate. This is his current situation in BC and he’s been through similar difficulties in Quebec and Ontario. He’s frustrated that legal aid helps him with criminal cases but not civil ones, and he runs into barriers with a lack of computerization and access to information on his files. He wants more transparency and accountability in the system, and more access to supports and services, including in French.

### WHAT WAS YOUR EXPERIENCE WITH LEGAL AID LIKE?



“It’s just a big mess. They want to deny services.”

### LEGAL AID SERVICES EXPERIENCED:

Applied for legal aid in person or by phone

Representation for a case

Age: 40 | Gender: male  
Identifies as: caucasian / French Canadian / Métis

Received legal aid in: BC, Ontario, and Quebec  
First legal aid contact: 10 years ago (age 30); in BC, within the last 3 year  
# of cases: Some civil and some criminal, in multiple jurisdictions  
# of lawyers: At least 2 in BC

### NEEDED MORE OF:

being seen / heard services  
safety control power  
compassion respect freedom

“Treat me like a client whether or not someone paid for me or I paid for myself.”

“The court charges me \$2 to make photocopies in 2024. This is like the Stone Age.”

### NEEDED LESS OF:

(mis) communication danger  
stigma discrimination

“It’s Kafkaesque.”

“Things are bad in general and COVID made it even worse.”

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “It’s extremely frustrating because I get legal aid only if I am accused.”
- “Access to law in Canada is very limited and very difficult. If I want it in French, it’s even worse.”
- “I’m not even notified by legal aid when a lawyer accepts me. The last time the lawyer lied and said they never accepted my legal aid certificate.”
- “I made the request online and I put my file number and it says no file found. So even now I’m asking what is the file number for my criminal matter?”
- “It’s all done by hand, so I don’t know what information they put in my file. I don’t even know if when I’m calling in that they see my whole file.”
- “If I have a human rights case, it’s too complicated. Some lawyers might do it, but it’s not easy to find someone to do it.”

### FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

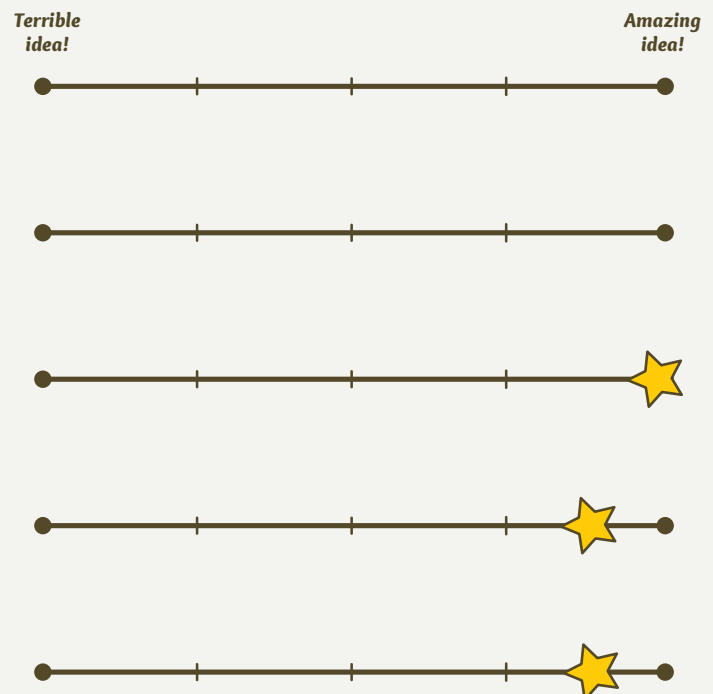
Longer contracts for lawyers (more hours per case). “I don’t even know what’s in the contract now.”

Working with the same lawyer across multiple cases. “It’s more about having the power not to be stuck with someone you don’t want.”

Specialized training for lawyers. “Of course. But I don’t know what training they have already.”

Helping people get access to other services. “I’m very negative because in Canada we cannot even meet the needs we already have.”

Integrating legal aid with other services.



### MORE IDEAS FOR SERVICE CHANGES

Pay a good salary. “So they will work on legal aid cases. Right now they only work on my case if they don’t have other jobs. It’s a 2-tier system.”

Centralize the system. “Everything should be federal, should be centralized. Each province is separate and we should be more united.”



## **Alternate models of legal representation in Canada**

### ***Legal Aid Ontario's Embedded Counsel Program***

Legal Aid Ontario (LAO) has implemented an Embedded Counsel Program that provides clients with direct access to an LAO Staff Lawyer at a mental health agency in downtown Toronto. People who are unhoused and charged with offences related to their housing status receive comprehensive legal representation and streamlined access to onsite health and housing supports. The program assists clients who have multiple legal issues and experience collateral consequences stemming from contact with the criminal legal system.

LAO's embedded lawyer model is designed to reduce harmful legal consequences of criminal law issues through responsive and high-quality services. Providing legal help when someone needs it, in one place, reduces barriers to accessing the legal system and legal aid. Ongoing evaluation keeps the program in alignment with client needs. The program demonstrably improves outcomes, including numerous charges stayed or withdrawn and evictions prevented. It also achieves efficiencies in service delivery and measurable cost savings to LAO, the Government of Ontario, and the City of Toronto, for example by reducing court costs and length of time staying in shelters.<sup>36</sup>

### ***Legal Aid Alberta's Criminal Trial Group***

Another Canadian example is Legal Aid Alberta's (LAA) Criminal Trial Group (CTG), a team of 10 staff lawyers who provide comprehensive "full-spectrum" legal representation throughout a client's journey through a criminal court case. Youth and adults who have complex needs may be eligible for full-spectrum legal representation on criminal charges if they have also previously changed lawyers multiple times.<sup>37</sup> The initiative is designed to serve people who have a similar profile to the LABC clients whose records we reviewed, where we learned that the highest users of LABC criminal law services may frequently change lawyers, faced their first criminal charges as youths, and have significant unmet care needs. The design of the CTG echoes findings from our literature review that complexity arises, at least in part, from legal issues that are interconnected with other aspects of a person's life. This holistic approach to legal representation aims to assist someone through tailored supports and personalized assistance when navigating the legal system.<sup>38</sup>

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<sup>36</sup> Legal Aid Ontario, *Increasing Access to LAO Services: The Embedded Lawyer Program 2022-23 Annual Report*.

<sup>37</sup> Legal Aid Alberta, "The Criminal Trial Group." <https://www.legalaid.ab.ca/about/laa-initiatives/the-criminal-trial-group/>.

<sup>38</sup> Zena Olijnyk, "Legal Aid Alberta criminal trial group uses a holistic approach to dealing with high-needs clients." *Canadian Lawyer Magazine* (March 25, 2022).

### **LABC's Legal Aid Navigators**

The Legal Aid Navigators (LAN) program, launched in 2022, is another way LABC is advancing a client-centred approach. LANs work in multiple locations across the province, supporting clients and their lawyers. The program is still in its early stages, so data collection and evaluation will inform ongoing development. Similar positions in other public agencies and jurisdictions are often part of tailored and flexible service responses designed to improve outcomes among clients who have multiple interrelated issues and needs that require personalized and in-person support. LABC can continue to get input from lawyers, service partners, and LANs to further refine and enhance this role.

### **Centering the whole person: holistic representation**

The legal aid programs we highlighted above are examples of holistic approaches to legal representation. Holistic approaches can be adapted to different local contexts, and we learned in our consultations that many criminal defence lawyers already practice with these core ideas in mind. However, they need more resources and specialized supports to *sustain* this work over time. Many go beyond advocating for their clients with respect to criminal charges, for example by expending significant effort to link their clients with supports to address their underlying needs as part of a bail release plan or sentencing submission in court.

#### **Insights from our environmental scan: holistic representation**

*“Holistic representation is a client-centred, community-oriented approach to criminal defense [...] based on the principle that defense lawyers and staff need to take an interdisciplinary approach – beyond the courtroom – to best represent clients and to address underlying issues affecting contact with the criminal justice system”<sup>39</sup>*

<sup>39</sup> Rhode Island Public Defender, “Holistic Representation.” <https://www.ripd.org/holisticrepresentation.html>



A holistic approach to criminal defence recognizes that interconnected legal, social, and health issues contribute to someone's involvement in the criminal legal system. Holistic defence integrates legal representation with access to support services for housing, mental health, drug treatment, income assistance, and other resources. The goal is to better address root causes of contact with the criminal legal system.<sup>40</sup> Research and evaluation shows that holistic defence improves legal outcomes, and also promotes long-term reintegration into communities, reduced incarceration, and reductions in charges.<sup>41</sup>

Holistic defence originated from a recognition that contact with the criminal legal system is interconnected with other aspects of someone's life. Whether or not someone is charged, convicted, or incarcerated, their contact with the system can present ongoing barriers to employment, housing, government ID, and travel among other things. Holistic defence means legal assistance to help someone as a whole person, to deal with the underlying causes and negative consequences of criminal law issues.

Perhaps the most frequently cited example of a holistic model is the Bronx Defenders, established in 1997 in Bronx, New York City. Bronx Defenders operates as a fully integrated legal clinic with in-house social and health services provided to low-income people at a central service point. Compared to traditional public defence lawyers practicing from the same courthouse, Bronx Defenders achieves notably beneficial outcomes in terms of reduced custodial sentence length and downgrading of charges.<sup>42</sup>

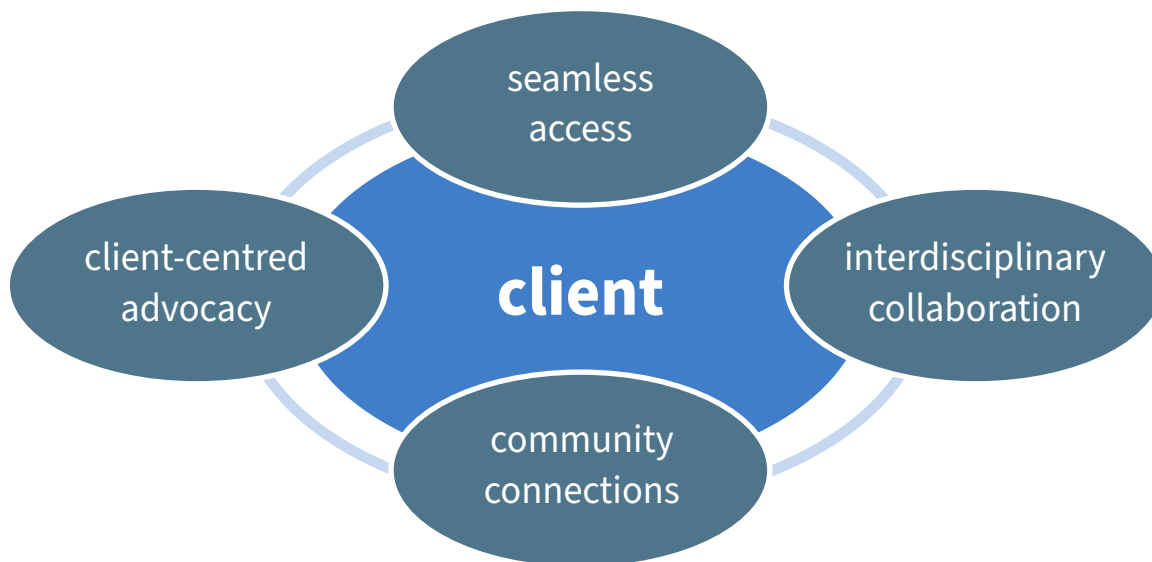
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<sup>40</sup> Cynthia G. Lee, Brian J. Ostrom, and Matthew Kleiman, "The Measure of Good Lawyering: Evaluating Holistic Defence in Practice." *Albany Law Review* 78 (2014): 1215-1238.

<sup>41</sup> Brian J. Ostrom and Jordan Bowman, "Examining the Effectiveness of Indigent Defense Team Services: A Multisite Evaluation of Holistic Defense in Practice." *Justice System Journal* 41, no. 2 (2020): 139-184.

<sup>42</sup> James M. Anderson, Maya Buenaventura, and Paul Heaton, "The Effects of Holistic Defense on Criminal Justice Outcomes." *Harvard Law Review* 132, no. 3 (2019): 819-893.

The Bronx model is one of many approaches to holistic defence. Whether holistic legal aid is provided by a sole practitioner, a specialized team working across a large jurisdiction (like in Alberta), an embedded lawyer representing clients in all legal matters (like in Ontario), or a one-stop shop with everything available in house, the approach is linked to getting good outcomes. It respectfully recognizes that the immediate legal case is only one of many things happening in someone's life. It should not require legal aid lawyers to go above and beyond without adequate supports, or have to exceed the scope of their services and directly provide non-legal services. Instead, it's a way to practice law from the knowledge that a client is a whole person who is not defined by a criminal charge or case outcome.



**Figure 9 Four Pillars of Holistic Defence<sup>43</sup>**

<sup>43</sup> Adapted from Bronx Defenders: <https://www.bronxdefenders.org/holistic-defense/>. Seamless access to legal and other services; interdisciplinary collaboration through ongoing communication; client centred-legal advocacy by defenders with an enhanced, interdisciplinary skillset; and community connections and understanding to meaningfully represent clients are the core of holistic defence.

# Legal Aid Stories

## “Dan”

### “There’s not a lot of guidance in the system.”

This is Dan’s first time navigating the criminal legal system and it’s been confusing. It took him several tries and the help of multiple community support workers to get connected to the supports he needed and ease the anxiety of not knowing what was going on. Now he’s on track. Having a lawyer to handle the court process means he can focus on his treatment and recovery options.

#### WHAT IS YOUR LIFE LIKE RIGHT NOW?

“Before this I was spiraling downwards.”



“Getting ripped away from your family and put in the system.”

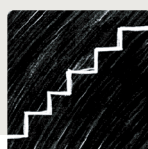


“The future is pretty straight sailing. I have a nice clear path planned after treatment.”



#### WHAT HAVE YOUR EXPERIENCES WITH LEGAL AID BEEN LIKE?

“I’d just keep going and I’d make a bit of progress.”



“Then I talked to the outreach worker and they gave me more paths to go through.”



Age: 41 | Gender: male

Identifies as: white

Received legal aid in: BC

First legal aid contact:  
3 months ago (age 41)

# of cases: 1

# of lawyers: 1, not including  
duty counsel

#### NEEDED MORE OF:

systems

support

communication

time

information / knowledge

people

choice

“It’s kind of vague what legal aid does and how they do it.”

#### LEGAL AID SERVICES EXPERIENCED:

Advice at the time of  
arrest / legal aid hotline

Duty counsel  
representation / advice

Help from a legal navigator  
[outreach worker]

Information from  
the legal aid website

Applied for legal aid  
in person or by phone

Help from legal aid  
in finding a lawyer

Representation  
for a case

## SERVICE JOURNEY MOMENTS & INSIGHTS

- “I tried to use as many resources as I could find because there’s a lot of people who know a heck of a lot more than you do when you haven’t had to deal with it before.”
- “It’s like they assume everybody knows what’s going on and what they’re doing on there. I didn’t.”
- “I was having a panic attack down at the shelter. I was freaking out because I had no idea what I was doing.”
- “One of the outreach ladies contacted legal aid to see if I was getting covered. She did a whole bunch of things for me and got me hooked up with my lawyer now.”
- “My lawyer keeps doing things. I don’t know what he does, but he does stuff and he’s given me a lot of time to do anger management, do all these courses.”
- “I have a nice clear path planned after treatment. Maybe not the clearest, but it is where I’m going. I’m 80 days sober and I’ve never felt better.”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

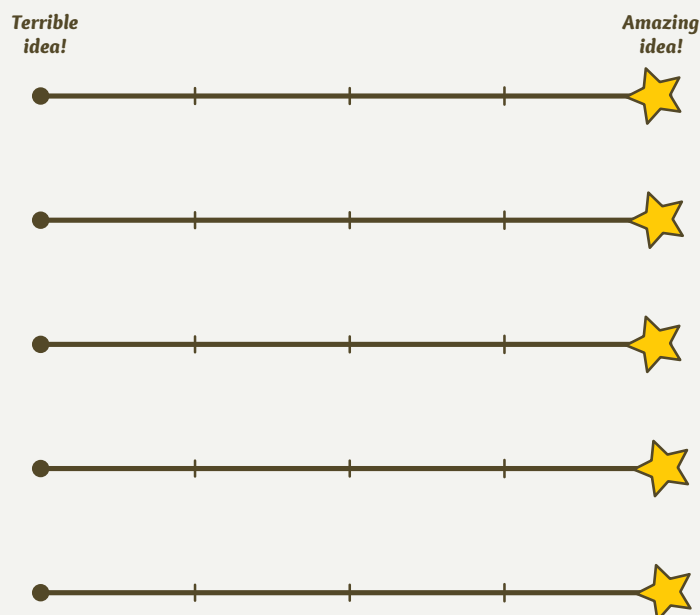
Longer contracts for lawyers (more hours per case). “Amazing idea. My case is kind of going longer”.

Working with the same lawyer across multiple cases.

Specialized training for lawyers. “Lawyer bedside manner, maybe. Mine’s good but kind of short.”

Helping people get access to other services. “It should be all-in-one.”

Integrating legal aid with other services. “I’ve got a caseworker and she’s helped me do a lot of things because she knows all the different resources.”



## MORE IDEAS FOR SERVICE CHANGES

Lawyer list. “There should be a list of lawyers who take legal aid and what they specialize in. I don’t even know a lawyer. Am I just supposed to look on the internet and find one?”

Less law-speak. “You try to look up any information and it’s in law-speak. What does that mean? Not everybody is a law major. Probably should not have a law person do the website.”







## Conclusion

Based on our research findings, in the next section we recommend LABC further its commitment to client-centred services by promoting holistic approaches to legal representation in criminal law matters. We recommend these approaches because our research shows that improving outcomes for clients who have complex needs requires flexible and responsive strategies that protect a client's immediate interests while also taking the complexities of the legal system into account.

In stakeholder consultations, we heard three overall themes that LABC can keep in mind when considering future service enhancements. First, to broaden the understanding of what constitutes a good outcome (and a good experience) for clients who have complex needs. Second, to support the supporters with resources that help lawyers provide comprehensive representation and advocate for their clients. Third, to create resilient pathways to achieving better outcomes through more extensive collaboration across multiple service systems.

In the next section, we provide a framework for LABC to advance holistic approaches by building from its connections with existing infrastructure across BC that includes specialized courts, legal system partnerships, interdisciplinary collaborations among service providers, and restorative justice organizations. LABC's approach must also reflect its commitment to embed Truth and Reconciliation and equity, diversity, and inclusion in all its services.

Holistic approaches should, as much as possible, improve links to resources that help clients to move on with their lives and focus on what matters to them most. Strengthening connections among people to support clients at different moments in their journey through a criminal court case contributes to achievable and sustainable solutions that address root causes and negative consequences of contact with the legal system.



## Recommendations

The CCCN project studied ways for LABC to more effectively deliver criminal law services and improve outcomes for clients who have complex needs. We consulted with people who have direct experience with legal aid services and the criminal legal system, analyzed data, reviewed literature, and completed a multi-jurisdictional environmental scan. This report presents our research findings, highlighting promising alternatives in the criminal legal system and pathways to achieving beneficial outcomes.

Based on our research findings, we recommend that LABC deepen its commitment to client-centred service by promoting more holistic approaches to legal representation. Holistic approaches protect clients' rights, facilitate access to social and health services, and take the complexities of the legal system into account to achieve beneficial outcomes.

Pursuing holistic approaches furthermore reflects LABC's commitment to embedding Truth and Reconciliation and equity, diversity, and inclusion in all its services. Holistic approaches help to increase appropriate and accessible supports to improve outcomes for people who have complex needs. Furthermore, holistic services that facilitate access to culturally safe, trauma-informed, and low-barrier supports can improve outcomes for people who experience multiple forms of discrimination, stigma, and marginalization.

The holistic approaches LABC pursues should involve several interrelated elements:

### **1. Realign LABC criminal law service delivery**

*Dedicate the necessary organizational capacity, internal leadership, and financial resources to provide and evaluate the impacts of holistic approaches.*

#### **a. Integrate front-end legal services**

Continue to integrate LABC's front-end legal services, to provide clients with seamless access to the help they need at different moments in their journey through legal aid and the legal system.

#### **b. Coordinate service responses**

Deepen and expand LABC's current collaboration within existing service provider networks to coordinate service responses across multiple systems.

#### **c. Tailor service enhancements**

Design, test, and evaluate tailored service enhancements. Consider expanding duty counsel in specialized courts and embedding legal aid lawyers and other staff in social, health, and community service hubs. Through additional engagement with lawyers, explore clinical service delivery options for clients whose needs are best served in person at a central location.

**d. Appropriately measure outcomes and impacts of service enhancements**

Integrate qualitative tools with quantitative metrics to assess differential impacts of service enhancements for clients who have complex needs, using a trauma-informed approach to data collection and analysis.

**e. Continue to consult with people with lived/living experience (PWLLE)**

Build on capacity generated through the CCCN project, to gain perspectives from PWLLE through ethical, inclusive research and evaluation.

**2. Support the supporters**

*Recognize and reward the work criminal defence lawyers already do in alignment with holistic approaches. Improve retention and recruitment with enhanced supports for lawyers who have, or are developing, specialized skillsets and experience advocating for clients who have complex needs.*

**a. Consider modifications to the Criminal Tariff**

LABC should consider options to compensate lawyers for necessary work assisting clients with complex needs.

**b. Expand specialized training opportunities**

Expand opportunities for lawyers to dedicate time to continuing professional development related to advocating for clients who have complex needs, including trauma-informed and culturally safe training, for example by extending LABC's longstanding bursary program.

**c. Increase mentorship opportunities**

Expand LABC's existing mentorship program to enable junior lawyers to consult as needed with senior lawyers who have exceptional experience assisting clients with complex needs.

**d. Increase continuity in legal representation**

On a pilot basis, LABC should design and test a contract structure that authorizes a lawyer to represent a client in all of their legal matters over a defined period of time.

**3. Develop a comprehensive restorative justice strategy**

*LABC should develop a comprehensive strategy that advances restorative justice principles and practices. This strategy should involve proactively promoting, and working collaboratively to increase, culturally appropriate pathways to restorative justice.*

# Legal Aid Stories

## “Adam”

**“I take my freedom seriously.  
That’s why I live the way I do now.”**

Adam is an artist, a communicator, a dad and an uncle. He has a deep connection with nature and rivers and used to live on a 40-foot boat. He had a hard start in life and was in contact with the law often, but it was always handled as ‘just boys having fun’. His last serious experience was sixteen years ago, when a dispute with his tenants and the police led to charges, bruises, and eventually a divorce and a lost home. He’s had a few lawyers, but one stands out as his ‘one true lawyer’, the legal aid lawyer who listened to him and believed him, who he went on to hire for his divorce. He has lost a lot and these days he is trying to connect to his purpose, working on himself with mindfulness and meditation, getting music therapy through karaoke, and trying to be more social.

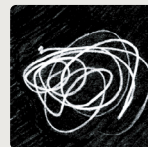
### WHAT HAS YOUR LIFE BEEN LIKE?



“Growing up, I didn’t know what to expect. It hailed the day I was born.”

“I have an emotional side. I don’t think that’s a weakness.”

“This is where I am right now. Stuck in a state of confusion.”



“I had an ulcer and I couldn’t eat, and drinking was the only thing I could do to get me out of the pain. I got pigeonholed as an alcoholic again.”

“The system has taken away. Betrayal has taken away.”

Age: 60 | Gender: male  
Identifies as:  
Normandy French / Scottish

Received legal aid in: BC

First legal aid contact:  
42 years ago (age 18)

# of cases: Several, all led to probation

# of lawyers: A few but “one true lawyer” (helped with 4 cases, including his divorce) 1 in Alberta

### LEGAL AID SERVICES EXPERIENCED:

Advice at the time of  
arrest / legal aid hotline

Duty counsel  
representation / advice

Representation  
for a case

Applied for legal aid  
in person or by phone

Help from legal aid  
in finding a lawyer

# SERVICE JOURNEY MOMENTS & INSIGHTS

**My Only True Lawyer** “I only ever had one true lawyer. I still consider her as such. I’m not sure what happened to her. She left the firm she was with. She was very disappointed with how the crown prosecutor railroaded me. She knew me at that point, had seen me through my divorce, and she realized I was telling her the truth.”

**She Believed Me** “She was a very active lawyer. She was active with legal aid at the

time. The first time we met, I was in pretrial. I told her my story and I showed her the bruise from my arrest, and she nearly fainted. She seemed very intelligent and I believed that she believed me. I find women communicate better. They’re more emotionally intelligent.”

**The Expensive Lawyer** “My brother got me an expensive lawyer for one of my charges. I wasn’t impressed. He got me off on it, but he dragged his ass. He didn’t spend the same amount of time on my case. Never even talked to me, never knew me.”

## FEEDBACK FOR LEGAL AID SERVICE IMPROVEMENTS

**Longer contracts for lawyers (more hours per case).**

“I don’t know how much time they need. My lawyer didn’t have any problem with the time.”

**Working with the same lawyer across multiple cases.**

“Very important. If you don’t agree with you lawyer, you might want to change them. Or they might want to change you. In my case, having the same lawyer was a strength.”

**Specialized training for lawyers.** “If they need it, they shouldn’t be a lawyer. Caring is important.”

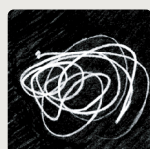
**Helping people get access to other services.** “Awareness of the needs should be there. Shelters, 12-step.”

**Integrating legal aid with other services.** “They should know who they’re dealing with and know all the services.”

Terrible  
idea!

Amazing  
idea!

**WHAT  
HAVE YOUR  
EXPERIENCES  
WITH LEGAL  
AID BEEN LIKE?**



“Being misunderstood

is not a good  
place to be.”

“Discomforting. Not just the  
legal system, but society itself.”



“My belief system is the  
circle of life.”

“I’ve come to  
believe my life  
has stages.”

